

12.01 TITLE

This ordinance is entitled the "General Licenses/Registrations and Permits Ordinance."

12.02 AUTHORITY

The Town Board has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1991-1992) Wis. Stats., to regulate, control, license, register or permit in the Town persons engaged in certain uses, activities, businesses and operations at certain locations in the Town, to assess these persons with appropriate fees for the licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

12.03 ADOPTION OF ORDINANCE

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this license, registration and permit ordinance to regulate and control, by ordinance, persons engaged in certain uses, activities, businesses and operations in the Town, to regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town, to assess these persons with appropriate fees for the licenses, registrations or permits and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

12.04 GENERAL PROVISIONS

(1) License Fees

The Town Board has, by this ordinance, required and confirmed the following licenses, registrations or permits and the Town Board has established that the following will be the fees to be paid by any person to the Town for the noted licenses, noted registrations or noted permits:

(a) Alcohol Beverages

1. Retail Class "A" Fermented Malt Beverage Retailers
Annual fee of one hundred dollars (\$100.00)

2. Retail Class "B" Fermented Malt Beverage Retailers

Annual fee of one hundred twenty five dollars (\$125.00) for licenses issued in 2006, and an annual fee of one hundred fifty dollars (\$150.00) for licenses issued in 2007, and all years subsequent.

- a. Semi-Annual pursuant to Sec. 125.26(5), (1991-1992) Wis. Stats.

Annual fee of fifty dollars (\$50.00)

(Recreated 6/22/2006)

- b. Special Event (picnic)

Per event ten dollars (\$10.00)

- c. Temporary Class "B" Fermented Malt Beverage Retailer pursuant to Sec. 125.26(6), (1991-1992) Wis. Stats.

Per event ten dollars (\$10.00)

3. Retail "Class A" Intoxicating Liquor License

Annual fee of five hundred dollars (\$500.00)

4. Retail Class "B" Intoxicating Liquor License

Annual fee of one hundred seventy five dollars (\$175.00) for licenses issued in 2006, and annual fee of two hundred dollars (\$200.00) for licenses issued in 2007, and all subsequent years.

(Recreated 6/22/2006)

5. Temporary Retail "Class B" Intoxicating Liquor pursuant to Sec. 125.51 (10), (1991-1992) Wis. Stats.

Per event ten dollars (\$10.00)

6. Retail "Class C" Wine License

Annual fee of fifty dollars (\$50.00)

7. Operator's License *(Recreated 6/22/2006)*

Annual fee of twenty dollars (\$20.00)

8. Wholesalers' License

Annual fee of twenty-five dollars (\$25.00)

9. Managers Fermented and Intoxicating

Annual fee of twenty-five dollars (\$25.00)

10. New Application Fee *(Created 6/22/2006)*

A new application fee of two thousand five hundred (\$2,500.00) shall be paid for applicants and for transfer of those licenses referenced in 12.04 (1) (a) 1, 2, 3, and 4.

(b) Mobile Homes and Mobile Home Parks

1. Mobile Home Parking Fee

See Sec. 66.058, (1991-1992) Wis. Stats.

2. Mobile Home Parks

Annual fee of one hundred dollars (\$100.00) per every fifty (50) spaces or a fraction thereof.

3. Temporary Mobile Home Permit

Per permit fee of twenty-five dollars (\$25.00)

(c) Dogs

1. Un-neutered Males

Annual fee of eight dollars (\$8.00)

2. Un-spayed Females

Annual fee of eight dollars (\$8.00)

3. Neutered Males

Annual fee of three dollars (\$ 3.00)

4. Spayed Females

Annual fee of three dollars (\$3.00)

5. An additional fee of five dollars (\$5.00) for late filings

(d) Kennels

Annual fee of thirty dollars (\$30.00) for up to the first twelve (12) dogs and three (\$3.00) for each dog in excess of twelve (12).

(e) Cigarette *(Recreated 6/22/2006)*

1. Cigarette Retailer

Annual fee of twenty dollars (\$20.00).

(2) **General License and Permit Ordinance Provisions**

(a) **Interchangeably**

The terms "license" and "permit" may be used in the Town Municipal Ordinance Codes and by the Town, its officers, its employees and its agents interchangeably. The term "registration" shall apply to automobile registrations in the Town.

(b) Licenses or Permits Required

No person shall engage in or allow on land owned, used or leased by that person in the Town any particular use, activity, business or operation until the person has obtained the required license, registration or permit as established by the Town in this ordinance.

(c) Applications

The application for the license, registration or permit shall be in writing to the Town. The application shall be filed with the Town Clerk. The Town Clerk shall prepare and shall then forward, when available and when approved by the Town Board, the appropriate written application form to the applicant. The application form for licenses, registrations or permits from the Town shall contain the appropriate requests for relevant information as may be required by state statute, as required by any Town Ordinance or as otherwise required by order of the Town Board. The Town Clerk shall cooperate fully with the Town Board in the preparation of the application forms. The Town Board shall approve the form and content of the application form. All application fees are to be paid to the Town Clerk upon submittal of the completed application form, by the applicant or the agent, of the applicant.

