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, professional 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 Town 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 permit- ted, 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 transfer- able 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 §111.335 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, 125.29, 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 Sheriff's 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 "A" Fermented Malt Beverage License.* See 125.25, Wis. Stats.

(b) *Class "B" Fermented Malt Beverage License.* See §125.26, Wis. Stats.

(c) *"Class A" Intoxicating Liquor License.* See §125.51(2), Wis. Stats.

(d) *"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.

(e) *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.

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

(g) *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.

(h) *Provisional Operator's License.* See §125.17(5), 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.

(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(1)(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. However, this subparagraph shall not apply to operators.

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" or "Class C" 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 employee 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 permittee 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, employee, 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, per- forming 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 pre- dominant 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, employees 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) *Class "A" Retailers.* No premises for which a Class "A" license or permit has been issued may remain open between the hours of 9:00 P.M. and 8:00 A.M.

(d) *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.

(e) *Presence on Premises After Closing Hour Restricted*. 1. Any person who is not an employee 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 pack- age, 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 employee. 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, employee, 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 A or 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, SUSPENSION AND NONRENEWAL 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, suspension or nonrenewal 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. However, no license shall be suspended, revoked or nonrenewed for the following reasons:

1. A single violation of serving an underage person in a one-year period and no more than one citation may be issued for a single violation.

2. Possession of not more than 5 video machines.

(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 a law enforcement officer of such revocation or suspension and the Officer 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 or vend 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 Town Fee Schedule on file in the office of the Town Clerk.

12.04 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 therefore, 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 §218.0114, 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. The license year shall commence on July 1 of each year.

(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) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.

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

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

(f) 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.

(g) No junk shall be purchased from any person less than 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 com- plaint 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 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 said complaint 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. and constructed with facilities and amenities to commonly be used for human habitation as permanent living quarters for a year round residence that is constructed off-site and delivered to the installation site by motor vehicle via public highways.

12.05 MOBILE HOMES AND RECREATIONAL VEHICLES. (1) DEFINITIONS. The terms used herein shall be defined as follows:

a) *Mobile Home, single and double wide*. A structure that is or was engineered, designed and constructed with facilities and amenities to commonly be used for human habitat as permanent living quarters for a year round residence that is constructed off-site and delivered to installation site by motor vehicle via public highways.

(b) *Recreational Vehicles.* Vehicles that are or were engineered, designed and constructed originally to be used as temporary housing when traveling and or for recreational purposes and not intended for year round living quarters. Such vehicles may commonly be termed, but not limited to, truck campers, campers, travel trailers, fifth wheelers and or motor homes as may be transported from place to place via a motor vehicle using public highways.

(2) MINIMUM SIZE, YEAR MANUFACTURED AND CONSTRUCTION TYPE REQUIREMENTS. (a) Minimum exterior width shall be 14 feet.

(b) Minimum exterior wall thickness shall be 6 inches.

(c) Roofs shall be of gable type construction with a roof pitch not less than 3 inches for each 12 inches of rise.

(d) Year mobile home is manufactured shall be no more than 15 years from year building permit is submitted.

(3) SINGLE WIDE FOUNDATION AND TIE-DOWN REQUIREMENTS. (a) A mobile home unit and its supports shall be set upon, but not limited to, cement runners. Specifications shall meet engineered requirements as set by the original manufacturer or its dealer.

(b) A mobile home unit shall be permanently supported and shall be anchored with tie down type appendage to the ground as to meet requirements as engineered by the original manufacturer or its agent.

(c) All spaces between ground level and the exterior side of the mobile home unit shall be completely enclosed with the same type of material as the exterior of said home.

(4) DOUBLE WIDE FOUNDATION AND TIE-DOWN REQUIREMENTS. (a) Double wide mobile homes shall be installed on a full concrete slab with all spaces between ground level and the exterior sides of said home shall be of permanent concrete or masonry, having a foundation like appearance.

(b) Double wide mobile homes shall be permanently anchored with tie-down appendage to meet the requirements as engineered by the original manufacturer and/or dealer or their agent.

