

CHAPTER 9
PUBLIC PEACE AND GOOD ORDER

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

(1) Any violation of the laws of the State of Wisconsin which constitutes a misdemeanor is hereby adopted by reference and shall also constitute a violation of this Code, unless otherwise restricted by law. The penalty for any such violation shall be limited to a forfeiture as imposed pursuant to this Code, unless otherwise limited by State law.

(2) The following non-criminal statutes are adopted by reference:

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|---|--|
| 23.33 | All-terrain vehicles |
| 30.50 to 30.71 | Regulation of boating |
| 125.07 | Underage alcohol regulations (various) |
| 125.085 | Proof of age |
| 125.09 | General alcohol restrictions |
| Chapters 341 to 348 and 350, stats., for which the penalty is a forfeiture. | Traffic and snowmobile regulations (various) |
| 254.92 | Underage tobacco violations (various) |
| 961.573(2), 961.574(2), 961.575(2) | Underage drug paraphernalia violations (various) |

9.02 BURNING REGULATED.

(1) PURPOSE. This section is intended to promote the health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the Town of Geneva, Walworth County, Wisconsin, due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

(2) APPLICABILITY. This section applies to all outdoor and refuse burning within the Town of Geneva, except:

(a) This section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(b) This section does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in section 9.04.

(c) This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(3) DEFINITIONS.

(a) "Campfire" or "bonfire" means an outdoor fire intended for recreation or cooking, not a fire intended for disposal of waste wood or refuse, not to exceed a 4' fire ring or fire pit, nor more than 2' high.

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

(c) "Chief" means the chief of the Town of Geneva Police Department or other person authorized by the Chief to act in the Chief's place.

(d) "Outdoor burning" means open burning or burning in an outdoor wood furnace.

(e) "Open burning" means setting or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed fire.

(f) "Outdoor wood furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(g) "Refuse" means any waste material except clean wood.

(4) GENERAL PROHIBITION. Open burning, outdoor burning and refuse burning are prohibited in the Town of Geneva unless the burning is specifically permitted by this section.

(5) MATERIALS THAT MAY NOT BE BURNED. Unless specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incineration or heating device.

(a) Rubbish or garbage including but not limited to food wastes, food wraps, food packaging, animal carcasses, paint or

painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(b) Waste oil or other oily waste except used oil burned in a heating device for energy recovery, subject to the restrictions in Ch. N.R. 590, Wisconsin Administrative Code.

(c) Asphalt and products containing asphalt.

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

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

(f) Rubber, including tires and synthetic, rubber-like products.

(g) Newspaper, corrugated cardboard, container board, office paper and other recyclable materials, that must be recycled in, except as provided or otherwise allowed herein.

(6) OPEN BURNING. Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is prohibited except in accordance with the following provisions:

(a) All allowed open burning shall be conducted in a safe manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields.

(b) Open burning shall be conducted in conformance with all local and state fire protection regulations.

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

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

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

(f) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a fire ring or fire pit.

(g) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Chief and if in accordance with other provisions of this section.

(h) Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

(i) Except for campfires, open burning under this section shall only be conducted at a location at least 50' from the nearest building that is owned by a person other than the person maintaining the fire or by the owner of the real property on which the fire is burning.

(j) Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 10 a.m. until 10 p.m., from September 15 through June 15.

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

(l) No materials may be burned upon any street, curb, gutter or sidewalk, ditch or on the ice of any lake, pond or stream located in the Town of Geneva.

(m) There shall be no burning within 100 feet of a body of water or lake.

(n) Burning is not allowed within 25 feet of any building.

(o) Grills for cooking are not allowed on any patios above the ground floor, except that electric grills may be so used.

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

(7) BURN BARRELS. A burn barrel may be used in the Town of Geneva only in accordance with the following:

(a) Only branches and small amounts of yard debris may be burned in a burn barrel.

(b) The burn barrel shall not be used to burn any of the prohibited materials listed in subsection (5) of this section and may only be used in accordance with subsection (6) of this section.

(c) The burn barrel shall be at least 50 feet from the nearest building that is not on the same owner's property as the burn barrel.

(d) The burn barrel shall have vent holes above the ash line for combustion air.

(e) The burn barrel shall not serve a business.

(f) Use of burn barrels shall be permitted year-round.

(8) OUTDOOR FURNACES. An outdoor furnace may be used in the Town of Geneva only in accordance with the following:

(a) The outdoor wood furnace shall not be used to burn any of the prohibited materials listed in subsection (5) of this section.

(b) The outdoor furnace shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood furnace.

(c) The outdoor furnace shall have a chimney that extends at least 20 feet above the ground surface. The Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance.

(d) The owner must pay an inspection fee to the Town and obtain a permit from the Chief before installing an outdoor wood furnace. The inspection fee shall be \$75.00 per inspection.

(9) FIRE DEPARTMENT PRACTICE BURNS. Except as provided in this section for fire department practice burns, an existing unwanted building in the Town of Geneva may not be burned. A building that is no longer standing shall not be used for a practice burn.

