

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF DOTY
OCONTO COUNTY, WISCONSIN**

CHAPTER 3: PUBLIC SAFETY

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CHAPTER 3: PUBLIC SAFETY

3.0100 ASSIGNMENT OF TOWN ROAD NAMES

3.0101 Road Names

In accordance with Wis. Stats. § 82.03(7), the town shall assign a name to each road under the town's jurisdiction. No new road name may be used on more than one road within the jurisdiction of the town.

3.0102 Road Listing

A detailed listing of town road names, locations and road length will be maintained in the office of the town clerk-treasurer.

3.0200 SPEED LIMITS REGULATED

3.0201 Authority

The town board has the specific authority under Wis. Stats. § 349.11, to adopt this ordinance.

3.0202 State Speed Limits Adopted

The provisions of Wis. Stats. §§ 346.57, 346.58, and 346.59, relating to the maximum and minimum speed of vehicles are hereby adopted as part of this section as if fully set forth herein, except as specified by Section 3.0203 of this Chapter pursuant to Wis. Stats. § 349.11(3)(c), where the town board has determined that the statutory speed limits are unreasonable, unsafe, and imprudent and has modified such limits.

3.0203 Speed Limits Modified

The speed limits are modified as hereinafter set forth in this section upon the following named road(s), or portions thereof, between the limits designated.

A. Fifteen (15) Miles Per Hour Limit

The maximum permissible speed shall be 15 miles per hour on the following roads, or portions thereof, between the limits designated:

1. Boulder Campground Lane, entire length.
2. Boot Campground Lane, entire length.
3. Boulder Lake Lodge Lane, entire length.
4. Echo Valley Lane, entire length.
5. Northway Lane, entire length.

B. Twenty-five (25) Miles Per Hour Limit

The maximum permissible speed shall be 25 miles per hour on the following roads, or portions thereof, between the limits designated:

1. Archibald Lake Road, from the intersection of Boot Lake Road east to the town line.
2. Pine Ridge Road, entire length.

3. John Lane, entire length.
4. Erler Lane, entire length.
5. Hilltop Lane, entire length.
6. South Bass Lake Lane, entire length.
7. Line Lake Lane, entire length.
8. East Bass Lake Road, entire length.
9. Archibald Tower Road, entire length.
10. Campfire Run Road, entire length.
11. Archibald Parkway, entire length.
12. Bells Point Road, entire length.
13. South Bass Lake Boat Landing, entire length.
14. Barcome Lane, entire length.
15. Spur Lane, entire length.
16. Woodridge Lane, entire length.
17. North Star Lake Lane, entire length.
18. Heller Lane, entire length.
19. Woodcock Lane, entire length.
20. Woodstar Lane, entire length.

C. Thirty (30) Miles Per Hour Limit

The maximum permissible speed shall be 30 miles per hour on the following roads, or portions thereof, between the limits designated:

1. Old Shingle Mill Road, entire length.
2. Sheep Ranch Road, entire length.
3. Rohe Road, entire length.
4. Faust Road, entire length.
5. Linda Lane, entire length.
6. Naylor Road, entire length.
7. Red Pine Lane, entire length.
8. Lonzo Lane, entire length.
9. Reini Lane, entire length.
10. Zitske Lane, entire length.

D. Thirty-five (35) Miles Per Hour Limit

The maximum permissible speed shall be 35 miles per hour on the following roads, or portions thereof, between the limits designated:

1. Traxels Point Lane, entire length.
2. Bismark Lane, entire length.
3. Old Log Siding Road, entire length.
4. Landing Lane, entire length.
5. Lori Lane, entire length.
6. Tamarack Lane, entire length.

E. Forty-five (45) Miles Per Hour Limit

The maximum permissible speed shall be 45 miles per hour on the following roads, or portions thereof, between the limits designated:

1. All remaining town roads.

3.0204 Penalties

The statutory provisions in Wis. Stats. chs. 340-349, describing and defining regulations with respect to vehicles and traffic for which the penalty is forfeiture only, including penalties to be imposed and the procedures for prosecution, are hereby adopted and by reference the State Traffic Deposit Schedule.