The application shall, at minimum, contain:

1. The name, address and business telephone number of the applicant, if available. In addition, if partnership the name, address and business telephone number of every partner. If corporation, the name, address and business telephone number of every officer of the corporation.
2. The age and state or national residence of the applicant. In addition, if partnership the age and state or national residence of every partner. If corporation, the age and state or national residence of every officer of the corporation.
3. If corporation, the state of incorporation. If not the state of Wisconsin, proof of authorization from the state of Wisconsin to do business in the State of Wisconsin.
4. If corporation, the name, address and business telephone number of registered corporate agent for the following permits and licenses:
 - a. Mobile Home Park
 - b. Intoxicating Liquor and Fermented Malt Beverage License and Permit

The application shall be subscribed and sworn by the applicant if a natural person, by a general partner if partnership, by a principal officer if a corporation.

(d) Payment of Fee

All application fees are to be made payable to the Town Treasurer of the Town of Randall. The application for license, registration or permit, when submitted to the Town Clerk by the applicant, shall contain the appropriate fee amount attached. If the license, registration or permit is issued, a receipt for payment of the license, registration or permit fee shall be issued by the Town Clerk. If the license, registration or permit is not issued, then the fee amount shall be returned with the written denial letter by the Town Clerk. No refunds, unless expressly noted in any Town Ordinance or by order of the Town Board shall be refunded by the Town Treasurer unless the license, registration or permit is denied by the Town Board.

(e) Authorization to Approve

Unless expressly provided herein by this ordinance, by other Town Ordinance provisions or as specifically noted below, all licenses, registrations and permits shall be issued by the Town Clerk upon approval by the Town Board.

The following specific licenses, registrations and permits may be issued by the Town Clerk without formal Town Board approval if the application is completed and submitted to the Town Clerk, and the Town Board does not desire to formally approve or deny the license, registration or permit and if the proper application fee is attached:

1. Dog License
2. Cigarette License.

(f) Bond and Insurance

All required bonds shall be executed by two (2) sureties or a surety company and be subject to the approval of the Town Board. Where policies of insurance are required, such policies shall be approved as to substance and form by the Town Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Town before the license or permit is issued.

(g) Terms

Unless expressly provided herein or by other Town Ordinance provisions, all licenses, registrations and permits shall be issued to commence on July 1 and expire on the next June 30 or upon the date specifically noted in the license, registration or permit and in either case the license, registration or permit expires at midnight after the last effective date.

(h) Officials Required Approval

Where the approval of any Town or State officer is required prior to the issuance of any license, registration or permit, such approval shall be presented to the Town before any license, registration or permit is issued.

(i) Certificate

Licenses, registrations or permit certificates shall show the name of the licensee, registrant, or permittee, the date of issue, the activity licensed and the term of the license, registration or permit and shall be signed in the name of the Town by the Town Chairperson and Town Clerk and be impressed with the Town Seal. The license, registration or permit shall be issued to the applicant by the Town Clerk. If the license, registration or permits are for a particular premises, a particular use, a particular activity, a particular business or a particular operation, the particular use, activity, business or operation shall be clearly described in the license, registration or permit. If specific

conditions are established in the license, registration or permit by the Town Board, those conditions shall be expressly noted in writing on the license, registration or permit and shall be accepted by the applicant by signature prior to issuance by the Town Clerk of the license, registration or permit and prior to approval by the Town Board. The Town Clerk shall keep a record of the licenses, registrations and permits issued by him or her and the amount of the fees collected for each license, registration or permit. The license, registration or permit must be exhibited for public view in a conspicuous location by the applicant on the premises or in the vehicle, wherever the licensed, registered or permitted use, activity, business or operation will occur.

(j) Transfer

No license, registration or permit is transferable to another person, unless specifically provided herein or by other Town Ordinance provisions, and with the consent of the Town Board.

(k) Renewal Notice

Unless expressly provided herein or by other Town Ordinance provisions, all applications for re-issuance and renewal of any license, registration or permit will be filed by the licensee, registrant or permittee with the Town Clerk within sixty (60) days before the expiration date of the previous license, registration or permit.

(l) Inspections

Unless expressly provided herein or by other Town Ordinance provisions, the person, once issued the license, registration or permit by the Town Clerk and upon acceptance of the license, registration or permit by that person and the acceptance by that person of the conditions attached thereto, consents to the entry of the Town Board or any designee of the Town Board upon the licensed, registered or permitted premises at reasonable hours, upon hours noted within the ordinance or upon hours noted by the license, registration or permit, for regulatory inspection. Further, the person consents to allow the Town Board or any designee to remove from the premises and to introduce into evidence in any hearing for violations of this chapter, all relevant items and relevant products found therein by the Town Board or its designee. The person issued a license, registration or permit shall comply with all applicable federal and state laws, applicable federal and state regulations and the applicable Town Ordinances.

(3) **Revocation and Suspension of Licenses, Registrations and Permits**

(a) Unless expressly provided herein or by other Town Ordinance provisions, any license, registration or permit may be suspended or revoked for just cause after the proper Town of Randall hearing noted below, unless in an emergency condition determined by the Town Board wherein the license, registration or permit is suspended temporarily for a set period of time. Prior to any action for suspension or revocation, the Town Board must, by the Town Clerk, receive a certified complaint concerning the licensee, registrant or permittee. The following persons may file a certified complaint with the Town Board:

1. The Town Chairperson
2. The Town Clerk
3. The Town Supervisors
4. The Town Enforcement Officer
5. Any Town of Randall Resident

(b) The person subject to charges for violation of any Town Ordinance or any violation of a condition of any license, registration or permit shall be provided a copy of the verified complaint and notice of hearing before the Town board. The hearing shall be required to be not less than five (5) days nor more than twenty (20) days after receipt of notice, unless stipulated in writing by the Town Board and the person subject to charges.