(5) CONFIRMATION OF REQUIREMENTS. (a) It shall be the responsibility of the owner or his agent to present documentation and plans to the Town or its agent upon application for a building permit to confirm that requirements for the installation of mobile homes in the Town of are being met.

(6) RECREATIONAL VEHICLES. (a) Recreation vehicles shall be registered and licensed annually by the Wisconsin Department of Motor Vehicles.

(b) Shall not be permanently attached to the ground in any manner preventing ready removal.

(c) Shall not have wheels (tires) removed; except for repair, preventing ready removal.

(d) Shall not be permanently attached to a private sewage system.

(e) Shall have no permanent addition attached.

(7) MOBILE HOMES PERMITTED PER PARCEL OF LAND. (a) Only one mobile home dwelling shall be permitted per registered tax parcel of land.

(b) Any owner of a registered tax parcel of land having 2 or more mobile homes installed on said property shall be considered operating a mobile home park.

(c) A mobile home, single or double wide, shall not be used for any purpose other than originally intended for human habitation.

(d) Installing or placing 2 or more mobile home units adjacent to each other to create one dwelling are prohibited.

(8) MOBILE HOME PARKS. (a) *Definition.* A mobile home park is defined as 2 or more mobile homes; single or double wide, installed on a single registered tax parcel of land.

(b) *Prohibited.* The Town Board prohibits the formation of any mobile home park within the Town, except that a petition for a variance for the purpose of forming a mobile home park may be submitted to the Town Board, and said petition shall be determined by a referendum vote of the Town electors.

(9) BUILDING PERMITS. (a) A building permit which meets the requirements set forth in the Building Code shall be issued before any mobile home may be moved into or within the Town

(b) A building permit shall not be required for the removal or dismantling of any mobile home.

(10) EXISTING NONCONFORMING MOBILE HOME UNITS. (a) Pursuant to sub. (7) above, a property owner may petition the Town Board for a conditional use permit showing just cause for not removing an illegal mobile home unit from the property and the boundaries of the Town.

(b) Any mobile home unit determined by the Town Board to be considered abandoned, in such disrepair as not to be fit for human habitation, a health hazard, a nuisance and/or causing a blight upon the landscape shall be removed from within the boundaries of the Town or demolished with proper disposal of waste materials.

(11) PENALTIES. Any person who does not comply with the requirements of this section shall be subject to a forfeiture of $350 plus $50 per day for each day of noncompliance plus the costs of prosecution and court costs upon conviction. In addition, the mobile home shall be removed at the cost of the owner.

12.06 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 FEE. The dog license fees are included in 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 of $5 from every owner of a dog 7 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 of $2.

(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 $55 for a kennel of 12 dogs or less plus $5 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 kennel owners. No kennel may be located in a residential area, except by conditional use permit.

(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 per- son harboring or keeping a dog or other animal, who knows that such animal has bitten any per- son 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.* A law enforcement 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, a peace 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.

(14) IMPOUNDING AND DISPOSITION OF DOGS. (a) *Impounding of Dogs.* Any peace officer or other person restraining a dog running at large shall take such animal to a pound designated by the Town Board. The peace officer or person 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) 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 or 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.

12.07 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 only.

(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 therefore, 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 employees delivering goods in the regular course of business.

(e) Farmers or truck gardeners offering to sell the products of the farm or gar- den 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 Town Clerk shall request the County Sheriff to cause the applicant and the facts stated in the application to be investigated and to return the application to the Town Clerk with his endorsement recommending approving or disapproving the application.

(6) BOND. (a) When Required. Every applicant who is not a resident of the 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.

12.08 ADULT-ORIENTED ESTABLISHMENTS. (1) INTENT. The Town Board intends that the enforcement of this section shall be used primarily to combat the obscenity industry 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 section 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.

(2) DEFINITIONS. The terms used herein shall be defined as follows:

(a) *Adult-Oriented Establishment.* This term includes, but is not limited to, adult entertainment stores, adult theaters, adult mini-theaters, adult cabarets and any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult entertainment, whether or not such adult entertainment is held, conducted, operated or maintained for commercial gain.