3.0300 REGULATE STOPPING, STANDING, OR PARKING OF VEHICLES

3.0301 Authority

The town board has the specific authority under Wis. Stats. § 349.13, to adopt this ordinance.

3.0302 Purpose

To regulate of the stopping, standing, or parking of vehicles on town roads as follows:

A. The stopping, standing or parking of vehicles is prohibited on:

1. Boulder Lake Lodge Lane, both sides of the road, from 30 feet south of the dry hydrant to 70 feet north of the dry hydrant.
2. Echo Valley Lane, both sides of the road, from 40 feet south of the dry hydrant to 40 feet north of the dry hydrant.
3. Boulder Campground Lane, entire length of the road on both sides.
4. North Star Lake Lane (spur to boat landing), west side of road, entire length.
5. Island Lake Road, south side of road, from 70 feet west of dry hydrant to 155 feet east of dry hydrant. North side of road, from intersection

with South Upper Big Island Lane to a point 320 feet east.

6. Archibald Lake Road, both sides between Line Lake Rd and S. Bass Lake Ln., south side of road from the intersection of Line Lake Lane to a point 350 feet east.
7. South Bass Lake Ln, entire length, both sides of road.
8. Boot Campground Lane, north side of the road from 60 feet west of the dry hydrant to 70 feet east of the dry hydrant. South side of the road from the boat launch ramp to a point 140 feet west. South side of the road from the un-named access road to the campsites to a point east 270 feet at the start of the parking area.
9. South Bass Lake Boat Landing, entire length, both sides except for the marked angle parking spaces.
10. All town roads from December 1st to April 1st.

- B. The Town Board Chair Person or the Town Fire Chief may prohibit parking on any other town road in the event of congestion, emergency, or other transient cause for the length of time needed to restore and maintain a safe traffic condition. The town board shall be notified as soon as possible when this section is used.
- C. The town board chairperson, or his or her designee shall ensure that appropriate traffic signs on the roads listed in Section 3.0302(A) and (B) are present.
- D. No persons may operate any vehicle on the roads listed in Section 3.0302(A) and (B) in violation of the above noted stopping, standing, or parking restricts and limitations. Any violation shall be subject to a forfeiture of \$50.00 plus other penalties and fees as set forth in the town bond schedule.

3.0400 MAILBOXES

3.0401 Mailboxes, Newspaper Tube, Affiliated Roadside Receptacles

Mailboxes and/or newspaper tubes are prohibited on the right-of-way of all highways/roads within the town except as hereinafter provided, and no person shall cause, allow or permit any person to install a mailbox and/or newspaper tube in the town which may create a safety hazard.

3.0402 Purpose

The purpose of this section is to establish standards for safe mailbox installation and to promote the public safety of persons who travel the roads/highways in the town by reducing and/or eliminating potential hazards that may be created by mailboxes with improper support systems in the town.

3.0403 Authority

The town board has the specific statutory authority, powers and duties, pursuant to Wis. Stats. § 60.10 (2)(c), and by granting of town powers, by the people of the

town to the town board at an annual town meeting held on April 4, 2009.

3.0404 Design

Mailboxes are approved only if they are of a design approved by the United States Postal Service. Newspaper tubes are permitted if provided by the newspaper and are of a construction or design that will not present a hazard to the proper use of the right-of-way.

3.0405 Support

The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.

3.0406 Location

Mailbox and newspaper tubes shall be located on the side of the road/highway required by the United States Postal Service. The receptacle shall be placed two (2) feet from the edge of the blacktop (road surface) and the receptacle shall be 46 inches above the grade of the shoulder.

