

## CHAPTER 12 LICENSES AND PERMITS

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**12.01 LICENSES REQUIRED.** A license shall be required for each of the following businesses or activities at the indicated license fee, which shall be for one year unless otherwise indicated.

- (1) DOG LICENSES (a) Neutered Males and Spayed Females. \$4.00  
(b) Un-neutered Males and Unspayed Females. \$8.00
- (2) FERMENTED MALT BEVERAGE LICENSES,
  - (a) Retail Class "A" \$25 (b) Retail Class "B". \$75.00
    1. Part-Time. 3/4 of annual license fee per 6-month period.
    2. Picnic (No charge)
- (3) INTOXICATING LIQUOR LICENSES,
  - (a) Retail Class "A". \$25
  - (b) Retail Class "T3". \$150.00
  - (c) Part-Time. \$75
  - (d) Transfer. \$10
- (4) JUNK DEALER'S LICENSES. \$25
- (5) MOBILE HOME PARKS. \$2 per space per {year.
- (6) TOURIST CAMPS. \$100

**12.02 GENERAL PROVISIONS AS TO LICENSES.** (1) TERMS INTERCHANGEABLE. The words "license" and "permit" as used throughout this chapter shall be interchangeable.

(2) LICENSE REQUIRED. No person shall engage in any business or activity enumerated in Sec. 12.01 without a license therefor as provided by this chapter.

(3) APPLICATION. Application for a license required by this chapter shall be made to the Town Clerk on a form furnished by the Town and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the Town Board.

(4) LICENSE FEES. (a) Fees to Accompany Application. License fees imposed under Sec. 12.01 shall accompany the license application. If a license is granted, the Town Clerk shall issue the applicant a receipt for his license fee.

- (b) Refunds. No fee paid shall be refunded unless the license is denied.

(5) GRANTING OF LICENSES. Unless otherwise designated, licenses required by this chapter shall be issued by the Town Treasurer only with the approval of the Board; except the Town Treasurer may issue the following licenses subject to the standards established by this chapter without prior approval of the Board.

(a) Dog licenses.

(6) TERMS OF LICENSES. All licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license, or unless otherwise provided by these ordinances or State laws.

(7) FORM OF LICENSE. All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the Town Clerk.

(8) RECORDS OF LICENSES. The Town Clerk shall keep a record of all licenses issued.

(9) DISPLAY OF LICENSES. All licenses issued hereunder shall be displayed upon the premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the Town upon request.

(10) COMPLIANCE WITH ORDINANCES REQUIRED. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the Town. Failure to do so shall be cause for suspension or revocation of the license.

(11) TRANSFER OF LICENSES. All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Board.

(12) EXEMPTIONS. No license other than a liquor or beer license shall be required under this chapter for any nonprofit educational, charitable, civic, military or religious organization if the activity which would otherwise be licensed is conducted for the benefit of the members or for the benefit of the public generally.

(13) RENEWAL OF LICENSES. All applications for renewal of licenses hereunder which expire June 30 shall be made to the Town Clerk by April 15.

(14) CONSENT TO INSPECT. An applicant for a license under this chapter thereby consents to the entry of Town Supervisors, Officers or other authorized representatives of the Town upon the licensed premises at all reasonable hours for the purposes of inspection.

(15) REVOCATION AND SUSPENSION OF LICENSES, (a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the Town Board. No license shall be revoked except upon written verified complaint filed with the Town Board by the Town Chairman, a member of the Town Board, the Town Constable, or a resident of the Town. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Town Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Town Chairman or presiding officer of the Town Board to compel the attendance of witnesses. Section 24.10 shall apply to the conduct of such hearing.

(c) After hearing the evidence, the Town Board may revoke such license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Ch. 24 of this Code, provided the licensee shall not be entitled to a further hearing unless granted by the Town Board.

(d) The Constable shall repossess any license revoked hereunder.

(e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Town Board.

(f) The Town Chairman or Town Board may suspend the license of a licensee hereunder without hearing for not to exceed ten days.

## **12.03 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 Sees. 125.04(11), 125.66(3), 125.09(6), 125.69(1)(b), 125.69(2), 125.69(3), 129.65(5), 125.69(7), 125.56(2), 125.62, 125.61, 125.60, 125.14(2), 125.14(3), and 125.14(4), exclusive of any provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES REQUIRED, (a) When Required. No person except as provided by Sec. 125.06, Wis. Stats., shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and Town applicable thereto.

- (b) Separate License Required for Each Place of Sale. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

(3) CLASSES OF LICENSES AND FEES. There shall be the following classes and denominations of licenses which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee herein specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Sees. 125.25, 125.26, and 125.51, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year. \$75.00

- (a) Class "A" Fermented Malt Beverage Retailer's License. \$75.00 per year.
- (b) Class "B" Fermented Malt Beverage Retailer's License. \$75.00 per year.
  - 1. Part Time. A license may be issued at any time for six months in any calendar year, for which 3/4 of the applicable license fee shall be paid; but such temporary license shall not be renewable during the calendar year in which issued.
  - 2. Picnic. No charge.
- (c) Retail Class "A" Liquor License. \$150.00 per year.
- (d) Retail Class "B" Liquor License. \$150.00 per year. A retail Class "B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises. Wine may be sold in the original packages or otherwise in any quantity to be consumed off the premises.

(4) LICENSE APPLICATION, (a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Town Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

- (b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by Sec. 887.01, Wis. Stats.
- (c) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk to the State Department of Revenue.

(5) LICENSE RESTRICTIONS, (a) Statutory Requirements. Class "A" and "B" licenses shall be issued only to persons eligible therefor under Sec. 125.04(5).

- (b) Location. 1. No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300' 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.
- 2. This paragraph shall not apply to premises licensed as such on June 30, 1974, nor shall

it apply to any premises licensed as such prior to the occupation of real property within 300' thereof by any school building, hospital building or church building.

- (c) Violators of Liquor or Beer Laws or Ordinances. No retail Class "A" or "B" license shall be issued to any person who has been convicted of a violation of any federal or State liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- (d) Health and Sanitation Requirements. No retail Class "B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town.
- (e) License Quota. The number of persons and places that may be granted a retail Class "B" liquor license under this section is limited as provided in Sec. 125.51(4), Wis. Stats.
- (f) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.
- (g) Age Requirement. No license hereunder shall be granted to any person under 18 years of age.
- (h) Effect of Revocation of License. Whenever any license has been revoked, at least 6 months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 months shall elapse before another license shall be granted to the person whose license was revoked.
- (i) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments .or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims to the Town.
- (j) Class "B" Licensed Premises to Be on Street Level. A retail Class "B" license shall be issued only for that portion of a premises located on the street level. This restriction shall not apply to a bona fide club, society or lodge in existence not less than 6 months prior to application nor prohibit any hotel holding a State permit from supplying beverages in original containers to bona fide patrons in rooms rented by such patrons.
- (k) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

(6) FORM AND EXPIRATION OF LICENSES. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Town Clerk shall affix his affidavit as required by Sec. 125.04(4), Wis. Stats.

