

CHAPTER 10 – PUBLIC SAFETY

SECTION 10.00 ESTABLISHING SPEED LIMITS

This ordinance is adopted by the Town Board of the Town of West Point, Columbia County, Wisconsin.

Section 10.01

No person shall drive a vehicle at a speed in excess of forty-five (45) miles an hour on Lovering Road, Schoepp Road, and Golf Road (from Highway 188 to Steckelberg Drive) in the Town of West Point.

Section 10.02

No person shall drive a vehicle at a speed in excess of forty (40) miles an hour on Chrysler Road (from Van Ness Road to Reynolds Road) in the Town of West Point.

Section 10.03

No person shall drive a vehicle at a speed in excess of thirty-five (35) miles an hour on the town roads known as Gannon Road, Golf Road (from Highway 60 to Steckelberg Drive), Slack Road, Hillcrest Drive, Northern Cross Arm, Badger Run, Partridge Run, Rausch Road, Selwood Road, Crestview, Riechman Road, West Point Drive, Fjords Road, Bannan Court, Vista View Court and Club Circle Drive in the Town of West Point.

Section 10.04

No person shall drive a vehicle at a speed in excess of twenty-five (25) miles an hour on the town road known as Black Hawk Drive, Smith Park Road, Trails End Road, Lake Drive, East Lake Drive, Klamer Road, Ferry View Circle, Pleasant View Circle, Pleasant View Drive, Pleasant View Park Road, in the Town of West Point.

Section 10.05

Any person who violates Sec. 10.01 through Sec. 10.03 shall forfeit a sum equal to that provided in the Wisconsin Revised Uniform State Traffic Deposit Schedule as amended from time to time.

History Note: Adopted 1/25/01.

SECTION 10.20 SWIMMING POOL, HOT TUB, AND WHIRLPOOL SAFETY

Section 10.21 Scope and Definition

For purposes of this Ordinance, a “swimming pool” shall mean any outdoor structure, receptacle, or other artificial pool of water eighteen (18) inches or more in depth at any point, or which is wider than eight feet at any point, and which is used or intended to be used by the owner or invitees for bathing, muscle relaxation, or swimming and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of the swimming pool. This Ordinance shall apply to all swimming pools, above or below the ground elevation including, but not limited to, all receptacles commonly referred to as “hot tubs,” “whirlpools,” or “Jacuzzis,” but does not apply to a child’s temporary swimming or wading pool with a maximum wall height of less than eighteen (18) inches and which is so constructed such that it may be readily disassembled for storage.

Section 10.22 Permit Required

Before work is commenced on the construction or erection of a swimming pool or on any substantial alterations, additions, remodeling, or other improvements to an existing swimming pool, an application for a swimming pool permit must be obtained from the Town Building Inspector. The amount of the permit fee shall be as determined from time-to-time by the Town Board by resolution.

Section 10.23 Swimming Pool Permit Requirements

In order to be issued a permit, a swimming pool shall meet one of the following alternative requirements:

A. Fence

- (1) A swimming pool shall be completely enclosed by a fence at least four (4) feet tall as measured on the exterior side of the fence. The decorative sides of the fence must face outward; and
- (2) The fence shall be of sufficient strength to prevent access to the swimming pool; and
- (3) The fence shall have no openings through which a spherical object five (5) inches in diameter can pass; and
- (4) Gates for the fence shall be self-closing and self-latching with the latch located at least forty inches above the ground on the outside of the fence or on the pool side of the gate with a release mechanism at least five inches below the top of the gate and no opening greater than one-half inch within twenty-four inches of the release mechanism, or be secured by a

padlock or similar device which requires a key or electric opener. The gate must open outward from the pool; and

(5) The fence shall be at least thirty-six inches from the edge of the swimming pool.