3.0407 Mailbox Replacement

- A. The town may replace a mailbox damaged on the town road system where the Town has determined that:
 - 1. The physical damage, which can be proven and documented by the owner or the town, was caused by actual town equipment (or town contracted equipment) contact.
 - 2. The existing installation, mailbox, and mailbox post were in good repair.
 - 3. The mailbox was placed in conformance with United States Postal Service standards.
- B. The town will not replace a mailbox damaged on the town road system where the Town has determined that:
 - 1. The evidence indicates that the weight of the plowed snow resulted in the damage to the mailbox.
 - 2. The existing installation, mailbox, and mailbox post were not in good repair.
 - 3. The mailbox was not placed in conformance with United States Postal Service standards, even though it may have been damaged by town equipment.

3.0408 Replacement Fee

Replacement of mailbox by the town if deemed required; referenced in the town

fee schedule.

3.0500 BOATING REGULATIONS AND WATER SPORTS

3.0501 Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

3.0502 Applicability and Enforcement

- A. The provisions of this ordinance shall apply to all waters within the jurisdiction of the Town of Doty, Oconto County, Wisconsin.
- B. The provisions of this ordinance shall be enforced by the law enforcement officers of the town, along with any and all other state and county officers authorized by law to enforce the same. Summaries or copies of this ordinance will be posted at all public landings.

3.0503 Boating and Safety Laws Adopted

The boating and safety laws of the State of Wisconsin found in Wis. Stats. §§ 30.50-30.71, are adopted by reference.

3.0504 Definitions

- A. “Boat” means every description of watercraft capable of being used as a means of transportation on water.
- B. “Buoy” is any device designed to float which is anchored in the water and which is used to convey a message.
- C. “Motorboat” means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
- D. “Operate” or “use” means when used with reference to a motorboat, boat or vessel means to navigate or otherwise employ.
- E. “Personal watercraft” is a motorized recreational water vehicle normally ridden by straddling a seat.
- F. “Regulatory marker” is any device designed to be placed in, or near any water within the town, to convey an official message to a boat operator on matters which may affect health, safety, or well-being.
- G. “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- H. “Swimming area” means an authorized area of water established by regulatory markers to designate a swimming area.
- I. “Water skis” means any apparatus used to tow a person on the water or above

the water by means of ropes or lines attached to a motorboat.

3.0505 Boating Regulations

A. Speed

No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements, and exercising due care.

B. Fixed Limits

In addition to complying with Section 3.0505(A) of this ordinance, no person shall operate a motorboat in excess of slow-no-wake on any lake in the town except as listed below:

1. Boulder Lake slow-no wake is in effect from 5:00 p.m. to 10:00 a.m. local time.
2. Boot Lake slow-no wake is in effect from 4:00 p.m. to 11:00 a.m. local time.
3. Bass Lake slow-no wake is in effect from 4:00 p.m. to 11:00 a.m. local time.

C. Prohibited Operation

1. Except as provided under Section 3.0505(C)(2) of this Chapter, no person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed restricted area on any water within the town in excess of slow-no-wake speed.
2. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any water in the town shall engage in such activity within 100 feet of any occupied anchored boat, or marked swimming area, or public boat landing, except where pickup and drop area are established and marked with regulatory markers.
3. No person shall operate a boat faster than slow-no-wake in the waters of Boulder Lake, west bays, beginning 100' N.E. of the north lot line of N3371 Birch Lane, N.E to Traxel Point, continuing N.E. from Traxel Point to a land marked cluster of boulders on the water's edge, approximately 600' east of the east lot line of government lot #5, at any time. This area shall be marked by seven (7) buoys (slow-no-wake waterway markers).
4. No person shall operate a personal watercraft faster than slow-no-wake within 200' from the shore per Wis. Stats. § 30.66 (3)(ar).
5. For the year 2020, when Bass Lake water level is about 1313', operation above 'slow no wake' speed on Bass Lake is prohibited. This restriction will be evaluated at the end of the 2020 boating season.

Measurements will occur at least weekly to determine if the restriction can be lifted.