(a) An existing building may be burned only by the Town of Geneva or its designee or agents and only if the Chief determines that the burning is necessary for practice and instruction of firefighters or testing of firefighting equipment.

(b) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Chief determines that they are necessary for the fire practice burn.

(c) All other materials prohibited by (5) of this section shall be removed prior to the practice burn.

(d) A demolition notification shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.

(e) All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.

(f) The Chief shall notify the Town Board before any practice burn takes place. The Chief shall ensure that any practice burn complies with the requirements herein.

(10) EXEMPTION FOR BURNING CERTAIN PAPERS.

(a) Notwithstanding (5)(g) of this section, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this section.

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

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

(d) A fire set for burning a small quantity of confidential papers shall comply with the provisions herein.

(11) CHIEF'S AUTHORITY TO DECLARE OPEN BURNING MORATORIUM. The Chief may declare a moratorium on open burning when the Chief determines that it is warranted by burning conditions.

(12) LIABILITY. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(13) RIGHT OF ENTRY AND INSPECTION. The Chief or any authorized officer of the Town of Geneva who presents proper credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this section.

(14) ENFORCEMENT AND PENALTIES.

(a) The Chief, the Town Chairman, or their designee, are authorized to enforce the provisions of this section.

(b) The penalty for violation of any portion of this section shall be a forfeiture under section 25.04. Penalties shall be doubled for second and subsequent offenses.

9.03 PUBLIC CONSUMPTION OF INTOXICANTS PROHIBITED.

(1) DEFINITIONS. For the purpose of this section, intoxicants shall mean intoxicating liquor and fermented malt beverages as defined in Sec. 125.02, Stats.

(2) OPEN INTOXICANTS AND FERMENTED MALT BEVERAGES. No person shall possess or consume any open intoxicants, except in a private residence, licensed establishment, or as otherwise permitted by law.

9.04 DISCHARGE OF WEAPONS.

(1) DEFINITION. A weapon is defined as any instrumentality from which or within a shot, pellet, arrow or bolt may be discharged or expelled, regardless of whether the propelling is provided by air, spring or other similar mechanical device or gunpowder.

(2) DISCHARGE PROHIBITED. No person, except a police officer or other law enforcement officer in the performance of official duty, may fire or discharge any weapon within the following described areas of prohibition:

(a) Within the boundary of any platted subdivision within the Town of Geneva.

(b) Within 300 feet of any building normally utilized for human occupancy, regardless of the zoning of the land upon which it sits, without the permission of the owner or occupant. This includes, but is not limited to homes, businesses, schools, and churches.

(c) Within the right-of-way of any State, County or Town highway or road or in any public park, or parking area.

(3) EXCEPTIONS. This section shall not apply to the following:

(a) Ceremonial discharges of blank rounds; or

(b) As otherwise permitted by the Town Board.

9.05 THROWING OR SHOOTING MISSILES OR PROJECTILES PROHIBITED. No person shall throw any object, by hand or by any other means, at any person or vehicle, or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town, when the action creates an unreasonable risk of injury or damage.

9.06 FIREWORKS.

(1) RESTRICTIONS. It shall be unlawful for any person to possess, store, sell, offer, or expose for sale, use, discharge, or cause to be discharged, ignited, or otherwise set into action within the Town of Geneva, any fireworks as described in Section 167.10, Wis. Stats., except as provided in this section.

(2) PERMITS. Permits for public display of fireworks to be displayed by properly qualified individuals, patriotic organizations, or Town officials, under the direct supervision of experts in the handling of fireworks, may be issued by the Town Chairperson as provided in Section 167.10(3), Wis. Stats., upon furnishing such information as may be required by the Town Chairperson as to the qualifications of the applicant.

(3) EXCEPTIONS. The provisions of this section shall not apply to the transportation of fireworks through the Town; when said items are held involuntarily by railroads, shippers or warehousemen; when such items are used as signaling devices for railroad companies; nor to explosives used for blasting or similar purposes.

(4) PENALTY. Any person who violates this section shall pay a forfeiture of not less than \$50.00 and not more than \$300.00, plus costs and fees.

9.07 LOUD AND UNNECESSARY NOISE PROHIBITED.

(1) NOISE RESTRICTION. No person shall make or cause to be made any loud, disturbing or unnecessary sounds such as may tend to annoy or disturb another on or about any public street, alley or park or any private residence.

(2) UNNECESSARY ACCELERATION. No driver of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace. "Unnecessary acceleration" shall mean speed greater than necessary to accelerate into the flow of traffic.

9.08 REGULATION OF ALARMS.

(1) DEFINITIONS.

(a) ALARM shall mean any signal generated by any device designed to be activated by some physical act, fire, emergency or malfunction and intended to alert the police and/or result in the response of emergency services whether it be by police, fire, rescue or combination thereof.

(b) BURGLAR/FIRE ALARM shall mean any device which, when activated by a criminal act, fire, or other emergency requiring police response, transmits a signal to an alarm panel at a police dispatch center, to an alarm-receiving firm, or produces an audible or visible signal designed to alert the public within the audible or visual range of the signal.

