

9.01 TITLE

This ordinance is entitled the "Public Safety/Public Order Ordinance."

9.02 AUTHORITY

The Town Board has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1991-1992) Wis. Stats., to regulate, control, prevent and enforce against in the Town certain uses, activities, businesses and operations by persons that may affect public safety and public order in the Town.

9.03 ADOPTION OF ORDINANCE

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the public safety and public order in the Town.

9.04 STATE STATUTES ADOPTED

(1) No person shall commit the following offenses in the Town of Randall (herein noted as Town of Randall violations) that are hereby adopted and incorporated by reference in this chapter of the Town of Randall's Code of Ordinances. The prosecution of the following offenses under this ordinance shall be as provided in Sec. 60.23 and 66.051, (1991-1992) Wis. Stats., and the below noted sections, but the penalties for violation of these sections shall be limited as provided in Town of Randall Ordinance, Chapter 25.

- (a) Power to Prohibit Certain Conduct; Dispositions; Sanctions

(Recreated July 12, 2001)

The provisions of Chapter 941 to 948 of the Wisconsin Statutes, and all acts amendatory thereof and supplementary thereto are adopted as a portion of this chapter, except as otherwise lawfully provided by the Town Ordinances.

The provisions of Wis. Stat. §§ 938.343, 938.344 & 938.355 (6) (d) (1999-2000), and all acts amendatory thereof and supplementary thereto are adopted as a portion of this chapter, except as otherwise lawfully provided by the Town Ordinances.

(b) Possession of Marijuana
(Recreated July 25, 2002)

No person may possess twenty-five (25) grams or less of marijuana, as that term is defined in Wis. Stat. § 961.01 (14) (1999-2000), subject to the exceptions in Wis. Stat. § 961.41 (39) (introduction) (1999-2000), except that any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in the State of Wisconsin, shall not be prosecuted under this subsection. All of the above is authorized by Wis. Stat. § 66.0107 (1) (bm) (1999-2000).

(c) Use of Cigarettes and Tobacco Products
(Recreated July 25, 2001)

The provisions of Wis. Stat. § 254.92 (1999-2000) and all acts amendatory thereof and supplementary thereto relating to the use of cigarettes and tobacco products are adopted as a portion of this Chapter, except as otherwise lawfully provided by the Town Ordinances.

(d) Underage Persons and Alcohol Beverages
(Adopted July 25, 2001)

The provisions of Wis. Stats. § 125.07 (1999-2000) and all acts amendatory thereof and supplementary thereto relating to the prohibition of alcohol beverages as applies to underage persons are adopted as a portion of this Chapter, except as otherwise lawfully provided by the Town Ordinances.

(2) All deletions, additions and amendments which may be made to the sections of the State laws enumerated under sub. (1) above are hereby adopted and incorporated herein by reference as if fully set forth herein.

9.05 GENERAL PROVISIONS

(1) No person shall use, possess, manufacture or deliver to an adult or minor in the Town any drug paraphernalia in violation of Sec. 161.573, 161.574 and 161.575, (1991-1992) Wis. Stats., are hereby adopted by reference and made a part of this section as though set forth in full herein.

(2) No persons shall loiter about any public building, public place or any other public premises or about the sidewalks, parks, public highways, roads, streets or alleys in the Town.

(3) **Loitering of Minors**

(a) No person under the age of eighteen (18) shall congregate, loiter, loaf, wander, stroll, stand or play in or upon the public streets, sidewalks, highways, roads, alleys, parks or vacant lots within the Town, either on foot or in or upon any conveyance being driven or parked thereon, between 11 p.m. and 5 a.m. of the following day.

(b) **Exceptions**

1. Minor newsboys or newsgirls seventeen (17) years of age or younger.

2. Minors seventeen (17) years of age or younger accompanied by a parent, guardian or by an adult person having the care and custody of the minor.

3. Minors seventeen (17) years of age or younger on emergency errands directed by a parent, guardian or an adult person having care and custody of the minor.

4. Minors seventeen (17) years of age or younger who are going to or returning from any legitimate business or activity of any kind which has been specifically approved in advance by his or her parent, guardian or other adult person having legal custody or care.

(c) **Responsibility of Parents**

No parent, spouse, guardian or other adult person having the care and custody of a person under the age of eighteen (18) shall suffer, permit or by inefficient control allow such person to violate sub (a); provided that any parent, spouse, guardian or other adult person herein who shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered or permitted any person to be in violation of this section.

