

CHAPTER 6
LICENSING AND REGULATION

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SECTION 6.01 **LICENSEES REQUIRED TO PAY LOCAL TAXES,
ASSESSMENT AND CLAIMS**

(a) **Nonpayment of Taxes or Forfeitures.**

The Town shall not issue or renew any license to transact any business within the Town of Dekorra:

- (1) For any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid;
- (2) For any person who is delinquent in payment:
 - (A) Of any taxes, assessments or other claims owed the Town; or
 - (B) Of any forfeiture resulting from a violation of any Town Ordinance.

(b) **Applicability.**

This Section shall apply to all licenses issued pursuant to the provisions of this Code of Ordinances, except Section 6.03.

(c) **Denial of Renewal.**

An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice an opportunity for hearing as provided in Subsection (d) below.

(d) **Hearing.**

Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:

- (1) With respect to licenses renewable under Section 6.03 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Wis. Stats. § 125.12, as amended from time to time.
- (2) With respect to licenses other than those described in Subsection (a) herein, the Town Board or its assignee shall notify the applicant in writing of the Town's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Town Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Town Board shall conduct a hearing with respect

to the matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Town Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

(e) **Other Grounds For Hearing.**

Where an individual, business or corporation wishes to appeal the Town Clerk's decision not to issue a license or permit under this Ordinance on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request, in writing, with the Town Clerk that the matter be referred to the Town Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Town Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

History Note: Adopted through codification November 1999.

SECTION 6.02 **REGULATION OF DOGS AND DOG KENNELS**(a) **Purpose.**

This Ordinance shall govern the licensing, registration, control and management of dogs and the licensing, control and management of kennels as it applies to the health and safety of Town residents.

(b) **Definitions (Supplemental Information).**

- (1) **Keeping of Dogs.** The owning, boarding, confinement and general maintenance of dogs on premises on a periodic or full-time basis.
- (2) **Commercial Kennel.** An establishment, structure or premise where more than four (4) dogs are raised and sold, bred, boarded, trained, or groomed for other than private purposes. The raising and selling of four (4) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel.
- (3) **Hobby Kennel.** A non-commercial establishment, structure, premises or pursuit accessory to the principal use of the property where more than four (4) dogs of six (6) or more months of age are kept for such private purposes as pets, field trails, shows or hobby. The occasional raising of not more than two (2) litters of dogs per year on a premises and the sale or disposal of said dogs within six (6) months of their birth shall also be considered a hobby kennel.
- (4) **Veterinarian Facility.** A commercial establishment, structure or premise where dogs are professionally treated by a licensed veterinarian for routine preventative care, surgery or illness. Establishments where dogs are housed indoors in facilities with sound control similar to ordinary house construction are exempt from requirements of this ordinance.

(c) **General Provisions.**(1) **Licenses Required.**

- (A) When dog license is required: Except as provided in Wis. Stats. § 174.054 (exemption for owners of dogs kept for educational or scientific purposes), the owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay the dog license fee and obtain a dog license from the Town of Dekorra at the time and in the manner prescribed by law for the payment of personal property taxes.

- (B) When Kennel License Is Required. When more than four (4) dogs subject to be licensed as set forth in this ordinance are kept on any premises within the Town. In such case a kennel license shall be obtained from the Town Board as required under the terms of this ordinance as set forth in the following subsection. Farms 40 acres or larger are exempt from kennel requirements when dogs are used for farm work, security or family pets.
- (C) The fee for licenses shall be as follows:
- (i) The fee for licensing of dogs, in addition to State and County fees, shall be as specified in the current Town of Dekorra Fee Schedule.
 - (ii) The fee for individuals operating kennels, pursuant to Wis. Stats. § 174.053 in addition to State and County fees shall be a yearly fee as specified in the current Town of Dekorra Fee Schedule.
- (D) The license shall be from January 1 through December 31. Late fees pursuant to Subsection (f)(1) shall be charged by the Town if the license is not purchased by April 1 or if not purchased within thirty (30) days after acquiring the dog(s).
- (2) Application for Dog License. The application for a dog license shall include a current certificate of inoculation from a qualified veterinarian showing that the dog has been inoculated for rabies and distemper. The application shall include:
- (A) The name of the owner;
 - (B) The address of the owner;
 - (C) The business and residential telephone number of the owner, if any;
 - (D) The name of the dog;
 - (E) The sex of the dog; and
 - (F) Whether the dog is spayed or neutered.
- (3) Exemption. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license fee, and every person owning such a dog shall annually receive a free dog license from the Town upon application.

- (4) **License.** No person shall be issued a dog license by the Town unless a properly completed application form and appropriate fee has been submitted to the Town Clerk.
- (5) **Application for Kennel License.** In addition to requirements of Subsection (c)(2) above for each dog, the Safety Committee, in reviewing the application or request for permission to keep more than three (3) dogs which are six (6) months old or older, shall take into account at least the following information:
- (A) Size of premises on which the kennel or confinement area is proposed to be located;
 - (B) Maximum total number of dogs to be kept on the premises at any time;
 - (C) The expected male/female mix of dogs at any time;
 - (D) The type of kennel enclosure, if any, including:
 - (i) Size of enclosure(s);
 - (ii) Location relative to neighboring homes;
 - (iii) Fencing type and height;
 - (iv) Type and size of year-round shelters;
 - (v) Source and location of water supply;
 - (vi) Sanitary maintenance, including provision for collection and disposal of excrement and other waste solution or material;
 - (vii) Lighting;
 - (viii) Landscaping and other visual and noise barriers (screening); and
 - (ix) Surface drainage;
 - (E) Expected weekly vehicular traffic related to the keeping of dogs;
 - (F) Hours of operation; and
 - (G) Any other information related to the keeping of the dogs as requested by the Safety Committee.
- (d) **Kennel Requirements.** In addition to the requirements or provisions of Wis. Stats. Chap. 174, persons keeping dogs in the Town and successfully obtaining a permit for such keeping, shall be required to keep the dogs in a healthful and sanitary condition, and in a manner that minimizes disturbance to nearby citizens . Minimum requirements of the Town for such keeping shall be as follows:

- (1) An enclosed, insulated shelter shall be constructed and made accessible to every dog on the premises with the shelter having no less than 8 square feet in floor area for each dog required to have a license. Such shelter shall be kept clean and free of vermin and shall be ventilated so that in times of hot weather the building can be fully ventilated to allow for through movement of air and limited ventilation can be maintained during the winter months. In addition, such enclosure shall be provided with transparent or translucent windows or skylights so that there is outside light entering the shelter during the day.
- (2) Fence runs or enclosures for the dogs shall be provided at the direction of the owner/operator of the kennel. When so provided, the runs shall be closed so that the dogs cannot run at-large and shall be visually screened from the general public and from the direction of the neighboring residences. Such screening may include a permanent wood or fabric screening in combination with the fence material or may be composed of evergreen planting, adjacent to the fence enclosure. The fenced enclosure shall be kept clean and in a sanitary condition, free of excrement, and when provided, shall be large enough to accommodate the number of dogs licensed for the premises without crowding.
- (3) Shelters and runs shall be located at the back of buildings, away from any neighboring residences.
- (4) Any dog waste shall be removed each day from the kennel area and shelter and shall be stored on the premises in a sealed container which is located a minimum of 50 feet from any residence and/or water supply until such time as it can be properly disposed of in accordance with health and sanitation regulations.
- (5) A site plan for the kennel and building shall be required including:
 - (A) Location to scale of all of the existing and proposed buildings on the premises;
 - (B) Location to scale of any fenced-in enclosures;
 - (C) Dimensions showing the distance of existing and proposed buildings from existing property boundaries; and
 - (D) Location of the underground containers or facilities, including any water wells within the vicinity of the kennel on the premises.
- (6) Kennel Size Restriction.
 - (A) The number of dogs allowed to be kept or kenneled in the Town shall be related to the size (area) of the premises on which the dogs are kept; and

requests for permission to keep or kennel dogs shall be approved by the Safety Committee based upon the following size restrictions:

NUMBER OF DOGS*	MINIMUM DISTANCE IN FEET TO NEIGHBOR RESIDENCE BLDG
4	250 feet
5 or more	250 + 10 x number of dogs, feet

*Maximum total dogs six (6) months old or older at any time.

In addition, any outdoor visually open dog "run" or enclosure shall be located not closer than ten (10) feet from the nearest private property boundary for each dog allowed to be kept on the premises (i.e. five dogs = 50 feet; 12 dogs = 120 feet). Any totally enclosed shelter shall be located not closer than eight (8) feet from the nearest private property boundary for each dog allowed to be kept on the premises, whichever is larger, (i.e. 5 dogs = 40 feet or 12 dogs = 96 feet).

(e) **Control and Management of Dogs.**

- (1) It shall be unlawful for any person owning, keeping or harboring any dog to permit such dog to run at large within the Town limits, unless being used for hunting or farming purposes or assisting persons that are blind, deaf or mobility impaired. A dog shall be deemed to be at large when it is off the premises of the owner or keeper, unless under the control of a person by means of a chain, rope or cord of sufficient strength to control the action of the dog.
 - (A) A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.
- (2) No person shall own or keep any dog in the Town that:
 - (A) Habitually pursues vehicles on highways, roads, streets and alleys in the Town;
 - (B) Assaults, attacks or bites physically persons in the Town, without provocation, causing personal injury requiring medical attention;
 - (C) Habitually barks or habitually howls to the disturbance and annoyance of at least two (2) persons residing in the Town;

- (D) Remains unlicensed after warning from the Town; or
 - (E) Is not wearing a Columbia County license tag attached to its collar.
- (3) Any dog running at large may be impounded by the Town Constable, humane officer, Town official or public official.
- (4) Vicious dogs. It shall be unlawful to keep a vicious dog within the Town. Any dog that assaults, attacks or bites an individual or another domestic animal in the Town of Dekorra shall be reported by the owner or any other person witnessing the dog bite. This report shall be made to the Town Constable, Town Clerk or other law enforcement agency. The dog will be immediately confined pursuant to Wis. Stats. Chap. 174 and County home quarantine provisions. The dog will not be released to the owner until the Town Constable approves the release. The Town may commence a civil action to have a vicious dog euthanized. Upon finding a dog to be vicious the Court shall order immediate destruction of the dog or removal from the Town after passage of any detention period required for rabies or other health reason.
- (A) Dogs used in security or police work shall not be classified as vicious if bite(s) occur while the dog is performing in such capacity.
 - (B) Dogs shall not be classified as vicious if bite(s) are inflicted on a person who at the time of being bitten is engaged in a criminal act against the person or property of another.
- (5) Impoundment. Dogs that are apprehended and confined shall be kept by the Town for at least seven (7) days at the County Humane Society, unless released by the Town after being claimed by the owner. After the time period noted herein, the dog will be either sold for inoculation, apprehension, confinement, boarding and care costs, or it will be destroyed in a careful and humane manner. The owner shall pay all boarding fees and license fees prior to release. The dog may be released pending disposition of citations. The owner shall pay the above noted costs incurred by the Town to the Town Clerk, regardless of the disposition of the dog.
- (6) For each day impounded, an impounding fee and boarding fee shall be paid for each day or fraction thereof that such dog is impounded, not to exceed seven (7) days. Impounding and boarding fees shall be reviewed or approved annually by the Town.
- (7) Sanitation Control. No owner or custodian of any dog shall cause or allow such dog to soil, defile or defecate on any public property or upon any street, sidewalk, park, public way or play area, or upon private property other than that of the owner

or custodian of the dog, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

- (A) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 - (B) Removal of such bag or container to the property of the dog owner or custodian and disposal thereafter in a manner as otherwise may be permitted by law.
- (8) No person owning, harboring or keeping a dog within the Town shall permit any feces from the dog to collect and remain on the property of the owner or custodian so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
- (f) **Penalties and Enforcement.**
Any person violating of any provisions of this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.
- (1) **Late Fees.** The penalty for failure to obtain a license prior to April 1, or within 30 days of acquiring ownership of a licensable dog, shall be in accordance with the Town of Dekorra Fines Schedule , in addition to State and County late fees.
- (g) **Severability.**
If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

History Note: Ordinance No. 6, adopted July 8, 1968; repealed and recreated by Ordinance No. 6A, adopted July 8, 1988; repealed and recreated by Ordinance No. 9.01, adopted February 9, 1993; amended through codification; amended June 8, 2004 Ordinance No. 6-2004; amended December 14, 2004 Ordinance No. 12-2004; amended April 19, 2005 in Ordinance 6-2005; amended July 11, 2006 Ordinance No. 5-2006; amended through 2009 codification.