(7) TRANSFER OF LICENSES, (a) As to Person. No license shall be transferable as to licensee except as provided by Sec. 125.04(12)(b), Wis. Stats.

- (b) As to Place. Licenses issued pursuant to this section may be transferred as provided in Sec. 125.04(12)(a), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) POSTING AND CARE OF LICENSES. Every license issued under this section shall be posted and at all times displayed as provided in Sec. 125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) REGULATION OF LICENSED PREMISES AND LICENSEES, (a) Gambling and Disorderly Conduct 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.

- (b) Employment of Minors. No retail Class "B" licensee shall employ any person under 18 years of age.
- (c) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- (d) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(10) CLOSING HOURS. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of liquor;

- (a) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
- (b) If a retail Class "A" license, between 9:00 p.m. and 8:00 a.m.
- (c) If a retail Class "B" license, between 1:00 a.m. and 8:00 a.m. except on January 1, when the closing hours shall be between 300 a.m. and 8:00 a.m.
- (d) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(11) REVOCATION AND SUSPENSION OF LICENSES, (a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by Sec. 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

- (b) Automatic Revocation. Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Chs. 125 or 139, Wis. Stats., or any other State or federal liquor or fermented malt beverage laws or of any felony.
- (c) Effect of Revocation. See Sub. (5)(h) of this section.

(12) NONRENEWAL OF LICENSES. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Town Board.

(13) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(14) LICENSE RESTRICTIONS. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid.

- (a) Persons. No initial or renewal alcohol license shall be granted to any person:
  1. Delinquent in payment of any taxes, assessments or other claims owed to the Town.
  2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.
  3. Delinquent in payment to the state of any state taxes owed.

**12.04 DOG LICENSING AND REGULATION.** (1) LICENSE REQUIRED. Every person residing in the Town who owns a dog which is more than 5 months of age on January 1 of any year or 5 months of age

within the license year shall annually, or on or before the date the dog becomes 5 months of age pay the dog license tax and obtain a license and herein provided.

(2) FEES. (a) Dogs. Such owner shall pay to the town Treasurer \$2 for each neutered male dog or spayed female dog and \$8.00, for each unneutered male or unspayed female dog, or 1/2 of these amounts if the dog becomes 5 months of age after July 1 of the license year. The owner of any dog who fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or fails to obtain a license on or before the dog reaches licensable age shall pay an additional late fee of \$5.

(b) Kennels. The fee for a kennel license pursuant to Sec. 174.053, Stats., shall be \$35.00 for a kennel of 12 or fewer dogs and an additional \$3 for each dog in excess of 12.

(3) ISSUANCE OF LICENSE. Upon receipt of the required fee and exhibition of the certificate required by sub. (7), the Treasurer shall issue to such person a license to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the Town Treasurer or the County Clerk.

(4) STATE REGULATIONS. Ch. 174, Wis. Stats., shall apply so far as applicable.

(5) DOGS NOT TO RUN AT LARGE. No owner or other person in control or having custody of a dog shall allow the same to run at large within the Town unless accompanied by and under the control of the owner or keeper. Any and all dogs off the premises of the owner or custodian must be either on a leash or accompanied by the owner or custodian in proper control of the owner or custodian or such dogs shall be deemed running at large.

(a) Working farm dogs in the course of their normal duties are excluded from this provision.

(b) Hunting dogs, while accompanied by their hunting master and in the normal pursuit of the hunt, shall not be deemed "running at large".

(c) Any and all dogs threatening harm to person or property shall be deemed to be not under proper control.

(d) Law enforcement officers or a duly authorized humane society are empowered to seize, impound or restrict any dogs running at large.

(e) Owners or custodians shall be specifically liable for penalties for allowing dogs to run at large.

(6) HARBORING CERTAIN DOGS PROHIBITED. No person shall own, harbor or keep any dog which:

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

(b) Assaults or attacks any person.

(c) Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.

(d) Habitually barks or howls to the annoyance of any 2 or more persons.

(e) Is required to be licensed but is not.

(7) CONFINEMENT AND DISPOSITION, (a) Confinement of Dogs. The constable or any officer appointed by the Town Board shall apprehend any dog running at large within the Town or which does any of the things prohibited under sub. (6) and confine the same in a suitable place.

(b) The Town and its authorities and officers may use any impounding facilities made available under state law or may, in its discretion, by proper Town Board action, contract for impounding facilities, setting up redemption fee schedules for whole or partial support of the same, in line with applicable State law.

(8) ABANDONMENT. It shall be unlawful for anyone to abandon, intentionally or not, any dog within the Town.

(9) Any and all acts of cruelty to dogs, including but not limited to, failure to properly feed and maintain any dog or dogs within one's custody or ownership, are prohibited.

(10) The Town Board, through its Health Officer, may at any time issue special directives carrying full legal effect so as to cope with any emergency health situation such as rabies or other health menaces.

(11) PENALTY. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to a forfeiture of not less than \$20, nor more than \$50, plus enforcement costs, for each offense. Owners or custodians shall be specifically liable for such penalties with respect to dogs running at large.

**12.05 RABIES CONTROL ORDINANCE.** (1) PURPOSE. Medical science has established that a number of small animals, including dog's and cats, carry an infection commonly referred to as "rabies" which can be transferred to humans. This chapter is enacted as a public health measure to protect people from infection as a result of a dog or cat bite.

(2) DEFINITIONS. As used in this chapter the following terms shall mean:

- (a) Isolation facility. A humane society shelter, veterinary hospital, or municipal pound.
- (b) Officer. A peace officer, full-time health officer, humane officer, warden, or other person designated by the Town Board.
- (c) Owner. A person who owns, harbors, keeps, or controls any cat or dog, and includes the parent, guardian, or custodian of any minor who owns a cat or dog.
- (d) Peace Officer. Any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.
- (e) Veterinarian. A practitioner of veterinary medicine who is licensed by the examining board.
- (f) Warden. Conservation warden, including County, special and deputy wardens.
- (g) Immediate Family. The owner's spouse and dependents as defined for federal income tax purposes.
- (h) Bite. The breaking, tearing, or puncturing of the skin by the teeth of an animal.
- (i) Humane Society. The Jefferson County Humane Society, Jefferson, Wisconsin, or the Watertown Humane Society, Watertown, Wisconsin.
- (j) Kennel. The term "kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, boarding, training or sporting purpose.

(3) CERTIFICATE OF INOCULATION REQUIRED. No license shall be issued hereunder for any dog unless the applicant exhibits the certificate of a qualified veterinarian showing that the dog has been immunized against rabies as required by 12.05. The owner shall attach the rabies vaccination tag to a collar which shall be kept on the dog at all times as required by sub. (4)(c).