B. Cover

(1) A swimming pool shall provide for a safety rated cover which must meet or exceed the standards, performance specifications, and labeling requirements established by the American Society for Testing and Materials ("ASTM"), and be installed according to all applicable National Electrical Codes; and

(2) The safety-rated cover must provide for an automatic attaching system to provide required flotation and must be installed to properly drain to prevent excessive accumulations of water on top of the cover; and

(3) The mechanism to remove the cover must be a lockable mechanism to prevent access to the swimming pool; and

(4) The cover shall remain in place, attached and locked, at all times when the pool is not in use, being serviced, or is otherwise unsupervised; and

(5) The cover shall be maintained at all times to conform to ASTM standards or must be immediately replaced by a new safety rated cover meeting the ASTM standards; and

(6) A spa, whirlpool, or Jacuzzi cover shall be a safety cover which must meet or exceed the standards, performance specifications and labeling requirements established by ASTM and shall be securely fastened in place at all times when the spa, whirlpool, or Jacuzzi is not in actual use. In the event the cover is damaged or in disrepair, the owner shall promptly replace the cover as required by this Ordinance.

Section 10.24 Compliance

Swimming pools in existence at the adoption of this Ordinance shall be exempt from its requirements; provided, however, if the swimming pool is substantially altered, improved, renovated, or an addition added (e.g. replacement of the pool piping or vinyl liner), the swimming pool shall then require a permit and shall comply with all aspects of this Ordinance.

Section 10.25 Penalties

(A) Forfeitures. Any person in violation of this Ordinance shall be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), plus costs of prosecution of each violation. Each day that such violation continues shall constitute a separate offense. The Building Inspector shall have the authority to issue a stop work order pursuant to the provisions of Chapter 8, Section 8.10.

(B) Cash Deposit. In the event of violation of this Ordinance, if enforcement by forfeiture is sought, a cash deposit for inclusion in the citation is established as follows: first offense one hundred dollars (\$100.00); second offense (and each subsequent day of offense) two hundred fifty dollars (\$250.00).

History Note: Adopted 11/11/04.

SECTION 10.30 TOWN PARKS AND TOWN PROPERTY

Section 10.31 Authority

Pursuant to its general statutory authority and powers, including Village powers, an ordinance regulating use of parks and property located within the jurisdiction of the Town of West Point ("Town") is hereby created to read as follows:

Section 10.32 Purpose

The purpose of this Ordinance shall be to set forth regulations governing the conduct of persons and use of properties designated as Town Parks and Town Property within the Town and to further the safety, health, comfort, and welfare of all persons using Town Parks and Town Property.

Section 10.33 Definitions

For purposes of this Ordinance:

(A) "Town Park" is defined as any property designated by the Town as a Town Park.

(B) "Town Property" shall mean any real property owned by the Town that is not designated by the Town as a Town Park, and that provides public access to waterways within the Town limits.

Section 10.34 Hours

No person may enter, use, or remain in any Town Park or on Town Property between the hours of 10:00 pm and 8:00 am for any purpose, without the advance written permission of the Town Board, or as otherwise provided.

Section 10.35 Litter, Garbage, and Glass Bottles

(A) Litter. No person shall leave or deposit in any Town Park or on Town Property any paper, litter, garbage, recyclables or similar refuse except in appropriately marked receptacle containers. If receptacle containers are provided by the Town, no person shall dispose of any garbage or recyclables which are brought in from places outside Town Park or Town Property. If marked receptacle containers are not provided, a carry-in/carry-out policy shall be in effect and all Town Park and Town Property users shall be responsible for taking out with them and appropriate disposing of all paper, litter, garbage, recyclables, or similar refuse. No person shall dump or deposit any rubbish, refuse, earth, or other material in any Town Park or on Town Property.

(B) Glass Bottles. No person shall possess or serve beverages in any glass beverage bottle within any Town Park or on any Town Property.