(b) *Adult Entertainment Store*. An establishment, including in its stock in trade for sale, rent, lease, inspection or viewing, books, films, video cassettes, DVD's, novelties, magazines or other periodicals which have as their dominant theme or are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(c) *Adult Theater*. An enclosed building with a capacity of 50 or more persons used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.

(d) *Adult Mini-Theater*. An enclosed building with a capacity of less than 50 persons, used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.

(e) *Adult Cabaret*. An establishment which features topless dancers, strippers or similar entertainers.

(f) *Adult Entertainment.* Any exhibition of any motion picture, video cassette, live performance, display or dance of any type which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities," "specified anatomical areas," the removal of articles of clothing or partial or total nude appearance.

(g) *Operator.* Any person, partnership, corporation or other organization operating, conducting, maintaining or owning any adult-oriented establishment.

(h) *Specified Anatomical Areas.* 1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state, even if opaquely covered.

(i) Specified Sexual Activities. Simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal.

2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.

3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(3) ADULT-ORIENTED ESTABLISHMENT LICENSE REQUIRED. (a) No person may engage in, conduct or carry on the operation or maintenance of an adult-oriented establishment without first obtaining a valid adult-oriented establishment license issued under this section.

(b) A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person desiring to operate more than one adult-oriented establishment must have a license for each adult-oriented establishment.

(c) Any adult-oriented establishment existing at the time of the passage of this section must submit an application for a license within 60 days of the passage of this section.

(4) EXEMPTIONS. The provisions of this section relating to the licensing of adult- oriented establishments shall not apply to establishments such as 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, employees engaging in nude erotic dancing.

(5) APPLICATION FOR ADULT-ORIENTED ESTABLISHMENT LICENSE. (a) Any person desiring to obtain an adult-oriented establishment license shall pay the required fee of $250 to defray the costs of administration and investigation of the application.

(b) Any person desiring an adult-oriented establishment license shall file a written application with the Town Clerk on a form provided in the Clerk's office. The information provided to the Clerk shall be given under oath.

1. Corporation. If the applicant is a corporation, the name of the corpo- ration shall be set forth exactly as set forth in its articles of incorporation together with the date and state of incorporation and the names and residence addresses of each of its officers, directors and each stockholder holding 5% or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation.

2. Partnership. If the applicant is a partnership, the application shall set forth the name of the partnership and the name and residence, address of each of the partners, including limited partners, and be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.

3. Others. If the applicant is neither a corporation nor a partnership, the application shall set forth the true full name and residence address of the applicant and be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous 5 years.

(c) The application also shall set forth the proposed place of business of the adult-oriented establishment by business address, including suite number, and not by post office box and shall contain a description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant if an individual; each officer and director and all stockholders who own 5% or more of the stock or beneficial ownership if the applicant is a corporation; and each partner, including limited partners, if the applicant is a partnership:

1. The previous residence address, if any, for a period of 3 years immediately prior to the date of application and the dates of such residence.

2. Written proof that the individual is at least 18 years of age.

3. A complete set of fingerprints.

4. The business, occupation or employment history for 3 years immediately preceding the date of application, including, but not limited to, whether such person previously operated under any permit or license in another municipality in this or another state and whether any such permit or license had ever been suspended or revoked.

5. All convictions in any state or Federal court within the past 5 years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.

6. All pending criminal charges in any state or Federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.

7. The names of persons who will have custody of the business records at the business location.

8. The name and address of the person who will be the agent for service of process.

9. Such other information relating to the application as may be required by the Plan Commission.

(d) The application shall include the proposed hours of operation and a detailed floor plan.

(e) The Town Clerk shall notify the Chief of the Fire Department and the Building Inspector of any adult-oriented establishment license application and these officials shall inspect or cause to be inspected each such application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Town Board, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying within 5 business days of receipt of notice from the Town Clerk.

(f) Within 30 days of receiving an application for license, the Town Board shall grant, with conditions, or deny a license to the applicant. The Town Clerk shall notify the applicant whether the application is granted or denied.