(4) DUTY OF OWNER, (a) The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within 1 year after the initial vaccination. If the owner obtains the dog or brings the dog into Jefferson County after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the County, unless the dog has been vaccinated as evidenced by a current certificate or rabies vaccination from another county within this state or another state. The owner of a dog shall have the dog revaccinated against

rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(b) The owner of any dog or cat which bites any person other than the owner or the owner's immediate family shall make a report of the bite incident to the Jefferson County Sheriff, giving the details of such dog or cat bite, including the date, place, and name of the dog or cat bite victim. The owner shall make such report immediately upon gaining personal knowledge of such bite, or immediately after receiving reliable information of such bite from the Sheriff or any other person.

(c) The owner shall attach a rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a show dog during

competition, or to a dog while hunting, or to a dog securely confined indoors or to a dog securely confined in a fenced area. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under sub. (3)(a) of this section.

(d) The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

(5) DUTY OF VETERINARIANS, (a) A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection, stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health, Education and Welfare, and the town where the dog is required to be licensed.

- (b) The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (c) After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address, and telephone number of the veterinarian.
- (d) The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate or rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (e) Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the local health department, the officer involved, and if the animal is suspected to have bitten a person, that person's physician.

(6) DUTY OF OFFICERS, (a) If any Town official has cause to believe that any dog or cat has bitten a person other than the owner or the owner's immediate

family, the Town Constable shall investigate the incident, and if such dog or cat can be identified and located the Constable shall take action in accordance with this chapter.

- (b) If the owner of such dog or cat can be located, the Constable shall supply the owner with information concerning the dog or cat bite incident.
- (c) The Constable or any other officer may order a dog or cat quarantined if the officer 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 dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat 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.
- (d) If a constable or any officer kills an animal pursuant to this chapter, he shall deliver the carcass to a veterinarian or local health department immediately. The veterinarian or local health department shall thereafter follow the procedures set forth in Sec. 95.21(6), Wis. Stats.
- (e) If a Constable shall complete the procedure for each bite incident by reporting the results of quarantine or sacrifice of the suspected animal to the victim and the owner, if known.

(7) QUARANTINE OF DOG OR CAT. (a) An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued; or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.



- (b) The custodian of an isolation facility or the owner shall keep a dog or cat which is ordered to be quarantined in strict isolation under the supervision of a veterinarian for at least 10 days. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the 10th day, and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any symptoms of rabies, the animal shall be released from quarantine at the end of the 10-day observation period.
- (c) Extended observation may be ordered for a dog or cat not currently immunized against rabies if the dog or cat is suspected to have been in contact with a rabid animal. An officer may order the owner to keep the animal in strict isolation for an additional 170 days, during which time the owner shall have the animal vaccinated against rabies between the 145th and 155th day after beginning of the original observation period. If a veterinarian certifies that the dog or cat has not exhibited any symptoms of rabies during the extended observation period, the animal may be released from quarantine at the end of that period.
- (d) If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician. Following such sacrifice of the animal, the carcass shall be prepared and delivered to the State Laboratory of Hygiene as set forth in Sec. 95.21(6), Wis. Stats.

(8) DUTY OF ISOLATION FACILITIES, (a) Isolation facilities shall receive and quarantine any dog or cat known or suspected to have bitten a person for a 10- day period or observation for symptoms of rabies, as set forth in sub. (6).

- (b) All expenses incurred by the isolation facility, including supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the laboratory examination fee shall be charged to the animal's owner. If the owner is unknown, the County shall reimburse the isolation facility for the above stated charges from the dog license fund.

(9) PROOF OF VACCINATION REQUIRED BEFORE ISSUANCE OF LICENSE. No collecting official, as defined in Sec. 174.065(1), Wis. Stats., shall issue a dog license unless the owner of the dog presents an unexpired certificate of rabies vaccination.

(10) PUBLICATION. (1) The Town Treasurer shall cause a Class 1 notice under Sec. 985, Wis. Stats., to be published between January 1 and January 15 of each year in a newspaper having general circulation in the Town, notifying the public that rabies vaccinations and dog license are required under the Wisconsin Statutes.

- (2) The Town Treasurer shall cause a Class 1 notice under Sec. 985, Wis. Stats., to be published between March 1 and March 15 of each year in a newspaper having general circulation in the Town, notifying the public that rabies vaccinations and dog licenses are required under the Wisconsin Statutes and that late fees will be assessed after April 1.

(11) PENALTIES, (a) An owner who fails to have a dog vaccinated against rabies as required under this chapter may be required to forfeit not less than \$50 nor more than \$100, together with taxable costs, and, upon default in payment of such forfeiture and costs, may be incarcerated in the County Jail until such forfeiture and costs are paid, but not to exceed 30 days.

- (b) An owner who refuses to comply with any order issued under this chapter to deliver an animal to an officer, isolation facility, or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall forfeit not less than \$200 nor more than \$2,000, together with taxable costs, and upon default in the payment of such forfeiture and costs, may be incarcerated in the County Jail until such forfeiture and costs are paid, but not to exceed 30 days.
- (c) A person who issues a dog license without presentation of an unexpired certificate of rabies vaccination may be required to forfeit not less than \$100 nor more than \$500, together with taxable costs, and may be incarcerated in the County Jail until such forfeiture and costs are

paid, but in no event shall such confinement exceed 30 days.

12.06 HOUSE TRAILERS AND MOBILE HOME PARKS. (1) DEFINITIONS. Whenever used in this ordinance unless a different meaning appears from the context:

- (a) A "trailer" means any coach, cabin, mobile home, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes,

**REVISED SECTION 12.06, GENERAL CODE OF ORDINANCES OF THE TOWN OF CONCORD**

approved June 10, 2019

**12.06 MOBILE HOMES AND MOBILE HOME PARKS.**

**(1) DEFINITIONS.** Whenever used in this ordinance unless a different meaning appears from the context:

- (a) "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.
- (b) "Mobile home" means a unit designed to be towed or transported and used as a residential dwelling, but does not include such units used primarily for camping, touring, or recreational purposes.
- (c) "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- (d) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.
- (e) "Park" means mobile home park.
- (f) "Person" means any natural individual, firm, trust, partnership, association or corporation.
- (g) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.
- (h) "Unit" means a mobile home unit.

**(2) LOCATION OUTSIDE PARKS,**

- (a) Except as provided in this section, it shall be unlawful for any person to park any mobile home on any street, alley, highway or town road or other public place, or on any tract of land owned by any person, within the Town of Concord.
- (b) Emergency or temporary stopping or parking is permitted on any street, alley, highway or town road for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or town road.
- (c) No person shall park or occupy any mobile home on any premises which is situated outside an approved mobile home park, without first obtaining a special permit as provided in subs. (3) below. The parking of only one unoccupied mobile home in an accessory private garage building or in a rear yard is permitted providing no living quarters shall be maintained or any business conducted in said mobile home while such mobile home is so parked or stored.
- (d) This ordinance shall not apply to any mobile home occupied by a person within the Town of Concord prior to August 28, 1969. However, if the ownership of said mobile home changed after August 28, 1969, all of the provisions of this section shall apply.