SECTION 6.03 **REGULATION OF MOBILE HOMES**(a) **Purpose.**

This Ordinance shall govern the licensing and registration of mobile homes and mobile home parks as it applies to the health and safety of Town residents.

(b) **Definitions.**

- (1) **Approved.** Acceptable to the Town, based on its determination as to conformance with this Ordinance and good public health practices.
- (2) **Basic Unit.** A mobile home without a hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.
- (3) **Dependent Mobile Home.** A mobile home that does not have bathroom facilities and depends upon locally provided bathroom facilities for such needs.
- (4) **Licensee.** Any person licensed to operate and maintain a mobile home park.
- (5) **Mobile Home.** A structure, transportable in one or more sections, which is over 320 square feet in area, excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in it. In this Section, length means the distance from the exterior of the front wall, that is, the wall nearest to the exterior of the drawbar and coupling mechanism, to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior spaces, and includes expandable rooms but not bay windows, porches, drawbar, couplings, hitches, wall and roof extensions, or other attachments. In this Section, width means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls enclose living or other interior space, and includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.
- (6) **Mobile Home Park or Park.** Any plot or plots of ground owned by a person, upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the mobile home work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.
- (7) **Non-Dependent Mobile Home.** A mobile home that is completely equipped with bath and toilet facilities. While such mobile home may have a holding tank or be

connected to public sewer, water and electric services at the site, it does not depend on a service building for bathroom facilities.

- (8) **Occupant.** Any individual who resides in a mobile home.
 - (9) **Operator.** The owner of a mobile home park or a person designated by the owner to manage the park.
 - (10) **Person.** An individual, firm, trust, partnership, association or corporation.
 - (11) **Rear Yard.** The area adjacent to each end of the narrow ends of the basic unit.
 - (12) **Side Yard.** The area on either side of the basic unit.
 - (13) **Site.** A plot of ground within a mobile home park designated for placement of one mobile home.
 - (14) **Street.** The paved or surface portion of a roadway.
- (c) **General Provisions.**
- (1) **License Required.** Pursuant to Wis. Stats. § 66.0435 and this Ordinance, every person who maintains any mobile home park within the Town shall seek and obtain a mobile home park license from the town. The license shall be issued for annual periods from January 1 to December 31. The license shall be issued by the Town Clerk prior to any person operating or maintaining mobile home park in the Town.
 - (2) **Application.** The license or renewal shall include the following:
 - (A) The name of the applicant;
 - (B) The address of the applicant;
 - (C) The location of the premises, including legal description;
 - (D) The business and residential telephone number of the applicant, if any;
 - (E) List of the names of residents, by site number, of mobile homes in the park on the date of application; and
 - (F) A complete plan of the park, including site layout, set of construction plans and specifications which shall comply with State laws and regulations and Town Ordinances.

(3) **License Fees.**

(A) No person shall be issued a mobile home park license by the Town until the required annual fee has been paid to the Town Clerk. No person shall be issued a mobile home park license in the Town who has failed to properly and fully complete and submit to the Town Clerk the application form as developed and provided by the Town.

(B) **License Fee.**

(i) The fee for such license shall be as specified on the current Town of Dekorra Fee Schedule.

(ii) In the event of a change in ownership of any licensed premises, an application for transfer of license shall be made to the Town Board and, if approved, a transfer fee as specified on the current Town of Dekorra Fee Schedule shall be paid for the remaining term of the license.

(4) **Mobile Home Monthly Parking Fee.** Pursuant to Wis. Stats. § 66.0435 and this Ordinance, every person who occupies a site in a mobile home park or at any other location in the Town shall pay a monthly parking fee. The mobile home park licensee shall collect all monthly permit fees and forward these amounts to the Town Clerk. The amounts due to the Town shall be received by the 10th day following the month the fees are due. The fee shall be calculated pursuant to Wis. Stats. § 66.0435.

(A) The mobile home park licensee and the owner of any land wherein a mobile home has been parked shall furnish information to the Town Clerk on forms provided by the State Department of Revenue within five (5) days of the arrival of the mobile home.

(B) Failure to report the information within five (5) days shall, pursuant to Wis. Stats. § 66.0435 and this Ordinance, subject the violator to the penalties set forth in Section 1.03 of this Code. Each day of a failure to report is a separate offense.

(C) Failure to pay the monthly parking fee subjects the person occupying the mobile home, the mobile home licensee and the owner of the land wherein the mobile home is parked to treatment as a default in payment of personal property tax and is subject to all procedures and penalties applicable thereto under Wis. Stats. Chaps. 70 and 74.

- (D) Exemptions. The following are exempt from this licensing requirement:
- (i) Those units without a potable water source, sanitary connection and in a transportable state, shall be given a one month exemption;
 - (ii) Those mobile homes that constitute improvements to real property under Wis. Stats. § 70.043(1); and
 - (iii) Recreation mobile homes and camping trailers as defined in Wis. Stats. § 70.111(19).
- (5) Posting of License and Permit. The license certificate or special permit shall be conspicuously posted in the office, or on the premises of, the mobile home park at all times.
- (d) **Mobile Homes Located Outside Licensed Mobile Home Park.**
- (1) No person shall locate, park, use, own or occupy a mobile home outside a mobile home park in the Town without first obtaining a special permit from the Town Board.
 - (A) Such special permit may be obtained by submitting a written application accompanied with photographs taken from the proposed site in four directions, north, south, east and west.
 - (B) In the event there are neighboring residences or business establishments within 500 feet of the proposed site, the Town Board may order a hearing, and notices of the said hearing shall be given, by registered or certified mail, to all persons living within 500 feet of said proposed site. Such notice shall be given at least five days prior to such hearing. The Town Board may issue a special permit for the placement of a mobile home on such site after considering the application and after the hearing, if any, if the Board is satisfied that:
 - (i) The placement will not be detrimental to residence or business property within 500 feet of the proposed site;
 - (ii) The placement will not be a financial burden on the Town or School District;
 - (iii) The placement will not lower property values on neighboring land;
 - (iv) The placement will conform to all reasonable health standards;

- (v) The placement will be satisfactorily landscaped; and
 - (vi) The placement will be for a specified duration, not to exceed one (1) year.
- (C) Each party receiving a special permit shall pay the same monthly parking fee as parties owning or occupying a mobile home in a licensed mobile home park. The owner of the land on which the mobile home is placed shall be jointly liable with the owner or occupant of the mobile home for payment of the fee. The fee shall be due and payable to the Town Clerk on the 10th day of each month, and any fee not paid when due shall be treated in all respects like a default in payment of personal property tax and shall be subject to all penalties and procedures applicable thereto under Wis. Stats. Chaps. 70 and 74.
- (2) A person may park and use mobile homes for display and sale in the Town if these mobile homes are parked in commercially zoned areas, all other zoning and police power requirements are complied with and the mobile homes are not in use for residential or any type of business purpose except for the sole purpose of display and sale.
- (3) No person may park a mobile home in the Town on public streets, rights-of-way, highways and alleys in the Town except on a temporary basis for a time period not to exceed 24 hours. Mobile homes parked in excess of 24 hours shall be towed at the owner's expense. This provision is subject to full compliance by the person with all regulations, laws and Ordinances applicable to motor vehicles, roads and parking in the Town.
- (4) A person who is currently holding a permit to occupy a mobile home in the Town may park, use and occupy the mobile home for residential purposes. The "current permittee" may continue to occupy and use the mobile home as long as:
- (A) The mobile home is occupied and used for residential purposes;
 - (B) The mobile home is primarily occupied and used by the present permittee and his or her immediate family;
 - (C) The mobile home is maintained in a sanitary condition;
 - (D) The mobile home complies with Town Building Codes, the State of Wisconsin Building Codes, the rules and regulations of the State Department of Health and Social Services, including the State Plumbing Code under Wis. Admin. Code Chaps. COMM 82 and 83;

- (E) The mobile home does not constitute a public nuisance;
- (F) The person who occupies the mobile home or the landowner pays the monthly parking fee;
- (G) The "current permittee" has not transferred, leased or conveyed in any way the title to the mobile home to another person outside the permittee's immediate family; and
- (H) The mobile home is not moved to a different premises in or outside the Town beyond the specific location wherein the mobile home is currently parked.

(e) **Mobile Home Park Requirements.**

A mobile home park serving only non-dependent mobile homes shall conform to the following requirements:

- (1) The park shall be located on a well-drained property, properly graded to insure rapid drainage and free from stagnant pools of water.
- (2) Each mobile home site shall be clearly defined or delineated, and shall have an average width of not less than forty (40) feet. The mobile home shall not occupy more than twenty-five percent (25%) of the area of the site. Mobile home park licensees shall place highly reflective signs identifying the site numbers for each site in the mobile home park. The signs shall be mounted on a post, comparable to the emergency response signs currently used in the Town. Each of these signs shall be consistent with height, color and placement as determined by the Town Board. These signs shall also be fully visible from the roadway so that any emergency vehicles will be able to locate said mobile home sites in a timely fashion. The cost of these signs and posts shall be the sole responsibility of the mobile home park licensee. The Town shall purchase said signs and posts and undertake the initial cost of installation. The Town shall invoice these costs back to the mobile home park licensee. If a need exists at any time to replace these signs or posts, the cost of both the signs and their installation shall be paid by the mobile home park licensee.
- (3) The basic unit, including attached structures, shall be located on each site with at least a ten foot rear and side yard clearance from any site boundary. Detached structures shall not be located closer than five (5) feet from any site boundary line. Boundary clearance shall be exclusive of parking area. No unit shall be located within ten feet of any other building or property line. No unit shall be closer than 25 feet from a right of way line of a public street or 50 feet from a trunk highway thoroughfare or such other distances as may be established by Ordinance or

regulations as a front yard setback requirement with respect to permanently erected buildings in the District in which the mobile home park is located.

- (4) All sites shall abut upon a roadway which shall have unobstructed access to a public street, alley or highway.
- (5) All roadways and walkways shall be graveled or paved, maintained in good condition, have natural drainage, and lighted at night with adequate lighting. Adequate lighting is lighting that is equal to lighting in a residential area of the average city or village. Walkways shall have a minimum width of 36 inches.
- (6) Each mobile home site shall be provided with an electrical outlet supplying at least 110/220 volts, 50 amperes, single phase.
- (7) An adequate supply of potable drinking water for drinking and domestic purposes shall be provided for all buildings and primary housing sites within the park. Each site shall be provided with a cold water supply outlet, located as to be accessible to the side of the unit.
- (8) Each site shall be provided with a sewer receptacle meeting Wis. Admin. Code Chaps. COMM 82, 83 and/or 85, which shall be connected to receive waste water from shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home on each site having any or all of such facilities. Receptacles shall be so located as to be accessible from sides of units.
- (9) Sewage Disposal.
 - (A) Sewage from each site shall be connected into a public sewer system and disposal system where available.
 - (B) Private sewage disposal systems, as defined in Wis. Stats. § 145.01(12) and designed, constructed and operated in accordance with Wis. Stats. § 145.245 and Wis. Admin. Code Chaps. COMM 82 and 83, are required when a public sewer facility is not available to the premises.
 - (C) Failed on-site private waste disposal systems shall be replaced or rehabilitated. A failed system has the meaning prescribed for "failing private sewage system" in Wis. Stats. § 145.245(4).
- (10) Each site shall be attractively landscaped and all areas fronting the park and any buildings or recreation areas shall be attractively landscaped.

