

CHAPTER 12  
LICENSES AND PERMITS

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**12.01 GENERAL PROVISIONS. (1) LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the Town for which a license or permit is required by any provision of this chapter without first obtaining such license or permit from the Town in the manner provided in this chapter, unless otherwise specifically provided.

(2)APPLICATION. Unless otherwise provided, application for a license or permit shall be made in writing to the Town Clerk upon forms provided by the Clerk and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit.

(3)PAYMENT OF FEE. The fees for any license or permit shall be paid at the office of the Town Clerk with the application for such license or permit, except that alcohol beverage license fees shall be paid not less than 15 days prior to the issuance of the license.

(4)FORM. Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the Town by the Town Clerk. The Clerk shall keep a record of all licenses and permits issued.

(5)LICENSE AND PERMIT TERM. (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.

(b)When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

(c)Permits shall be issued for the term set forth in the permit.

(6)EXHIBITION OF LICENSES OR PERMITS. Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(7)TRANSFER. Unless otherwise provided, no license or permit shall be transferable or assignable.

(8)RENEWAL. Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.

(9)SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Town Board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:

(a)Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

(b)Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.

(c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Town upon recommendation of the appropriate Town official.

(d) Expiration or cancellation of any required bond or insurance.

(e) Actions unauthorized or beyond the scope of the license or permit granted.

(f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.

(g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(h) Being delinquent in payment of any taxes, assessments or other claims owed to the Town, or being delinquent in payment of a forfeiture resulting from a violation of any section of this Code.

## **12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

(1) **STATE STATUTES ADOPTED.** The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.075, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision, or future amendments thereto, shall constitute a violation of this section.

(2) **DEFINITIONS.** As used in this section, the following definitions apply:

(a) *Legal Drinking Age.* Twenty one years of age.

(b) *Underage Person.* A person who has not attained the legal drinking age.

(3) **LICENSE APPLICATION.** Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3), Wis. Stats., and shall be filed together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats., with the Town Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under §§125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting a liquor license or an operator's license, the applicant shall permit the Town to secure from the County Sheriffs Department and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee has been paid.

(4) **APPLICATION INVESTIGATION** The Town Clerk shall notify the Town Board of each new license and permit application and the Board shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board.

(5)LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses are included in the Town Fee Schedule on file in the office of the Town Clerk.

(a)*Class “B” Fermented Malt Beverage License.* See §125.26, Wis. Stats.

(b)*Temporary Class “B” License.* 1. Picnic License, Beer. Issued to organizations enumerated in §125.26(6), Wis. Stats., to sell or serve fermented malt beverages at a picnic, meeting or gathering.

2.Picnic License, Wine. No fee shall be charged in the event a license under subpar. 1. above is simultaneously issued. Issued to organizations enumerated in §125.32(5)(a)7., Wis. Stats., to sell or serve wine at a picnic, meeting or gathering. See also §125.51(10), Wis. Stats.

3.Annual Quota. No more than 2 licenses shall be issued to any one organization in any 12 months period.

(c)*“Class B” Intoxicating Liquor License.* See §125.51(3)(e), Wis. Stats.

1.A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fraction thereof remaining until the following June 30.

2.Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which it is issued.

(d)*Reserve “Class B” Intoxicating Liquor License.* 1. License Fee. \$10,000 for the initial license plus regular “Class B” license fee, except that bona fide clubs and lodges are exempt from the initial issuance fee. See §125.51, Wis. Stats.

2.Exception. See §125.51(3)3., Wis. Stats.

(e)*Wholesalers Fermented Malt Beverage License.* See §125.51(2), Wis. Stats.

(f)*Operator ‘s License.* No new operator’s license shall be granted unless the applicant has successfully completed a State certified responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a), Wis. Stats. The Town Clerk- may issue a provisional operator’s license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course. Operator’s licenses shall be issued to any applicant qualified under §125.04(5), Wis. Stats.

(g)*Provisional Operator’s License.* See §125.17(5), Wis. Stats.

(h)*Provisional Retail Alcohol Beverage License.* See §125.195, Wis. Stats

(i)*Transfer of License.* See §125.04(12), Wis. Stats.