(d) **Responsibility of Hotels, Motels and Rooming Houses**

No person operating a hotel, motel, lodging or rooming house within the Town or any agent, servant or employee of such person shall permit any person under the age of eighteen (18) to visit, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house between the hours of 10 p.m. and 7 a.m. of the following day, provided the provisions of this subsection do not apply when the minor is

accompanied by his parent, spouse, guardian or other adult person having the care, custody and control of such minor.

(e) 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.

(f) Penalties

1. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Chapter 25.04 of this Code of Ordinances, except a person under the age of eighteen (18) years shall be referred to the proper authorities as provided in Chapter 48, (1991-1992) Wis. Stats.

2. Any person who causes damage to any public or private property because of violation of any of the provisions of this section shall be liable for the costs of replacing or repairing such damaged property.

(4) No person shall cause, permit or allow any person in the Town to intentionally damage any physical property owned or leased by the Town. This damage may include but is not limited to the erection, poster, painting or maintaining of signs, posters, pictures or drawings on any curbs, bridges, equipment, fixtures, trees, windows, sidewalks, public highways, roads, streets, alleys, culverts, fences, walls, posts, lamps, poles or any buildings or materials of any type in the Town owned or leased by the Town.

(5) No person shall cause, allow or permit any person in the Town to maintain on land owned or occupied by that person in the Town the following:

- (a) Open Cisterns;
- (b) Open Holding Tanke;
- (c) Open Wells;
- (d) Open Cesspools;
- (e) Unused, Uncovered Basements;
- (f) Unenclosed Excavations; and
- (g) Dangerous Openings Into Caves or Tunnels

All such physical structures and places shall be properly filled, tightly enclosed, securely covered or fully and securely fenced in such a manner to prevent injury to any person. Any cover,

enclosure or fence shall be designed, constructed and maintained to prevent small children from accessing the structure or place.

(6) No person shall cause, allow or permit any person in the Town to maintain outside any habitated building or structure or inside any uninhabited building or structure in a location accessible to small children, any abandoned, any unattended or discarded ice box, refrigerator, deep freezer or other container or equipment which has an air tight door or lid which may not be released from the inside without removing the door or lid or removing the lock from such container or equipment unless the person securely locks or fastens the door to prevent access by small children.

(7) No person shall cause, allow, or permit any person in the Town to burn or continue to burn any waste in the Town upon oral or written notice from the Town to cease and desist from further burning until notified that burning may continue.

(8) No person shall cause, allow or permit the intentional discharge, throwing or shooting of any object, arrow, structure, stone, rock, snowball, missile, projectile or other material, by hand or other means, at or toward person or at or toward any public highway, road, alley, street, sidewalk, public building, public park, public place or public premises in the Town. This provision shall not apply to the following uses, activities, businesses or operations licensed, regulated, permitted and controlled by the Town Board:

- (a) Archery Ranges;
- (b) Firearm Ranges;
- (c) Golf Courses;
- (d) Tennis Courts;
- (e) Baseball Diamonds;
- (f) Football Fields; and
- (g) Horseshoe Courts

(9) Regulation of All-Terrain Vehicles. Go-Carts. Off-Road Motor-Driven Cycles, Mini-Bikes, Motor Bicycle, Motorcycles, Motorized Scooters, Motorized Skateboards, Snowmobiles, Trail Bikes.

(Revised 5/24/2001)

(a) All provisions of Chapter 23 of the Wisconsin Statutes are adopted by reference and made a part of this chapter as if fully set forth herein, including all existing and future amendments made thereto.

(b) In this section, "All-Terrain Vehicle" means a motor vehicle or an engine driven device designed primarily for use off the roadway and able to be operated upon land, snow or water, and usually equipped with flotation tires or tracks or 3 or more low-pressured tires.

(c) In this section, "Motor Bicycle" means a bicycle or device to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150 pound rider on a dry level, hard surface with no wind and having a seat for the operator.

(d) In this section, "Motorcycle" means a motor vehicle or device, excluding a Tractor or an All-Terrain Vehicle, which is capable of speeds in excess of 30 miles per hour with a 150 pound rider on a dry level, hard surface with no wind with a power source as an integral part of the vehicle.

(e) In this section. "Snowmobile" means an engine-driven vehicle or device that is manufactured solely for snowmobiling that has an endless belt tread and sled-type runners, or skis, to be used on contact with snow.