Section 10.36 Animals in Park or in Town Lands

No person shall permit any dog, cat, or other pet owned by, or which is under the command of, the person to run at large in any Town Park or on Town Property. Pets shall be allowed only if on a leash. All pet waste must be immediately picked up and disposed of off Town Park or Town Property. Bags, scoops, or other appropriate implements for the removal of pet waste must be carried by any person bringing a pet into a Town Park or Town Property.

Section 10.37 Bill Posting

No person shall post, paste, fasten, paint or otherwise attach any placard bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any Town Park or on Town Property, except as authorized by prior written permission of the Town Board.

Section 10.38 Vehicles and Parking

No automobiles, motorcycle, or other motor driven vehicles shall be driven or parked in any Town Park or on Town Property, except in designated parking areas or as provided in Section 10.47(a) below. Every person operating an automobile, motorcycle, or other motor-driven vehicle shall comply with all traffic codes and regulations, and with all orders, directions, and regulations officially displayed.

Section 10.39 Throwing Stones and Missiles

No person shall throw stones or other missiles in or into any Town Park or Town Property.

Section 10.40 Firearms, Fireworks, Bows and Arrows

No person shall carry, shoot, fire, or discharge any gun, pistol, rocket, torpedo, bow and arrow, or any fireworks of any description within or into any Town Park or Town Property, unless authorized in writing by the Town Board of Supervisors.

Section 10.41 Reservation of Town Park Facilities

If Town Park facilities, such as shelters and athletic fields, are constructed, the Town Board may adopt rules and regulations which are reasonably necessary to regulate the conduct and use of the Town Park or its facilities, including establishing a reservation system and user fees.

Section 10.42 Public Nuisances

No radio, television, band instrument, or musical device shall be operated in any Town Park or on Town Property at such volume as to unreasonably interfere with the use and enjoyment of the park or property by other users and neighboring property owners. No Town Park or Town Property user shall act in a manner which violates the Town of West Point Public Nuisances Ordinance.

Section 10.43 Beer and Liquor

No user of a Town Park or Town Property shall sell beer, wine, or other intoxicating liquor in any Town Park or on Town Property without the advance written consent of the Town Board.

Section 10.44 Making of Fires

No person shall start, attend, or maintain a fire except in personal grills. The use of personal grills is permitted, provided lawns and vegetation are not in danger. Unburned fuel and ashes shall be disposed of at a place outside of Town Park and Town Property.

Section 10.45 Camping

No camping shall be permitted in any Town Park or on Town Property without the prior written permission of the Town Board.

Section 10.46 Protection of Town Park or Town Property

No person shall kill, injure, or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any Town Park or on Town Property. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, or cut down, remove, or in any manner injure, deface, write upon or ill-use any tree, shrub, flowers, structure, apparatus, bench, table, official notice, sign, or other property within any Town Park or on Town Property.

Section 10.47 Use of Town Lands by Adjoining Landowners

(A) Subject to the provisions of Section 10.48 below, any landowner whose property abuts and is contiguous to a parcel identified as Town Property shall be allowed to:

(1) maintain an existing driveway between the road right-of-way and the landowner's parcel;

(2) maintain an existing structure on Town Property, so long as, in the sole discretion of the Town, the structure is in good repair, and provided that the structure may be used by the general public;

(3) place or situate benches and picnic tables on Town Property between April 1st and October 31st each year; provided, that all benches and picnic tables are in the sole discretion of the Town, structurally sound and in good condition and available for use by the public. Any bench or picnic table placed on Town Property pursuant to this section shall be clearly marked with the landowner's name and telephone number;

(4) mow the grass on Town Property.

(B) Notwithstanding the provisions of Section 10.48 below, any landowner whose property abuts and is contiguous to a parcel identified as Town Property shall be prohibited from:

(1) constructing or temporarily siting a pier on Town Property

(2) storing boats and/or pier structures on Town Property.