(6)OPERATOR’S LICENSE. All applications for an operator’s license, together with the fee, shall be filed in the office of the Town Clerk on or before May 31 of the year the license expires, provided that nothing shall prevent the Town Board from granting any license which is applied for at least 5 working days before a Town Board meeting at any other time.

(a) TEMPORARY OPERATOR LICENSE (cr. Ord 2012-04)

1. A temporary operator license may be issued only to operators employed by or donating their services to, nonprofit organizations, (§125.17(4). Wis. Stats.)

2. No person may hold more than one license of this kind per year

3. License is valid for any period from one to 14 days, and the periods for which it is valid shall be stated on the license.

(7)LICENSE REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all Statutes, ordinances and regulations applicable thereto. Pursuant to §125.04(9), Wis. Stats., a separate license or permit is required for each location or premises.

(8)QUALIFICATIONS FOR LICENSES AND PERMITS. (a) *Natural Persons*. Licenses related to alcohol beverages, issued to natural person under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to §§111.321  
111.322, 111.335 and 125.12(l)(b), Wis. Stats.

2. Have been residents of this State continuously for at least 90 days prior to the date of filing the application for license.

3. Have attained the legal drinking age, except that operators' licenses may be issued to any person who has attained the age of 18.

4. Have submitted proof of having a seller’s permit under §77.61(11), Wis. Stats.

5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course as provided in §125.04(5)(a)5., Wis. Stats., unless the applicant held, within the past 2 years, a “Class A” license or a Class “B” or “Class B” license or permit or a manager’s or operator’s license.

(b)*Criminal Offenders*. No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.

(c)*Corporations*. No license or permit may be issued to any corporation unless the agent of the corporation appointed under §125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of pars. (a) 1. and 3. and (b) above, except that par. (a)2. does not apply to agents.

(9)“CLASS B” LIQUOR LICENSE QUOTAS. The number of “Class B” liquor licenses to be issued hereunder is limited to the number permitted under §125.51(4), Wis. Stats.

(10)LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a)*Consent to Inspection of Premises.* It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by the Town Board without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

(b)*Violation by Agents or Employees.* A violation of this section by a duly authorized agent or employe of a licensee shall constitute a violation of the licensee.

(c)*Sales to Underage Persons Restricted.* No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(d)*Sales by Clubs.* No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(e)*Transfer of License.* No license shall be transferable from person to person except as provided in §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.

(f)*Location of Premises Restricted.* No retail Class B license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises so licensed on June 30, 1947.

(g)*Safety and Health Requirements.* No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the Town.

(h)*Operator on Duty Required.* The licensee, a member of his immediate family or a licensed operator must be present at all times in the immediate area open to the public where alcohol beverages are being served.

(i)*Disorderly Conduct and Gambling Prohibited.* Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(j)*Posting of Licenses Required.* Licenses or permits issued under this section shall be posted and displayed as provided in §125.04(10), Wis. Stats., and any licensee or per-

mittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(k)*Live Music and Dancing.* Dancing and live music shall be permitted in any premises holding a “Class B” liquor license, provided that such dancing and music is limited to the building only and does not constitute a nuisance in the neighborhood.

(11)NUDE DANCING IN LICENSED ESTABLISHMENTS. (a) *Intent.* The Town Board intends that the enforcement of this subsection shall be used primarily to combat the secondary effects that tend to follow unregulated live, totally nude, non-obscene erotic dancing in bars and taverns such as prostitution, sexual assault and other criminal activity, and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational or scientific value. The Town Board further intends that the enforcement of this subsection shall be consistent with the first amendment to the United States Constitution; Article I, Section 3 of the Wisconsin Constitution; and the compelling State interest in protection of the free flow of ideas.

(b)*Prohibited.* It is unlawful for any person to perform or engage in or for any licensee or manager or agent of the licensee to permit any person, employe, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

1. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a full opaque covering; or
2. Shows any portion of the female breast below a point immediately above the top of the areola; or
3. Shows the covered male genitals in a discernibly turgid state.

(c)*Exemptions.* The provisions of this subsection do not apply to theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employes engaging in nude erotic dancing.