(c) FALSE ALARM shall mean a signal from a burglar/fire alarm resulting in the response by the police department, fire department or rescue unit or any combination thereof when an emergency situation does not exist. Excepted from this definition shall be errant alarms which are storm-related or the result of malfunctions due to problems with or interruptions of power at its source or in electrical lines or due to activity at the alarm site where the possibility of errant alarms during a specific period has been made known to the police department.

(d) AUTOMATIC TELEPHONE CALLING DEVICE shall mean any device which, upon activation, is capable of automatically selecting a telephone trunk line and causing to be transmitted over such line a pre-recorded message.

(e) ANSWERING SERVICE shall mean a facility equipped with incoming and outgoing telephone communications and operated by a natural person who acts to receive and interpret information through incoming telephone communications and to relay such information to another, by means of any outgoing person-to-person telephone communication.

(2) PERMISSIBLE ALARMS. Burglar/fire alarms which are not audible to the public and which can be properly connected to an alarm panel at a police dispatch center or to an alarm-receiving firm are deemed to be permissible alarms and they shall be so maintained so as not to produce false alarms.

(3) PROHIBITED ALARMS. Outside burglar/fire alarm systems whose alarms are or would be audible to the public, whether for business, industry, residential, or any other use, are prohibited outside systems that were installed prior to the effective date of this ordinance; and may continue in operation; but when the system is in need of replacement, the replacement system shall conform with this ordinance.

(4) USE OF AUTOMATIC TELEPHONE-CALLING DEVICE REGULATED.

(a) No person shall install or use, or permit the installation or use upon property owned by such person of an automatic telephone calling-device in a manner that such device is capable of automatic selection of a telephone trunk line to the Town of Geneva Police Department.

(b) Nothing in this section shall prohibit the use or installation of an automatic telephone-calling device in a manner such that said device is capable of automatic selection of a telephone trunk line to an answering service other than the Town of Geneva Police Department.

(5) REGISTRATION OF ALARM SYSTEMS AND KEYHOLDERS.

(a) Every alarm system operated within the Town of Geneva shall be registered prior to the time such system become operable, and annually, on or before the 30th day of January, in each succeeding calendar year. Registration shall be upon forms provided by the Town of Geneva Police Department and shall include information required by said Department. The owner and the operator of such alarm system shall be responsible individually for such registration.

(b) In registering an alarm system as required by this paragraph, the operator and/or the owner thereof shall provide to the Town of Geneva Police Department the names and telephone numbers of not less than two other persons who can be contacted by telephone at any and all times, day or night, who are authorized to respond to an alarm given by the alarm system, who can open and enter the premises wherein the alarm system is located, and who have the capability of terminating the alarm being emitted by the alarm system.

(6) NOTIFICATION OF DURATION OF MAINTENANCE OF ALARM SYSTEM.

(a) Administration Charges. Any person, business, corporation or other entity having a permissible alarm system with alarm devices at one or more locations in accordance with this ordinance shall pay to the Town a penalty for false alarms responded to by the Police, Fire Department or Rescue Unit according to the following schedule for each calendar year, for each location connected. Separate accounts shall be kept for false alarms as to criminal activity, fire, and other emergencies. Penalties for false alarms shall be as follows:

(i) First five false alarms per calendar year- no charge;

(ii) Sixth false alarm per calendar year- \$100.00;

(iii) Seventh false alarm per calendar year- \$300.00;

(iv) Eighth false alarm per calendar year- \$500.00;

(v) Ninth and all subsequent false alarms per calendar year- \$1,000.00;

(b) This section is designed to impose a strict liability on the person, business, corporation or other entity responsible for the alarm connection to either a police dispatch facility or alarm-receiving firm to which the emergency services department(s) of the Town have responded and shall be applied regardless of the cause of the false alarm.

9.09 LITTERING PROHIBITED.

(1) No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Town or upon any private property of another or upon the surface of any body of water within the Town.

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

9.10 LOITERING PROHIBITED.

(1) LOITERING OR PROWLING. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall prior to any arrest for an offense under this section afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify themselves and explain their presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF HIGHWAY/TRAFFIC BY LOITERING. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public places within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, street crossings and bridges or other public places by persons passing along and over the same.

(3) LOITERING IN PUBLIC PLACES. No person shall loiter, lounge or loaf in or about any place held out for use by the public after being requested to move by any police officer. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

(4) LOITERING IN SCHOOL AND PLAYGROUND AREAS. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building or in or about any playground area adjacent thereto within the Town between 8 a.m. and 4 p.m. on official school days.

9.11 CURFEW.

(1) CURFEW ESTABLISHED. No child under the age of 18 years shall loiter, idle or remain upon any street, alley or other public place on foot or in a motor vehicle in the Town between 10:30 p.m. and 5:00 a.m., Sunday evenings through Friday mornings, and between 12:00 midnight and 5:00 a.m. Friday evenings through Sunday mornings, unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(2) EXCEPTIONS. This curfew shall not apply to a child:

(a) Who is performing an errand as directed by his parent, guardian or person having lawful custody.

(b) Who is on his own premises or in the areas immediately adjacent thereto.

(c) Whose employment makes it necessary to be out during restricted hours.