(c) The person subject to charges for violation of any Town Ordinance or any violation of a condition of any license, registration or permit shall be entitled to the following:

1. Representation by legal counsel
2. Right to present and cross examine witnesses
3. Right to subpoena witnesses by the Town Chairperson issuing subpoenas to compel attendance of witnesses.

(d) Specific reasons that may be considered, at a minimum but without limitation, by the Town Board in determining whether to revoke or suspend a previously issued license, registration or permit are as follows:

1. A false statement was made by the applicant in the application filed with the Town and/or a false statement was included in the material attached to the application by the applicant.
2. The applicant was not of good moral character.
3. The applicant was not a citizen of the United States of America or was not a legal alien.
4. The current or former uses, activities, businesses or operations as operated or maintained by the Operator is detrimental to the peace, health, safety and general welfare of the public in the Town.
5. The current or former uses, activities, businesses or operations as operated or maintained by the applicant has or does cause a public nuisance in the Town.
6. The current or former uses, activities, businesses or operations as operated or maintained by the applicant has or does not conform to or meet the conditions of this ordinance or any specific state or federal law or regulation.
7. The applicant, if a corporation, has not been or is not authorized to do business in the State of Wisconsin.
8. The applicant has not been or is not of age.
9. The applicant is not legally competent.
10. The applicant has not or does not meet the specific conditions included in the previously issued license, registration or permit.
11. The applicant failed to operate or maintain the uses, activities, businesses or operations as set forth in the application or in the material attached to the application by the applicant.

(d) The Town Board may, after the hearing for any person previously issued a license, registration or permit by the Town Board, act as follows:

1. Revoke the license, registration, or permit as a final decision.
2. Suspend the license, registration or permit for a date certain as a final decision.

3. As an interim decision, request additional information prior to taking future action.

4. Take no action regarding the license, registration or permit as a final decision.

(e) The Town Enforcement Officer, by order of the Town Board, shall take possession of any license, registration or permit that has been revoked or suspended by the Town Board.

(4) **Administration and Enforcement of License, Registration and Permit Violations**

(a) Unless otherwise noted by order of the Town Board, the Town Enforcement Officer shall be the official of the Town responsible to investigate matters related to licenses, registrations, and permits and to file any complaints with the Town Board regarding licenses, registrations and permits.

(b) Unless otherwise noted by order of the Town Board, the Town Clerk shall, in a timely fashion, inform the Town Board of any alleged or real violations of the conditions established in the licenses, registrations or permits issued by the Town and any alleged or real violations of Town ordinances.

12.05 SPECIFIC LICENSES

(1) **Cigarette License Ordinance**

(a) Coverage

Every person, pursuant to Sec. 134.65, (1991-1992) Wis. Stats., and this ordinance, who sells in the Town cigarettes to a person who does not hold a Town of Randall Cigarette License or who does not hold a permit under Sec. 139.30 to 139.45 or 139.79, (1991-1992) Wis. Stats., shall seek and obtain a cigarette sales license from the Town. The fee for such license shall be as noted in Sec. 12.04(1)(e) of this ordinance per premises. The license shall be issued from July 1 of one year to June 30 of the next year. The license shall be issued by the Town Clerk prior to any person selling any cigarettes without the proper license or permit in the Town.

(b) Application/License

The application and license shall designate the premises. Such licenses are not transferable from one person to another or are not to be amended from one premises to another. The application shall include:

1. The name of the applicant
2. The address of the applicant
3. The address of the premises
4. The business and residential telephone number of the applicant, if any
5. The age of the applicant.

(c) Exceptions

None

(d) Ordinance/License

1. The person subject to this ordinance shall comply with Sec. 134.65 (1991-1992) Wis. Stats., and this ordinance.
2. The Town Clerk shall provide up to three (3) copies of this ordinance at no cost to any applicant requesting copies.
3. No person shall be issued or re-issued a cigarette retail sales license in the Town until the appropriate fee has been paid to the Town Clerk.
4. No person shall be issued or re-issued a cigarette retail sales 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.
5. No person shall cause, allow or permit any person to sell or provide in the Town cigarettes or tobacco products to a person under the age of eighteen (18) years. This provision shall be subject to any defenses for persons as established under Sec. 134.66, (1991-1992) Wis. Stats. No person shall cause, allow or permit any cigarette vending machines in the Town within five hundred (500) feet of a school. "School", for the purpose of this section, has the meaning given in Sec. 118.257(1)(d), (1991-1992) Wis. Stats.

(2) Dog License Ordinance

(a) Coverage

Every person, pursuant to Chapter 174, (1991~1992) Wis. Stats., and this ordinance, residing in the Town who owns,

harbors or keeps a dog that on January 1 is at least five (5) months old, shall annually at the time and in the manner prescribed by law for the payment of personal property taxes, seek and obtain a dog license for his or her dog from the Town. The fee for the license shall be established annually by the Town Board prior to November 1 of the preceding year. The fee is as noted in Sec. 12.04 (1)(c) of this ordinance. The license shall be from January 1 through December 31. Late fees shall be charged by the Town if the license is not purchased by April 1 or if not purchased within thirty (30) days of acquiring ownership of the dog, pursuant to Sec. 174.05(5), (1991-1992) Wis. Stats.