(d)*Definitions.* For purposes of this subsection:

1. Licensed Establishment. Any establishment licensed by the Town to sell alcohol beverages pursuant to Ch. 125, Wis. Stats.
2. Licensee. The holder of a retail “Class A” or “Class B” license granted by the Town pursuant to Ch. 125, Wis. Stats.

(e)*Penalties.* Any person who violates any of the provisions of this subsection shall be subject to a forfeiture as provided in sec. 25.04 of this Code. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this subsection constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under §125.12, Wis. Stats.

(12)CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a)*Wholesale License.* Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b)*Retail Class B License.* No premises shall be open for the sale of intoxicating liquor or fermented malt beverage between the hours of 2:00 A.M. to 6:00 A.M., except on Saturday and Sunday the closing hour shall be 2:30 A.M.; on January 1 there are no closing hours.

(c)*Hotels and Restaurants.* Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (b) above.

(d)*Presence on Premises After Closing Hour Restricted.* 1. Any person who is not an employe of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.

2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.

(13)SALE OF CLASS B PACKAGED GOODS. (a) *Sale Restrictions.* Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any “Class B” intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(b)*Hours of Sale.* Between the hours of 12:00 midnight and 8:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

(14)UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. (a) *Restrictions.* Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employe. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(b)*Exceptions.* Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employe, lodger or boarder on the licensed premises.

2. Licensed restaurants where the principal business is that of a restaurant.



3. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.

4. An underage person who enters on Class “B” or “Class B” premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Town Clerk of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

(15) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES. (a) *Restrictions*. Pursuant to §125.07(4)(b) and (bm), Wis. Stats., any underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may not knowingly possess or consume alcohol beverages.

(b) *Exceptions*. An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class “B” or “Class B” permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in §§125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.

(c) *Selling or Serving Alcohol Beverages*. Pursuant to §§125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class B premises, provided that such underage person is a licensed operator or is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

(16) REVOCATION AND SUSPENSION OF LICENSES. (a) *Procedure*. Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Town Chairperson or by the Town Board upon its own motion.

(b) *Repossession of License or Permit*. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Town Clerk shall notify the licensee or permittee and the Town Constable of such revocation or suspension and the Constable shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk.

(c) *Effect of Revocation of License*. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

**12.03 CIGARETTE RETAILER LICENSE.** (1) **REQUIRED.** No person shall sell cigarettes in the Town without first obtaining a license from the Town Clerk. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.

(2)**LICENSE FEE.** See the Town Fee Schedule on file in the office of the Town Clerk.

**12.04 COIN OPERATED MACHINES.** (1) **DEFINITION.** A coin operated machine is any machine activated by the insertion of a coin or coins and designed for amusement of the person operating the device or the sale of certain products, including, but not limited to, jukeboxes; video and pinball machines; pool, shuffleboard and similar games; and cigarette, newspaper, food and beverage vending machines.

(2)**LICENSE REQUIRED.** No person shall install, lease or set up any coin operated machine for use on any premises in the Town without first obtaining a license from the Town Clerk.

(3)**APPLICATION.** (a) Application for a license hereunder shall be made to the Town Clerk on a form furnished by the Clerk. The following information shall be required:

- 1.The applicant's name.
- 2.Type, brand and general description of all machines.
- 3.Identifying numbers of all machines.
- 4.Location of machines.

(b)The applicant shall consent in such application to reasonable inspection of his devices to determine ownership and character of the device.

(4)**FEE.** See the Town Fee Schedule on file in the office of the Town Clerk.

(5)**POSTING OF LICENSES.** All licenses for coin operated machines shall be attached in plain view upon the respective licensed devices.

(6)**PRIZES AND GAMBLING PROHIBITED.** No person shall offer, make, give or award any prize, money or coin to any person through or by reason of the use or operation of a coin operated machine. No licensee shall permit his coin operated devices to be used for gambling purposes.

**12.05 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS.** (1) **DEFINITIONS.** (a) *Peddler.* A person who goes from place to place within the Town offering for sale property which he carries with him. It includes vendors who distribute their products to regular customers on established routes.

(b)*Canvasser or Solicitor.* A person who goes from place to place within the Town soliciting orders for the future delivery of property or for services to be performed in the future. It does not include any person who occupies any place within the Town for the purpose of exhibiting samples and taking orders for future delivery.