(d) Who is attending an authorized church or school function or event.

(e) Who is going to or from any of the exceptions herein, by the most direct route and as soon as possible under the circumstances.

9.12 PROHIBITED DISCHARGES

(1) PROHIBITED DISCHARGES. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley, or public property, or on the ground, surface waters, subsurface waters, or aquifers, or on any private property within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Commission restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential

hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(2) CONTAINMENT, CLEAN UP AND RESTORATION. Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Geneva.

(3) SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to Emergency Government officers and staff and to Town Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(4) PUBLIC PROTECTION. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his or her assistant, or the senior Town Police or Fire official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the Town Board can take appropriate action.

(5) ENFORCEMENT. The Coordinator of Emergency Government and his or her deputies, as well as the Town Police officers, shall have authority to issue citations under this Section.

(6) CIVIL LIABILITY. Any person, firm or corporation in violation of this section shall be liable to the Town of Geneva for any expenses incurred by the Town for loss or damage sustained by the Town by reason of such violations.

9.13 FIRE BOMBS.

(1) As used in this Section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers in pursuit of their duties.

9.14 MARIJUANA - POSSESSION PROHIBITED. No person shall possess, 25 grams or less of marijuana, as defined in Section 961.01(14), Stats., subject to the exception within Sec. 961.41 (3g) (intro), Stats. No person may receive a citation under this ordinance following a conviction for possession of marijuana in this state, pursuant to Section 66.0107, Stats.

9.15 LANDFILL SITES PROHIBITED. No person, firm or corporation shall create or operate a landfill site or permit waste disposal or landfill activities on any property within the Town.

9.16 DOG AND CAT REGULATIONS.

(1) OWNER DEFINED. As used in this section, OWNER shall mean any person who owns, harbors or keeps a dog or cat.

(2) DOGS AND CATS AT LARGE PROHIBITED.

(a) Except as provided in subpar. (b), a dog or cat is considered to be running at large if it is off the premises of its owner and not under the immediate and effective control of the owner or some other person. The owner of any dog or cat found to be running at large in the Town of Geneva is hereby deemed to have permitted such dog or cat to run at large. No owner of a dog or cat shall negligently or otherwise permit his/her dog or cat to run at large.

(b) A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

(3) BARKING DOGS AND YOWLING CATS PROHIBITED. The keeping of barking, whining or howling dogs, or yowling cats, to the continuous annoyance or discomfort of one or more surrounding neighbors, such that their rest is broken, sleep interrupted, or the reasonable use or enjoyment of their property disturbed, shall constitute a nuisance and is prohibited.

(4) IMPOUNDING. Any dog or cat found running at large under Section (2) may be immediately taken into custody by any police or peace officer. Any nuisance dog or cat under Section (3) may be taken into custody by any police or peace officer, but only if said officer deems said animal an immediate or imminent danger to public safety.

(5) DISPOSITION OF IMPOUNDED DOGS OR CATS. Any police or peace officer who takes a dog or cat into custody pursuant to this ordinance shall make reasonable efforts to learn the name of the animal's owner, and shall make reasonable efforts to contact said owner. The officer shall notify the owner that he/she has three (3) days to claim the animal or it will be considered abandoned. Any dog or cat that is deemed abandoned pursuant to this ordinance may be euthanized. The release of any dog or cat impounded herein shall be conditioned upon payment by the owner of such animal of all costs of the maintenance of such cat or dog while so impounded. Any dog or cat taken into custody pursuant to this ordinance shall be kept in a suitable place.

(6) RESTRICTION ON NUMBER OF DOGS OR CATS. No person may keep in or on their residence more than four (4) cats and/or four (4) dogs over 5 months of age at any one time.

(7) DOG LICENSES. The provisions of Secs. 174.05 to 174.08, Stats., shall apply to Town residents regarding licensing of dogs. Dog licenses shall be set at a cost as determined by the Town. The Town Clerk/Treasurer shall be the listing official under Sec. 174.06(2). The cost for a dog license shall be as determined by the Town.

(8) PENALTY. The owner of a dog or cat deemed to be at large under subsec. (2) herein shall forfeit not less than \$25.00 nor

more than \$100.00 plus costs for the first offense and not less than \$50.00 nor more than \$200.00 plus costs for subsequent offenses. The owner of a dog or cat deemed to be a nuisance under Section (3) herein shall forfeit not less than \$10.00 nor more than \$1000.00 plus costs. The Town shall not condition the release of any dog or cat impounded herein upon the payment of the forfeiture amounts herein.

9.17 MISUSE OF 911 EMERGENCY SYSTEMS. Any person who intentionally dials the telephone number "911" for any reason other than to report an emergency shall be subject to a forfeiture of not more than \$300.00 plus costs.

9.18 SENDING SEXUAL IMAGES.

(1) DEFINITIONS. As used in this ordinance the following words have the following meanings:

- a. "Intentionally" shall have the meaning in Sec. 939.23, Stats.
- b. "Intimate parts" shall have the meaning in Sec. 939.22 (19), Stats.
- c. "Sexually explicit conduct" shall have the meaning in Sec. 948.01(7), Stats.