(b) Application/License

The application for the dog license shall include a certificate of inoculation from a qualified veterinarian showing that the dog has been inoculated for rabies and distemper within two (2) years of the application. The application shall include:

1. The name of the owner
2. The address of the owner
3. The business and residential telephone number of the owner, if any
4. The current records of the owner
5. The name of the dog
6. The sex of the dog
7. The condition of the dog as to whether the dog is or is not spayed or neutered.

(c) Exemptions

The following are exempt from this licensing requirement:

1. Any person who owns dogs that are kept only for educational or scientific purposes.
2. 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 receive annually a free dog license from the Town upon application.

(d) Ordinance/License

1. The owner of any dog in the Town shall comply with Chapter 174, (1991-1992) Wis. Stats., and this ordinance.

2. The Town Clerk shall provide one (1) copy of this ordinance at no cost to any applicant requesting a copy.

3. The applicant and any person subject to this Town Ordinance shall comply with this ordinance as follows:

a. No person shall be issued or re-issued a dog license in the Town until the appropriate fee has been paid to the Town Clerk.

b. No person shall be issued or re-issued a dog 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.

c. No person shall allow his or her dog or dogs to run or be at large in the Town beyond the property owned or leased by that person unless the dog is accompanied by and is under the control of the owner or another person, and either the dog is attached to a leash and the same leash is physically held and controlled by the owner of the dog or another person or the dog is controlled by an electronic device which is being operated by the owner of the dog or another person who is in control of the dog. *(Recreated 6/13/2002)*

d. No person shall own, harbor or keep any dog in the Town that:

1) Habitually pursues vehicles on highways, roads, streets and alleys in the Town.

2) Is a vicious and dangerous dog which has the potential to or has physically assaulted or attacked a person or which has the potential to or has caused injury or death to any person, without cause, provocation, or justification, on public or private property. Provocation is defined as teasing, taunting, tormenting, abusing or assaulting the dog. Cause or justification may exist if the dog were protecting a person or property against crime, assault, theft, trespass on land, or dwelling of another. *(Recreated 6/13/2002)*

3) Bites persons in the Town.

4) Habitually barks or-habitually howls for a period of ten (10) minutes or more or which otherwise barks or howls so continuously as to constitute a disturbance and annoyance of the general peace and tranquility to adjacent residents or the general public.

5) Remains unlicensed after warning from the Town.

6) Is infected with rabies or has been bitten by an animal which the owner has reason to believe was infected with rabies.

e. Dogs will be surrendered by the owner or by any other person in the Town upon demand by the Town Enforcement Officer or any Town Supervisor.

f. Dogs will be reported by the owner or by any other person when they know that a dog has bitten any person in the Town. The report will be made to the Town Clerk. The dog will be immediately confined by the owner or by any other person reporting the dog bite upon the dog biting any person. The dog will not be released by the owner or by any other person reporting the dog bite until the Town Enforcement Officer or any Town Supervisor approves the release.

g. Dogs that are apprehended and confined shall be kept by the Town for at least seven (7) days at the Town appointed retention facility, unless released sooner if claimed by the owner. After the time period noted herein, the dog will be either sold for inoculation, apprehension, confinement and care costs or it will be destroyed in a careful, proper and humane manner.

h. The Town Board has, by ordinance and pursuant to Sec. 174.06, (1991-1992) Wis. Stats., named the listing official required by September 1st of each year to list the dogs in the Town. The listing official shall be the Town Clerk. The Town Board has, by this ordinance and pursuant to Sec. 174.065, (1991-1992) Wis. Stats., named the collection official required by September 15th to receive the list of dogs in the Town and collect the tax. The collection official shall be the Town Treasurer.

i. The Town Treasurer shall, pursuant to Chapter 174, (1991-1992) Wis. Stats., on or before May 1 notify the District Attorney of the County of Kenosha of the refusal of any owner to obtain a license for keeping his or her dog in the Town.

(e) Other provisions

1. Restrictions on Cats

No person within the Town shall own, harbor or keep any cat under the following conditions:

a. If he causes or permits the cat to run at large.

b. If any cat assaults or attacks any person.

c. If any cat meows or cries for a period of ten (10) minutes or more or which otherwise meows or cries so continuously as to constitute a disturbance of the general peace and tranquility to adjacent residents or the general public.

d. If the cat is infected with rabies or has been bitten by an animal which the owner has reason to believe was infected with rabies.

2. Rabies Shots

a. All dogs, cats, domesticated rodents and wild animals located in the Town shall, at intervals of not more than two (2) years, be vaccinated with a suitable vaccine so as to render the animals immune from infection with rabies.

b. Any other dogs, cats or domesticated rodents or wild animals for which a license is not required shall be vaccinated upon request made by any Town Supervisor or any Town Enforcement Officer, given to the owner of the animal in writing, the vaccination to be accomplished within a five (5) day period. If upon the expiration of such period the vaccination has not been accomplished, the animal may be destroyed upon authority of any of the Town officials named above.

c. Any person who shall violate any provisions of this subsection or refused to surrender the animal to the Town authority for destruction shall

be subject to a penalty as provided in Sec. 25.04 of this Code of Ordinances and each day upon which such person shall refuse to comply with the requests of the Town officers shall constitute a separate offense.