(c)*Transient Merchant.* A person who engages, at a fixed location in the Town, in the temporary business of selling property at such location. It does not include a person who

does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

(2)LICENSE REQUIRED. Except as provided by sub. (3) below, no person shall conduct any of the activities enumerated in sub. (1) above without a license therefor, as provided by this section.

(3)EXEMPTIONS. No license shall be required hereunder of the following:

(a)Persons selling personal property at wholesale to dealers in such articles.

(b)Newsboys.

(c)Children under 18 years of age who are residents of the Town.

(d)Merchants or their employes delivering goods in the regular course of business.

(e)Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.

(f)A veteran holding a special State license under §440.51, Wis. Stats., but he shall comply with subs. (7) through (11) below.

(g)Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization, but shall comply with subs. (8), (10) and (11) below.

(h)Sales required by statutes or order of a court.

(i)Bona fide auction sales conducted pursuant to law.

(4)INVESTIGATION FEE. At the time of filing his application, the applicant shall pay to the Town Clerk \$5 to cover the cost of investigation of the facts stated in the application.

(5)INVESTIGATION. The Chief of Police shall cause the applicant and the facts stated in the application to be investigated and shall, within 5 days, return the application to the Town Clerk with his endorsement approving or disapproving the application.

(6)BOND. (a) *When Required.* Every applicant who is not a resident of Washington County or who represents a firm whose principal place of business is located outside of the State shall file with the Town Clerk a surety bond in the amount of \$500, approved by the Town Chairperson, conditioned that the applicant will comply with all provisions of the ordinances of the Town and State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee.

(b)*Action on Bond.* Action on such bond may be brought by any person aggrieved.

(7)EXCESSIVE NOISE PROHIBITED. No person licensed hereunder shall, in hawking his wares, create any noise annoying to a person of ordinary sensibilities.

(8)USE OF STREETS. No licensee shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(9)DISPLAY OF LICENSE. Any person licensed hereunder shall carry his license with him while engaged in licensed activities and shall, upon request, display such license to any officer of the Town or any person with whom he seeks to do business.

(10)HOURS RESTRICTED. No person licensed hereunder shall call at any residence or other place between 9:00 P.M. and 9:00 A.M., except by appointment.

(11)PROHIBITED PRACTICES. No licensee shall:

(a)Call at any place where a sign is displayed bearing the words “No Peddlers,” “No Solicitors” or words of similar meaning.

(b)Remain on the premises after being requested to leave by the owner, occupant or person in authority.

**12.06 JUNK DEALERS.** (1) LICENSE REQUIRED. No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefor, and all articles and things discarded as manufactured articles commonly referred to as “junk,” without first obtaining a license from the Town Board. No Town license shall be issued until the applicant has obtained a State Salvage Dealers License under §218.205, Wis. Stats.

(2)EXCEPTION. No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site, as provided in sec. 10.06 of this Code.

(3)APPLICATION. Applications for such license shall be made on forms supplied by the Town Clerk and filed with the Clerk.

(4)LICENSE FEE. See the Town Fee Schedule on file in the office of the Town Clerk.

(5)REFERRAL TO TOWN BOARD. The application shall be referred to the Town Board which may grant, grant with conditions, or deny the license.

(6)RESTRICTIONS APPLICABLE TO JUNK DEALERS. (a) No junk shall be displayed or stored outside the fenced area of the premises.

(b)(Rep. Ord. #1-06)

(c)No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Town Board.

(d)(Am. Ord. #1-06) No more than 15 junked cars shall be stored at any one time unless a greater number is permitted through a conditional use permit issued by the Town for the

zoning district in which the salvage or junk yard is located or the operation is a legal nonconforming use under ch. 17 of this Code.

(e)Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.

(f)Every license hereunder shall comply with all applicable provisions of this Code and all applicable State and Federal laws and regulations.

(g)Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by police officers at any time.

(h)No junk shall be purchased from any person under 16 years of age without the written consent of the parent or guardian of such person.