**(3) TEMPORARY PARKING PERMIT,**

- (a) Temporary parking of a mobile home may be permitted for a period not to exceed six (6) months upon obtaining a permit from the Town Clerk for which a charge of (\$50.00) shall be levied.
- (b) For the purposes of this subsection temporary parking means parking where persons are engaged in road construction work or parking where persons have applied for a building permit for a permanent structure.
- (c) The temporary parking permit may be renewed for good cause upon the expiration of six (6) months at the discretion of the Town Board.

**(4) LIMITATIONS ON LENGTH OF STAY AND NUMBER OF OCCUPANTS,**

- (a) Except as provided in subs. (3), above, it shall be unlawful for any person to occupy any mobile home within the Town of Concord, for permanent occupancy, unless such mobile home is located in a mobile home park licensed under this section.
- (b) The Town Board will, limit the number of occupants in any mobile home occupying a space in a licensed park to two persons per bedroom Exceptions will be at the discretion of the town board.

**(5) LIMITATIONS ON NUMBERS OF PARKS AND MOBILE HOME SPACES WITHIN PARKS; PROCEDURE FOR ESTABLISHING.**

- (a) If after March 16, 1987 the date of adoption of this section as revised, any person shall apply to the Town for a license to establish a new park; or apply to the Town to expand an existing park ; the Town may deny license for a proposed new park; or, if a license for such proposed new park is granted, may limit the number of spaces therein; or, may deny or limit a request to expand an existing park only if the Town finds as a legislative fact that the proposed new park or expansion of an existing park:
  - 1. Would cause the school costs within the school district in which the new park or expansion of an existing park is located to increase above the state average; or
  - 2. If an exceedingly difficult or impossible situation exists with regard to providing adequate and proper sewage disposal for the proposed new park or expansion of an existing park.
  - 3. The decision to grant establishment of a new park or expansion of an existing park will be at the discretion of the town board and will be based on public input and existing conditions of the existing park(s) if applicable.
- (b) Decision: Upon receiving an application for a license for a new park or for the expansion of an existing park (whether such application for expansion is made at the time of annual relicensing or during a license year), in the event the Town Board shall decide to deny a license for a proposed new park, or to limit the number of spaces in a proposed new park to less than requested, or to deny or limit a request to expand an existing park for either or both of the grounds set forth in subs. 5 (a) , above, the Town shall so notify the applicant in writing within 30 days of the filing of the application setting forth with particularity the facts upon which the Town relies to support the limitation or denial pursuant to subs. (5) (a), above. It shall be the Town's burden to demonstrate the facts supporting the grounds for denial or limitation under subs. (5) (a) and nothing herein shall be construed to require an applicant to have the burden of proving the nonoccurrence of either ultimate fact set forth in subs. (5)(a)(1) ,(2), and (3) above.
- (c) Review: A decision of the Town made pursuant to subs. (5) (b), above, shall be subject to review pursuant to the procedures set forth in Chapter 68, Wis. Stats.

**(6) LICENSE FOR MOBILE HOME PARK; APPLICATION AND ISSUANCE:**

- (a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased, or controlled by him, a mobile home park within the Town of Concord, without having first obtained a license for each such park from the Town Board pursuant to this section. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this section for additional one year periods.
- (b) The application for such license or the renewal thereof shall be filed with the Town Clerk and shall be accompanied by a fee of Two Dollars (\$2) for each space in the existing or proposed park, and a surety bond in the sum of Fifty Thousand Dollars (\$50,000) This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in subs. (8) below, and the payment of such fees to the Town Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of this ordinance, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this ordinance. A fee of One Hundred fifty (\$150) Dollars shall be paid for each transfer of a license. Transferred license would be under the same conditions as when the license was approved and would require a special meeting between the party requesting the transfer and the town board.
- (c) The term of an existing license shall expire on June 30 each year. Application for yearly renewal of an existing license must be submitted by June 1 each year regardless of the date of the initial approval of the license. The town board will then have 30 days to perform an inspection of the park and a review of the paperwork as stipulated in (6)(e).
- (d) The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the applicant, the name and address of the owner in fee of the parcel upon which the park is located (if the fee is vested in some person other than the applicant, a verified statement by that person that the applicant is authorized by him to construct or maintain a mobile home park thereon and to apply for the license is required) and the location and legal description of the premises upon which the mobile home park is to be or is located. The application shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:
1. The areas of the park used for park, playground and/or recreational purposes;
  2. Roadways and driveways;
  3. Location of spaces for units;
  4. Method and plan for warning residents of tornados or other severe weather emergencies and advising residents of appropriate tornado or severe weather emergency procedures.
  5. Method and plan of fire protection;
  6. Method and plan of sewage disposal;
  7. Method and plan of garbage removal;
  8. Method and plan for snow removal;
  9. Method and plan for landscaping and grounds maintenance including mowing of grass.
  10. Plan for water supply;
  11. Plan for lighting of units and rubbish disposal;
  12. Such plans shall clearly set forth the location of all storm sewers, sanitary sewers, water supply lines, laterals and connections, fire hydrants (if any), electric lines, telephone lines, TV antenna lines and cable TV lines.

13. The applicant shall submit proof of financing in the form of a letter from a lender or proof of financial responsibility, if financing is not required, in the form of a letter from an adequate credit reference. The applicant shall also submit detailed rules of operation and proposed standard form of lease agreements.

14. The application must also include a copy of the current "Guidelines for Living" governing the mobile home park. Once approved these guidelines will be considered a part of this ordinance and will be enforced by the town board. Any changes to the "Guidelines for Living" must be approved by the town board.

15. The Park Plan must meet the criteria as set forth in section (6)(f).

(e) Inspection and Decision.

1. No mobile home park license (or permit for location outside of a licensed mobile home park) shall be issued until the Town Clerk shall notify the Town Board of the application and the Town Board shall have inspected each application and the premises on which the park or expansion thereof will be or is located to insure compliance with this ordinance. No license will be renewed without a reinspection of the park. For the purpose of making inspections and securing enforcement the Town Board or its authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

Inspection should include inspection by local fire authorities to ensure that fire prevention facilities and equipment including fire hydrants are adequate and in proper working order.

2. Upon receipt of application and supporting data as required by this section, the Town Board shall, in considering the application, consider the following factors:

a. The zoning district in which proposed mobile home park will be located.

b. Suitability of the land for the proposed use.

c. Whether the location will cause or create any problems to surrounding landowners or to the Township as far as general health, pollution, noise, depletion of underground water sources, aesthetic values, and adequacy

of public roads to carry the increased load of traffic.

d. Whether the proper state and local health, sanitation, fire, building, and education agencies have been consulted or should be consulted before a decision by the Board.

e. Whether the application, plans, rules and supporting materials as submitted are in complete compliance with this section and the intent of the Township in adopting the same.

f. Whether the application, plans, rules and supporting materials as submitted indicate that the park complies with the requirements of applicable county ordinances and state statutes, rules, orders or administrative codes.

g. Whether the Park Plan meets the criteria set forth in section (6)(f).

h. If this is an existing mobile home park seeking renewal, whether it is currently operating in compliance with this ordinance and with the Park Plan.