- (11) Each park harboring dependent mobile homes shall be provided with toilet facilities in accordance with Wis. Admin. Code, § HFS 178.09.
- (12) Service Buildings if Included in Park.
- (A) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable Ordinances, regulations, and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (B) Service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moisture proof material, which may be painted woodwork as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees F during the period from October 1st to May 1st. The floors of the service building shall be of water impervious material. Washing and drying machines shall be installed according to the needs of the park.
- (C) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition, and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.
- (D) Service buildings shall be equipped with fire extinguishers.
- (13) Supervision. The licensee, or a duly authorized attendant or caretaker, shall at all times be in charge of each mobile home park. The attendant or caretaker shall be answerable with the licensee for the violation of any provision of this Ordinance to which the licensee is subject.
- (14) Guest Parking.
- (A) Residents desiring to park a guest's camping trailer or recreational mobile home on their premises in excess of five days shall obtain a permit from the Town Clerk. The Town Board, after consideration of sanitation facilities may at its discretion issue a special permit not to exceed 15 days. A fee of \$10.00 shall be paid for such permit, and shall accompany the application. No recreational mobile home or camping trailer shall be parked on any street or highway in excess of five hours.
- (B) Unoccupied Storage. The parking of any unoccupied mobile home is permitted, provided no living quarters shall be maintained or any business conducted in such unit while so parked or stored. The person so storing an unoccupied mobile home shall report such action within 15 days to the Town Clerk and Assessor, and such unit shall be taxed as personal property.

- (15) Temporary Vacationing Unit. No mobile home shall be deemed vacant or unoccupied because of the temporary absence therefrom of the owner or occupant.
- (16) Existing Mobile Home Parks.
- (A) Mobile home parks which before the effective date of this Ordinance either complied with existing Ordinances or were in existence prior to 1962 shall be allowed to operate without being in compliance with Subsections 6.03(e)(1), (2), (3) and (4) unless the licensing agency determines that noncompliance endangers the health or safety of occupants.
- (B) Any mobile home park expansion shall be in accordance with Subsections 6.03(e)(1), (2), (3) and (4), shall require an environmental and an economic impact study on the School District, and shall be in accordance with other applicable parts of this Ordinance.
- (17) Management. Each mobile home park shall have on site an office for the person in charge of the facility. It shall be the duty of the owner of the mobile home park or operator, together with the attendant or person in charge of such facility, to:
- (A) Keep a register of all occupants of the mobile homes which shall be open at all times for inspection by federal, State or local officials;
- (B) Maintain the park, in a clean and sanitary condition at all times;
- (C) Report presence of dogs or any other animals running loose in the park;
- (D) Report to the local health officer all cases or persons or animals affected or suspected of being affected with any communicable disease; and
- (E) Post copies of their rules and regulations in one or more conspicuous places in the mobile home park where they can be easily seen by residents and visitors.
- (f) Enforcement. Any license granted under this Ordinance shall be subject to revocation or suspension for violations of this Ordinance by the Town Board. Upon a complaint filed with the Town Clerk, signed by any law enforcement officer, health officer, fire commissioner or any other Town official, the Town Board may order a public hearing. The holder of the license shall be given ten days' notice in writing of such hearing, and shall be entitled to appear and be heard why such license should not be suspended or revoked. The licensee whose license is revoked or suspended by the Town Board may, within 30 days of the date of such revocation or suspension, seek judicial review pursuant to Wis. Stats. § 68.13.

(g) **Severability.**

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

(h) **Repeal of Conflicting Ordinances.**

All other Ordinances or parts of Ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

History Note: Ordinance No. 1, adopted November 25, 1969; amended April 20, 1970; repealed and recreated as Ordinance 9.02 on December 7, 1993; amended through codification November 1999. Amended June 8, 2004 Ordinance No. 6-2004. Amended December 14, 2004 Ordinance No. 12-2004. Amended June 14, 2016, Ordinance No. 2016-01.

SECTION 6.04 **ALCOHOL BEVERAGE LICENSES**(a) **Purpose.**

The Town Board finds that it is in the best interests of the public to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this Ordinance for such regulation will promote government and good order of the Town for its commercial benefit, and for the health, safety, and welfare of the public.

(b) **Statutory Authority.**

This Ordinance is enacted pursuant to Wis. Stats. § 125.10 and the general police power of the Town Board.

(c) **Definitions.**

The definitions contained in Wis. Stats. § 125.02 are hereby adopted and made part of this Ordinance by reference. In addition, the following specific definitions shall apply to Class "B" fermented malt beverage licenses and "Class B" intoxicating liquor licenses:

- (1) **Premises.** Any location(s) shown on the license application as approved by the Town Board where alcohol beverages may be sold and consumed.

[Amended by Ord. 2009-7, 6/23/09.]

(d) **Licenses Required.**

No person, except as authorized by this Ordinance and Wis. Stats. Chap. 125, shall within the Town serve, sell, distribute, vend, offer or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity without a license as authorized under this Ordinance.

(e) **License Classes and Fees.**

There shall be the following classes of licenses, which when issued by the Town Clerk under authority of the Town Board after the payment of the appropriate fee hereinafter specified, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stats. Chap. 125. Except as otherwise provided in this Section, the full license fee shall be charged for the whole or fraction of any year.

- (1) Class "A" Fermented Malt Beverage License: As specified on the current Town of Dekorra Fee Schedule. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (2) Class "B" Fermented Malt Beverage License: As specified on the current Town of Dekorra Fee Schedule. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. Class "B" licenses may be issued at any time for a period of 6

months in any calendar year, for which 50% of the license fee shall be paid. Such six month license is not renewable during the calendar year in which issued.

- (3) Temporary Class "B" for Fermented Malt Beverage License for bona fide clubs, State, County, or local fair associations, or agricultural societies, lodges, or societies, etc. under Wis. Stats. § 125.26(6): As specified on the Town of Dekorra Fee Schedule.
- (4) "Class A" Intoxicating Liquor License: As specified on the current Town of Dekorra Fee Schedule. A license may be issued effective on or after July 1 in any license year. The license shall expire on the following June 30. The fee for the license for less than one year shall be prorated according to the number of months or fraction thereof remaining until the following June 30, pursuant to Wis. Stats. § 125.51(9)(a). This license may be issued at any time for six (6) months in any calendar year, for which 50% of the applicable license fee shall be paid. Such six month license shall not be renewable during the calendar year in which issued.
- (5) "Class B" Intoxicating Liquor License: As specified on the current Town of Dekorra Fee Schedule. A license may be issued effective on or after July 1 in any license year. The license shall expire on the following June 30. The fee for the license for less than one year shall be prorated according to the number of months or fraction thereof remaining until the following June 30, pursuant to Wis. Stats. § 125.51(9)(a). This license may be issued at any time for six (6) months in any calendar year, for which 50% of the applicable license fee shall be paid. Such six month license shall not be renewable during the calendar year in which issued.
- (6) Reserve "Class B" License: As specified on the current Town of Dekorra Fee Schedule. A Reserve "Class B" license is defined in Wis. Stats. § 125.51(4)(a)(4). The fee for an initial issuance of a Reserve "Class B" license shall be \$10,000.00, except that the fee for the initial issuance of a Reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least six (6) years is the fee established in 6.04(e)(5) for such club or lodge. The annual fee for renewal of a Reserve "Class B" license is the fee established in Section 6.04(e)(5).
- (7) "Class B" License for Full-Service Restaurants and Hotels. The initial fee for a "Class B" license for a full-service restaurant that has a seating capacity of 300 or more persons, or a hotel that has 100 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room which will accommodate 400 or more persons, is as specified on the current Town of Dekorra Fee Schedule. Thereafter, the annual renewal fee is as specified on the current Town of Dekorra Fee Schedule.
- (8) "Class C" License. As specified on the current Town of Dekorra Fee Schedule. A "Class C" license is defined in Wis. Stats. § 125.51(3m). This license authorizes

the retail sale of wine by the glass or in an open original container for consumption on the premises where sold. This license may be issued for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a bar room if the Town's quota prohibits the Town from issuing a "Class B" license to that person.

- (9) Operator's License: As specified on the current Town of Dekorra Fee Schedule.
- (10) Provisional Operator's License: As specified on the current Town of Dekorra Fee Schedule.
- (11) Manager's License: As specified on the current Town of Dekorra Fee Schedule.

(f) **Application.**

All applications for a license authorized under this Ordinance and Wis. Stats. Chap. 125 shall be in writing on forms prescribed and furnished by the Wisconsin Department of Revenue as supplemented and approved by the Town Board. All applications shall be verified under oath as provided by Wis. Stats. § 887.01 and shall contain at least the following information:

- (1) The kind of license for which the applicant is applying;
- (2) Address of the property for which a license is desired; **[Amended by Ord. 2009-07, 6/23/09.]**
- (3) A description of the physical property, including all structures and outdoor spaces and every room and storage space. This description shall include a scaled diagram of the overall dimensions of the property and all structures, seating arrangements, seating capacity, bar location(s) and size and any outdoor service and consumption areas. This diagram shall specifically identify all locations where fermented malt beverages and/or intoxicating liquors are proposed to be sold and consumed. Outdoor alcohol consumption shall have a limited area of property for use, which shall not occur closer than 30 feet to any property line; **[Amended by Ord. 2009-07, 6/23/09.]**
- (4) A history of the applicant relevant to the applicant's fitness to hold a license, including applications for other alcohol beverage licenses at any other location in the State;
- (5) If the applicant is a corporation, the identity of the corporate officers and agent;
- (6) If the applicant is a limited liability company, the identity of the company members or managers and agent;

- (7) The applicant's trade name, if any;
- (8) For Class "A" or Class "B" fermented malt beverage license applications, whether the applicant has indebtedness for fermented malt beverages to any licensee which has been outstanding for more than 15 days;
- (9) For "Class A" or "Class B" intoxicating liquor retail license applications, whether the applicant has any indebtedness for intoxicating liquor to any licensee which has been outstanding for more than 30 days;
- (10) For Temporary Class "B" license applications, the dimensions and arrangements of the fenced area to be used for the sale of fermented malt beverages;
- (11) For corporation or limited liability company applicants, a statement by its officers showing the names and addresses of the persons who are stockholders or members, together with the amount of stock or the membership interest held by such person or persons; and
- (12) A statement showing compliance with Wis. Stats. § 125.04(5) or (6).

(g) **Filing of Application.**

- (1) **Filing.** All applications shall be filed with the Town Clerk. At the time of filing, the applicant shall pay to the Town Clerk the cost of publication of the application and the annual fee for the license as established in Section 6.04(e), unless the application is filed more than 30 days prior to the date that the license is to be issued. All applications except Temporary Class "B" license applications under Wis. Stats. § 125.26(6) must be on file with the Town Clerk at least 15 days before the Town Board may grant or deny the application. All license fees shall be paid on the 30th day prior to the date that the license is to be issued, unless the application is filed less than 30 days prior to the date of issuance of the license.
- (2) **Amendment of Application.** Within 10 days of any change in any fact set out in a license application to sell alcohol beverages, a licensee shall file with the Town Clerk a written description of the changed fact.

(h) **Publication of Applications.**

Except for Temporary Class "B" Licenses issued under Wis. Stats. § 125.26(6), the Town Clerk shall publish in the Town newspaper each application for a Class "A," Class "B," "Class A," or "Class B" license prior to its issuance. The cost of the publication shall be paid by the applicant at the time the application is filed as determined by Wis. Stats. § 985.08.