(7)REVOCATION AND SUSPENSION OF LICENSE. (a) Upon complaint being made in writing by any official of the Town to the Town Board that any licensee hereunder has violated any of the provisions of this section, the Town Board shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than 10 days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Town Board shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the Building Inspector and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

(b)Whenever a license is revoked, the licensee shall have a period of 45 days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

(8)DEFINITION (Cr. Ord. #1-06). The terms “junk” and “junked vehicles” shall have the meaning stated in sec. 10.06 of this Code.

**12.07 MOBILE HOMES AND MOBILE HOME PARKS.** (1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of §66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

(2)PARKING OUTSIDE LICENSED MOBILE HOME PARKS. (a) *Restricted.* No occupied mobile home shall be permitted to be located in the Town unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.

(b)*Exception.* Paragraph (a) above is not intended to restrict the location of one-family manufactured homes which meet the applicable one-family standards set forth in Ch. 101, Wis. Stats.

(3)PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the Town a mobile home park without having first

secured a license therefor from the Town Board. The application for such license shall be filed with the Town Clerk and shall be accompanied by a fee of \$2 for each space in the existing or proposed park, but not less than \$25. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference. The license transfer fee is \$10.

(4)ADDITIONS TO PARKS. Licensees of mobile home parks shall furnish information to the Town Clerk and Assessor on such homes added to their parks within 5 days after their arrival on forms furnished by the Clerk.

(5)PARKING PERMIT FEES. There is imposed on each mobile home located in the Town a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the Town Clerk, monthly, on or before the 10th day of the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats.

(6)TEMPORARY USE. This section shall not prohibit the temporary use of any mobile home or recreational vehicle by the personal guests of the owner of property within the Town provided such use shall be limited to 15 days in any one calendar year. With the permission of the Town Board, the owner of property whose dwelling has been substantially damaged by fire or other accidental means may be permitted to keep a mobile home in the Town for a period of not to exceed 4 months upon payment in advance of the monthly parking permit fee required under this section.

(7)TERMINATION OF PERMISSION TO MAINTAIN MOBILE HOME. The Town Board shall have the power, after notice to the owner of any mobile home, the occupant thereof, or the owner of the land on which it is located, to require such mobile home to be removed from the Town if such mobile home has fallen into neglect, is unfit for dwelling purposes, is a detriment to the valuation of adjoining properties, or if any provision of this section has been violated.

**12.08 REGULATION AND LICENSING OF DOGS.** (1) DOG LICENSE REQUIRED. It shall be unlawful for any person in the Town to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.

(2)LICENSE FEES. See the Town Fee Schedule on file in the office of the Town Clerk.

(3)LATE FEES. The Town Treasurer shall assess and collect a late fee from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

(4)CHANGE OF OWNERSHIP. If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee as designated on the Town Fee Schedule on file in the office of the Town Clerk.

(5)TRANSFER PROHIBITED. No person shall use for any animal a license receipt or license tag issued for another animal.

(6)KENNEL LICENSE OPTION. The owners of kennels may opt to pay a kennel license fee of \$50 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Town Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential area. A conditional use permit is required for a kennel, see section 17.17(4).

(7)RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the Town which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

(8)DEFINITIONS. In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

(a)*Owner.* Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b)*At Large.* A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.

(c)*Kennel* Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

(9)RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the Town to own, harbor or keep any dog which:

(a)Habitually pursues vehicles upon any street, alley or highway.

(b)Molests passersby or assaults or attacks any person without provocation.

(c)Is at large within the limits of the Town.

(d)Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals.

(e)Kills, wounds or worries any domestic animal.

(10)DOGS RUNNING AT LARGE AND UNTAGGED DOGS. (a) *Dogs Running at Large.* A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (8)(b) above.

(b)*Untagged Dogs.* A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(c)*Dogs Subject to Impoundment.* Peace officers shall attempt to capture and restrain any dog running at large and any untagged dog.

(d)*Penalties.* If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit \$50 for the first offense and \$100 for subsequent offenses.

(11)DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Sheriff.

(12)QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (a) *Quarantine or Sacrifice of Animal.* The Health Officer may order a dog or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b)*Quarantine Order.* If a quarantine is ordered, the owner of the dog shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

(13)SETTING ANIMALS AT LARGE PROHIBITED. No person shall open any door or gate of any private premises for the purpose of setting any dog or other animal at large, except the owner of such animal.