(g) Whenever an application is denied, the Town Clerk shall advise the applicant, in writing, of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the Town Board.

(h) Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding said application or refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial.

(6) STANDARDS FOR ISSUANCE OF AN ADULT-ORIENTED ESTABLISHMENT LICENSE. The Town Board shall issue an adult-oriented establishment license if, upon recommendation by the Plan Commission, it finds that:

(a) The required fee has been paid.

(b) The application conforms in all respects to this section.

(c) The location of the adult-oriented establishment is neither within 1,000 feet of any church or synagogue building, school building or park nor within 500 feet of any residential district.

(d) The applicant has not knowingly made a material misstatement in the application.

(e) The applicant has supplied all the information required under sub. (3) above and the information requested by the Plan Commission regarding the investigation of his application.

(f) The adult-oriented establishment, as proposed by the applicant, would comply with all applicable laws, including, but not limited to, ch. 14 and of this Code and the County Zoning Ordinance.

(g) The applicant has not had an adult-oriented establishment license or permit or other similar license or permit revoked or suspended in this State or any other state within 3 years prior to the date of application.

(h) The applicant, if an individual; any of the stockholders holding 5% or more of the stock or beneficial ownership of the corporation, and any officers, agents or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for or within 5 years prior to the date of application, has not been convicted of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Chs. 944 or 948, Wis. Stats., as amended, or the laws of another state similar in nature to said Chs. 944 or 948, Wis. Stats., or other offense, subject to §111.335, Wis. Stats., as amended.

(i) The applicant, if a corporation, is licensed to do business and is in good standing in the State.

(j) All individual applicants; all stockholders holding 5% or more of the stock or beneficial ownership, directors and officers if the applicant is a corporation; and all partners, including limited partners, if the applicant is a partnership, are at least 18 years of age.

(7) DISPLAY OF ADULT-ORIENTED ESTABLISHMENT LICENSE. The adult- oriented establishment license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(8) RESTRICTIONS ON CORPORATE LICENSES. Any corporation holding an adult-oriented establishment license under this section shall report to the Town Clerk, in writing, within 15 days of the event described herein, any of the following:

(a) Any change of officers of the corporation.

(b) Any change in the membership of the board of directors of the corporation.

(9) SALE OR TRANSFER. Upon the sale or transfer of any interest in an adult-oriented establishment, the license shall be void. Any person desiring to continue to operate an adult-oriented establishment following sale or transfer shall apply for a license.

(10) RESPONSIBILITIES OF THE OPERATOR OF AN ADULT-ORIENTED ESTABLISHMENT. (a) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(b) No employees of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment.

(c) The operator shall maintain the adult-oriented establishment in a clean and sanitary manner at all times.

(d) The operator shall maintain at least 10 foot candles of light in the public portions of the adult-oriented establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.

(e) No alcohol beverage may be served or permitted on the premises.

(f) No sexual activity of any kind shall be permitted on the premises.

(g) The operator shall insure compliance of the adult-oriented establishment and its patrons with the provisions of this section.

(h) No person licensed as an adult-oriented establishment may, in any manner, advertise its establishment as licensed by the Town.

(11) PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT. Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(b) Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any nonpublic areas by a wall.

2. Each booth shall have at least one side totally open to a lighted public aisle so that there is an unobstructed view at all times of anyone occupying the same.

3. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, nonabsorbent, smooth textured and easily cleanable.

4. The floor must be light colored, nonabsorbent, and smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of 10 foot candles at all times, as measured from the floor.

(c) Only one individual shall occupy a booth, room or cubicle at any time. No occupant shall engage in any type of sexual activity.

(12) RENEWAL. (a) Every license issued pursuant to this section will terminate at the expiration of one year from date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. All applications for the renewal of adult-oriented establishment licenses issued by the Town shall be filed with the Town Clerk's office on forms to be provided by the Clerk no later than 60 days prior to the expiration of the licenses. The renewal application shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. Applications to renew licenses shall be processed by the Town in the same fashion as new applications. No license shall be renewed without a reinspection of the premises as required under sub. (3)(e) above.