3. The Town Board shall grant, grant with conditions, or deny the application in writing within 30 days of the filing of the application. In the event the Town denies the application or grants the application with conditions, the Town shall specify with particularity the reasons for denying the application or the reasons for each condition imposed upon the grant of an application.

4. A grant, grant with conditions or denial pursuant to subs. (d)3., above, made by the Town Board shall be subject to review pursuant to the procedures set forth in Chapter 68, Wis. Stats.

5. The Town Board reserves the right to grant a provisional license for a shorter term than one (1) year. Such provisional license shall state the reasons for issuing a provisional license and the conditions which must be met in order for the mobile home park owner to obtain a full term license. If such conditions are not met by the end of the period specified in the provisional license, the mobile home park license shall expire without renewal and the mobile home park owner shall be subject to the penalties in sec. (11) of this ordinance. A mobile home park operating under a provisional license may not accept new renters.

(f) Park Plan. No new license or renewal or amendment of any existing license shall be issued unless the application, park plan and supporting materials demonstrate the park meets or will meet the following criteria:

1. Every mobile home park shall be located on a well-drained area, and the premises shall be properly graded or storm sewers provided so as to prevent the accumulation of storm or other waters. No mobile home or park shall be situated in any area that is located so that drainage from any source of pollution can be deposited within its boundaries.

2. Spaces shall be clearly defined and shall be a minimum of 5000 square feet in area with a width of not less than 50 feet, except as hereafter further restricted.

3. There shall be no more than 8 spaces per acre of land. The area occupied by service buildings, recreation areas and roads shall be deleted from the gross total area before computing the number of spaces.

4. Side lot requirements of the Jefferson County Zoning Ordinance shall apply to individual mobile home spaces, except that where the width of mobile home exceeds 12 feet, side yard shall increase two feet for each foot over 12 foot width.

5. The mobile home park shall be so arranged that all spaces shall face or abut on a park road. The right-of-way of all park roads shall be not less than 33 feet in width. The traveled portion on a one way park road shall be not less than 16 feet. The traveled portion shall be no less than 24 feet of a two way park road. Such park roads shall give easy access from all units to a public street or highway and shall be paved and maintained in good condition, having natural drainage, be well lighted at night and shall have no obstructions. It is intended that such park roads shall be permanently maintained by park owner and shall not become town roads. If deemed necessary by the Town Board to provide for adequate fire protection and emergency medical services and to promote orderly traffic flow and prevent traffic congestion and hazards, the Town Board may require that a park provide at two (2) or more separate entrances/exits to public streets or highways with two way park roads.

6. Walkways to service buildings shall be paved and well lighted at night. All street lights must be maintained in working condition. Light posts must be sturdy and in good condition.

7. Every space shall be furnished with an electric service of at least 100 amperes capacity. Such service shall be equipped with an externally operated switch, fuse box or circuit breaker. Each unit shall have both 110 and 220 volt service available to it. Electrical posts must be sturdy and maintained in good condition.

8. No unit shall be parked in a park outside of a designated space.

9. Every park shall conform to applicable county ordinances and the requirements set forth in Chapter HSS177, Wis. Admin. Code.

10. No dependent mobile home shall be located within any mobile home park.

11. All electrical, telephone, TV antenna and cable TV lines shall be underground. Television aerial service shall be provided from one central location.

12. The Town Board may in its discretion require screening in the form of shrubs or trees along public roadways or boundary lines where necessary for the protection of aesthetic values.

13. The plan shall provide for a minimum setback of any structure of at least 40 feet from any

exterior boundary line.

14. The park shall provide a siren and/or other system capable of providing residents with advance warning of tornadoes or other severe weather emergencies. Further, the park shall develop a plan to advise and instruct residents of proper responses to tornadoes and other severe weather emergencies, to be known as "The Emergency Response Plan" which is specific to the park. The plan shall include a provision advising residents of where to seek shelter and how best to protect themselves from tornadoes or severe weather. The plan shall be reduced to writing, and posted in a prominent place in the park's office or administrative building. A copy of the Emergency Response Plan shall be provided to each unit existing in any park as of March 16, 1987 and thereafter such plan shall be provided to any resident entering into a lease or a renewal of a lease with the park owners.

15. The park shall provide suitable and sufficient open areas within the park for the common use of the residents of the park for recreation. Such recreation areas shall contain playground equipment for children.

16. The park shall formulate a plan for fire protection which shall demonstrate that adequate facilities and equipment exist so that simultaneous full fires in two units within the park may be combated effectively. This provision may be met by a certification from the fire department contracted to the Town to provide fire protection to the area in which the park is located that adequate equipment and facilities exist. If necessary to combat simultaneous full fires in two units within the park, the park shall provide adequate sources of water to the fire department from one or more of the following:

- a. The park's water supply system, provided that in supplying such water for firefighting the system pressure will not be reduced below 15 pounds per square inch.
- b. Ponds of adequate capacity located within or adjacent to the park.
- c. A well and pump of sufficient capacity dedicated solely to firefighting purposes.
- d. Fire hydrants must be properly maintained and in working order.

17. Existing parks shall demonstrate by letter from the DNR that the wastewater treatment plant serving the park has adequate capacity for the number of spaces and population of the park and that it is operating in compliance with its WPDES permit, or if overloaded or not in compliance, that the park wastewater treatment plant serving a park has agreed to a schedule of construction to improve the wastewater treatment plant such that it will comply with the provisions of its WPDES permit within a reasonable time.

18. Water Supply,

- a. An adequate supply of pure water shall be furnished for drinking and domestic purposes for each space. Pipes must be maintained and replaced if necessary to ensure that water does not contain chunks of debris and rust.
- b. Individual water service connections provided for direct use of a nondependent mobile home shall be so constructed that they will not be damaged by the parking of such units.
- c. The water supply system shall be adequate to maintain 20 pounds per square inch of pressure throughout the system at all times except when the system is used for fire fighting or during times of maintenance and capable of furnishing a minimum of 125 gallons per day **per** space.
- d. All pipes must be properly insulated and maintained free of leaks.

19. Waste and Garbage Disposal,

- a. All wastewater from units and other buildings within the park shall be discharged into a sewerage system approved by the Town Building Inspector in accordance with the Town Building Code and any rules and regulations of the Department of Natural Resources and the Department of Industry, labor and Human Relations.

b. Every space designed to serve a non-dependent mobile home shall be provided with sewer connections which shall comply with the State Plumbing Code, Chapters ILHR 82 & 83, Wis. Admin. Code. The sewer connections shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such manner as to be maintained in an odor-free condition.

c. All sanitary facilities in any mobile home which are not connected with a public sewer system by approved pipe connections shall be sealed and not used.

d. Each faucet shall be equipped with facilities for drainage of waste and excess water.

e. Every mobile home shall be provided with access to a substantial fly-tight, watertight garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between year round.