(14)IMPOUNDING AND DISPOSITION OF DOGS. (a) *Impounding of Dogs.* A police officer or other person restraining a dog running at large shall notify the County Humane Society or take such animal to the Humane Society. The police officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

(b)*Release of Dog to Owner or Representative.* The pound may release the dog to the owner or his representative if the owner or representative:

- 1.Gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
- 3.Pays the dog's boarding fee.

(c)*Release of Dog to Person Other Than Owner.* If the owner of the dog is unknown or does not reclaim the dog within 7 days, the pound may release the dog to a person other than the owner if such person:

- 1.Gives his name and address.
- 2.Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(15)NUMBER OF DOGS PER HOUSEHOLD LIMITED. No person, except a kennel licensee, shall own, harbor or keep more than 3 dogs that are more than 5 months of age



except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 3 dogs are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such dogs.

(16)PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed:

(a)*Failure to obtain Rabies Vaccination.* A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b)*Refusal to Comply With Quarantine Order.* An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

**12.09 KEEPING OF VICIOUS DOGS REGULATED.** (1) DEFINITIONS. The terms used in this section are defined as follows:

(a)*Vicious Dog.* 1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

2.Any dog which attacks a human being or another domestic animal without provocation.

3.Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

4.Any pit bull dog.

(b)Pit Bull Dog.

1.The pit bull terrier breed of dog.

2.The Staffordshire bull terrier breed of dog.

3.The American pit bull terrier breed of dog.

4.The American Staffordshire terrier breed of dog.

5.Dogs of mixed breed or of other breeds than listed under subpars. 1. to 4. above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.

(2)REQUIREMENTS AND PROHIBITIONS. (a) *Leash and Muzzle.* No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in

length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Town Board.

(b)*Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c)*Confinement Indoors.* No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d)*Prohibited in Multiple Dwellings.* No vicious dog may be kept within any portion of any multiple dwelling.

(e)*Signs.* All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f)*Insurance.* All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Town Board of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Town Chairperson. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

(3)**VICIOUS DOG DETERMINATION.** The Town Board shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Board makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this section.

(4)**APPEAL OF VICIOUS DOG DETERMINATION.** Any person aggrieved by the determination of the Town Board, as provided in sub. (3) above, may appeal such determination with the Town Board.

(5)DISPOSITION OF VICIOUS DOGS. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by the Town Board or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(6)PENALTY. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

**12.10 KEEPING OF WOLF-DOG HYBRIDS REGULATED.** (1) DEFINITIONS. The terms used in this section are defined as follows:

(a)*Wolf-Dog Hybrid.* Any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo or resulting from the mating of any wolf-dog hybrid and another wolf-dog hybrid or a domesticated dog.

(b)*Canine Animal.* Includes all members of the family canidae except foxes.

(c) *Domesticated Dog.* Canis familiaris.

(d) *Wolf.* Includes both canis lupus and canis niger.

(e) *Coyote.* Canis latrans.

(f) *Jackal.* Canis aureus.

(g) *Dingo.* Canis dingo.

(2)ENCLOSURE REQUIREMENTS. A wolf-dog hybrid may be kept only in an enclosure that meets the following minimum requirements:

(a)The enclosure shall be constructed of woven, galvanized after weaving wire, securely anchored by stainless steel or copper rings. Such enclosure shall be not less than 500 square feet in extent plus 250 square feet for each additional canine animal kept therein and shall be the location in which the animal is primarily kept.

(b)The enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of 4 feet by 1/4 inch galvanized mesh screening.

(c)The base and top of the enclosure shall be constructed of securely anchored wire mesh and extend inward a distance of not less than 2 feet at the top of each enclosure at an angle of not less than 450, and at the base shall be covered by at least 4 inches of crushed stone.

(d)The enclosure shall be kept locked with a case hardened lock at all times when the animal is unattended and the enclosure shall have double entrance gates or doors so as to prevent an animal from escaping past an open gate or door.