(2) INTENT. The Town of Geneva intends to discourage the act and practice of "sexting," particularly among minors. This seemingly harmless practice exposes people, including minors, to prosecution for a host of very serious criminal violations or juvenile delinquency proceedings. Sexting can result in the widespread dissemination of such images to people who were never intended to see the image by the original sender or the person depicted in the image. It can result in the preservation of such images indefinitely, and can affect the reputation and employability of senders, receivers and people depicted in such images. The Town of Geneva intends to discourage such conduct for the benefit of the entire community and to offer an alternate means of enforcement of such conduct, rather than by use of criminal or juvenile delinquency proceedings.

(3) TRANSMISSION OR POSSESSION OF CERTAIN IMAGES PROHIBITED.

No person shall intentionally possess or transmit, to, from or in the Town of Geneva, Wisconsin, any video or photographic image depicting intimate parts or sexually explicit conduct, to another person, via cell phone, personal digital assistant, computer or similar means, without the consent of the person(s) so depicted. If a person so depicted is a minor, a parent or guardian cannot consent to such conduct on behalf of the minor child.

9.19 SEX OFFENDER REGISTRATION. Any person who resides in the Town of Geneva, Walworth County, Wisconsin, and who is required to comply with Section 301.45, Stats., regarding sex offender registration, shall comply with such requirements. Any person who fails to comply with such requirements may be required to pay a forfeiture of up to \$1,000.00 plus costs.

9.20 OUTDOOR SMOKING REGULATED.

(1) In addition to the provisions of Sec. 101.123(2)(d), Stats., no person may engage in smoking, as defined in Sec. 101.123(1)(h), Stats., at any outdoor location that is public property under the jurisdiction of the Town, unless it is a reasonable distance from the entrance to any public building.

(2) The person in charge of a restaurant, tavern, private club or retail establishment, as those terms are defined in Sec. 101.123(1), Stats., may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

9.21 FEEDING OF WATERFOWL AND GULLS PROHIBITED.

(1) PROHIBITION. No person shall feed or participate in feeding any waterfowl or gulls on any property owned by the Town or on any private property or parks which are posted with a sign prohibiting the same.

(2) SIGN SPECIFICATIONS. Signs prohibiting the feeding of waterfowl or gulls shall meet or exceed the following specifications:

- (a) Shall be at least 11 inches across in size;
- (b) Shall be posted in not less than two (s) places for each 40 acres or fraction thereof; and
- (c) Shall make reference to this ordinance.

9.22 LAKE COMO USE

(1) 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 known as Lake Como.

(2) Applicability and Enforcement.

The provisions of this Ordinance shall apply to the waters of Lake Como within the jurisdiction of the Township of Geneva and shall be enforced by all duly appointed officers of the aforementioned Township and the Walworth County Sheriff's Department.

(3) Definitions.

In addition to the definitions as set forth in Wisconsin Statutes Section 30.50, the following definitions are hereby adopted:

- a. "Shore Zone" means all surface water within 200 feet of the shoreline.
- b. "Swimming Zone" means an authorized area of water established by regulatory markers to designate a swimming area.
- c. "Designated Anchorage" means an area of water established and marked as an anchorage by lawful authority.
- d. "Public Access" means any access to the water by means of public property.
- e. "Navigation Lane" means an area designated by authorized aids to navigation.

- f. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(4) Wisconsin Administrative Code Regulations Adopted.

All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR 5 of the Wisconsin Administrative Code, modifying or supplementing the foregoing provisions of the State law or which may be adopted or made in the future are hereby incorporated in and made a part of this Ordinance by reference to the same extent as if they are or were to be set out herein verbatim.

(5) Buoys and Markers.

- a. No person shall place a bathing beach marker, speed zone marker, information marker, mooring buoy, fishing buoy, or any other type of marker or buoy in the waters of Lake Como and within 150 feet from the ordinary high water mark of said lake without first making a written application and receiving a permit therefor.
- b. Any person desiring to place a marker or buoy described in Subparagraph A above in the waters of Lake Como shall first make a written application therefor to the Town of Geneva Police Department for examination, inspection, and approval or rejection, and if approved, a permit shall be issued by the Town Clerk. Before a Township permit can be issued, the proposed placement of said marker or buoy must first be inspected and approved by State of Wisconsin regulatory agencies as prescribed in Wisconsin Statutes Section 30.772 and Wisconsin Administrative Code Chapter NR 5.09.
- c. No person shall, without authority, remove, damage or destroy, or moor or attach any water craft to any buoy, beacon, or marker placed in the waters of Lake Como by any unit of government.
- d. Any marker or buoy placed in the aforesaid area shall be deemed to be an unlawful obstruction to navigation and as trespassing, and may be summarily removed by any duly constituted authority representing the Township, County or State, this in addition to the penalties set forth in Section 15 of this Ordinance.

- e. All buoys shall be removed from the water by November 1st of each year.
- f. Town of Geneva Police Department may remove all buoys, markers, or aids to navigation being privately owned or placed which are not removed before November 1st of each year, this in addition to the penalties set forth in Section 15 of this Ordinance.

(6) Littering of Beaches Prohibited.