(f) In this section. a "Go-Cart," "Off-Road Motor-Driven Cycle," "Mini-Bike," "Motorized Scooter," "Motorized Skateboard," and "Trail Bike," means a device in, upon or by which any person or property is or may be transported or drawn upon public or private property and which is motorized or engine-driven or gasoline powered. These devices are to be defined and identified by way of the common, ordinary and everyday meaning which these devices have in the minds of the average and reasonable layperson.

(g) No person shall operate any of the devices listed in subsections (b) thru (f) above, on the private property of another without written permission of the property owner, with that permission to be carried on the person of the operator.

(h) No owner of any device listed in subsections (b) thru (f) above, shall allow the owner's device to be operated on the private property of another without written permission of the property owner.

(i) No owner of any device listed in subsections (b) thru (f) above, shall knowingly authorize or permit any person to operate such device who is incapable by reason of age or physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances. No operator of any device listed in subsections (b) thru (f) above, shall operate such device who is incapable by reason of age or physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

(j) No operator of a device listed in subsections (b) thru (f) above, shall operate a device on a public highway or on any public property, nor shall an owner of a device allow a person to operate a device on a public highway or on any public property, unless the Wisconsin statutes permit the device to be operated on a public highway or on any public property. If the Wisconsin statutes allow the device to be operated on a public highway or on any public property, the operator of the device shall possess a valid Wisconsin driver's license. *(Revised August 9, 2001)*

(k) No operator of any device listed in subsections (b) thru (f) above, shall operate a device at an unreasonable speed considering the conditions, or operate a device in a careless way that endangers persons or property, or operate a device without functional headlights, or operate a device without a functional muffler.

(l) No operator of any device listed in subsections (b) thru (f) above, shall operate a device in such a manner that the exhaust or the motor/engine of the device makes an excessive or unusual noise, as defined in Town of Randall Ordinances 9.05 (14) and/or 10.04 and/or 10.05 (1) and/or 10.08 (9). No owner of any device listed in subsections (b) thru (f) above, shall allow a device to be operated in such a manner that the exhaust or the motor/engine of the device makes an excessive or unusual noise, as defined in Town of Randall Ordinances 9.05 (14) and/or 10.04 and/or 10.05 (1) and/or 10.08 (9).

(m) The operation of any device listed in subsections (b) thru (f) above, in public parks, public playgrounds, public athletic fields, public parking lots, the Town landfill and other Town roads and Town lands in the Town of Randall is prohibited, except in areas specifically designated for operation of those devices by the Town of Randall. The Town of Randall may place reasonable conditions or restrictions on such operation. The operator and the owner of any such device are liable for a violation of this subsection (m).

This instant subsection does not apply to motorcycles driven on paved town roads if the motorcycle is currently registered and the operator is currently licensed and no Town of Randall ordinances or Wisconsin state statutes are violated.

(n) Penalty Provisions

Any person who shall violate any provision of Ordinance 9.05 (9) shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County of Kenosha jail

until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(10) No person shall cause, allow or permit any excavation in the Town, for any building purpose or other purpose, to be left open beyond two (2) months from the commencement of excavation without the person owning the property proceeding to complete the construction of the building or without the person owning the property proceeding to fill the excavation to grade. This provision shall not apply to any metallic or non-metallic mining operations where a conditional use permit for mining has been issued by the Kenosha County Office of Planning and Zoning. If the person, after receipt of notice to comply with this ordinance, fails to comply with this ordinance, the Town Board may order the excavation to be filled by the person within ten (10) days after receipt by the person of the order. If the excavation is not then filled to the satisfaction of the Town Board, the Town Board may fill the excavation to grade and may then charge the cost to fill the excavation to the person against the real property of that person as a special tax.

(11) No person shall cause, allow or permit any person to sell, possess or use fireworks in the Town without a permit issued by the Town Board. Sec. 167.10, (1991-1992) Wis. Stats., regulating the sale and use of fireworks, is hereby adopted by reference and made a part of this section as though set forth in full herein.

(12) The Town Board establishes the following fire safety regulations for the Town:

(a) The Town Board, or its designee, may, at anytime, for purposes of preventing, detecting and suppressing fire and fire related hazards in the Town, enter the property of any person in the Town at reasonable times upon reasonable notice. However, in an emergency at or near the property of any person in the Town, the Town Board or its designee may enter the property of such person without notice and at anytime.