(i) **Qualifications of Applicants.**

- (1) All natural persons applying for licenses under this Ordinance must meet the following qualifications:
 - (A) Attainment of legal drinking age;
 - (B) Continuous Wisconsin residence for at least 90 days prior to the date of the application;
 - (C) Lack of an arrest of conviction record, subject to Wis. Stats. §§ 111.321, 111.322, 111.335, and 125.12(1)(b);
 - (D) Submission of proof of a seller's sales tax permit as required under Wis. Stats. § 77.61(11); and
 - (E) Successful completion within the two (2) years prior to the date of application of a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the Wisconsin Department of Revenue or the educational approval board. This paragraph shall not apply to an applicant who held, or who was an agent appointed and approved under Wis. Stat. § 125.04(6) of a corporation or limited liability company that held, within the past two (2) years, a Class "A," "Class A" or a Class "B," or "Class B" license or a manager's or operator's license.
- (2) The Town shall not issue any alcohol beverage license to any natural person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to Wis. Stats. §§ 111.321, 111.322, and 111.335.
- (3) The Town shall not issue any alcohol beverage license unless the applicant has the right to possession of the premises described in the license application by lease or deed.
- (4) **Corporations and Limited Liability Companies.** The Town shall not issue any alcohol beverage license to any corporation or limited liability company unless that entity meets the qualifications under Subsections (i)(1)(C) and (D) and (i)(2) of this Ordinance, unless the agent of the entity appointed under Wis. Stats. § 125.04(6) and the officers and directors, or managers or members, meet the qualifications of Subsections (i)(1)(A) and (C) and (i)(2) of this Ordinance and unless the agent of the entity appointed under Wis. Stats. § 125.04(6) meets the qualifications under Subsections (i)(1)(B) and (E). The requirement that the entity meet the

qualifications under Subsections (i)(1)(C) and (i)(2) of this Ordinance does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(5) Operators' and Managers' Licenses.

(A) Subsection (i)(1)(B) of this Ordinance does not apply to applicants for operators' licenses or managers' licenses, although applicants for managers' licenses must be Wisconsin residents at the time of license issuance. Subsection (i)(1)(A) of this Ordinance does not apply to applicants for operators' licenses. Operators' licenses may be issued only to applicants who have attained the age of 18. Subsection (i)(1)(D) and (E) of this Ordinance do not apply to operators' licenses issued under Wis. Stats. § 125.17 or managers' licenses issued under Wis. Stats. § 125.18.

(B) No operator's license shall be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the Wisconsin Department of Revenue or educational approval board, unless the applicant fulfills one of the following requirements:

- (i) The person is renewing an operator's license;
- (ii) Within the past two (2) years, the person held a Class "A," "Class A," Class "B," or "Class B" license or a manager's or operator's license; or
- (iii) Within the past two (2) years, the person has completed such a training course.

(C) An operator's license shall be valid for a period of one (1) year and shall expire on June 30 of each year.

(6) Provisional Operators' Licenses.

(A) A provisional operator's license may be issued to any person who has applied to the Town Board for the issuance of an operator's license. A provisional operator's license may not be issued to any person who has previously been denied a operator's license by the Town Board.

(B) A provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued, whichever is sooner. The Town Clerk

may revoke a license issued pursuant to this paragraph if the Clerk discovers that the provisional operator license holder made a false statement on the application or fails to successfully complete the responsible beverage server training course in which he or she enrolled.

(j) **Inspection of Application and Premises.**

The Town Clerk shall notify the Town Board and Safety Committee of all license applications. These officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, Ordinances, and laws applicable thereto and the applicant's fitness for the license. These officials shall furnish to the Town Clerk in writing the information derived from such investigation. The Town Clerk shall forward to the Safety Committee, for its recommendation to the Town Board, the report along with his or her recommendation as to whether the license application should be granted or denied. No license or renewal of a license provided for in this Ordinance shall be issued without an inspection or re-inspection of the premises and report herein required. The Town Constable or other person designated by the Town Board shall carry out initial and renewal inspections of each area of sales and consumption identified in the license application. The inspection official shall submit an inspection report with the Town Clerk (to be attached to the application), the Safety Committee, the Town Board and owner of the premises. Any and all discrepancies in the license application shall be corrected immediately and the licensee or the duly appointed manager shall sign off on the application that all deficiencies are corrected. [Amended by Ord. 2009-07, 6/23/09.]

(k) **Qualifications for Licensed Premises.**

(1) **Health and Sanitation Requirements.** No license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the Wisconsin Department of Commerce pertaining to the buildings and plumbing, to the rules and regulations of the Wisconsin Department of Health and Human Services applicable to the restaurants, and to all such Ordinances and regulations adopted by the Town. Any proposed outdoor sales areas shall have male and female portable sanitary facilities with hand sanitizing equipment attached, as authorized by the Wisconsin State Building Code, adjacent to the area and serviced by a licensed provider. [Amended by Ord. 2009-07, 6/23/09.]

(2) **Location of Premises.**

(A) No retail Class "A," Class "B," "Class A," or "Class B" license shall be issued for premises located less than 300 feet from any established public or parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closed point of the boundary of such school, church, or hospital to the closest entrance to such premises. This paragraph shall not apply to any of the following:

- (i) premises covered by a license on June 30, 1947;
 - (ii) premises covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building; or
 - (iii) a restaurant located within 300 feet of a church or school in which the sale of alcohol beverages accounts for less than 50% of their gross receipts.
- (B) No license shall be issued to any person for the purpose of possession, selling, or offering for sale any alcohol beverages in any dwelling, flat, or residential apartment.
- (C) No license shall be issued authorizing consumption of alcohol beverages outdoors where the proposed area is closer than 30 feet to any property line. [Created by Ord. 2009-07, 6/23/09.]

(l) **Review of Applications.**

- (1) The Town Board shall review all license applications filed in a timely manner. Opportunity to be heard shall be given by the governing body to any person regarding the license application. Upon the approval of the application by the Town Board and payment of the license fee, the Town Clerk shall issue to the applicant a license.
- (2) In reviewing any application for a Class "A," Class "B," "Class A," or "Class B" license, the Town Board may, in its discretion, grant the license only for a portion of the premises for which the applicant seeks the right to sell, deal, give away or traffic in alcohol beverages. If only a portion of the premises are licensed, the Town shall issue to the licensee, together with the license, a written statement or diagram showing the portion of the premises licensed.
- (3) If the Town Board denies a new license, the applicant shall be notified in writing by registered mail or personal service of the reasons for the denial.

(m) **Regulation of Licenses and Licensed Premises.**

- (1) **Posting Licenses.** Licenses issued under this Ordinance shall be posted and framed as provided by Wis. Stats. § 125.04(10). Failure to post a license as required therein shall create a presumption of operating without a license.

- (2) Gambling and Disorderly Conduct. 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 or on any premises. However, a licensed premises may be designated an agent of the Wisconsin State Lottery.
- (3) 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 which used.
- (4) Consent to Entry. Every applicant procuring a license thereby consents to the entry of police or duly authorized representative of the Town at all reasonable hours to inspect the licensed premises.
- (5) Quotas. The number of persons and places that may be granted as retail "Class B" intoxicating liquor licenses in the Town is limited as provided in Wis. Stats. § 125.51(4).
- (6) Licensed Operator on Premises.
 - (A) Except as provided by Wis. Stats. §§ 125.32(3)(b) and 125.07(3)(a)(10), no premises operating under a Class "A" or Class "B" license may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. If the licensed premises for the Class "B" or "Class B" license includes an outdoor area licensed for alcohol beverage consumption, a separate licensed operator shall be required for the outdoor service area. **[Amended by Ord. 2009-07, 6/23/09.]**
 - (B) For purposes of this paragraph, any person holding a manager's license or any member of the licensee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's immediate family, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, agent, or person holding an operator's license, who is on the premises at the time of the service.

- (7) Closing Hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:
- (A) If a Class "A" license, between 12:00 a.m. Midnight and 6:00 a.m. for the sale of fermented malt beverages; [**Amended by Ord. 2013-01, 1/8/13.**]
 - (B) If a "Class A" license, between 9:00 p.m. and 6:00 a.m. for the sale of intoxicating liquor; [**Amended by Ord. 2013-01, 1/8/13.**]
 - (C) If a Class "B" or "Class B" license, between 2:00 a.m. and 6:00 a.m., except as otherwise provided in this paragraph. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. On January 1, the premises are not required to close. Between 12 midnight and 6:00 a.m., no person shall sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container, or bottle or for consumption away from the premises; or
 - (D) Hotels and restaurants whose principal business is furnishing food and lodging to patrons, bowling alleys, and golf courses may remain open for the conduct of their regular business but may not sell intoxicating liquors or fermented malt beverages during prohibited hours specified above.
 - (E) Any licensed outdoor service area shall close at 10:00 p.m. In the event the licensee is authorized to provide outdoor entertainment, any such entertainment shall terminate no later than 9:30 p.m. [**Created by Ord. 2009-07, 6/23/09.**]
- (8) Employment of Minors. No retail "Class B" or Class "B" licensee shall employ any person under 18 years of age to serve, sell, dispense, or give away any alcohol beverage.
- (9) Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members or their guests.
- (10) Agents of Corporations or Limited Liability Companies. The cancellation of the appointment of an agent appointed pursuant to Wis. Stats. § 125.04(6) and the appointment of a successor agent shall be performed in accordance with Wis. Stats. § 125.04(6). The corporation or limited liability company holding the license shall immediately notify the Town Clerk in writing of the appointment of a successor agent and the reason for the cancellation and new appointment. The license holder shall, following the approval of each successor agent or another qualified agent, pay to the Town a fee of \$10.00. If an agent appointed under Wis. Stats. § 125.04(6) resigns, he or she shall notify in writing the corporation or limited liability company and the Town Clerk within 48 hours of the resignation.

- (11) Stock Transfers. It shall be the duty of each applicant and licensee to file with the Town Clerk a statement of transfers of stock within 48 hours after such stock transfer.

(n) **Regulation of Temporary Class "B" Licenses.**

It shall be unlawful for any person or organization on a temporary basis to sell or offer any alcohol beverage in the Town unless the Town Board has issued a Temporary Class "B" Fermented Malt Beverage License pursuant to this Ordinance. Temporary Class "B" license holders shall comply with the following requirements:

- (1) Underage Persons. No underage person as defined by Wis. Stats. § 125.02 shall be allowed to assist in the sale of fermented malt beverages at any point of sale, nor shall he or she be permitted to loiter or linger in the area of any point of sale of fermented malt beverages.
- (2) Posting of Signs and Licenses. All organizations issued a temporary Class "B" license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any person unless proper identification is shown.
- (3) Presence of Licensed Operator Required On-Site. A licensed operator shall be stationed at all points of sale at all times.
- (4) Fencing.
- (A) If necessary due to the physical characteristics of the site, the Town Board may require that a licensee install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard, or other person of legal drinking age at the entrance for the purpose of checking age identification. Where feasible, there shall be only one point of ingress or egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences. A single eight (8) foot chain link fence may be used in lieu of a double fence when required.
- (B) For indoor events, the structure used shall provide for suitable exits and facilities and be of sufficient size to accommodate anticipated attendance.
- (C) If the event is to be held on Town park property, the licensee shall work closely with Town officials in locating and setting up the fence area. If the event is to be located on Town-owned property other than park property, the licensee shall work closely with the Columbia County Sheriff's Department in locating and setting up the fence area.

- (5) Permitted Cups and Cans. Fermented malt or intoxicating liquor beverages sold outdoors shall be sold and served only in foam or plastic cups or cans. [**Amended by Ord. 2009-07, 6/23/09.**]
 - (6) Insurance. The applicant shall be required to indemnify, defend, and hold harmless the Town and its employees and agents against all claims and damages caused by or resulting from the activities for which the license is granted. The applicant shall be required to file a Certificate of Liability insurance endorsed in favor of the Town with the Town Clerk. The applicant may be required to furnish a performance bond prior to the approval of the license application.
 - (7) Waiver. The Town Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed premises.
- (o) Non-Alcoholic Events.
The presence of underage persons on a licensed Class "B" or "Class B" premises as provided under Wis. Stats. § 125.07(3)(a)(10) shall be subject to the following requirements:
- (1) The licensee or agent of a corporation or limited liability company shall notify the Columbia County Sheriff's Department and the Town Clerk at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each notice shall be given on forms prescribed by the Sheriff's Department and shall specify the date and time on which the event is to occur. Notices shall be filed with the Sheriff's Department between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. After a non-alcohol event notice has been given, the licensee may cancel an event only by giving like notice to the Sheriff's Department and Clerk in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed canceled no later than the date of expiration or revocation of the Class "B" or "Class B" license.
 - (2) During the period of any non-alcohol event, a notice card prescribed by the Sheriff's Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Sheriff's Department to a requesting licensee.
 - (3) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.