#### 20. Snow removal.

a. The mobile home park owner shall be responsible for clearing snow from all streets in a timely fashion after a measurable snowfall. At a minimum snow removal must occur within 6 hours of a 3" snowfall. If snow falls during the night, roads must be plowed by 7 a.m. (on weekdays?)

b. The mobile home park owner shall be responsible for maintaining all park roads free of ice at all times.

c. In the event that it becomes necessary for the Town Board to authorize the plowing of streets within a mobile home park, the cost shall be charged to the mobile home park owner. The amount so charged shall become a lien upon the property and shall be added to the taxes next to be assessed and levied upon such property.

d. Failure of the mobile home park owner to perform snow and ice removal as indicated in this section shall result in a fine of up to \$1,000 per snow or ice event.

21. Landscaping. The mobile home park owner is responsible for mowing all common areas during the growing season to ensure that grass areas are kept below 6" in height.

22. All park rules and regulations and leases of spaces in the park shall comply with Chapter AG 125, Wis. Admin. Code.

#### 23. Management,

a. In every mobile home park there shall be located an office of the attendant or person in charge if said park. A copy of the park license and of this section shall be posted therein and the register shall at all times be kept in said office.

b. It is hereby made the duty of the attendant or person in charge together with the licensee, to:

i Keep a register of all park tenants or residents, to be open at all times to inspection by state and federal officers and by the Town Board, which shall show for all tenants or residents:

A. Names and addresses

B. Number of children of school age

C. State of legal residence

D. Dates of entrance and departure

E. License numbers of mobile home and towing or other vehicles

F. States issuing such license

ii Maintain the park in a clean, orderly and sanitary condition at all times.



iii Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of law which may come to their attention.

iv The operator must have a fire protection plan that is acceptable both to the Town and State fire authorities.

v Collect the monthly parking permit fee as provided in subs (8), below. A book shall be kept current showing the names of the person paying said parking charges and the amount paid, which monies are property of the Town of Concord.

vi Prohibit the lighting of open fires on spaces.

(g) Amendments to Licenses: Any person holding a license under this section may apply at any time to amend such license. Such application shall conform to the provisions of this section as if it were an initial or a renewal license application. The application shall be processed in accord with the provisions of this section as if such application were an initial or renewal license application.

**(7) APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.**

All plumbing, electrical, building and other work done on or at any park licensed under this section shall be in accordance with the ordinances of the Town of Concord and the requirements of the State Plumbing, Electrical and Building Codes promulgated by the Department of Industry, Labor and Human Relations, and the regulations of the Department of Natural Resources. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

**(8) PARKING FEE.** There is hereby imposed on each owner or operator of a mobile home park licensed herein, for each occupied space a monthly parking permit fee as set forth in sec. 66.058(3)(c), Wis. Stats. (1983-84).

**(9) PERMISSION TO OCCUPY:** No individual site may be occupied by a tenant until construction on that site has been completed in accordance with the plans and specifications as approved by the Town Board and the required sewer, water, and utility service connections are available at that site so that a mobile home located thereon may and shall function as an independent mobile home unit.

**(10) REVOCATION OR SUSPENSION OF LICENSES:** The Town Board may suspend or revoke any license or permit issued pursuant to the terms of this ordinance

in accordance with the provisions of sec. 66.0435(2)(d) Wis. Stats.:

A license granted under this section is subject to revocation or suspension for cause by the licensing authority that issued the license upon complaint filed with the clerk of the licensing authority, if the complaint is signed by a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building inspector, after a public hearing upon the complaint. The holder of the license shall be given 10 days' written notice of the hearing, and is entitled to appear and be heard as to why the license should not be revoked.

**(11) PENALTIES FOR VIOLATION OF ORDINANCE.** Except as otherwise provided in this chapter, any person violating any provision of this ordinance, or operating a mobile home park without a license, or after such license has been revoked, or after renewal of such license has been denied for cause by the licensing authority, shall be liable for a forfeiture of five-hundred (\$500.00) per offense plus the actual costs of prosecution, including attorney fees. Each day of violation shall constitute a separate offense.

- (a) For any person operating a mobile home park without a license, or after renewal of such license has been denied for cause by the licensing authority, the penalty listed in this section shall begin immediately upon expiration of annual or provisional license.
- (b) For any person whose license has been revoked prior to the expiration of the license term, the penalty shall begin immediately after the public hearing provided for in 66.0435(2)(d) Wis. Stats.
- (c) For any violation of the terms set forth in an accepted Park Plan (sec (6)(f) of this ordinance), the penalty shall begin immediately and continue until such violation is remediated.

## TOWN OF CONCORD

### ORDINANCE AMENDING GENERAL CODE OF ORDINANCES

The Town Board of the Town of Concord, Jefferson County, Wisconsin, does hereby ordain that section 12.06 of the General Code of Ordinances is hereby repealed and recreated to read as set forth on the attachment hereto entitled "Revised Section 12.06, General Code of Ordinances of the Town of Concord."

**12.07 REGULATION OF RECREATIONAL AND TOURIST CAMPS.** (1) DEFINITION OF RECREATIONAL AND TOURIST CAMP. A recreational and tourist camp within the meaning of this Ordinance is defined to be a tract or parcel of land, privately owned, open to the public and used for a resting place, or used for a camping site, or used for sleeping in the open air or in a camping trailer or in a tent or in similar temporary shelter.

(2) PROVISIONS. It shall be unlawful for any person, firm or corporation to maintain or operate any recreational and tourist camp as hereinbefore defined, or to keep or conduct a recreational and tourist camp as hereinbefore defined within the corporate limits of the Town without first having obtained a license therefor as is hereinafter provided.

(3) APPLICATION FOR LICENSE. An application for each such license shall be filed in writing with the Clerk of said Town, which application shall disclose:

- (a) The name and address of applicant.
- (b) The citizenship and age of applicant if a natural person; the name, address, including street and number, if any, and the citizenship and age of each partner or member of applicant if partnership or firm; or the name, address, including street and number, if any, the citizenship, age and designation of each officer and director of applicant if a corporation; also the name and address of the registered agent of the corporation within this State upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.
- (c) The state of incorporation of a corporate applicant, and if any such state be other than Wisconsin, a statement that applicant is duly authorized to do business in Wisconsin.
- (d) The application shall be accompanied by two copies of the camp plan showing the following:
  - (1) Roadways.
  - (2) Location of campsites.
  - (3) Location of sanitary conveniences as required by state regulations.

- (4) Method and plan of sewage and garbage disposal.
- (5) Plan for water supply and electrical connections.
- (6) Proof of financial responsibility.
- (7) Applicant shall also submit a detailed statement of the rules of operation as they will apply to renters.