(b) No person shall cause, allow or permit any person to operate or maintain any motel, hotel, bed and breakfast, lodging house business or rooming house business of any type in the Town unless each guest room, suite or sleeping area shall have at least one (1) operational smoke detector and at least two (2) smoke detectors in the hallway in compliance with the National Fire Protection Association Standard 72E. Each person operating or maintaining such establishments shall have a fire emergency plan posted in each guest room, suite or sleeping area. Smoke detectors shall be installed in other areas of such establishment as determined by the Town.

(c) No person shall cause, allow or permit the storage of fireworks or explosives in the Town without a permit issued by the Town Board.

(d) No person shall cause, allow or permit the storage of explosives, petroleum, gasoline, kerosene, chemicals, ashes, hazardous waste or other highly flammable material in an improper or unsafe arrangement or in a manner to cause danger to persons or property in the Town.

(e) The Town Board or its designee, with or without any oral or written complaint, may enter, without notice, any building or structure in the Town for purposes of investigation or examination of potential fire hazards in any building or structure. Upon finding any of the following fire hazards, the Town Board shall, by written order, direct these fire hazards to be removed or remediated within thirty (30) days of receipt of this order. The fire hazards are:

1. The building, due to age, repair, maintenance, structure or condition is a fire hazard.
2. The improper or dangerous arrangement of stoves, ranges, fireplaces, chimneys, flues, pipes and other attachments is a fire hazard.
3. The improper or dangerous storage of volatile or flammable materials is a fire hazard.

(f) No person shall cause, allow or permit any person to manufacture, store or transport any hazardous material in the Town in an improper manner or with an improper method to constitute a fire hazard or to cause a menace or danger to the public safety of persons or property in the Town.

(g) If the Town Chairperson, or his or her designee, determines a dangerous condition exists, he or she shall take all necessary and appropriate actions and prescribe shall necessary and appropriate restrictions on persons and property in the Town to protect persons and property in the Town until the dangerous condition is eliminated.

(h) No person shall negligently cause, allow or permit any person to create any fire hazard in the Town. No person shall negligently cause, allow or permit any person to create any uncontrolled fire in the Town.

(i) No person shall cause, allow or permit any person to interfere with any firefighter responding to or fighting a fire in the Town.

(j) No person shall fail to report seeing a fire in the Town where the fire is out of control unless the person knows that someone else has reported the fire to the Town Fire Department.

(k) Any person who shall cause, allow or permit any person to discharge, spill or leak hazardous materials, flammable liquids or combustible liquids in excess of two (2) gallons in the Town shall immediately report the discharge, spill or leak to the Town Fire Department.

(l) No person shall give or send or cause to be given or sent in any manner any alarm of fire which he or she knows to be false.

(13) No person shall cause, allow or permit any person to take the below noted actions or conduct in the Town on the public highways, roads, streets or alleys in the Town without a permit issued by the Town Board. The acts and event are the following:

(a) Any parade, dance or motorcade, except funeral processions, where traffic may be delayed or rerouted.

(b) Any house, building or structure moving or wrecking on any public highway, road, street or alley.

(c) Any party, festival, carnival, event or amusement activity where the party, festival, carnival, event or amusement activity is to be temporarily located all or in part on a public highway, road, street or alley.

The Town Board or its designee shall inspect the premises prior to the issuance or re-issuance of the permit. No permit shall be issued or re-issued by the Town Board until the Town Board or its designee has inspected the premises.

The Town Board may issue the permit upon conditions to be complied with by the applicant. The Town Board may establish a cash or surety bond to insure compliance with the conditions.

(14) **Loud and Unnecessary Noise** *(recreated 24 Sept 1998)*

(a) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence. No railroad shall blow a whistle within the Town except as required by law.

(b) Sport Shooting Range Activities:

1. In this section, "sport shooting range" means an area designed and operated for the use and discharge of firearms.
2. A person who owns or operates a sport shooting range is immune from civil liability related to noise resulting from the operation of the sport shooting range.
3. A person who owns or operates a sport shooting range is not subject to an action for nuisance or to zoning conditions related to noise, and no court may enjoin or restrain the operation or use of a sport shooting range on the basis of noise.
4. The Town Board may regulate the hours between 11:00 p.m. and 6:00 a.m. that an outdoor sport shooting range may operate.
5. A person who is shooting in the customary or a generally acceptable manner at a sport shooting range between the hours of 6:00 a.m. and 11:00 p.m. is presumed to not be engaging in disorderly conduct merely because of the noise caused by the shooting.
6. Effective January 1, 1999, no structure or building may be constructed within six hundred (600) feet of the boundary line of any sport shooting range, unless such structure or building is approved by the Planning Board and the Town Board. A "structure" is defined as "any production or piece of work, artificially built up or composed of parts and joined together in some definite manner and form". "Building" is defined "any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels." Any building or structure located across a public highway from the boundary line of a sport shooting range is exempt from the six hundred (600) foot setback, as long as the Town Board determines that no safety related problems exist.
7. Any addition or remodeling to an existing building or structure is allowed subject to Plan Commission and Town Board approval, as long as said remodeling or addition does not move the building or structure any closer to the boundary line of the sport shooting range.
8. No public park or public walkway shall be permitted within six hundred (600) feet of the boundary of a sport shooting range.

(15) **Obstruction of Streets and Sidewalks**

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 place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings and bridges or other public places by persons passing along or over the same.

(16) **Theft of Library Material**

(a) **Definitions:**

In this Section:

1. "Library" means the Community Library which the Town of Randall is a member pursuant to Sec. 43.53, (1991-1992) Wis. Stats., and the Community Library Joint Operating Agreement of 15 July 1992.

2. "Library material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, videos, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belongs to, on loan to or otherwise in the custody of a library.

(b) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee, and with the intent to deprive the library of possession of the material, shall be subject to the penalty as provided in Sec. 25.04 of this code.

(17) **Indecent Advertising Prohibited**

No person shall within the Town of Randall display any indecent advertisement as provided in Secs. 450.1.1 and 944.23, (1991-1992) Wis. Stats.

9.05.01

(1) **Definitions**

(a) The term "device" means any device, with the exception of snowmobiles, listed or defined in Town of Randall Ordinance 9.05 (9) (b) thru (f). The term "device" also means

a motor vehicle as that term is defined in Chapter 340 of the Wisconsin Statutes, with the exception of snowmobiles.

(b) The term "motor vehicle course" means any prearranged course, route, trail, path or track configured either on land or ice bound waters which has been paved or groomed or worn by continuous use or otherwise prepared for use or used by one or more devices.

(2) **Permit Required**

(a) No person, residence, firm or corporation may use or operate a motor vehicle course without first obtaining a Permit from the Town Board of the Town of Randall.

(b) No person, residence, firm or corporation may use or operate a motor vehicle course within 350 feet of that person's, residence's, firm's or corporation's property line.

(c) No person, residence, firm or corporation may use or operate a motor vehicle course within 350 feet of a residence or house not located on the property of that person, residence, firm or corporation using or operating the motor vehicle course.

(d) Application for Permit

1. Any person desiring to procure a Permit as provided herein shall file with the Town Clerk a written application. The application shall include:

- a. The name and signature of the applicant;
- b. The address of the applicant;
- c. The age and date of birth of the applicant;
- d. The business and residential telephone number of the applicant, if any;
- e. A full, accurate and correct description and location of the motor vehicle course premises;
- f. A full description of the proposed use of the motor vehicle course, including the number and description of devices proposed to use the motor vehicle course;
- g. A description of the nature and use of property adjacent/adjoining to the proposed location of the motor vehicle course,

including the addresses, names and telephone numbers of the property owners adjacent/adjoining to the proposed location of the motor vehicle course.

(e) Granting of Permit

1. Upon filing the application, the Town Clerk shall transmit copies of the same to the Town Plan Commission for its review, consideration and recommendation to the Town Board. The Plan Commission, or its agent shall inspect the premises. Town Board members may also inspect the premises.

2. The Town Plan Commission shall hold a public hearing upon the application not less than ten (10) days from the date of notice. Notice shall be mailed to the applicant and all adjacent/adjoining property owners, all property owners within 350 feet of the proposed motor vehicle course and all property owners of opposite frontages and of properties that may be directly and immediately affected by the proposed motor vehicle course. The public shall be generally notified by publication and posting in the same manner as publication of ordinances and other official notices. The Town Plan Commission shall make a finding as to whether or not the proposed motor vehicle course is allowed by the zoning laws and that all ordinances rules and regulations have been complied with.

The Plan Commission may take into consideration the particular premises, the applicant and the effect upon the adjoining and adjacent property owners.