(3) Deposit yard waste and brush on Town Property

Section 10.48 Permit Required

(A) Landowners desiring to use Town Property as mentioned in Section 10.47(a) above, shall make application for a one time permit allowing the landowner's use of the Town Property in writing to the Clerk on a form provided by the Town. No person may apply unless the applicant is a fee-simple record title holder of real property in the Town which abuts or is otherwise contiguous to Town Property in which the use is proposed. The application shall include at least the following information:

- (1) Name, address and telephone number of applicant.
- (2) Proposed location of driveway.
- (3) Names and addresses of owners of land within 200 feet of proposed location of driveway.

(B) Any applicant that has a tenant residing on its real property at the time the application is made, or leases its property to a tenant after obtaining a permit, shall require the tenant to provide, in writing, that the tenant will abide by the terms and conditions of the permit. The applicant shall provide a copy of the tenant's signed consent to the Town within five days of receiving the permit. During the term of any lease, the applicant shall remain liable for the compliance of all tenants with the provisions of the permit.

Section 10.49 Review of Application

The Town Board shall review the application to determine whether issuance of the permit is contrary or inconsistent with the public health, safety and welfare before approving any application.

(A) Among the factors the Town Board may consider is the placement of the driveway, whether the driveway unreasonably interferes with the use or enjoyment of others, including the general public, or any other factors which the Town Board deems appropriate.

(B) The Town Board may, in its judgment, place conditions upon the permit to preserve the interest of the Town and other lawful users of the Town Lands.

(C) Upon approval of the permit, the Clerk shall issue a permit to the applicant.

Section 10.50 Terms, Conditions, Restrictions, Obligations and Responsibilities of Permit Holder

(A) The maintenance, cost of repair, snowplowing and any other expense of the driveway shall be at applicant's exclusive cost and of no cost to the Town whatsoever.

(B) The driveway shall be maintained, repaired and removed in accordance with the specifications of the Town of West Point Ordinances and any other applicable statutes, rules and regulations.

(C) Any permit issued pursuant to this Ordinance may not be assigned or transferred without the prior express written consent of the Town.

(D) The issuance of a permit shall not allow storage of picnic tables or benches on Town Property during the period of year when such property is not allowed pursuant to Section 10.47(c) above.

(E) The issuance of a permit shall not confer upon any applicant any ownership interest in Town Property.

Section 10.51 Fee

The fee for a permit shall be payable to the Town, and shall be set by the Town by Resolution of the Town Board. This permit shall be in effect until the applying landowner no longer holds fee title interest to the property. At such time, the permit shall terminate and the new landowner shall be required to apply for a permit.

Section 10.52 Hold Harmless Agreement and Proof of Liability Insurance

As a condition of approval of any permit, the applicant must agree to indemnify and hold harmless the Town from any and all claims for damages arising out of the applicants use and enjoyment of the Town Property, unless such claim for damages arises out of the negligent or intentional acts of the Town or its officers or agents. In addition, the applicant must obtain a policy of public liability insurance relating to insuring the permitted party in an amount not less than a combined single unit of Five Hundred Thousand and no/100 (\$500,000.00) for bodily injury, disability or death. The applicant shall submit a Certificate of Insurance verifying the required insurance coverage and establishing that the Town is listed as an additional insured, as its interests may appear.

The Town shall be notified immediately of any cancellation, discontinuance or material change in the terms of any insurance required in connection with a permit. If said insurance is cancelled, discontinued or materially changed and not restored within seven (7) days of such action, the Town may revoke the permit without notice on the date immediately proceeding the date in which the liability insurance required and submitted is cancelled, discontinued or materially changed.

Section 10.53 Enforcement

(A) Penalty. Any person violating this Ordinance shall be fined not less than \$50 and not more than \$200 for each offense, plus costs and disbursements. Failure to pay said penalty shall subject the person to further forfeiture plus costs and disbursements and confinement to a county jail not to exceed thirty (30) days. In addition any person who shall cause physical damage to or destroy any Town Park or Town Property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates any Section of this Ordinance may also be held liable for the cost of replacing or repairing such damaged or destroyed Town Park or Town Property in accordance with Section 895.035, Wis. Stats.