3.0506 Water Skiing Regulated

A. Hours

1. Except as provided in Section 3.0506(A)(2) of this Chapter, no person shall operate a motorboat or personal watercraft, towing a person on water skis, aquaplaning, or similar activity at any time between:
 - (a) Boulder Lake from 5:00 p.m. to 10:00 a.m. local time.
 - (b) Boot Lake from 4:00 p.m. to 11:00 a.m. local time.
 - (c) Bass Lake from 4:00 p.m. to 11:00 a.m. local time.
2. Section 3.0506(A)(1) of this Chapter does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials thereof where adequate lighting is provided and where the permissions to stage such tournaments, competitions or exhibitions has been received from the Town Board of the Town of Doty, Oconto County, Wisconsin.

B. The direction of travel shall be counterclockwise

3.0507 Wake Enhancing Operations

- A.** Operation by a person of a boat on any lake in the town in an artificially bow-high manner, including wake enhancement by use of water sacks, ballast tanks, submersible wings, mechanical hydrofoils or other device, uneven loading, or operation at transition speed, to increase or enhance the power or energy of a boat's natural wake is prohibited:
1. When less than 200 feet from:
 - (a) the shoreline of any lake;
 - (b) swimmers or posted swimming areas;
 - (c) piers or docks;
 2. In waters less than fifteen (15) feet deep, including all of Boulder Lake; This restriction does not apply to the two small shallow areas in the "ankle" area of Boot Lake located within a 300 ft radius of N45.2659 x W88.6320
 3. During periods of high water:
 - (a) More than 1313 feet above sea level for Bass Lake;
 - (b) More than 4-inch depth of water measured at the outflow culvert under Archibald Lake Road for Boot Lake;
 - (c) No specified level for Boulder Lake;
 - (d) This restriction will be posted on the town website and on "Local

Ordinance” signs at public boat landings when in effect.

- B. Operation of a motorboat at transition speed is allowed for short distances, up to 75 feet, between 100 feet and 200 feet from shore to allow the motorboat to reach planning speed. This exception does not apply to personal watercraft.

3.0508 Littering

No person shall deposit, place, or throw from any boat, raft, pier, platform or similar structure, or from shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste on or into any waters of this town.

3.0509 Penalties

- A. State of Wisconsin boating penalties, as found in Wis. Stat. § 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted and incorporated herein by reference, with all references to fines amended to forfeitures and all references to imprisonment deleted.
- B. Any person violating a provision of this ordinance for which no statutory equivalent exists in Wis. Stat. ch. 30, shall forfeit the following:
 - 1. Anyone found guilty of violating Sections 3.0505 through 3.0507 of this ordinance shall pay a forfeiture established by the town board (refer to the Town of Doty Bond Schedule), together with the costs of prosecution.
 - 2. Anyone found guilty of violating Section 3.0508 of this ordinance shall pay a forfeiture established by the town board (refer to the Town of Doty Bond Schedule), together with the costs of prosecution.

3.0510 Severability

If any section of this ordinance is declared invalid or unconstitutional, then such decision shall affect only the section or provision so passed upon and shall not affect any other section of this ordinance.

3.0600 WEAPONS AND FIREARMS

3.0601 Definitions

The following definitions are hereby incorporated by reference and shall apply

herein:

- A. The definitions set forth in Wis. Stats. § 175.60(1).
- B. The definitions set forth in Wis. Stats. § 939.22.
- C. The definitions set forth in Wis. Stats. §§ 941.23(1) and 941.295(1c).
- D. The definitions set forth in Wis. Stats. §§ 943.13(1e).

3.0602 Carrying Weapons

The following restrictions shall apply to the carrying of weapons or firearms within the town.

- A. The provisions of Wis. Stats. §§ 175.60, 941.23, and 943.13 are incorporated herein.
- B. In addition to the provisions of Wis. Stats. § 175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, thereto, it shall be unlawful for any person, other than a law enforcement officer, to enter the following municipal building(s) while carrying a weapon or firearm:
 - 1. NONE

3.0603 Signage

Signs in compliance with the provisions of Wis. Stats. §§ 943.13 (2)(bm)(1), shall be posted in prominent locations near the entrances of the buildings listed in Section 3.0602.