3. Stray Dogs

a. The Town Board, in its discretion, shall appoint such agency, animal hospital or other animal welfare organization (hereinafter referred to as "appointed agency") as it deems proper to act as the agent for the Town for the purpose of picking up, caring for and disposing of stray dogs found running at large in the Town.

b. The Town Board shall contract with the appointed agency to provide services to the Town upon such terms as the Town Board deems reasonable for the pick-up, care and disposal of stray dogs found within the Town.

c. Upon the impounding of any dog or other animal whose identification and owner is unknown to the impounding officer, the officer shall publish by posting in the same manner as ordinances and resolutions of the Town are posted a description of the dog or animal, which notice shall further state that the owner may claim the dog or animal upon payment of the fees required by the appointed agency.

d. The Town Board and its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this section.

4. Cruelty to Animals

a. No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat any animal, including every act or omission or neglect whereby unnecessary or unjustifiable pain, suffering or death shall be caused, whether belonging to himself or another, except that reasonable force may be employed to drive off vicious or trespassing animals.

b. No person shall fail, refuse or neglect to provide any animal in his charge with food, potable water, shade or shelter or cruelly expose

any animal in hot, stormy, cold or inclement weather or carry any animal in or upon any vehicle in a cruel or inhumane manner.

1) In this section "shade" shall mean protection from the direct rays of the sun during the months of June to September, inclusive.

2) In this section "shelter" shall mean a moisture proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with solid floor raised at least two (2) inches from the ground and with the entrance covered by a flexible windproof material. The structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

3) Any law enforcement officer or employee of the appointed agency may remove any animal found to be in neglect as stated herein in subsection 4 of this ordinance, and the owner shall be immediately notified, if known, that the animal shall have a lien thereon for its care, keeping and medical attention and the expenses of notice. If owner is unknown, the animal shall be treated as a stray.

c. No person shall leave a pet in a car with windows closed or cracked during the months of May to October, inclusive.

d. No person shall torment, badger, toss items at or in any way torture any tied, chained, caged or other animal.

e. No person shall use on any animal any type of collar that is spiked or pronged.

f. Any female dog or cat in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season.

5. Abandoning

No person shall deny ownership of any animal by:

- a. Leaving the animal on Town streets or at an animal shelter.
 - b. Not reclaiming any animal which has been published as found.
 - c. Signing away ownership when claiming animal was left on that person's property.
6. Defecation
- a. No owner shall permit his dog or cat to defecate on property not owned by such owner, unless the owner has in his or her immediate possession and uses an appropriate device for scooping excrement and then depositing same upon the property of the owner.
 - b. This subsection shall not apply to any visually handicapped person being led by a dog specially trained to lead blind persons, if the dog is wearing a harness and the visually handicapped person has presented credentials issued by an accredited school for training dogs for the blind.
7. Dogs and Cat Bites: Rabies
- a. Every dog or cat that has bitten or scratched a human is to be examined by a licensed veterinarian and confined by the owner at his/her residence for at least a ten (10) day period and then reexamined and released by the veterinarian. Each veterinarian shall so notify the Town Clerk who shall in turn refer the matter to the attention of the Town Enforcement Officer.
 - b. Any dog or cat suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the provision so this section which has bitten any human or caused an abrasion of the skin of the person shall be seized and impounded under the supervision of a licensed veterinarian for a period of not less than ten (10) days. After ten (10) days and upon examination by a veterinarian, if the dog or cat has no sign of rabies, it may be released to the owner or in the case of a stray or animal running at large, it shall be disposed of in accordance with this section.

(3) **Dog Kennels**

(a) Definitions

1. Kennel

Any establishment or place wherein or whereon four (4) or more dogs are kept for the purpose of breeding, showing, sale, boarding or sporting purposes, it being deemed that the keeping of four (4) or more dogs shall constitute prima facie evidence of the operation of a kennel upon the premises and the burden shall be upon the owner or keeper to show otherwise.

2. Licensee

Any person who owns, keeps or operates the kennel within the Town.

(b) Coverage

Every person, pursuant to Sec. 174.053, (1991-1992) Wis. Stats., and this ordinance, residing in the Town who keeps, owns or operates a kennel shall obtain a license as provided in this section. The fee for the license shall be established annually by the Town Board prior to November 1 of the preceding year. The fee is as noted in Sec. 12.04(1)(c). The license shall be from January 1 through December 31.

(c) Application/License

Any person desiring to procure a license as provided herein, shall file with the Town Clerk a written application.

The application shall include:

1. The name of the applicant
2. The address of the applicant
3. The age of the applicant
4. The business and residential telephone number of the applicant, if any
5. A full description of the premises including the location of all entrances, the housing and facilities to be furnished to the animals
6. The total number of animals to be accommodated

7. The proposed plans of operation, including the applicant's methods and plans for keeping kennels clean and sanitary

8. A description of the nature and use of property adjacent to the proposed location of the kennel.

(d) Ordinance/license

1. Upon filing the application, the Town Clerk shall transmit copies to the Town Plan Commission for its review, consideration and recommendation to the Town Board.