(b) A license renewal fee of $250 shall be submitted with the renewal application. In addition to the renewal fee, a late penalty of $100 shall be assessed against any applicant who files for renewal less than 60 days before the license expires. If the application is denied, 1/2 of the total fees collected shall be returned.

(13) SUSPENSION OR REVOCATION. (a) Any adult-oriented establishment license may be suspended for not more than 90 days or revoked by the Town Board for any of the following reasons:

1. Any of the grounds that would warrant the denial of the original application for the license.

2. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

3. The operator or any employee of the operator violates any provision of this section or any rules or regulations adopted by the Town Board pursuant to this section, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Board shall

find that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.

4. The operator becomes ineligible to obtain a license or permit.

5. Any cost or fee required to be paid by this section is not paid.

6. Any intoxicating liquor or fermented malt beverage is served or consumed on the premises of the adult-oriented establishment.

7. The establishment is operated outside of operation hours established by the Town Board.

8. There is any substantial change in the floor plan approved by the Town Board without the approval of the Board.

(b) An adult-oriented establishment license may be suspended or revoked after notice and hearing before the Town Board to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and may be served by certified mail addressed to the licensee at the current address of the licensee on file with the Town Clerk's office. The notice shall state the grounds of the complaint against the licensee and shall designate the time and place where the hearing will be held.

(c) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for 6 months from the date of revocation of the license.

(14) PENALTY. Any person violating this section shall, upon conviction, be subject to a forfeiture not to exceed $500.

12.09 LAND USE. The Town Board of the Town of Beecher, County of Marinette, Wisconsin, has the specific authority under s. 60.0113 Wis. Stats., to adopt this ordinance.

WHEREAS, the Town of Beecher finds the permanent parking or storage of recreational vehicles, motor homes, and camper trailers on private property without a habitable dwelling causes an increased need for public services by property owners of such properties including, but not limited to sanitary, garbage, police, rescue, and fire services; and

WHEREAS, the Town of Beecher also finds it is in the public interest to regulate the permanent parking or storage of recreational vehicles, motor homes and camper trailers on private property without a habitable dwelling and to charge a reasonable fee to cover the cost of providing public services related to such permanent parking or storage including but not limited to, reviewing and issuing permits for such parking or storage.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF BEECHER BOARD OF SUPERVISORS as follows:

(1) PARKING AND STORAGE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER TRAILERS . The purpose of this ordinance is to promote the health, safety, and prosperity, aesthetics and general welfare of the people and communities within the Town of Beecher by:

1. Establishing a permitting system to document and regulate the placement of all recreational vehicles, motor homes and camper trailers that are parked or stored on a parcel for more than fifteen (15) days in a calendar year.

2. Establishing minimum lot size of two (2) acres where a recreational vehicle, motor home or camper trailer can be temporarily parked or stored.

3. Requiring a fire number to be attached to the parcel where the recreational vehicle, motor home or camper trailer is parked or stored to facilitate police, fire and rescue services.

4. Requiring a State or County approved sanitary system to service the recreational vehicle, motor home or camper trailer to protect the surface and ground water resources of the county.

5. Requiring setbacks from property lines, water bodies, roads, easements and other structures to preserve safe and healthful conditions.

Definitions.

Camper Trailer: Means a vehicle with a collapsible or folding structure designed for human habitation.

Habitable Dwelling: Means a structure built for human habitation under Uniform Dwelling Code specifications or by permit for a dwelling. Does not include a converted accessory structure.

Motor Home: Means a motor vehicle designed to be operated upon a roadway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Recreational vehicle: Means a vehicle that is designed to be towed upon a highway by a motor vehicle that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length. Shore land Parcels: Land within 300 feet from a river and 1000 feet from a lake.

Unimproved Property: In this ordinance, unimproved property means a parcel of land having no habitable dwellings built to Uniform Dwelling Code Specifications but may have available electric power and a well for potable water.

Unit: One of the following: recreational vehicle, motor home or camper trailer.