3.0604 Penalties

Anyone that fails to comply with the provisions of this ordinance shall, pay a forfeiture established by the town board (refer to Town of Doty Bond Schedule) plus applicable surcharges and costs for the violation.

3.0700 FIREWORKS

3.0701 Definition

"Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- A. Fuel or a lubricant.
- B. A firearm cartridge or shotgun shell.
- C. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- E. A toy snake which contains no mercury.
- F. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and

visible effects.

- G. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- H. A novelty device that spins or moves on the ground.
- I. Other items so named in Wis. Stats § 167.10.

3.0702 Use

No person may discharge fireworks within the town without a user's permit issued by the town except as is specifically authorized under the provisions of Wis. Stats. § 167.10(3). The burden of proving compliance with and authorization under Wis. Stats. § 167.10(3) shall be the individual or entity claiming authorization or permission.

3.0703 User's Permit

- A. A user's permit issued under Section 3.0702 shall specify the following:
 - 1. The name and address of the permit holder.
 - 2. The date on and after which fireworks may be purchased.
 - 3. The general kind and approximate quantity of fireworks which may be purchased.
 - 4. The date and location of permitted use.
 - 5. Other special conditions prescribed by the town board.
- B. A user's permit may not be issued to a minor.
- C. A user's permit be signed or stamped by a person who is authorized to issue the permit.
- D. A copy of a permit under this section shall be given to the municipal fire enforcement official at least 2 days before the date of authorized use.

3.0704 Permit for Specific Event

- A. A fair association.
- B. An amusement park.
- C. A civic organization.
- D. A public authority.
- E. The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, together with a copy of the permit shall be

filed in the office of the town clerk-treasurer.

3.0705 Penalties

Anyone that fails to comply with the provisions of this ordinance shall, pay a forfeiture established by the town board (refer to Town of Doty Bond Schedule) plus applicable surcharges and costs for the violation.

3.0800 OFFENSES AGAINST STATE AND COUNTY LAWS SUBJECT TO FORFEITURE

3.0801 Adoption of Statutory Provisions by Reference

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture, assessment and costs imposed under this Code. 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 by reference are intended to be made part of this Chapter.

- A. Wis. Stats. § 23.33 All-Terrain Vehicles and Utility Terrain Vehicles
- B. Wis. Stats. § 23.335 Off-highway motorcycles
- C. Wis. Stats. § 30.50 Regulation of Boating
- D. Wis. Stats. § 30.68 Prohibited Operation
- E. Wis. Stats. § 157.11 Cemetery
- F. Wis. Stats. § 167.10 Fireworks Regulation
- G. Wis. Stats. § 287.81 Littering
- H. Wis. Stats. ch. 346–351 Vehicles and Rules of the Road
- I. Wis. Stats. § 800.12 Municipal court contempt procedure
- J. Wis. Stats. § 941.235 Carrying a Firearm in a Public Building
- K. Wis. Stats. § 943.24 Worthless Checks
- L. Wis. Stats. § 951.02 Mistreating Animals
- M. Wis. Stats. § 951.08 Instigating Fights Between Animals
- N. Wis. Stats. § 951.15 Animals; Neglected or Abandoned

3.0802 Adoption of Administrative Code Provisions by Reference

- A. Wis. Admin. Code ch. NR 1-99, Fish, Game Enforcement, Forestry and Recreation, as amended, is hereby adopted by reference and made a part of this Chapter.
- B. Wis. Admin. Code ch. NR 300-399, Environment Protection – Water Regulations, as amended, is hereby adopted by reference and made a part of this Chapter.

3.0803 Adoption of County Code by Reference

- A. Chapters 01 through 26 of the Oconto County Code, as amended, is hereby adopted by reference and made a part of this Chapter.

3.0804 Penalties

Any person who shall violate any provision of this Section 3.0800 shall be punished by a forfeiture as provided in the bond schedule for the town municipal court, together with the costs of prosecution.