(B) Cash Deposit. For purposes of Section 4.03 of Chapter 4 providing for a Schedule of Cash Deposits, the cash deposit for inclusion in the citation is established as follows: First offense - \$50; second offense - \$100; third offense (and each subsequent offense) - \$150.

Section 10.54 Revocation

The Town may revoke a permit issued pursuant to this Ordinance without notice if a person violates the terms of this Ordinance, violates a condition of a permit issued pursuant to this Ordinance, or in the sole discretion of the Town, the Town determines it is no longer in the Town's best interest to allow the use of Town Property by an adjoining landowner or the Town has use or need of the Town Property.

History Note: Adopted 10/9/03 – Amended 05-11-2006.

SECTION 10.60 PUBLIC NUISANCES

Section 10.61 Public Nuisances Prohibited

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of West Point.

Section 10.62 Definitions

(A) Public Nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety to the public
- (2) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

(B) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 10.62(A) of this section:

- (1) All decayed, harmfully adulterated or wholesome food and drink sold or offered for sale to the public.
- (2) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed. (Except approved designated areas.)

(4) All noxious weeds, controlled substances and other rank growth of vegetation.

(5) All animals running at large.

(C) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of 10.62(A) of this section: All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(D) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of 10.62(A) of this section:

(1) All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(2) All buildings erected, repaired, or altered within the fire limits of the Town of West Point in violation of the provisions of the ordinances of the County relating to materials and manner of construction of buildings and structures within said district.

(3) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad signal, or which because of its color, location, brilliance, or manner of operation interferes with the effectiveness of any such device signal or sign.

(4) All trees, hedges, crops, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

- (5) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street, or less than 10 feet above any other public place.
- (6) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- (7) All buildings, structures, or junk vehicles so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
- (8) All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- (9) All loud, discordant, and unnecessary noises or vibrations of any kind, within reason, per zoned location.
- (10) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the town.
- (11) All obstructions of streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- (12) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public access.
- (13) All abandoned refrigerators or ice boxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (14) An unauthorized or unlawful use of property abutting on a public street alley, or sidewalk or on a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (15) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

Section 10.63 Abatement of Public Nuisances

(A) Inspection of Premises. Whenever complaint is made to the Town Chairman that a public nuisance exists within the Town of West Point, he shall promptly notify the Clerk. Whenever practicable, the Town Chairman shall cause photographs to be taken of the premises and shall file the same in the office of the Town Clerk and bring the matter before the Town Board at the next scheduled meeting.

(B) Summary Abatement

(1) Notice to Owner. If the Town Board determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman may direct the Clerk to serve notice on the person causing, permitting, or maintaining such nuisance or upon the owner or occupant of the premises which such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within reasonable time set by the Town Board and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(2) Abatement by Town. If the nuisance is not abated within the time provide, or if the owner, occupant or person causing the nuisance cannot be found, the Town Chairman in all cases, shall cause the abatement or removal of such public nuisance.

(C) Abatement by Court Action. If the Town Chairman determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall file a written report of his findings with the Town Board who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Columbia County in accordance with the provisions of Ch. 280 of the Wisconsin Statutes.

(D) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of West Point or its officials in accordance with the laws of the State of Wisconsin.

Section 10.64 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 costs shall be assessed against the real estate as a special charge.

Section 10.65 Penalty

(A) First Offense. Any person who shall violate this subsection, shall, upon conviction thereof, forfeit not less than one dollar not more than \$100 together with the cost of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days.

(B) Second Offense. Any person guilty of violating this subsection or any part of this subsection who shall previously have been convicted of violation of the same ordinance or subsection shall upon conviction thereof forfeit not less than \$10 nor more than \$200 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

History Note: Adopted 11/12/87