- (4) During the period of any non-alcohol event, all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages shall be either disconnected, disabled or made inoperable.

(p) **Violations by Agents and Employees.**

A violation of this Ordinance, any other Town Ordinance, County Ordinance or state statute substantially relating to the licensed activity, including, but not limited to Section 6.09 of the Town of Dekorra Code of Ordinances, by an authorized agent or employee shall constitute a violation of the license. Whenever any licensee under this Ordinance shall violate any portion of this Ordinance or other such ordinance or statute, proceedings for the suspension or revocation of the license may be instituted in the manner prescribed by this Ordinance. [Amended by Ord. 2013-06, 3/12/13.]

(q) **Transfer of Licenses.**

- (1) **From Place to Place.** Every alcohol beverage license may be transferred to another place or premises within the same municipality. Transfers shall be made by the Town Board upon application on forms provided by the Wisconsin Department of Revenue and payment of a fee of \$10.00. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail licensee is entitled to more than one (1) transfer during the license year. This paragraph does not apply to a license issued under Section 6.04(e)(7) or to a Reserve "Class B" license defined in Section 6.04(3)(6).
- (2) **From Person to Person.** Licenses issued under this Ordinance may be transferred to another person only under the terms and conditions as provided by Wis. Stats. § 125.04(12).

(r) **Revocation and Suspension of Licenses.**

- (1) **Grounds for Revocation and Suspension.** A license issued under this Ordinance may be suspended or revoked by the Town Board under the procedures described herein upon the finding of a violation of this Ordinance or Wis. Stats. Chap. 125.
- (2) **Procedure.** A license may be revoked or suspended pursuant to Wis. Stats. § 125.12(2).
- (3) **Effect of Revocation of License.** When a license is revoked under this Section, the revocation shall be recorded by the Town Clerk and no other license issued under this Ordinance may be granted within 12 months of the date of revocation to the person whose license is revoked. No part of the fee for any license so revoked may be refunded.

(s) **Severability.**

Should any section or provision of this Ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

History Note: Ordinance No. 4 relating to license issuance with Town delinquencies adopted May 10, 1983; Ordinance No. 5 relating to provisional operator's licenses adopted August 13, 1991; other provisions adopted through codification November 1999; amended June 8, 2004, Ordinance No. 6-2004; closing hours amended by Ord. 03-2008 on June 24, 2008; amended June 23, 2009, Ordinance No. 2009-7; amended by Ord. 2013-06, 3/12/13; amended by Ord. 2013-01, 1/8/13

SECTION 6.05 **BOWLING ALLEYS, MECHANICAL OR ELECTRONIC AMUSEMENT DEVICES**

(a) **Definitions.**

The following definitions shall be applicable in this Chapter:

- (1) **Mechanical or Electronic Amusement Device.** Any machine, device, or game which, upon the insertion of a coin, slug, token, or similar item, permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, and which is not a gambling device. The term shall include, but not be limited to, electronic or mechanical game machines, pinball machines, ski-ball machines, shooting games, billiard or pool tables, juke boxes, shuffle board courts and electronic video games.
- (2) **Minor Arcade.** Any single premises or location at which is located between four (4) and nine (9) mechanical or electronic amusement devices.
- (3) **Major Arcade.** Any single premises or location at which is located more than nine (9) mechanical or electronic amusement devices.

(b) **Registration and Licensing of Bowling Alleys and Amusement Devices.**

- (1) **All Devices to be Licensed.** Any person maintaining, operating or permitting the operation of a bowling alley or a mechanical or electronic amusement device shall obtain a license to operate such bowling alley or device from the Town Clerk, unless the premises on which the device is maintained or operated is licensed as a minor or major arcade. The annual fee for operation of a bowling alley or mechanical or electronic amusement device shall be as follows:
 - (A) For each bowling alley: as specified on the current Town of Dekorra Fee Schedule.
 - (B) For each billiard or pool table: as specified on the current Town of Dekorra Fee Schedule.
 - (C) For each juke box: as specified on the current Town of Dekorra Fee Schedule.
 - (D) For each shuffle board court: as specified on the current Town of Dekorra Fee Schedule.
 - (E) For each pin ball machine: as specified on the current Town of Dekorra Fee Schedule.

- (F) For each electronic or mechanical game machine, ski ball machine, shooting game and electronic video game not previously mentioned: as specified on the current Town of Dekorra Fee Schedule.
- (G) Non-coin billiard or pool table or shuffle board court: as specified on the current Town of Dekorra Fee Schedule.
- (H) Such license shall expire on June 30 of each year. The applicant shall submit an application for each place where a mechanical or electronic amusement device is to be operated, stating the name of the owner of the device, the place where the device is to be operated and such other information as the Clerk may reasonably require. If the Clerk is satisfied that the applicant meets all the requirements of this Section the Clerk shall issue the license. Such license shall be conspicuously displayed on the premises at all times while the device is operable.

(2) Minor Arcade License.

- (A) Any person owning or operating a premises on which between four (4) and nine (9) mechanical or electronic amusement devices are kept at any one (1) time shall, in lieu of obtaining a license under Subsection (a), obtain a minor arcade license for the premises which shall permit the holder thereof to operate or maintain the specified number of devices on the licensed premises. The fee for a minor arcade license shall be as specified on the current Town of Dekorra Fee Schedule. Such license shall expire on June 30 of each year.
- (B) Application Information. The application shall contain the following information:
 - (i) Name and address of the applicant;
 - (ii) Name and address of person responsible for management of the arcade, including list of such person's qualifications, experience and references, and date, place and circumstances of conviction of violation of any local ordinance, state or federal law directly related to the activity proposed to be licensed;
 - (iii) Complete description of the premises to be licensed;
 - (iv) Statement of the number of devices to be kept on the premises, describing each by make and type;
 - (v) Name of owner of the machines;

- (vi) Type of supervision to be provided;
 - (vii) A zoning permit or current zoning application, if required by the Town Board;
 - (viii) Detailed operating plan, including hours of operation manner of supervision to be provided; and
 - (ix) Such other information as the Clerk may reasonably require.
- (C) If the Clerk is satisfied that the premises and management thereof meet the requirements of this Section and Section 6.01, the Clerk shall submit the application to the Town Board. No minor arcade license shall be valid until approved by the Town Board. The applicant shall display such license conspicuously on the premises at all times during which the arcade is in operation.
- (3) Major Arcade License.
- (A) Any person owning or operating a premises on which ten (10) or more mechanical or electronic amusement devices are kept at any time shall obtain for such premises a major arcade license in lieu of obtaining a license under Subsection (a). The fee for a major arcade license shall be as specified on the current Town of Dekorra Fee Schedule. Such license shall expire on June 30 of each year.
 - (B) Application for a major arcade license shall be in writing on forms provided by the Clerk and shall contain the information required under Subsection (2) above.
 - (C) The operating plan and any restrictions placed on the premises under the zoning permit, if required, shall be incorporated by reference in any arcade license or renewal thereof. No major arcade license shall be valid until approved by the Town Board. The license shall be conspicuously displayed on the premises at all times during which the arcade is in operation.
- (c) Restrictions Applicable to All Mechanical or Electronic Amusement Devices and Arcades.
- (1) Premises to be Safe and Sanitary. No license shall be granted for any mechanical or electronic amusement device or arcade unless the premises complies with all fire and building code requirements of the Town and the state, provides adequate room

for operation of the devices without blocking access, and is an otherwise safe and sanitary environment.

- (2) Premises to be Supervised. No mechanical or electronic amusement device or arcade license shall be granted unless the applicant therefor shows that the premises will be adequately supervised.
 - (3) Orderly Conduct Required. The licensee shall maintain supervision of the premises in such a manner as to insure that no disorderly conduct, gambling or other activity prohibited by local ordinance, state or federal law is permitted on such premises.
 - (4) Department of Justice Registration Required. No mechanical or electronic amusement device may lawfully be operated in the Town unless there is affixed thereto a Department of Justice identification number, if required by law. If any device is found in the Town without such registration number, any police officer is authorized to summarily revoke the license of the premises where the offense is committed.
 - (5) Offering of Prizes or Awards Prohibited. No licensee under this Section shall offer, advertise, make, or give any reward, prize, money or thing of value to any person by reason of the operation of any mechanical or electronic amusement device.
 - (6) Consent to Inspection. An applicant for a license under this Section thereby consents to the entry of law enforcement personnel or authorized representatives of the Town upon the licensed premises at all reasonable hours for the purposes of inspection and search and consents to removal from the premises and introduction into evidence in prosecutions for violations of this Chapter all things found therein in violation of this Section or state law.
 - (7) Parking. No license shall be issued or renewed unless the licensee has provided off-street parking stalls conforming to Town minimum parking regulations.
 - (8) Entry Fees. No licensee shall charge customers a fee, cover charge, cubicle rental, membership fee or other charge for the privilege of using the premises on which any coin-operated amusement device is located.
- (d) **Transferability of License.**
- (1) Mechanical or Electronic Amusement Device License. Mechanical or electronic amusement device licenses may be transferred from premises to premises during the license year without charge. The holder of such license shall notify the Clerk at least ten (10) days before the time such transfer is made.

- (2) Minor Arcade License. A minor arcade license may be transferred from one (1) premises to another or from the holder to another person upon application to the Clerk and a payment of the fee as specified on the current Town of Dekorra Fee Schedule. The Clerk may grant or deny such application for transfer and, if denied, the applicant has the right of review of such determination before the Town Board.
 - (3) Major Arcade License. Major arcade licenses are not transferrable.
- (e) **Suspension or Revocation of Licenses.**
- (1) Any license issued under this Chapter may be suspended or revoked for cause by the Town Board. Except for summary revocation under Subsection (c)(4), no license shall be suspended or revoked except upon written verified complaint filed with the Town Board by a member of such body, a law enforcement officer or 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. The licensee shall be given notice of such hearing not more than twenty (20) nor less than five (5) days after notice, except as otherwise agreed between the parties.
 - (2) 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 presiding officer to compel the attendance of witnesses. Any suspension ordered by the Board shall be for not less than ten (10) nor more than ninety (90) days.

History Note: Ordinance No. 32, adopted March 8, 1983; amended through codification November 1999. Amended June 8, 2004 Ordinance No. 6-2004.

SECTION 6.06 **DIRECT SELLERS AND SOLICITORS**(a) **Registration Required.**

No direct seller or solicitor shall engage in any activity governed by this Ordinance without complying with the registration requirements applicable to the class of activity in which the direct seller or solicitor is engaged.

(b) **Definitions.**

In this Ordinance, the following definitions shall be applicable:

- (1) **Direct Seller.** Any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, hawkers, and transient merchants.
- (2) **Solicitor.** Any person who, for compensation or other consideration, plans, conducts, manages, or carries on any drive or campaign in the Town for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of or holds himself or herself out to persons in this State as independently engaged in the business of soliciting contributions for such purpose. A bona fide officer or employee of a charitable organization is not deemed a solicitor unless his or her salary or other compensation is computed on the basis of funds to be raised or actually raised.
- (3) **Permanent Merchant.** A direct seller who, for at least one (1) year prior to the consideration of the application of this Ordinance to said merchant:
 - (A) Has continuously operated an established place of business in this Town; or
 - (B) Has continuously resided in this Town and now does business from his/her residence.
- (4) **Goods.** Personal property of any kind, and shall include goods provided incidental to services offered or sold.
- (5) **Charitable Organization.** Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, and religious organizations, including Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (6) **Clerk.** The Town of Dekorra Clerk.