The Town Plan Commission shall also make a finding whether the proposed motor vehicle course is in the public interest. If the proposed motor vehicle course is not in the public interest, then the Town Plan Commission will send a recommendation to the Town Board recommending that the Permit be denied. It is not in the public interest to grant the Permit if the public will be substantially annoyed or injured, or the comfort, health, repose, welfare or safety of the public will be endangered or affected in a negative way.

3. The Town Plan Commission shall make its recommendation to the Town Board with conditions attached thereto, or deny the application for the Permit.

4. The Town Board, after receiving the Town Plan Commission's recommendation, may act as follows, taking

into consideration the factors listed above and other relevant factors:

- a. Deny the Permit;
- b. Approve the Permit without conditions;
- c. Approve the Permit with conditions;
- d. Table the action and request additional information prior to making a final decision.

5. The Permit, if issued, shall be for one (1) year. The initial grant of the Permit shall expire on the 31st day of December in the year in which the Permit was granted. The Permit shall be effective only to/for the person, firm or corporation to whom the same is issued and upon the premises described in the application. The Permit fee is five hundred dollars (\$500.00) annually and is non-refundable. The Permit fee may be waived by the Town Board.

f. Revocation/Suspension of the Permit

1. The Town Board on recommendation from the Town Plan Commission may suspend or revoke the Permit at any time. The Town Board may suspend or revoke the Permit on the Board's own initiative without a recommendation from the Town Plan Commission. Notice of the suspension or revocation shall be made to the applicant by personal service or by registered mail addressed to the applicant at the premises.

2. If the suspension or revocation of the Permit is for more than one hundred (120) days then the Town Board shall hold a hearing on the matter to determine whether or not the Permit should be permanently revoked. The Town Board may consider all relevant evidence presented, including the application form and the conditions of the Permit. The hearing shall be held within one hundred (120) days from the time that the suspension or revocation begins.

3. All parties shall be permitted to appear at the hearing, give testimony, cross examine witnesses and be represented by counsel. The Town shall make arrangements for a court reporter to be present during the hearing.

4. At the close of the hearing the Town Board shall deliberate and shall issue a decision. The Town Board's decision shall be in writing and sent to the applicant

by registered mail addressed to the applicant at the premises or by personal service.

5. This provision for revocation or suspension of the Permit shall not prohibit or be in lieu of any other forfeiture or penalty contained herein for violation of this ordinance.

(g) Pre-existing Motor Vehicle Courses

This ordinance also applies to all motor vehicle courses in existence at the time of the passage of this ordinance. Upon notice to the owners or operators of existing motor vehicle courses, the owners or operators must apply for a Permit. Notice shall be given by the Town Board by registered mail or personal service. Any person, residence, firm or corporation operating a motor vehicle course who has not obtained a Permit within 60 days after adoption of this ordinance by the Town Board shall be deemed to be in violation of this ordinance.

(h) Hours of Operation

No holder of a Permit shall operate a motor vehicle course except between the hours of 9:00 a.m. and 5:00 p.m., unless the Town Board provides a variance for the same.

(i) Operators of Devices

The operator of any device using a motor vehicle course which has not been granted a Permit may be issued a citation(s) under this subsection.

(j) Conservancy Districts

No motor vehicle course or device shall be allowed in any Conservancy District zoned as C-1 (Lowland Resource Conservancy District) or C-2 (Upland Resource Conservancy District).

(k) Penalty

Any person who shall violate this ordinance shall be subject to the penalties as provided in Town of Randall Ordinance 9.05 (9) (n).

Each violation and each day that the violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town of Randall from maintaining any appropriate action to prevent or

remove a violation of any provision of this ordinance by injunction or other legal means.

(1) Validity

Should any subsection, clause or provision of this ordinance be declared by a court to be invalid, the same should not affect the validity of the ordinance as a whole or any part thereof, other than that part so declared to be invalid.

9.06 CRUELTY TO ANIMALS AND BIRDS PROHIBITED

No person except a peace officer, an enforcement officer or a health or humane officer in pursuit of his or her duties shall within the Town shoot, kill or commit an act of cruelty on any animal or bird or disturb any bird's nests or bird's eggs.

9.07 PENALTY

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 25.04 of this Code of Ordinances. As to restitution which the Municipal Court may order, Sec. 800.093, (1991-1992) Wis. Stats., is hereby adopted by reference and made a part of this section as though set forth in full herein. The parent of any unemancipated minor child may also be held liable for restitution in accordance with Sec. 895.035, (1991-1992) Wis. Stats.