3.0900 SEX OFFENDER RESTRICTIONS

3.0901 Findings and Intent

The town board finds that 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 likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than 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. It is the intent of this ordinance not to impose a criminal penalty, but 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 and restricting other activities that may be used to prey on children.

3.0902 Definitions

- A. "Child" means a person less than 16 years of age.
- B. "Child safety location" means the site upon which any of the following are located:
 - 1. A school for children.
 - 2. A licensed day-care center.
 - 3. A public park, parkway, parkland or park facility.
 - 4. A recreational trail.
 - 5. A public playground.
 - 6. A place of worship.
 - 7. A public swimming beach.
 - 8. A public boat landing.
 - 9. A designated campground.
 - 10. A public library.
 - 11. An athletic field used by children.
 - 12. A tutoring facility.
 - 13. Any other place designated by the town board as a place where children are known to congregate.
- C. "Child safety zone" means any place within the town that is physically located within 1,500 feet of any child safety location.
- D. "Designated offender" means any person who is required to register under

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

- E. “Dwelling” means any building or structure that is wholly or partly used or intended to be used for living or sleeping by human occupants.
- F. “Loiter” or “Loitering” means, whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.
- G. “Permanent residence” means a dwelling or place where the person abides, lodges or resides for 14 or more consecutive days.
- H. “Temporary residence” means a dwelling or place where the person abides, lodges or resides for a period of 14 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 4 or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

3.0903 Residency Restriction

- A. A designated offender shall not establish a permanent residence or temporary residence in any child safety zone located within the town.
- B. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the closest property line of the permanent residence or temporary residence of a designated offender to the closest outer property line of the child safety location.
- C. The town clerk-treasurer shall maintain an official map showing child safety zones within the town. The town clerk-treasurer shall update the map at least annually to reflect any changes in the child safety zones. In the event of a conflict, the terms of this ordinance shall control. In no event shall failure to update the map preclude the enforcement of this ordinance.
- D. The residency restriction may be waived upon approval of the town board through appeal by the designated offender. Such appeal shall be made to the town clerk-treasurer, who shall forward the request to the town board. The town board shall hold a hearing on the appeal, during which the town board may review pertinent information and accept oral or written statements from any person. The town board shall base its decision on whether the designated offender has shown remorse, has rehabilitated, could re-offend, and any other factor related to the town’s interest in promoting, protecting and improving the health, safety and welfare of the citizens of the town. An exemption may be unconditional or limited to a certain address or time period. A written copy of the decision shall be provided to the designated offender. The town board’s decision shall be final.

3.0904 Residency Restriction Exceptions

A designated offender residing within a child safety zone does not commit a violation of this ordinance if any of the following apply:

- A. The designated offender established the permanent residence or temporary residence and reported and registered the residence as provided in Wis. Stats. § 301.45, before the effective date of this ordinance.
- B. The designated offender was under 17 years of age and is not required to register under Wis. Stats. §§ 301.45 or 301.46.
- C. The child safety location was opened after the designated offender established the permanent or temporary residence and reported and registered the residence as provided in Wis. Stats. § 301.45.
- D. The permanent or temporary residence of the designated offender is also the primary residence of the designated offender's parent, grandparent, sibling, spouse, or child, provided that such parent, grandparent, sibling, spouse or child established the residence at least 2 years before the designated offender established residence at the location.

3.0905 Rental Restriction

No person shall let or rent any dwelling, or any part thereof, with the knowledge that it will be used as a temporary or permanent residence by a designated offender, if such dwelling is located within a child safety zone.

3.0906 Sale Restriction

No owner, real estate broker, or real estate sales person shall participate in the sale of any dwelling, or part thereof, with the knowledge that it will be used as a temporary or permanent residence by a designated offender, if such dwelling is located within a child safety zone.