- (7) Person. All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.
- (8) Contribution. The promise or grant of any money or property of any kind or value, including net proceeds from sales of tickets, and donations required by the solicitor for the retention of goods by a donor or prospective customer.

(c) **Direct Seller Registration Exemptions.**

The following shall be exempt from all provisions of this Chapter:

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (2) Any person selling goods at wholesale to dealers in such goods;
- (3) Any person selling agricultural products from commercially zoned property which such person has grown;
- (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- (5) Any person who has an established place of business within the Poynette School District where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (6) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (8) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (9) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Town Clerk proof that such charitable organization is registered under Wis. Stats. § 440.42, or which is exempt from that statute's registration requirements, shall be required to register under this Ordinance; and

- (10) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant, provided that there is submitted to the Clerk proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Town for at least one (1) year prior to the date complaint was made.

(d) **Direct Seller Registration.**

- (1) Applicants for registration as a direct seller must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
 - (A) Name, permanent address and telephone number, and temporary address, if any, from which business will be conducted;
 - (B) Age, height, weight, color of hair and eyes, and date of birth;
 - (C) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 - (D) The length of time for which the right to conduct business is desired;
 - (E) Nature of business or solicitation to be conducted and a brief description of the goods offered and any services offered;
 - (F) Proposed method of delivery of goods, if applicable;
 - (G) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (H) Last cities, villages, town, not to exceed three (3), where applicant conducted similar business or solicitation just prior to making this registration;
 - (I) Place where applicant can be contacted for at least seven (7) days after leaving this Town; and
 - (J) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offence and the place of conviction.

- (2) **Documentation.** Applicants shall present to the Town Clerk for examination:

- (A) A driver's license or some other proof of identity as may be reasonably required;
 - (B) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (C) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made;
 - (D) A photograph approximately two (2) inches by two (2) inches showing the head and shoulders of such person which was taken no more than one (1) year prior to the application; and
 - (E) A copy of the applicant's fingerprints taken by any authorized law enforcement agency.
- (3) Application Fee. At the time of filing the application, a fee as specified on the current Town of Dekorra Fee Schedule shall be paid to the Clerk to cover the cost of processing the application and investigating the application. The Clerk shall refuse to register the applicant if the application or supporting documents contain any material omission, if the applicant has been convicted of a crime or ordinance violation within the last five (5) years related in nature to the direct selling business, or if the Clerk determines that complaints of a material nature have been received against the applicant in the last three (3) locations of applicant's operation. If the application is apparently complete and lacks any of the above problems, the Clerk shall register the applicant as a direct seller and date the entry. The registrant shall thereupon sign a statement appointing the Clerk his or her agent for receipt of service of process in any civil action brought against the applicant arising out of the performance or nonperformance of any sale or service performed by the registrant in connection with the direct sales activities in the event the registrant cannot, after reasonable effort, be served personally. The registration shall be valid for one (1) year from the date of entry, subject to subsequent summary revocation, as provided in Section 6.05(c)(4) of this Ordinance.
- (4) Investigation. Upon receipt of the application, the Clerk shall refer it immediately to the Town Constable, or other law enforcement officer with jurisdiction, who shall complete an investigation of the applicant based upon the information in the application. If, as a result of such investigation, it is determined that any

representation of fact in the application is false, the Chief shall summarily revoke the registration.

- (5) Appeals. Any person denied registration or whose registration is revoked may appeal to the Town Board in writing within fourteen (14) days.

(e) **Solicitors Registration Procedure.**

- (1) Applicants for registration as a solicitor shall complete and return to the Clerk a signed registration form furnished by the Clerk containing the following information:

- (A) Name, address, and telephone number of the charitable person, firm, association, organization or corporation that the solicitor represents or is employed by, together with credentials establishing the relationship;
- (B) Purpose of the charitable Organization;
- (C) Names, permanent addresses, and telephone numbers of the persons who will actually engage in the soliciting, together with the time period(s) and routes on which the persons will solicit;
- (D) A statement of whether the charitable organization is registered with the State Department of Regulation and Licensing under Wis. Stats. § 440.42; and
- (E) Amount of commission, fees, wages or emoluments, if any, to be expended in connection with the solicitation.

- (2) At the time of filing the application, the applicant shall present the following to the Clerk for examination:

- (A) A driver's license or some other proof of identity as may be reasonably required;
- (B) A photograph approximately two (2) inches by two (2) inches showing the head and shoulders of such person, which was taken no more than one (1) year prior to the application;
- (C) If required to be registered with the State, a complete copy of the charitable organization's registration statement and supporting materials under Wis. Stats. § 440.42(2), the latest annual report under § 440.42(3), and the other materials, bond and contract under Wis. Stats. §§ 440.42(5), (6), and (7); and

- (D) If not required to be registered with the State, a copy of the charitable organization's latest filed federal tax form.
- (3) No fee shall be charged for registration of solicitors. The Clerk shall examine the application and supporting documents. If the application and supporting documents are complete, the Clerk shall register the applicant as a solicitor. The registration shall be valid for one (1) year from the date of issuance.
- (f) **General Regulation of Direct Sellers and Solicitors.**
 - (1) **Prohibited Practices:**
 - (A) A direct seller or solicitor shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. and all day on Sunday and legal holidays, except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises;
 - (B) No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed;
 - (C) No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source;
 - (D) No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he is conducting business;
 - (E) No direct seller or solicitor may call at the rear door of any dwelling except by prior appointment;
 - (F) No direct seller or solicitor may remain on any premises after being asked to leave by the owner, occupant, or other person having apparent authority over the premises; and
 - (G) No direct seller or solicitor may impede the free use of sidewalks and streets by pedestrians and vehicles.
 - (2) **Disclosure Requirements.** After the initial greeting and before any other statement is made to a prospective customer, a direct seller or solicitor shall expressly disclose

his name, the name of his company or organization he is affiliated with, if any, the identity of goods or services he offers to sell and the purpose of the contact. Each such seller or solicitor shall carry proof that the individual represents the company or organization he or she purports to represent, as well as a copy of the registration issued by the Clerk. The direct seller or solicitor shall produce such proof and registration for inspection by the individual immediately upon demand of the individual.

(g) **Additional Regulation of Direct Sellers.**

- (1) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or character of goods or services offered for sale, or the purpose of the visit, or the identity of the organization represented.
- (2) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Wis. Stats. § 423.203; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. §§ 423.203(1)(a), (b) and (c), (2) and (3).
- (3) If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

History Note: Ordinance No. 33, adopted June 8, 1971; amended through codification. Amended June 8, 2004 Ordinance No. 6-2004.

SECTION 6.07 **REGULATION OF STORAGE OF JUNKED VEHICLES
AND OTHER MATERIALS**

(a) **Storage Prohibited Without Permit.**

No person shall accumulate or store any inoperable, junked, disassembled or wrecked personal property, including motor vehicles, power boats, truck bodies, trailers, farm machinery, appliances, cement blocks, bricks, or other unsightly debris, or parts of any of the above items of personal property, outside of any building on any private residential property within 500 feet of the centerline of any road in the Town, except upon a permit issued by the Town Board.

(b) **Definitions.**

(1) **Inoperable motor vehicle:** Any motor vehicle not maintained in proper working condition at all times, which include the ability to operate such motor vehicles on town, county, state or federal roadways legally and safely. The following shall be considered an inoperable vehicle: a motor vehicle with improperly operating tail and headlights, flat tires, missing battery, and any motor vehicle upon which no current license plate is displayed.

(2) **Inoperable motor boat:** Any motor boat not main vehicle not maintained in proper working condition at all times, which includes the ability to operate such motor boat on any navigable waters within the town, legally and safely. The following shall be considered an inoperable motor boat: a motor boat with improperly operating running lights, missing battery (when required to start motor), and any motor boat upon which no current registration certificate and decal is displayed.

(c) **Application for Permit.**

The application and permit shall designate the property where the said junk is permitted to be stored. The application and permit shall contain the following:

- (1) Name, address, and telephone number of applicant;
- (2) A specific description of the portion of the property to be used to store such junk;
- (3) The quantity and manner of storing such junk;
- (4) The projected number of years for accumulation and removal of such junk; and
- (5) A plan for screening the portion of the property on which the junk is to be stored to assure that the materials are screened from ordinary view from all roads in the Town.

(d) **Issuance of Permit**

The permit issued by the Town Board shall be signed by the Town Board Chairperson and Clerk, and shall specify the quantity and manner of storing such junk. Such permit shall be revocable at any time by the Town Board after a hearing at which it finds that the permit holder has failed or refused to comply with this Ordinance and with the restrictions relating to the storage of such junk. Such hearing may be held by the Town Board upon its own motion, or upon the complaint, in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with this Ordinance or with the regulations attached to the permit. A copy of the complaint, together with notice of a hearing, shall be served upon the permit holder not less than ten days prior to the date of hearing.

(e) **Inspection and Enforcement.**

Whenever the Constable, a Town Board Supervisor or the Town Engineer shall find any such junk, as previously described, placed or stored in the open upon private residential property in the Town within 500 feet of the centerline of any road in the Town, without a permit or in other violation of this Ordinance, the Town shall provide written notice to the owner of such property on which such junk is stored of the violation of this section. If such junk is not removed within the time specified in the notice, the Town may cause the junk to be removed and disposed of at the cost of the owner. In the event the cost for such removal is not paid by the owner, the cost of such removal shall be charged to the property from which it is removed and be entered on the tax roll as a special charge pursuant to Wis. Stats. § 66.0627.

(f) **Standards for Storage of Junk.**

No person shall be issued or reissued a junkyard permit in the Town if the applicant for the permit:

- (1) Fails to install and maintain fences as required to keep the junk from being seen from the right of way of any road in the Town;
- (2) Fails to install and maintain adequate fire safety equipment as determined by the Town Engineer to be appropriate for the type of junk stored;
- (3) If the stored junk involves motor vehicles, fails to properly drain all fuel tanks and engines prior to commencing storage;
- (4) Fails to install, provide and maintain adequate and necessary structures and equipment to prevent public nuisances and to protect the public health and safety to persons residing near the premises or persons entering the premises, including public nuisances associated with noise, dust, odors, fire, explosions, water pollution, air pollution and erosion; and
- (5) Fails to install, provide and maintain adequate landscaping surrounding the premises in accordance with the original permit application.

- (g) **Penalty.** Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.

History Note: Adopted through codification. Amended December 14, 2004 Ordinance No. 12-2004. Amended July 11, 2006 Ordinance No. 06-2006

SECTION 6.08 **FIREWORKS**(a) **Intent.**

The Town Board finds that the sale, possession or use of fireworks without comprehensive oversight constitutes an offensive industry pursuant to Wis. Stats. § 66.0415 if not carefully controlled. Fireworks by their nature are designed for exploding, emitting sparks or combustion. Accordingly, fireworks may be sold, possessed or used in the Town only if used under appropriate safeguards. This Ordinance is authorized pursuant to Wis. Stats. § 66.0415 and by Wis. Stats. § 167.10(5)(a).

(b) **Application for Permit.**

No person shall sell, possess or use fireworks in the Town without receiving a permit from the Town Board Chairperson. The application for a permit shall be submitted to the Town Clerk and shall specify all of the following:

- (1) Name, address and business telephone number of the applicant;
- (2) The proposed date on which the applicant wishes to commence the sale or use of fireworks;
- (3) The kind of fireworks which the applicant wishes to sell or use;
- (4) The proposed location for the storage of the fireworks in the Town;
- (5) A description of the fire safety equipment and precautions to be installed and maintained on the premises where the fireworks are to be sold, possessed or use;
- (6) The existing zoning of the proposed location;
- (7) A listing of any arrests and convictions of the applicant for crimes;
- (8) Submission of an application fee in the amount as specified on the current Town of Dekorra Fee Schedule for a fireworks sales permit, and the amount as specified on the current Town of Dekorra Fee Schedule for a fireworks display permit; and
- (9) Appeal. Any person aggrieved by the issuance or denial of a fireworks permit may appeal to the Town Board pursuant to Wis. Stats. § 68.08, *et seq.*

(c) **Types of Permits.**

There shall be a fireworks sales permit and a fireworks use/display permit. (Note: use/display means the discharging of fireworks.)