No person shall place, deposit, or leave upon any public beach within the limits of the Township any paper, garbage, refuse, trash, or other discarded thing, substance, or article.

(7) Zones and Lanes Defined.

- a. Traffic lanes for boats shall be those areas designated as such by identifying buoys.
- b. Where the traffic lane is not so identified, a traffic lane is hereby established and shall be the greater distance between the shoreline and a line parallel to and 200 feet distant from it.
- c. A traffic lane is hereby established embracing the waters between the shore and a line parallel to and 200 feet distant from the shore on both the north and south sides of the lake; also a slow no-wake area on the west end of the lake distinctly marked by a line of buoys. A slow no-wake area is also created in that area of Lake Como lying east of an extension of Acacia Road, which runs to the lake shore on the north side of Lake Como, and extending across the lake in a southerly direction to the west boundary line of the property of the American Brass Company of Kenosha, Wisconsin, which property bounds the south side of the lake.
- d. Restrictions:
 - 1. No person shall operate a boat outside the above-defined traffic lane in excess of the slow no-wake speed limit.

(8) Additional Safety Regulations and Rules.

a. Rafts and Platforms:

No person shall place or maintain any raft or platform more than 50 feet from the shore unless it is so anchored that it has at least 6 inches of free board above the water line, painted white, and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than 3 inches in diameter.

b. Speed Restrictions:

No person shall operate a motorboat, or any other watercraft, on the waters of Lake Como between sunrise and sunset at a speed in excess of 35 miles per hour nor between sunset and sunrise at a speed in excess of 15 miles per hour. These speed restrictions shall not apply to a police boat engaged in an emergency or law enforcement, nor to boats participating in a race, regatta, or water ski meet duly authorized by issuance of a permit while operating in the area designated by said permit.

(9) Commercial Boats.

a. Definition:

The term "commercial boat" means any vessel carrying passengers for hire or which is rented for private use (e.g., ski rental boats).

b. Office of Marine Inspector:

The Office of Marine Inspector is hereby created. He shall be appointed by the Chairman of the Town Board and may be removed by him. The term of this office shall be one year from the date of appointment, or until a successor is appointed. It shall be the duty of the Marine Inspector to inspect all commercial boats operating upon the waters of Lake Como. Such inspection shall be made at intervals of not more than one year and at such shorter intervals as to any boat or class of boats as the Inspector shall deem necessary in the public interest. He shall also perform such other

duties as may be delegated to him by the Town Board. He shall examine the boats for seaworthiness and for the safety of its passengers and the public. Immediately on completion of each such inspection and examination, the Inspector shall issue to the Owner of such boat so inspected a certificate signed in his hand in his official capacity setting forth the date upon which such inspection was made, whether or not the boat was found to be seaworthy, safe for use as a commercial boat, and adequately equipped with the safety devices and equipment prescribed by this Ordinance. Such inspection report or certificate shall specify the defects, if any, in the condition or equipment of said boat which renders it unsafe for use as a commercial boat. Copies of reports shall be sent to the Town Board of the Town of Geneva as soon as possible after each inspection.

c. Inspection:

No person shall operate a commercial boat upon Lake Como unless he shall have in his possession a certificate of seaworthiness and passenger capacity from the Marine Inspector. Such certificate shall be obtained prior to operation of the boat in any year and shall be valid for one year unless sooner revoked by the Marine Inspector for the agency upon finding that such boat is unsafe, unsound, or unseaworthy. No certificate shall be issued for any commercial boat until the said Inspector finds it to be safe, sound, and seaworthy. Every owner of a commercial boat shall be responsible for its seaworthiness and its operation in a manner calculated to ensure the safety of the persons and property of others.

d. Regulations:

The following regulations and requirements shall apply to commercial boats in addition to those imposed on all boats.

1. Passengers. No owner or operator of a commercial boat shall accept or permit an intoxicated person as a passenger, or a number of passengers in excess of the capacity specified in the certificate issued by the Marine Inspector.

2. Fire Extinguishers. No person shall operate or permit the operation of a commercial boat carrying passengers for hire unless the same shall be equipped with built-in properly operating fire-extinguishing equipment approved by the Marine Inspector.

(10) Swimming Regulations.

- a. Distance from Shore or Base:

No person shall swim more than 200 feet from the shore or more than 150 feet from any pier, anchored raft or boat unless he is accompanied by a competent person, having readily available a personal flotation device.

(11) Water-Skiing.

- a. In addition to the rules set forth in Wisconsin Statutes Section 30.69, adopted under this Ordinance, all water skiing is prohibited outside of the traffic lane as defined in Section 7 of this Ordinance.

(12) Motorboat Races, Regattas, and Water Ski Shows.

- a. Permit Required:

No person shall direct or participate in any motorboat race, motor, sail, or other boat regatta, or water ski meet unless such event has been authorized and a permit issued by the Town Board.

Permit. A permit issued under this Section shall specify the course or area of water to be used by participants in such event, and the permittee shall be required to place markers, flags, or buoys approved by the Town Board designating the specified area. Permits shall be issued only if in the opinion of the Town Board the proposed use of the water can be carried out safely and without danger or substantial obstruction to other boats or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.