3.0907 Holiday Event and Public Gathering Restriction

A designated offender shall not participate in a holiday event or public gathering involving children, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, wearing an Easter Bunny costume on or preceding Easter, participating in coordinated fireworks activities, or other similar activities. This section does not apply to any event in which the designated offender is the parent or guardian of the children involved, and the designated offender's children are the only children present. Participation is defined as actively taking part in the event.

3.0908 Loitering Restriction

- A. A designed offender shall not loiter in any child safety zone, in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of children in the vicinity.
- B. Among the circumstances that may be considered in determining whether

such alarm is warranted are that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impractical, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted, by requesting the actor to identify himself or herself or explain his or her presence and conduct in the child safety zone. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

- C. This section shall not apply where the actor was accompanied by his or her parent, guardian or other adult person having his or her care, custody or control, of where that actor was exercising First Amendment rights protected by the United States Constitution or Wisconsin Constitution, including freedom of speech, the free exercise of religion and the right of assembly.

3.0909 Penalties and Remedies

- A. A designated offender who violates this ordinance shall be subject to a forfeiture of not less than \$1,000 nor more than \$2,000 for each violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. The town may also seek equitable relief. Neither the issuance of a citation nor the imposition of forfeiture under this ordinance shall preclude the town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this ordinance.
- B. If a designated offender establishes a permanent residence or temporary residence in violation of this ordinance, the town board may refer the matter to the town attorney. The referral shall include a written determination by the town board that, upon all of the facts and circumstances and the purpose and intent of this ordinance, such violation interferes substantially with the comfortable enjoyment of life, health, and/or safety of another or others. Upon such referral, the town attorney shall bring an action in the name of the town in circuit court to permanently enjoin such residency as a public nuisance.
- C. A person who violates the rental restriction set forth in Section 5 or the sale restriction set forth in Section 6 of this ordinance shall be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation. Each violation shall constitute a separate offense. The town may also seek equitable relief.

3.0910 Exceptions for Placements Under Chapter 980

To the extent required by Wis. Stats. § 980.135, and notwithstanding the foregoing provisions of this ordinance, the town will not enforce any portion of this ordinance that restricts or prohibits a designated offender from residing at a certain location or that restricts or prohibits a person from providing housing to a designated

offender against an individual who is released under Wis. Stats. § 980.08, or against a person who provides housing to the individual so long as the individual is subject to supervised release under Wis. Stats. ch. 980, the individual is residing where he or she is ordered to reside under Wis. Stats. § 980.08, and the individual is in compliance with all court orders issued under Wis. Stats. ch. 980.

3.1000 RESERVED

3.1100 SEASONAL WEIGHT LIMITS

3.1101 Purpose

In order to promote the general welfare and safety of the public, it is deemed necessary to establish weight limitations on town roads.

3.1102 Seasonal Weight Limitations

The town board chairperson may impose special seasonal limitations on any town road or portion thereof, which because of weakness of the roadbed due to deterioration, climate conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

3.1103 Penalty for Violation

No person shall operate any vehicles on the roadways in the town in violation of weight limits without a written permit issued by the town board and any violation shall be subject to the penalties set forth in Wis. Stats. § 348.21(3).

**3.12 PROCEDURES FOR THE NAMING OF PUBLIC PROPERTY
TO HONOR AN INDIVIDUAL**

3.1201 Purpose

To establish guidelines for the naming of public buildings, parks, bridges and dry hydrants as a memorial for people who have made a significant positive impact on the Town of Doty.

3.1202 Restrictions and Exceptions

(A) Town roads will not be renamed solely to honor an individual, however, a sign may be erected on roads and bridges in accordance with MUTCD section 2M.10. A biographical plaque may also be erected in a suitable location off of the roadway.

(B) All costs associated with the naming, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Town Board.

(C) This ordinance does not restrict the Town Board from naming public property for historic events or organizations (centennial park, armed forces park)

(D) Memorializing a person via a “pay to honor” item such as memorial brick, tree leaf, adopt a tree or similar item is not covered by this ordinance.

(E) The naming of buildings and dry hydrants should be restricted to people with a tie to that particular service.