2. The Town Plan Commission shall hold a public hearing upon the application not less than ten (10) days from the date of notice. Notice shall be mailed to the applicant and all abutting property owners, all property owners within three hundred (300) feet of the kennel and all property owners of opposite frontages and of properties that may be directly and immediately affected by a kennel. The public shall be generally notified by publication and posting in the same manner as publication of ordinances and other official notices. At the public hearing the Town Plan Commission shall keep minutes of its proceedings which may be by means of a mechanical recording device. The Town Plan Commission shall make a finding as to whether or not the proposed kennel shall adequately provide for the humane and sanitary care of dogs, that the zoning will permit a kennel to be established on the proposed site and that all ordinances, rules and regulations have been complied with. No kennel shall be licensed to operate in a residentially zoned district.

3. The Town Plan Commission shall make its recommendation to the Town Board with conditions attached thereto or deny the application for a kennel license.

4. The Town Board, after receiving the Town Plan Commissions recommendation, may act as follows:

a. Deny the license.

b. Approve the license without conditions.

c. Approve the License with conditions.

d. Table the action and request additional information prior to making a final decision.

5. The initial license granted under this subsection shall expire on the 31st day of December in the year in which it was granted.

(e) Complaint and Hearing

1. Upon a complaint, of any Law Enforcement or Humane Officer or any resident of the Town who shall be directly affected by the operation of a kennel under this subsection to the Town Board in writing under oath alleging that a kennel is operating in violation of the ordinances of the Town, in an inhumane or unsanitary manner or has for health or any other reason become a public nuisance, the Town Board shall take the complaint under advisement and if the Town Board is satisfied that there is probable cause to believe that the allegations are true, the Town Board shall hold a hearing on the matter to determine whether or not the licensee's kennel license shall be suspended or revoked. The hearing shall be in the nature of an order to show cause why such license should not be revoked and shall be held upon not less than ten (10) days notice to the licensee and the complainants. A copy of the complaint shall be attached and served with the notice of hearing upon the licensee, his agent or any other person in charge of the kennel in the manner set forth in Sec. 801.11, (1991-1992) Wis. Stats.

2. Such hearing shall be held in not less than ten (10) nor more than twenty (20) days after service of the notice of hearing. The Town Board shall have the power to continue or adjourn the hearing from time to time for the Board's convenience.

3. If the complainants do not appear at the hearing, the Town Board shall dismiss the complaint. All parties shall be permitted to appear at the hearing, give testimony, cross examine witnesses and be represented by counsel.

4. The Town Board shall appoint a clerk who shall make a record of the proceedings, either in writing or by mechanical device. At the close of the hearing the Town Board may take the matter under advisement and if the Town Board shall be satisfied that the allegations in the complaint are true, the Town Board may suspend or revoke the kennel license. If the Town Board is not satisfied that the allegations are true, the Town Board shall dismiss the complaint. The Board's decision shall be in writing served upon the parties by first class mail to the last known address. Any party aggrieved by the Town Board's decision may appeal same to any court

of record within thirty (30) days of the date of mailing of the Town Board's decision.

5. This provision for revocation or suspension of license shall not prohibit or be in lieu of any other forfeiture or penalty contained herein for violation of this section.

(f) Penalty

Any person who shall violate this subsection shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) for the first offense and not less than forty (\$40.00) or more than five hundred (\$500.00) for the second offense within one year, together with the cost of prosecution, and in default of payment of such forfeiture and costs, shall upon court order be confined in the Kenosha County Jail until the forfeiture and costs are paid up to a period of fifteen (15) days. Each violation and each day of violation that continues or occurs shall constitute a separate offense.

(4) **Mobile Home Park/Mobile Home License Ordinance**

(a) Coverage

Every person, subject to Sec. 66.058 and 66.0585, (1991-1992) Wis. Stats., and this ordinance, who maintains or operates within the Town any mobile home park shall seek and obtain a mobile home park license from the Town. The fee for such license shall be established by the Town Board at not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each fifty (50) spaces, except if the mobile home park is in two municipalities. Then, the amount of the license fee shall be the fraction thereof the number of spaces in the park in the municipality bear to the entire number of spaces in the mobile home park. The fee shall be established annually by the Town Board prior to January 1. The fees are as noted in Section 12.04(1)(b). The license shall be issued from January 1 to December 31. The license shall be issued by the Town Clerk prior to any person operating or maintaining a mobile home park in the Town.

(b) Application/License

The application and license shall designate the premises. The Town Board may approve the transfer of the license, but may charge a fee of ten dollars (\$10.00) for each transfer. No license may be transferred, without the Town Board's approval, to any person or from one person to another. The application shall include:

1. The name of the applicant
2. The address of the applicant
3. The location of the premises
4. The business and residential telephone number of the applicant, if any
5. The age of the applicant
6. The complete construction plans and specifications which shall be in compliance with state laws and regulations and Town of Randall Ordinances.