- b. Right-Of-Way of Participants:

Boats and participants in any such permitted event shall have the right-of-way in the marked area, and no other

person shall obstruct such area during the race or event or interfere with the same.

(13) Littering or Polluting.

- a. No person shall deposit, place, or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage, or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.
- b. The discharge of firearms is prohibited on the walkway in the dike and dam area directly east of Lake Como. The dumping of any refuse in this area is also prohibited.

(14) Penalties.

- a. Wisconsin State boating penalties, as found in Section 30.80, are adopted by reference.
- b. Any person violating any provision of this Ordinance for which a penalty is not provided shall forfeit not more than Two Hundred (\$200.00) Dollars for the first offense and shall forfeit not more than Five Hundred (\$500.00) Dollars upon conviction of the same offense a second or subsequent time within one year.

9.23 SOLICITING AND CANVASSING

(1) It shall be unlawful for anyone within the boundaries of the Town of Geneva to solicit or to canvass the sale of any type of merchandise or books or magazines or other merchandise without the issuance of a written permit from the Chief of Police of Geneva Township.

(2) No selling or soliciting of the sale of any kind of merchandise or reading material be done in the Town of Geneva after the hour of five o'clock (5:00 p.m.) in the afternoon.

(3) Anyone violating the terms of this Ordinance shall forfeit not less than Twenty-Five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution

thereof, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding thirty (30) days.

9.24 STORAGE OF JUNK OR JUNKED, UNLICENSED, OR ABANDONED MOTOR VEHICLES

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 19 is hereby repealed and that the following is hereby created.

(1) Definitions.

- a. "Motor Vehicle" means a vehicle which is self-propelled, including, without enumeration, a trackless trolley bus, a snowmobile, and truck bodies, tractors, or trailers.
- b. "Junk" means old iron, glass, paper, cordage, refrigerators, furnaces, washing machines, stoves, machinery, or machinery parts, wood, bricks, cement blocks, or other unsightly debris or waste.
- c. "Junked Motor Vehicle" means any motor vehicle which is in such a physical or mechanical state as to be incapable of self-propulsion.
- d. "Unlicensed Motor Vehicle, Truck Body, Tractor or Trailer" means any motor vehicle, truck body, tractor, or trailer which does not bear lawful current registration plates issued by any State or Nation.

(2) Prohibition.

No person, firm, partnership, or corporation shall leave unattended any junked or unlicensed motor vehicle or any motor vehicle parts upon any street or upon any Town property. Nor shall any person, firm, partnership, or corporation store any junked motor vehicle, unlicensed motor vehicle, any motor vehicle parts, or any junk upon any private property outside of any building, unless expressly authorized to do so by the Town Police Chief, for any period in excess of 25 hours, and any such motor

vehicle, motor vehicle parts, or junk left in excess of such period is deemed abandoned, constitutes a public nuisance and shall be dealt with under the provisions of Ordinance No. 45.

(3) Order for Compliance.

The Chief of Police may require by written order any premises in violation of this subsection and for which no permit has been issued to be put in compliance with the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

(4) Abandoned Vehicles.

- a. Vehicle Abandonment Prohibited: No person shall leave unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public street or highway or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Town

street or highway or on any public or private property within the Town without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

- b. Removal and Impoundment of Abandoned Vehicles: Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under Paragraph C; except if the Chief of Police, or his authorized representative, determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the impoundment period upon determination by the Chief of Police, or his authorized representative, that the vehicle is not wanted for evidence or any other reason.

- c. Disposal of Abandoned Vehicles:

- i. Vehicles Exceeding One Hundred (\$100.00) Dollars in Value.

- (a) If the Chief of Police, or his authorized representative, determines that the value of an abandoned vehicle exceeds One Hundred (\$100.00) Dollars, he shall notify the owner and lien holders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Town and may be reclaimed within 15 days upon payment of accrued towing, storage, and notice charges and if not so reclaimed shall be sold. See also Paragraph D.
 - (b) If an abandoned vehicle exceeding One Hundred (\$100.00) Dollars in value is not reclaimed within the period and under the conditions provided in Subsection a. above, it may be sold at auction or by sealed bid. If no satisfactory bid is received, the vehicle may be sold at private sale.
 - (c) After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid in to the Town Treasury.
- ii. Vehicles of Less Than One Hundred (\$100.00) Dollars in Value: Any abandoned vehicle which is determined by the Chief of Police, or his authorized representative, to have a value of less than One Hundred (\$100.00) Dollars, may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- d. Owner Responsible for Impoundment and Sales Costs: The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Town against the owner.
 - e. Notice of Sale or Disposition: Within five (5) days after the sale or disposal of a vehicle as provided in Paragraph C, the Chief of Police, or his authorized

representative, shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall be given to the purchaser of the vehicle, and a copy shall be retained on file in the Town.

(5) Cost of Abatement.

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(6) Penalty Provisions.