Non-conforming unit: Any converted storage/shipping containers, converted motor vehicles or the like that are altered to provide for human occupancy. (e.g. buses, semi- trailers, enclosed trailers).

Areas to be Regulated: Areas regulated by this ordinance shall be all the property within the Town of Beecher.

Camping and Non-Conforming. Areas included in this ordinance shall include all shore land district zoning as regulated by the county.

(2) GENERAL CONDITIONS. No property owner may park or store a recreational vehicle, motor home or camping trailer for more than fifteen (15) days in a calendar year on property located within the Town of Beecher unless the property owner complies with this ordinance.

1. Permits Required. No property owner may park or store a recreational vehicle, motor home or camper trailer for more than fifteen (15) days in a calendar year on property located in the Town of Beecher unless the property owner has obtained a permit in accordance with this ordinance.

2. Permit Requirements. A property owner applying for an initial permit under this ordinance must:

a. Complete a permit application form with additional notations that clearly indicate and describe where the recreational vehicle, motor home or camping trailer will be parked or stored on the property in compliance with the required setbacks.

b. Present proof of a valid Fire Number for the property where the recreational vehicle, motor home or camper trailer will be parked or stored;

c. Present proof of a valid sanitary permit, if required, for the property where the recreational vehicle, motor home or camper trailer is parked.

d. Adhere to Setback Requirements. The parking or storage of a recreational vehicle, motor home or camper trailer on private property shall comply with the required minimum setbacks as specified:

Highways. Highway/Road dimensions are as follows:

State and Federal Highways, 110 feet center line and 50 feet right of way

County Highways, 75 feet center line and 42 feet right of way

Town Roads, 33 feet center line

The setback of units/structures from the property line shall be 10 feet, the set back of 10 feet shall be added for Highway/Road dimensions as specified above.

e. Have a state campground permit issued to the parcel if required.

f. Obtain a variance where the parcel is located on a non-conforming lot or parcel.

g. All property owners must adhere to the minimum lot sizes within the Town of Beecher or apply for a variance.

h. No recreational vehicle, motor home or camping trailer in which a permit under this section has been issued may be used as a permanent residence.

3. Accessory Structures. Accessory structures such as decks, porches, patios and car ports may be constructed if all permits are obtained for them, but in no case shall such structures be attached permanently to any recreational vehicle, motor home or camper trailer.

4. Permit Expiration and Renewal. Permits issued under this Ordinance are valid as follows:

a. 7-Month Permit at $150.00. May 1 to November 30. Permits will not be pro- rated.

b. 1-Year Permit at $450.00. January 1 to December 31. Permits will not be pro- rated.

c. Refunds will not be issued for early unit removal by owner.

5. Exemption. A property owner may store (1) personally owned unit on their property without obtaining a permit under this ordinance if there is:

a. A habitable dwelling, as described in this ordinance, on the property parcel.

b. The unit is placed in a state licensed campground.

c. The unit is placed or stored on unimproved property for not more than fifteen (15) days in a calendar year.

6. Permit Display. Permits must be displayed and clearly visible in the window of the unit for inspection.

7. Prohibition. Non-conforming units. There shall be no use of converted vehicles for human occupancy such as vans, buses, semi-trailers, storage or shipping containers, trolley cars, enclosed trailers or the like within the Town of Beecher.

8. Enforcement. Any person or persons who violate any provision in this ordinance shall pay a forfeiture of $250.00 (two hundred fifty dollars) together with applicable fees and costs. Each month without a required permit constitutes a separate violation. Property owners who violate this ordinance shall pay a forfeiture of $500.00 (five hundred dollars) together with applicable fees and costs for a second and subsequent violation.

(3) EFFECTIVE DATE. Effective Date- Following passage by the Beecher Town Board, this ordinance shall take effect, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Authority- Pursuant to Section 66.0113 Wis. Stats., The Town of Beecher Town Chairman, Town Supervisors, Zoning Administrator or their designees have the authority under this ordinance to enforce this ordinance and issue citations for any and all said violations thereof.

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. 20.04 of this Code.