(4) PROVISIONS OF LICENSE. (1) All licenses issued under this Ordinance shall be issued by the Town Board and shall be effective from the date of issue to the next succeeding first day of April, unless sooner revoked, as in this Ordinance provided.

(5) PARK PLAN. (a) There shall be no underground water system which delivers water directly to individual campsites.

- (b) Every recreational and tourist camp shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other water. No such facility shall be situated in any area that is located so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited upon its location.
- (c) Campsites and spaces shall be clearly defined and shall consist of a minimum of 3300 square feet and a width of not less than 33 feet.
- (d) There shall be no more than 109 campsites per acre of land.
- (e) The recreational and tourist camp shall be so arranged that all spaces shall face or abut on a driveway or roadway of not less than 2 rods or 33 feet. The travel portion on a one-way road shall be not less than 16 feet and on a 2 way road the traveled portion shall be no less than 24 feet. Such roadways shall give easy access for all campsites and shall be maintained in good condition, having natural drainage, be well-lighted at night and shall have no obstructions. It is intended that such roadway shall be permanently maintained by the owner and shall never become town roads.
- (f) Walkways to any service building which may be erected as required by state law and regulation, shall be paved and well-lighted at night. Every campsite shall be furnished with an electric service outlet.
- (g) No person shall occupy any other site other than those specifically designated by the Park Plan.
- (h) All electrical and phone service lines shall be underground.
- (i) The Town Board may in its discretion require screening in the form of shrubs or trees along public roadways or boundary lines where it feels it necessary for the protection of aesthetic values.
- (j) The Plan shall provide for a set-back of at least 500 feet from any exterior boundary line. However, the Town Board may in its discretion, in issuing the license revise this set-back dependent upon the following factors which should be taken into consideration: The terrain surrounding the area including trees, hills, water and the type of use on the land adjoining or the potential use of the adjoining land.

(6) OPERATION. Every such recreational and tourist camp, including all premises in connection therewith, shall at all times be operated so as to meet all the requirements and conditions set forth as a condition for the issuance of said license hereunder, and for such purpose Chapter H-77 aforementioned is adopted and by reference made a part of this Ordinance.

(7) QUALIFICATIONS OF APPLICANT. No license shall be issued unless the applicant, if a natural person, or if a firm then all partners or members thereof, or if a corporation then all officers and directors thereof, is an adult citizen of the United States and of good moral character, and if the applicant is a corporation, unless it is authorized to do business in Wisconsin, and unless the applicant agrees to maintain and

operate such recreational and tourist camp under conditions specified in this Ordinance, which agreement shall be deemed made by the applicant by acceptance of such license. The Town Board shall not issue such license unless it approves the location and improvements and proposed method of operation of such camp as set forth in the application.

(8) INSPECTION. The premises which are under license shall at all reasonable times be subject to inspection by the Town Board, or any member thereof.

(9) REVOCATION. (1) The Town Board may at any time revoke any license issued under the provisions of this Ordinance, after due hearing as hereinafter provided, for any or all of the following reasons:

- (a) A false statement made in the application.
- (b) Failure of the licensee to maintain such camp and operate the same as set forth in the application and provisions of this Ordinance.

(2) Notice of hearing to revoke a license shall be given to the holder of such license ten (10) days before the date of hearing by delivering a copy of such notice to the licensee personally or by mailing a copy of such notice to the licensee at his address stated in his application for license. In case the licensee is a corporation, delivery of such notice to any officer thereof or mailing a copy of such notice to the registered agent of said corporation at the address given in the application for license ten (10) days before the date of said hearing. In the event of revocation of a license, no refund of license fee shall be made and the Town Board may refuse to grant another license to such licensee for such length of time as it deems advisable.

(10) PENALTIES, Any person who shall violate any of the provisions of this Ordinance shall, upon an adjudication to that effect, forfeit to the Town not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), as determined by the Court in the action for the collection thereof, together with the costs of such action and, in default of payment thereof, in the case of an individual, shall be imprisoned in the County Jail for such time, not exceeding thirty (30) days, as said Court shall determine, unless the judgment is sooner paid. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

(11) VALIDITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

- (b) The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with the provisions of Section 66.058 of the Wisconsin Statutes.

(16) PENALTIES FOR VIOLATION OF ORDINANCE. Any person violating any provision of this ordinance, shall upon conviction thereof forfeit not less than \$100 nor more than \$500 and the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such

forfeiture and costs of prosecution, but not exceeding thirty days for each violation. Each day of violation shall constitute a separate offense.

(17) SEPARABILITY AND CONFLICT. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

(18) EFFECTIVE DATE. This ordinance shall take effect from and after its passage and posting as provided by law.

**12.08 PENALTY.** Except as otherwise provided, any person violating any provision of this chapter, shall upon conviction thereof, forfeit not less than \$10 nor more than \$100 and the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, be imprisoned in the County Jail until such fine and costs are paid, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense. Application for renewal of a license shall be filed in the same manner as the

application for original license. The fee for each license or renewal of license shall be the sum of Fifty Dollars ((\$100.00) such fee shall accompany the application. In the event there shall be a period of less than one year from the date of application to the first day of April of the next succeeding year, then the license fee shall be computed at the rate of Four and 16/100 Dollars (\$8.32) per month for the number of months after the date of such application to said first day of April of the next succeeding year. For the purpose of computing license fee for such period of less than one year, the date of application shall be regarded as the first day of the month next succeeding the date of such application unless such application be made on the first day of a month, in which event such first day of said month shall be considered as the date of application. No license shall be transferable either as to location or holder thereof.

- (2) Licenses shall be issued solely in the discretion of the Town Board. No license shall be issued, however, unless the Town Board is fully satisfied that the applicant, in the operation of said camp, will at all times meet, in such operation, the following conditions:
  - (a) That no immoral or disorderly conduct will be allowed on said premises.
  - (b) Adequate toilet facilities, in numbers as required by state regulations, separate for each sex, and adequate drinking water shall be maintained on said premises in a sanitary manner at all times and with adequate and proper waste disposal facilities.
  - (c) No license issued for such a facility shall include within it the right to sell alcoholic beverages within the recreational area itself. No license shall be issued for the sale of alcoholic beverages within the recreation area itself. Recreation area is defined as that portion of the premises so zoned by the Town of Concord and County of Jefferson.
  - (d) That said camp shall at all times comply with such portion of the Wisconsin Administrative Code, Chapter H-77, issued by the State Board of Health, insofar as such chapter relates to the operation of recreational and tourist camps.
  - (e) That said camp will at all times be used and operated solely for the purpose of accommodating the tourist or vacationing public and will at no time be used as a permanent or semi-permanent place of habitation. <
  - (f) That the period of occupancy of any patron of said camp shall not exceed 60 days in any one license year. However, a special permit may be requested from the town Building Inspector for occupancy over the 60 day period but not to exceed 150 days, the grounds for which must be that the person so requesting is not doing so to acquire a tenancy which gives him a permanent residence.
  - (g) That said camp will at all times comply with any and all federal, state or local rules and regulations pertaining to the operation of recreational and tourist camps, or any further regulations hereinafter imposed by the Town Board or the Town Board of Health.
  - (h) All units encamping within said facility shall be limited to self-dependent units.