3.1203 Selection Criteria

In order for a public item to be named in honor of somebody, the following

criteria is to be considered:

- (A) The honoree must be deceased for at least 1 year (approval process can begin prior to this date)
- (B) The honoree must have been a resident of the town of Doty or have significant family ties to the town (ie family lives in town, existing road is named for family)
- (C) The honoree provided a significant positive impact to the town while serving as:
 - An elected or appointed official
 - Firefighter
 - EMS
 - Law Enforcement
 - Long term employee
 - Other significant long-term contribution
- (D) Military service (or other national service)
- (E) Death in the line of duty while serving as Firefighter, Law, EMS or Military

3.1204 Process

The honoree must be nominated by at least one current town resident and then sponsored by one current town board member using the attached form

The honoree's background is to be checked for negative or questionable activities that may detract from the honor

The fire chief should be consulted regarding honoring past firefighters and for the naming of dry hydrants after people

The Town Board sponsor will assist the resident who nominated the honoree with the completion of the form and guide them through the process

The Town Board will approve or deny the request. The board member who is a sponsor is allowed to vote on the application

While the requestor is responsible for initial costs, the town shall be responsible for routine maintenance and replacement of damaged signs. For signs that are stolen or repeatedly damaged, the town may elect to modify the sign, change placement of sign or take other measures as the Town sees fit.

After memorial is approved by the board, the person nominating the honoree and the sponsor will finalize wording for a resolution and finalize wording for any plaques and biographical plates.

Once the plaques and bio plates are received, the town will approve the resolution at a town board meeting and post the plaques and plates as applicable.

3.1205 Penalties

The town may remove unauthorized roadside memorials as it sees fit. If the placer of such items is known, they may be charged the costs of removal. The memorial will be returned to them. If the placer is unknown, the town may do as it sees fit with the removed memorial.

Town of Doty Public Property Memorial Naming Request

Name of Honoree:		
(Last)	(Middle)	(First)
Date of Death: ____ / ____ / ____		Date Submitted: ____ / ____ / 20__
☐ Y ☐ N	Town Resident?	Dates: ____ (year) to ____ (year) total: ____ yrs
☐ Y ☐ N	Held town office?	Dates: ____ (year) to ____ (year) total: ____ yrs
Position(s)		
☐ Y ☐ N	Town Employee?	Dates: ____ (year) to ____ (year) total: ____ yrs
Position(s)		
☐ Y ☐ N	Firefighter?	Dates: ____ (year) to ____ (year) total: ____ yrs
Highest Rank		Department:
☐ Y ☐ N	EMS?	Dates: ____ (year) to ____ (year) total: ____ yrs
Highest Certification		Department:
☐ Y ☐ N	Law Enforcement?	Dates: ____ (year) to ____ (year) total: ____ yrs
Highest Rank		Department:
☐ Y ☐ N	Military Service?	Dates: ____ (year) to ____ (year) total: ____ yrs
Highest Rank		Branch:
Notable awards and accomplishments:		
☐ Y ☐ N	Other significant contributions to the Town of Doty:	
Narrative of why this person should be honored by the Town of Doty (attach on separate page of paper). Typed. One page max. Times New Roman, 12pt text, double spaced		
Desired location for memorial: ☐ Building ☐ Bridge ☐ Other _____		
Specific Location:		
Name of Townsperson submitting request:		
Name of Board member sponsoring request:		
(Town use only below this point)		
Background check results:		

Other notes:

Fire Chief concurrence (if required) : ☐ Y ☐ N ☐ Not Applicable

Recommended source of funding: _____ approx. amt.
\$ _____

Number of signs: _____ Number of Bio plates: _____

Other: _____

Location chosen for
memorial: _____

Placed on agenda for Town Board meeting: ____/____/20____ APPROVED: ☐ Y
☐ N

Reason (if NOT approved):

Once approved, use reverse to finalize how name is to appear on item and wording of resolution

3.1200 RESERVED