- (1) Fireworks Sales. A fireworks sales permit entitles the permittee to sell fireworks to the public in compliance with all federal, State and local regulations applicable to the selling of fireworks. The application for such a permit shall be submitted no less than 25 days before the proposed date on which the applicant wishes to commence the sale of fireworks. The Town Clerk shall give notice of the filing of the application to the owners of all lands lying within 300 feet of any exterior property line of the proposed location.
 - (2) Fireworks Use/Displays. A fireworks use/display permit entitles the permittee to stage a public or private display of fireworks in compliance with all federal, State and local regulations applicable to fireworks displays. The application for such a permit shall be submitted not less than ten days before the proposed display. The Town's fire and law enforcement officials shall be notified of the proposed display as soon as possible after the application and at least 48 hours before the proposed display. In addition, the Town Clerk shall give notice of the filing of the application to the owners of all lands lying within 500 feet of any exterior property line of the proposed location.
- (d) **Term of Permit.**
- (1) A fireworks sales permit issued by the Town Board Chairperson shall be for a period of up to one year. All fireworks sales permits shall expire on June 30 of each year.
 - (2) A fireworks display permit issued by the Town Board Chairperson shall be for a single occasion of not over two hours.
- (e) **Issuance of Permit.**
- The Town Board Chairperson shall issue the permit upon satisfactory compliance by the applicant with all provisions of this Ordinance. Prior to issuance of the fireworks permit, the applicant shall furnish the Town Board Chairperson with a certificate of insurance showing public liability insurance for the proposed location of selling or using/displaying fireworks as follows:
- (1) For selling fireworks: insurance in an amount of not less than \$1,000,000 per person, \$3,000,000 aggregate and \$500,000 in property damage.
 - (2) For using/displaying fireworks: insurance in an amount of not less than \$1,000,000 per person/aggregate and \$500,000 in property damage.
- (f) **Operational Restrictions.**
- No person shall be issued or reissued a fireworks permit in the Town if the applicant or permittee:

- (1) Fails to install or maintain adequate fire safety equipment for the premises on which fireworks are being sold, possessed or used;
 - (2) Fails to provide or maintain the policy of insurance set forth in Section (e) of this Ordinance;
 - (3) Fails to provide or maintain adequate physical structures, equipment and operational control as determined by the Town Board Chairperson to prevent trespassing;
 - (4) Fails to provide or maintain adequate sanitary facilities at the location where the fireworks are to be sold, possessed or used;
 - (5) Fails to allow physical access to the location where fireworks are sold, possessed or used by the Town Board Chairperson or designee for inspection purposes;
 - (6) Fails to equip the structure where the fireworks are sold, possessed or used with state approved fire extinguishers.
 - (7) Seeks the permit for premises located within 300 feet of a dwelling or of any public building, as defined in Wis. Stats. § 101.01(12), or place where gasoline or other volatile liquid is kept or dispensed;
 - (8) Fails to notify the Town Board Chairperson of the applicant's desire to sell, possess or use fireworks prior to application and approval of a permit; or
 - (9) Allows fireworks to be sold by a person who has not attained the age of eighteen.
- (g) **Exemptions.**
The permit requirements do not apply to:
- (1) Persons possessing fireworks in the Town while transporting the fireworks to another municipality where the possession of the fireworks is authorized by permit or ordinance; however, the person must obtain a fireworks permit if the person stays in the Town for a period of at least 12 hours;
 - (2) The possession or use of explosives in accordance with rules or general orders of the State Department of Commerce;
 - (3) The disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources;
 - (4) The possession of or use of explosive or combustible materials in any manufacturing process;

- (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions; or
 - (6) The possession or manufacture of explosives by a person holding a permit under 8 U.S.C. §§ 841-848 if the possession of the fireworks is authorized under the License or permit.
- (h) **Definition.**
- (1) For purposes of this Ordinance, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use. This definition includes, but is not limited to, the following items:
 - (A) A device that is designed primarily to burn pyrotechnic smoke producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects;
 - (B) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 C.F.R. 173.50;
 - (C) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive as defined in 49 C.F.R. 173.50;
 - (D) Firecrackers, cherry bombs, M-80s and other similar devices containing gun powder or TNT.
 - (2) The following items are not "fireworks" for purposes of this Ordinance:
 - (A) Fuel or a lubricant;
 - (B) A firearm cartridge or shotgun shell;
 - (C) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle;
 - (D) A match, cigarette lighter, stove, furnace, candle, lantern or space heater;
 - (E) A toy snake which contains no mercury;
 - (F) A model rocket engine;

- (G) Tobacco and tobacco products;
 - (H) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects;
 - (I) A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture;
 - (J) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than 1/4 grain of explosive mixture; or
 - (K) A cap containing not more than 1/4 grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with the cap when it is in place for explosion.
- (i) **Penalty.**
Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Any permittee violating any of the terms of this Ordinance shall be subject to a permit revocation or suspension by the Town Board.

History Note: Adopted through codification. Amended June 8, 2004 Ordinance No. 6-2004; amended December 14, 2004, Ordinance No. 12-2004; amended April 19, 2005, Ordinance No. 4-2005; amended July 12, 2005 Ordinance 12-2005

SECTION 6.09 **OUTDOOR ENTERTAINMENT****(a) Definitions.**

- (1) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, municipal corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (2) "Operate" means to operate, maintain, use, connect, or permit to be operated, maintained, used, or connected.
- (3) "Outdoor entertainment" means the operation of any sound system outdoors, the playing of amplified music or other amplified sound, including, but not limited to, music from a live performance, to be projected outdoors, the projection of amplified sound from any vehicle, or the presentation of any other outdoor concert, play, spectator sport or similar outdoor entertainment event not requiring a sound system or amplified sound, but that is likely to be attended by 50 or more persons.
- (4) "Sound system" includes, but is not limited to, sound amplifier, microphone, speaker, amplified or electrified instrument, connective cable or wire, and power source connections.

(b) Permit Required.

No person may provide any outdoor entertainment or outdoor entertainment event without a permit issued under this section.

(c) Exemptions.

The following activities are exempt from the permit requirement of this section, however, the exemption granted herein shall not be construed as an exemption from any other applicable rules or regulations, including, but not limited to, prohibitions on public nuisances or unreasonable noise.

- (1) Car stereos.
- (2) Typical household radios, televisions, stereos, boom-boxes or similar equipment not operated by or connected to a commercial enterprise.
- (3) Amplification devices of any kind operated by police, fire, emergency medical or other public safety agencies in the course of their official duties.
- (4) Equipment operated by the Lodi or Poynette School Districts or local, non-profit organizations for making announcements at organized athletic or similar events held on school or public property or equipment used by a school to signal the beginning or ending of classes.

- (5) Sporting events organized by any School District, local government, YMCA, church or similar nonprofit organization held at venues designated for such events and at which no alcohol beverages will be served or consumed.
- (6) Amplified sound produced by churches and religious institutions used to simulate church bells traditionally used to signal the beginning of church services or events.
- (7) Amplified sound produced for safety purposes including, but not limited to, vehicle backing signals.
- (8) Private events held on private property where such event is not open to members of the public, but not including events where the space is rented from a commercial operation such as a restaurant or tavern.

(d) **Application for Permit.**

The application for an outdoor entertainment permit shall be submitted to the Town Clerk and shall include the following:

- (1) **Applicant.** The application shall be signed by the person applying for the permit and by a person with control of the premises if that person is different from the person applying for the permit. Each person signing the application must be over the age of eighteen (18).
- (2) **Site Plan.** The application shall include a site plan and parking plan drawn to scale showing the location of bands, amplification equipment, fences, trash receptacles, parking, toilets, food and beverage service and any other information necessary to evaluate compliance with this section.
- (3) **Security Plan.** All outdoor entertainment events at which alcohol is sold or consumed shall require a security plan which shall include providing for dedicated security personnel at event entrances, within the event area and parking areas.
- (4) **Schedule of Events.** The schedule may include open dates if a specific band or event has not been scheduled at the time the permit application is submitted or if a change in schedule is likely.
- (5) **Fee.** The annual application shall be accompanied by the nonrefundable application fee of \$25.00. No fee is required for applications for Town or County operated events.

(e) **Issuance of Permit.**

- (1) The permit application shall be referred to the Safety Committee for review and recommendation to the Town Board for approval.

- (2) Permit Conditions. In addition to any reasonable restrictions deemed necessary to protect the public health, safety and welfare as may be determined by the Safety Committee or Town Board, all permits issued shall be subject to the following limitations:
- (A) Premises: Any events for which an outdoor entertainment permit has been issued shall be limited to the premises defined in the permit. Public lands shall not be included in any premises description without approval of the Town Board and recommendation of the Park Commission if on Town park land.
 - (B) Sound level: Amplified sound shall not exceed 90 decibels on the A – weighted scale at the lot line of the premises for which the permit is issued. At least one sound meter and qualified operator shall be present at all times amplified sound is produced.
 - (C) Setbacks: Entertainment personnel, equipment and amplification devices shall be located within 50 feet from the principal structure on the property, a minimum of 50 feet from all exterior property lines and a minimum of 100 feet from the nearest dwelling or as far from the nearest dwelling as practicable, but no closer than 75 feet.
 - (D) Amplification Setup: Sound shall be directed away from the nearest dwellings or in the direction that shall cause the least disturbance to off-site residents. This requirement need not apply where the amplified sound is for background music or similar uses where off premises noise disturbance is not likely to occur. Background sound level is a level that does not exceed 50 dbA at the property line. The Safety Committee may require sound barriers if necessary.
 - (E) On Premises Parking: Parking shall be managed to ensure safe conditions and adequate emergency vehicle access. On-premises parking areas shall be used for parking only and shall be physically separated from any outdoor areas where patrons may congregate.
 - (F) Off-Premises Parking: If parking volume cannot be contained on-premises, personnel shall be provided to direct drivers to approved off-premises parking which shall consist of off-street lots whenever possible. On-street parking shall occur entirely off the paved roadway wherever possible. If vehicles cannot park entirely off the paved roadway, parking shall be limited to one side of the street and temporary “no parking” signage shall be provided on the other side. No parking shall occur within 20 feet of the pavement edge at intersections.

- (G) Trash and Litter: Adequate trash receptacles shall be placed in accordance with the approved site plan. Within 12 hours of the end of the event, all trash and litter outdoors and in any on-premises or off-premises parking areas shall be picked up and placed in appropriate receptacles.
 - (H) Bathrooms: Additional portable toilet facilities shall be provided based upon the number of attendees expected and the length of the event in accordance with recognized industry standards.
 - (I) Site Plan, Security Plan and Schedule of Events: The approved site plan, security plan and schedule of events shall be followed.
 - (J) Hours of Outdoor Entertainment: Amplified sound shall not begin noon and shall end not later than 9:00 p.m. **[Amended by Ord. 2013-12, 7/9/13.]**
- (3) Number and Frequency. The maximum number of events and frequency at which any permit shall allow outdoor entertainment events to occur is: **[Amended by Ord. 2013-12, 7/9/13.]**
- (A) Summer (May 14 – October 2): A maximum of 20 events, but not more than two events in any week, with up to two bands per event. One weekend every four week period shall be event free. Over the Saturday, Sunday and Monday of the Memorial Day and Labor Day weekends, events shall be allowed on no more than two days for each holiday weekend. When the 4th of July causes a holiday occurring on a Friday or Monday, events shall be allowed on no more than two of the days constituting the holiday weekend. When the 4th of July occurs on any other day of the week, events shall be allowed on no more than two of the days from July 3 through July 5.
 - (B) Winter (October 3 to May 1): A maximum of seven events, which shall be held in an enclosed tent structure.
 - (C) Exceptions:
 - (i) The Safety Committee, at its discretion, may exceed the number of events and frequencies under this paragraph for background music or similar amplified sound uses in outdoor areas in established and regular business use where normal business patron attendance is not expected to increase as a result and the impact on the surrounding neighborhood will not be significantly different than the businesses impact absent the amplified sound.