(e) Any person who was, at the time of the enactment of this section, the owner of a single wolf-dog hybrid may obtain an exemption from the requirements of sub. (2) above by obtaining an inspection by the Building Inspector. The inspection fee shall be \$50. The Inspector shall file a report with the Town Board as to the adequacy of the enclosure to protect the safety of the public and provide for the well being of the animal. The Board shall review the report and if the Board is satisfied that the owner has provided a secure enclosure that is adequate for the protection of the public and the well being of the animal, it may issue a written exemption from the terms of sub. (2) above. Such exemption shall be valid for the animal's lifetime provided, however, that a conviction of the owner for allowing the animal to run at large in violation of this section shall void such exemption. In issuing exemptions, the Board shall consider the size and observed behavior of the animal and any prior convictions of the owner for allowing any animal to run at large. The Board may require modifications to be made to existing enclosures as a condition of issuing an exemption.

(3) WOLF-DOG BITES; SACRIFICE OF ANIMAL. Every person, including the owner of a wolf-dog hybrid, who knows such animal has bitten any person shall immediately report such fact to the Town Chairperson. Pursuant to §95.21(4)(b) and (6), Wis. Stats., the Chairperson may kill such animal, taking care to preserve the head, and deliver such animal to a veterinarian for preparation of the carcass to be sent to the State Laboratory of Hygiene for testing.

(4) TRANSPORTATION. A wolf-dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with fine mesh screen. This paragraph does not prohibit the walking of such animal on a leash, provided that said animal is muzzled at all times.

(5) REGISTRATION PAPERS. In order to insure compliance with the terms of this section, no person in possession of any registration papers, certificate, advertisement or other written evidence by which the blood lines of a canine animal found within the Town or its ownership might be ascertained may refuse to produce the same for the inspection of any law enforcement, conservation or public health officer or court upon demand.

(6) EXCEPTION. The provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of such animals in the ordinary course of their practices. dog hybrid.

(7) PENALTY. Violation of any provision of this section, except sub. (7) above, shall be subject, upon conviction, to a forfeiture of not less than \$75 nor more than \$500 plus the costs of prosecution for each violation. Any person who violates sub. (7) above shall forfeit not more than \$1,000 plus the costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the County jail for up to 30 days for each violation or until payment has been made.

**12.11 STORAGE OF JUNKED AUTOMOBILES (Cr. Ord. #6-07).** (1) No person, firm, partnership or corporation, shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the Town, except upon a permit issued by the Town Board.

(2)No accumulation or storage of such material shall be permitted within 500 feet of the center line of any town road, except upon a permit issued by the Town Board.

(3)The permit issued by the Town Board shall be signed by the Chairperson and Clerk, thereof, and shall specify the quantity and manner of storing such junk. Such permit shall be revocable at any time by the Board after a hearing at which it has been found that the permit holder has failed the refuse to comply with the ordinance or restriction providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the Town Board upon its own motion, or upon the complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such regulation. A copy of the complaint, together with a notice of the hearing, shall be served upon the permit holder not less than 10 days prior to the date of hearing.

(4)Any person, firm, partnership or corporation now engaged in the business of accumulating or storing and leading accumulated or stored junked automobiles, or parts thereof, outside of any building on real estate within the corporate limits of any city or village, or within 2,000 feet outside of the corporate limits of a city or village, or within 750 feet of the center line of any State trunk or Federal highway in any town on August 19, 1939, may, at any time within 6 months after such date upon application therefore to the Town Board upon showing such facts, be granted a permit for such place of accumulation or storage; any person, firm, partnership or corporation succeeding a business now engaged in the accumulating or storage and leading accumulated and stored junked automobiles, or parts thereof, outside of any building on real estate, as here and before provided, may likewise be granted such permit.

(5)For purposes of this section, "junked automobile" means any automobile which cannot be safely or legally operated, either because it is partially disassembled or wrecked or otherwise disabled or mechanically nonfunctional or because it is without current registration or registration plates.

(6)Any person, firm, partnership or corporation violating any provision hereof shall, upon conviction, be subject to a forfeiture of not less than \$10 nor more than \$50 for each offense and, in default of payment of said forfeiture, shall be imprisoned in the County jail for a period not exceeding 30 days. Each day that a junk automobile, as herein defined, shall be stored contrary to the provisions hereof, shall constitute a separate and distinct offense.

**12.15 PENALTY.** Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.