- a. General Penalty: Except as otherwise provided, any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - i. First Offense: Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - ii. Continued Violation: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of the Ordinance.
 - iii. Execution Against Defendant's Property: Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for

violation of any Ordinance of the Town, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(7) Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

9.25 TRUCK PARKING

(1) No large truck, semi-trailer, or tractor shall be parked in any residential area in the Town of Geneva. Also, no parking of such equipment is allowed adjacent to the Town Hall or Town Shop except by permission of the Town Board.

(2) Anyone violating the terms of this Ordinance shall forfeit not more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution thereof, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding thirty (30) days.

9.26 SNOWMOBILE ORDINANCE

(1) Snowmobile Trail Designated.

- a. Official snowmobile trails are hereby established on the following paved portions of:

South Como Road, beginning at the intersection of State Highway 50, thence proceeding Northerly to the intersection of South Shore Drive and South Como Road where this trail will end.

Also

Palmer Road, beginning at the intersection of Palmer Road and Highway H, thence proceeding Westerly on Palmer Road to the intersection of Como Road, thence Southerly on Como Road for 574 feet where the trail will cease on Town roadway at that point. It is then intended that the Como Sno-Gliders will provide a designated trail which will follow the private road of the Como Sanitary District to the Northern end of Dell Place (see attached letter to the Town Board from the Lake Como Sanitary District No. 1 by General Manager Hubert Jensen, dated November 4, 1998). The trail will then begin at the Northern end of Dell Place, thence proceed Southerly on Dell Place to the intersection of Alder Drive, the trail will then proceed Easterly on Alder Drive to the intersection of Iris Road, thence the trail will proceed Southerly on Iris Road to the intersection of Iris Road past Lake Shore Drive to the shore of Lake Como.

- b. Speed Limits. In addition to the requirements of Section 350.10, Wisconsin Statutes, no person shall operate a snowmobile at a speed in excess of 10 miles per hour at any time on the official trail established in Section 2A. above.
- c. Hours of Operation. In addition to the requirements of Section 350.10(7), Wisconsin Statutes, snowmobiles shall only be operated on the official snowmobile trail established in Section 2A. above, during the following hours:

| | |
|-------------------------|------------------------|
| Sunday Through Thursday | 6:00 a.m. - 10:00 p.m. |
| Friday and Saturday | 6:00 a.m. - 2:00 a.m. |

(2) A restricted snowmobiling and ice boating area is established on Lake Como between the shore and a line parallel to and 200 feet distant from the shore on both the north and south sides of the lake. Any snowmobile in this area shall not move in a manner that takes it parallel to the shoreline. Operation of a snowmobile in this restricted area shall be for the express purpose of getting

beyond the 200-foot distance at a speed not to exceed 10 miles per hour. No snowmobile shall be operated on Lake Como in a manner that would destroy any of the vegetation appearing above the ice.

(3)

- (a) Unattended Snowmobiles. No person shall leave or allow a snowmobile to remain unattended on any public highway or property while the motor is running or with the starting key in the ignition.
 - (b) Intent. The intent of this Section of this Ordinance is to provide a means for persons to travel from a residence within the limits of the Town of Geneva, Walworth County, Wisconsin, for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is the closest to that residence.
 - (c) Statutory Authority. This Section of this Ordinance is adopted as authorized under Section 350.18(3)(a).
 - (d) Conditions. Persons may operate snowmobiles on a roadway or shoulder of the roadway subject to the following conditions:
 - 1. Snowmobiles shall operate on the right shoulder of the roadway if possible, and if not possible, on the extreme right side of the roadway and travel with the flow of traffic.
 - 2. Snowmobiles are to be operated in single-file.
 - 3. Headlights shall be on at all times.
 - 4. Snowmobile operators shall yield the right of way to other vehicular traffic and pedestrians.
 - (e) Speed. A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this Section of the Ordinance shall observe roadway speed limits.
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9.27 SNOW REMOVAL AND PARKING

(1) No person shall park any vehicle within the right-of-way of any roadway within the municipal limits of the Town of Geneva between the hours of 2:00 o'clock a.m. and 12:00 o'clock Noon from November 15th of each year to March 31st of the succeeding year.

(2) Any vehicle parked in violation of this Ordinance may be removed by the Township and the cost of removal and storage of said vehicle shall be chargeable to the record owner or authorized operator of said vehicle.

(3) Any person who shall violate any of the provisions of this Ordinance shall forfeit not more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution thereof, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ten (10) days.

9.28 BOAT LAUNCHING FEES

(1) Boat Launching Fees

The following fees for boat launching from Town boat launches located on Lake Como in the Town of Geneva are hereby established as follows:

- a. Daily launch fee:
 - Resident of the Town of Geneva \$5.00
 - Nonresident of the Town of Geneva \$7.00

- b. Season launch fee:
 - Resident of the Town of Geneva \$25.00
 - Nonresident of the Town of Geneva \$35.00

9.29 Livestock in Roadway

No livestock shall run at large on a highway at any time except to go from one farm parcel to another. If the owner or keeper of livestock knowingly permits livestock to do so, he may be required to forfeit not more than \$200.

9.30 PENALTY. Unless otherwise stated herein or required by state law, the penalty for any violation of this chapter shall be as stated in Sec. 25.04.