- (ii) The Town Board may approve other entertainment events not involving amplified sound or requiring only incidental use of amplified sound if it determines no significant adverse impact to the neighborhood will occur and parking will be fully provided on the premises.
- (4) Appeal. Any person aggrieved by a decision of the Safety Committee to deny a permit or to impose additional conditions or limitations may appeal such decision to the Town Board.
- (5) Variance. The limitations in subsection (e)(2) above may not be waived or relaxed except by approval of the Town Board.
- (f) **Expiration, Suspension and Revocation.**
 - (1) Permits shall be effective for a specified time period not to exceed one year.
 - (2) Permits may be suspended or revoked for any violation of the permit conditions or of provisions of this section. Proceedings for suspension or revocation may be initiated by the Constable, Columbia County Sheriff's Department, or Town Chairman upon any citizen complaint. Before any permit is suspended or revoked, a hearing shall be held before the Safety Committee with ten days' written notice to the permit holder of the time, date and place of the hearing and a brief description of the reasons for suspension or revocation.
 - (3) The Constable, Columbia County Sheriff or Town Chairman may, at any time, order the immediate cessation of all amplified sound emitted pursuant to a permit issued under this section if it is determined that the amplified sound constitutes a public nuisance and that the nuisance cannot be effectively abated by any other measures. Should any such order or orders be issued, the permit shall be reviewed by the Safety Committee at its next regular meeting for possible suspension, revocation or modification of the permit. In such case, the ten day notice requirement in paragraph (2) shall not apply, but reasonable notice shall be provided.
- (g) **Enforcement.**

Any person who violates this section or any condition of any permit issued under this section shall be subject to a forfeiture of not less than \$100.00. If a law enforcement officer finds any sound system operating in violation of this Ordinance, he or she may order the volume to be turned down to compliance level or order the system to be turned off. Failure to obey such order shall constitute a violation of this section and may lead to confiscation of the sound system.

History Note: Created March 12, 2013 by Ord. 2013-06; amended by Ord. 2013-12, 7/9/13.

SECTION 6.10 **TOURIST ROOMING HOUSES****(a) Purpose and Applicability.**

This Ordinance shall govern the review, approval and licensing of Tourist Rooming Houses in the Town of Dekorra. Aside from Ordinary Maintenance and Repair, any enlargement, modification, intensification, or change in prior approval condition for such use shall require a new review, approval and license under this section. Use of a subject property as a Tourist Rooming House, legally established by a County Conditional Use Permit and licensed by the State prior to the effective date of this section [insert effective date at end of document upon adoption], but is now allowed under this Ordinance, shall be deemed to be properly licensed if it has already received a County Conditional Use Permit. The continued use of the subject property, including any modification, is subject to the provisions of this Ordinance, as may be amended from time to time.

(b) Definitions.

- (1) Ordinary Maintenance and Repair. Repairs reasonably necessary to prevent the deterioration of a Tourist Rooming House, remodeling of the Tourist Rooming House, and necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the Tourist Rooming House.
- (2) Tourist Rooming House. A single-family dwelling licensed by the State and used for short term rentals as a lodging place, tourist cabin or cottage rented to tourists or transients for the purpose of overnight lodging for a period not less than 1 night and not more than 30 consecutive nights.
- (3) Tourist/Transient. A person who travels to a location away from his or her permanent address for a short period of time for a vacation, pleasure, recreation, culture, business or employment, and who pays to lodge at a Tourist Rooming House.

(c) General Provisions.

- (1) Findings. The Town of Dekorra desires to maintain the essential single family, owner-occupied or full time renter resident occupied character of the Town, particularly in the more densely developed areas of the Town. The Town has concerns that when Tourist Rooming Houses are located at too high of densities, located in too close a proximity to one another, and/or used as an income generating business, such uses may be detrimental to or endanger the character of the area and the public health, safety, and general welfare of the residents of surrounding lands, or could impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.

- (2) Density. No Tourist Rooming House shall be permitted closer than 1,000 feet from another Tourist Rooming House, except where otherwise approved by the Town Board upon consideration of the following factors:
- (A) Whether the Tourist Rooming House was legally established and licensed by the State and has received a County Conditional Use Permit, and operated according to that license and permit prior to the effective date of this ordinance.
 - (B) Whether the surrounding area is largely occupied by tourist- and/or recreation-oriented uses as opposed to single-family, owner-occupied residences.
 - (C) Whether topography, dense vegetation, or other feature effectively mitigates the impact of a lesser distance between Tourist Rooming Houses.
 - (D) Other factors which, in the Town's determination, are unique to the circumstances of the new Tourist Rooming House and/or existing Tourist Rooming House.
- (3) Amount of Use as a Tourist Rooming House or Related Occupancy. There shall be a minimum of one calendar week per month where no Tourists/Transients occupy the Tourist Rooming House. Use as a Tourist Rooming House for one day in a week counts as a calendar week. If a license is granted for use of a single-family dwelling as a Tourist Rooming House, that single-family dwelling shall not be rented month to month in addition to the above limits on Tourist Rooming Houses.
- (4) License Application Review Procedure. Each applicant for a Tourist Rooming House License shall first make application for a conditional use permit with the Columbia County Planning and Zoning Department, and then fill out a Town license application. Upon receipt of a complete application meeting all of the requirements of subsection (5), and a report from the Columbia County Planning and Zoning Department, the Town Clerk shall schedule a public hearing before the Town Plan Commission. This hearing shall occur concurrently with consideration of the petitioner's application for a conditional use permit with the County. After this hearing the Plan Commission shall recommend that the Town Board approve, approve with conditions, or reject the application. Within 30 days of the Plan Commission recommendation, the Town Board shall act to approve, approve with conditions, or reject the conditional use permit and license application. No license application which has been rejected under this subsection shall be resubmitted until the passage of a period of twelve months from the date of final Town Board action, except on grounds of new evidence or proof of change of factors found valid by the Town Board.

- (5) Town License Application Information. Each complete application to the Town for a Tourist Rooming House License under this section shall include the following:
- (A) Names, addresses, phone numbers and e-mail addresses (if available) of the applicant, owner(s) of the property, architect, professional engineer, or attorney, if applicable.
 - (B) A narrative of the proposed use which including a description of the subject property by lot, block, and recorded subdivision or metes and bounds; address and parcel number of the site; types of structure(s); proposed use(s); and methods to ensure ongoing maintenance and adherence to this section and other applicable Town, County, and State requirements.
 - (C) A site plan, drawn to scale and accurately showing the location, size, number, and surfacing of all existing and proposed structures, decks, porches, drives, parking spaces, entrances, sidewalks, trails, signs, fire pits, play areas, exterior lighting, piers, landscaping/wooded areas, other improvements, and drainage patterns.
 - (D) A fee as required by the Town Fee Schedule, which will be used by the Town to process the application.
- (6) Review Criteria. In reviewing each license application, the Town will use the following criteria as a guide for making a decision:
- (A) The Tourist Rooming House will meet all requirements of this section and all other applicable requirements of the Town Code of Ordinances.
 - (B) The establishment, maintenance, or operation of the proposed Tourist Rooming House will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - (C) The Tourist Rooming House will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area, and will not significantly impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 - (D) The site and proposed Tourist Rooming House have adequate utilities, including adequate water capacity and an acceptable waste treatment and disposal system.

- (E) The site and proposed Tourist Rooming House have safe and adequate access to streets and highways and suitable ingress and egress, and is situated or designed to minimize traffic congestion and to have minimal negative effect on traffic flow or on-street parking.
- (7) Requirements and Conditions of Use. Except where specifically waived or modified by the Town Board, each Tourist Rooming House shall meet the following requirements, which may also be restated as conditions of license approval:
- (A) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of Tourists/Transients exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
 - (B) The number of Tourist/Transient vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. All off-street parking shall be on a paved or gravel surface, and shall be arranged to facilitate easy ingress/egress of all vehicles. On-street parking is prohibited.
 - (C) No recreational vehicle, tent, or accessory building may be used for living or sleeping purposes.
 - (D) Must meet all requirements associated with a single-family dwelling under Town and County ordinances, except where such ordinances provide for waivers for pre-existing dwellings.
 - (E) The appearance or use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
 - (F) The availability of the Tourist Rooming House to the public and Tourists/Transients shall not be advertised on site.
 - (G) The Tourist Rooming House must be licensed by the State of Wisconsin.
 - (H) In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the Town of Dekorra with an annual fee and an annual report on a form furnished by the Town to enable the Town to confirm compliance with any requirements or conditions of approval, the standards of this section, and any State reporting requirements.

- (I) The license shall not be transferable to another owner.
- (J) If pets are allowed, property lines must be physically delineated by a fence, although the fence does not have to be designed to contain the pets on the subject property. Pet behavior must meet applicable Town ordinances.
- (K) Quiet hours are to be observed. On weekdays they are between 10:00 p.m. and 8:00 a.m. and on weekends and holidays they are between 11:00 p.m. and 8:00 a.m. Quiet means that noise levels at the property line shall not exceed 55 dBA.
- (L) All fires are to be in proper fire pit structures and must be extinguished during established quiet hours.
- (M) No fireworks, as regulated in Section 6.08 of this Town Code, are allowed at any time.
- (N) A 24 hour contact number shall be provided to the Town Chair, Town Clerk and Town Constable.
- (O) A sign no larger than 12” by 18” shall be placed near the primary entrance door with a 24 hour contact number in case of a complaint or emergency. If the owner does not live within one hour’s drive of the Tourist Rooming House, there shall be a second contact person that does live within an hour’s drive.
- (P) A State sales tax number must be obtained and provided to the Town Clerk.
- (Q) Property must remain free from citation and charges for nuisance, disorderly conduct, or other illegal activity.
- (R) Garbage and recycled materials shall be properly stored and regularly removed from the property.
- (S) Events where large numbers of people (more than twice the permitted number of occupants) are temporarily present on the premises, such as weddings, are prohibited.
- (T) Owner’s website or other advertising shall state there are local government conditions and restrictions associated with this Tourist Rooming House use in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
- (U) The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

- (8) **Inspection, Enforcement and Possible Revocation.** The Town Constable, with reasonable cause, shall have the right of inspection for the purpose of determining compliance with this license during normal working hours or upon reasonable notice outside of normal hours. Any license granted under this Ordinance shall be subject to revocation or suspension by the Town Board for violations of this section. Upon receipt of a written complaint, explicitly documenting the specific violation of license provisions, filed with the Town Clerk, or signed by any law enforcement officer, health officer, fire commissioner or Town Constable, the matter shall be placed on the agenda of the next regular meeting of the Town Board. The Town Board shall review the complaint and may order a public hearing on such complaint or may determine an alternative remedy is appropriate. The holder of the license shall be given 30 days' notice in writing of any hearing, and shall be entitled to appear and be heard why such license should not be suspended or revoked. A license may not be revoked without a public hearing.
- (d) **Penalties.**
Any person violating any provision of this section shall be subject to the penalties set forth in Section 1.03 of this Code, in addition to possible revocation or suspension of the permit under subsection (8).
- (e) **Severability.**
If any provision of this section is invalid or unconstitutional, or if the application of this section to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this section which can be given effect without the invalid or unconstitutional provision or application.

History Note: Created May 13, 2014 by Ord. 2014-03D.

4829-0560-1043, v. 2