(c) Ordinance/License

1. The person subject to this ordinance shall comply with Sec. 66.058, (1991-1992) Wis. Stats., and this ordinance.
2. The Town Clerk shall provide a copy of this ordinance at no cost to any applicant requesting a copy.
3. The applicant and any other person subject to this ordinance shall comply as follows:
 - a. No person shall be issued or re-issued a mobile home park license in the Town until the appropriate fee has been paid to the Town Clerk.
 - b. No person shall be issued or re-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.
 - c. No person shall be issued or re-issued a mobile home park license in the Town until the person owns or has leased premises in the Town to be operated and maintained as the mobile home park.
 - d. No person shall be issued or re-issued a mobile home park license in the Town who has failed to receive from the Town Board a written approval of the building, electrical and plumbing plan for the mobile home park.
 - e. No person shall be issued or re-issued a mobile home park license in the Town if:

1) The Town Board has not secured the approval of the electors of the Town at a regular or special Town meeting. The license shall expire one (1) year from the date of issuance, but may be renewed for additional periods of one (1) year by the Town Board after having obtained approval of the Town electors at a regular or special Town meeting.

2) The Town Board has not notified the Town Clerk in writing that the proper Town officials have inspected the application and the premises upon which the mobile home park is located and found the application and premises to comply with the regulations, ordinances and laws applicable thereto and no such license will be renewed without a re-inspection of the premises. For the purpose of making inspections and securing enforcement, the Town officials or other authorized agents shall have the right and are hereby empowered to enter upon any premises upon which a mobile home is located or about to be located and to inspect the premises and all accommodations connected therewith at any reasonable time.

3) The mobile home park or mobile home unit is not located in any fire district.

4) A mobile home is not located between the recognized setback line for the zoning district in which the mobile home is located, nor less than twenty (20) feet from any building or other mobile home on the premises on which it is located.

5) The mobile home park is not located on a well drained area. The premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home park shall be situated in any area that is located so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

6) The mobile home park does not comply with all provisions of Chapter 12 of the Municipal Code of Kenosha County.

7) The mobile home park is so laid out so that a dependent unit is located farther than two hundred (200) feet from the toilets and service buildings provided for herein. Walkways to the buildings shall be graveled or paved and well lighted at night.

8) An electric service outlet is not provided for every mobile home space. The outlet shall be equipped with an externally operated switch or fuse of not less than thirty (30) amps. capacity and a heavy duty outlet receptacle. Electrical outlets shall be weatherproofed and no power lines shall be less than fifteen (15) feet above ground.

9) The following water supply requirements are not met:

a) An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than two hundred (200) feet from any mobile home shall be furnished for drinking and domestic purposes in all mobile home parks.

b) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of the units. The system shall be adequate to provide at minimum twenty (20) pounds per square inch pressure and capable of furnishing a minimum of one hundred and twenty-five (125) gallons per day per space.

c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.

d) Every mobile home park serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

e) In the event public water mains are not available, then the water supply

TOWN OF RANDALL

RESOLUTION NUMBER: 2020- 01

**TITLE: ORDINANCE TO REPEAL AND RE-CREATE
SECTION 12.10 OF THE ORDINANCES OF THE
TOWN OF RANDALL, PERTAINING TO
LICENSING OF OUTDOOR EVENTS**

WHEREAS, Section 12.10 of the Town of Randall Code of Ordinances contains provisions for the licensing of various outdoor events; and

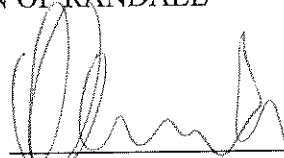
WHEREAS, the Town Board of the Town of Randall wishes to amend such Section in the manner described in the attached Ordinance revision.

NOW, THEREFORE, the Town Board of the Town of Randall, Kenosha County, Wisconsin, does hereby repeal, in its entirety, Section 12.10 of the Ordinances of the Town of Randall, and re-create the said Section 12.10 as described in the attached Ordinance revision.

Dated this 13th day of February, 2020.

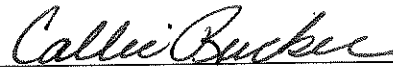
TOWN OF RANDALL

By:



Robert M. Stoll, Town Chair

Attest:



Callie Rucker, Town Clerk

12.10 LICENSING OF OUTDOOR EVENTS

(REVISED 02/13, 2020)

(1) Description

Large outdoor events and/or large gatherings of people, such as, but not limited to, music festivals, art festivals, cultural festivals, and/or similar large outdoor gatherings of people (hereinafter referred to as "Outdoor Events" and/or "Outdoor Event", in the singular tense) in the Town of Randall create additional expenses to the Town for inspection, traffic control, maintaining the peace and order, sanitation, and clean up. In addition, Outdoor Events create an inconvenience to Town residents and businesses by virtue of increased traffic flow, noise, congestion, littering, and crowd control issues no matter how closely controlled and issues of abuse of alcohol, driving under the influence of alcohol or illegal substances, as well as substance control problems. In recognition of the aforesaid burden and inconvenience to the Town and its residents, the Town imposes the following licensing fee on any Outdoor Event as defined herein.

(2) Outdoor Events for Which a License Fee is Payable

This ordinance applies to an Outdoor Event (i) for which tickets are sold for attendance, and/or an admission fee is required for admission to the Outdoor Event, and (ii) on any given day of the Outdoor Event over One Thousand (1,000) persons attend the Outdoor Event (whether or not a ticket or admission fee is required of the attendees to do so). The determination of whether over One Thousand (1,000) persons have attended the Outdoor Event on a given day shall be based on (i) ticket sales and/or admission fees for the Outdoor Event, or (ii) the attendance figures for the Outdoor Event held previously by the license applicant (or by the prior license applicant), or (iii) the reasonable estimate of the license applicant, whichever is larger.