### **OPEN SPACE - PARK LAND DEDICATION FEE**

SECTION 1. PURPOSE. The purpose of this Section is to meet the need for public parks and public recreational open spaces within the Town of Concord generated by new residential development within the Town of Concord. In order that adequate land for future park purposes or improvement of existing park land and open spaces may be properly located, preserved, developed and improved as the Town of Concord develops, and in order that the cost of providing the public with the facilities necessary to serve the additional individuals brought into the Town of Concord may be most equitably apportioned on the basis of the additional need created by individual development of land, the following provisions of this Section are established.

#### SECTION 2. DEFINITIONS.

- (1) Development. The construction of improvements to real property which will result in the addition of one or more dwelling units to a parcel of land within the Town of Concord. Whenever a development plan consists of planned unit developments, apartment houses or condominiums on a single parcel of land, each dwelling unit shall be subject to the fees under

this Section.

- (2) Recreational Open Space. Public land area that allows people to relax in a pleasant environment, participate in sports, learn about their environment and enjoy nature. Recreational open spaces are those areas specifically designed to allow and encourage the public to participate in these activities.

SECTION 3. OPEN SPACE/PARK DEVELOPMENT FEE. Whenever a residential development is created, the developer or property owner shall pay the Open Space/Park Development Fee to the Town of Concord. For residential development, the fee shall be a flat fee per dwelling unit as determined under Section (7) below.

SECTION 4. FEE PAYMENT. The Open Space/Park Development Fee shall be paid in full at the earlier of the following events to occur with respect to a parcel of real property:

- (1) At the time that there is a change in zoning designation of the real property;
- (2) At the time of the creation of separate, buildable lots by land division; or
- (3) At the time of the issuance of a building permit
- (4) For multiple dwelling buildings, all unit fees shall be included in one payment.

SECTION 5. ESTABLISHMENT OF NON-LAPSING FUND. The Town Board shall establish a separate, non-lapsing fund into which all fees paid pursuant to this Section shall be deposited. The Town Clerk shall establish a separate budgeting and accounting procedure for this fund and from time to time make appropriations from this fund for the purposes set out in Section (6) below. The Town Board shall review and make an annual recommendation prior to October 1 of each year, as to what the public interest requires regarding disbursements from this fund.

SECTION 6. PURPOSES FOR USE OF THE OPEN SPACE/PARK DEVELOPMENT FEE. The disbursements from the non-lapsing fund established in Section (5) above, shall be used solely for the acquisition of land, for parks, playgrounds and recreational open spaces, for development of existing sites and preservation of existing or future sites as well as improvement of existing or new sites for public park land or recreational open spaces. Disbursements from said fund shall also be allowed for debt retirement in connection with previously acquired land for parks and recreational open spaces, and for construction of park buildings, garages, storage buildings and any capital improvement on existing park lands as well as new parks and public lands, including capital equipment acquisitions and maintenance of current park land facilities as determined by the Town Board.

SECTION 7. SETTING FEES. The Town Board shall annually, prior to October 1 of each year, review the amount of fee per unit for residential development. The Town Board may recommend changes in the fees by a majority vote of its members. The recommendation shall take effect for all building permits issued on January 1 of the year following adjustment of the fee. If the Town Board does not alter the fee prior to October 1 of any given year, the fee shall remain the same. The Open Space/Park Development Fee shall at no time be waived.

SECTION 8. SEVERABILITY. The Several Sections of this Ordinance are declared to be severable. If any Section or portion thereof shall be declared by a decision of a Court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific Section, or portion thereof, directly specified in the decision, and not affect the validity of all other provisions, Sections or portions thereof of the Ordinance, which shall remain in full force and effect.

SECTION 1 EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided by law.

APPROVED BY:

*Donald Brown*  
 Donald Brown, Chairman

*William A. Stanghell*  
 William A. Stanghell, Supervisor

*Debra Campbell*  
 Debra Campbell, Supervisor

APPROVED BY:

*David P. ...*  
 David P. ..., Town Clerk

Date Adopted: 6-11-01  
 Date Published: 6-23-01  
 Effective Date: 6-12-01

Fee: \$200.00

TOWN OF CONCORD

RESOLUTION TO ESTABLISH FEES FOR NEW LIQUOR LICENSE APPLICATIONS

The Concord Town Board endorses the Wisconsin Act 27 to establish Class B Liquor licenses quota pursuant to Section 12554 (4) (bm) Wisconsin Statutes. The Board passed a resolution establishing the \$10,000.00 fee for new liquor license applications on February 9, 1998.

Town of Concord
Attest: [Signature]
Clerk
Dated: February 18, 1998

Town of Concord February 9, 1998

"CLASS B" LIQUOR LICENSE QUOTA INFORMATION AS OF DECEMBER 1, 1997

Pursuant to Sec. 125.51(4)(bm), Wis. Stats., as created by 1997 Wisconsin Act 27, the undersigned clerk for the Town/Village/City of Concord, County of Jefferson records the following information:

- 1. The population of the Town of Concord as of December 1, 1997, as established by the Department of Administration population estimate provided to the municipality for purposes of shared revenue distribution: 2012.
2. Number of "Class B" liquor licenses authorized to be issued by the Town of Concord, on December 1, 1997, (Note: This number is based on the state quota established by Wis. Stats. Sec, 125.51(4) (1995-96)-): 5.
3. Number of "Class B" liquor licenses actually granted or issued by the Town of Concord, as of December 1, 1997: 3.
4. Number of Reserve "Class B" licenses the Town of Concord is authorized 10 issue as of December 1, 1997, as calculated below: 2.

CALCULATION OF RESERVE "CLASS B" LICENSES AUTHORIZED TO BE ISSUED BY THE MUNICIPALITY AFTER DECEMBER 1, 1997

a. Determine the number of unissued "Class B" liquor licenses by subtracting number actually issued (item 3. above) from the number of such licenses the municipality is authorized to issue (item 2. above): 2.

Note; If the number under Item a. is 3 or less, this number becomes the number of Reserve "Class B" licenses your municipality Is authorized to issue as of December 1, 1997, and should be Inserted Into item 4. above,

If the number under a. Is 4 or higher, continue the following:

- b. Number of unissued "Class B" licenses (i.e., item a.):
c. Subtract 3 from b.: -3 d.Remaining unissued "Class B" licenses:
e. Divide d- by 2:
f. If result in c. is a fraction, round down to nearest whole number:
g Add 3 to f.: +3
h. Total Reserve "Class B" licenses authorized to be issued:

(insert in item 4 above

Dear Sirs: See of October 1, 1995.

  
Lloyd Garrison  
Chair of Divinity/100/100 of \_\_\_\_\_