(3) Fee

The applicant shall pay to the Town, within Thirty (30) Days after the date on which an Outdoor Event, as defined in above Subsection (2), is held (or on the date on which the Outdoor Event is commenced), a license fee (the "Fee") in an amount equal to One Percent (1.0%) of the total gross dollar amount of all ticket sales and/or admission fees paid by the attendees for the Outdoor Event. The license applicant shall, along with the payment of the Fee, provide to the Town a detailed itemization of the computation of the final amount of the Fee due the Town. The itemization may be submitted to the Town either in a written format and/or in an electronic format. The license applicant shall also provide to the Town such further records, documents, and information regarding the calculation of the Fee as the Town may reasonably require, including, but not limited to, the completion of such forms as the Town may from time to time require.

(4) Advance Deposit

At least Thirty (30) Days prior to the date on which the Outdoor Event defined in above Subsection (2) is scheduled to be held and/or commenced (whichever date is earlier), the license applicant for the Outdoor Event shall deposit with the Town an advance deposit toward the estimated license Fee (i.e. the 1% Fee amount described in above Section 3) due the Town for the Outdoor Event. This advance deposit (the "Advance Deposit") shall be in the amount of Seventy-five Percent (75.0%) of (i) the Fee paid to the Town previously for the Outdoor Event last held by the license applicant (or by the prior license applicant), or (ii) the gross dollar amount of the total ticket sales and/or admission fees reasonably anticipated by the license applicant for the upcoming Outdoor Event, whichever amount is greater.

(5) Exemptions From the Fee

(a) Non-profit organizations which are tax exempt under either the Internal Revenue Code of the United States or the Wisconsin income tax statutes are exempt from the licensing fee imposed by this section.

(b) Events from which all net profits from ticket sales are paid to non-profit organizations, which are tax exempt under either the Internal Revenue Code of the United States or the Wisconsin income tax statutes, are exempt from the licensing fee imposed by this section.

(6) Implementation of Section 12.10

This ordinance applies to events as described in this ordinance beginning on or after February 13, 2020. License fees as provided herein shall be collected on all ticket sales for events covered by this ordinance which are made on or after February 13, 2020.

and facilities serving each space shall be approved by the State and the Town Board, both as to source of supply and as to service to each unit.

10) The following service building and accommodations are not met:

a) Every mobile home park designed to serve dependent units shall erect suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities as required by this section, the buildings to be known as service buildings. Service buildings shall be located not more than two hundred (200) feet from any dependent unit space, nor closer than fifteen (15) feet from any mobile home space. The buildings shall be of permanent construction and adequately lighted, screened and ventilated.

b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight (8) units or fraction thereof and shall be separate compartments. Every male toilet room shall also contain one urinal for each sixteen (16) dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with running water in the ratio of one lavatory to every two (2) or less water closets.

c) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment being at least four (4) feet square for each eight (8) dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment being at least twelve (12) feet square.

d) Laundry facilities shall be provided on the ratio of one double tray unit and one conventional type washing machine or one automatic washing

machine, with electric outlet, for each eight (8) units. Sufficient drying facilities shall be available.

e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each sixteen (16) dependent units.

f) The above accommodations shall be based upon the total park capacity, according to the accepted plans.

g) Floors of toilets, showers and the laundry shall be of concrete, tile or similar material, impervious to water and easily cleaned and pitched to a floor drain.

11) The following waste and garbage disposal is not provided for:

a) All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public sewer system.

b) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the State Plumbing Code. The sewer connections shall be provided with suitable fittings so that watertight connections can be made. The connections shall be so constructed so that they can be closed when not connected, and trapped in a manner as to be maintained in an odor-free condition.

c) All sanitary facilities in any nit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.

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

e) Every mobile home shall be provided with a substantial fly tight, watertight metal garbage depository from which contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between May 1 and October 15 and otherwise weekly.

(d) Mobile Home Monthly Permit Ordinance

1. Every person, pursuant to Sec. 66.058 and 66.0585, (1991-1992) Wis. Stats., and this ordinance, who occupies a space or lot in a mobile home park or at any other location in the Town and whose mobile home is not exempt under Sec. 66.058 and 66.0585, (1991-1992) Wis. Stats., shall pay a monthly parking fee. These amounts shall be remitted to the Town Treasurer by the 10th of the month following the month for which such parking permit fee is due. The mobile home park licensee shall collect all monthly permit fees and forward these amounts to the Town Treasurer. The fee shall be calculated pursuant to Sec. 66.058(3)(c), (1991-1992) Wis. Stats.

2. 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 developed and provided by the State Department of Revenue within five (5) days of the arrival of the mobile home.

3. Failure to pay the monthly tax subjects the person occupying the mobile home, the mobile home licensee and the owner of the land wherein the mobile home is parked to penalties under Chapters 70 and 74, (1991-1992) Wis. Stats.

4. All ordinances or parts of ordinances, including the County Zoning Ordinance under Sec. 59.97, (1991-1992) Wis. Stats., which is inconsistent with or contrary hereto, shall apply with respect to the establishment and operation of any mobile home park only if the ordinance is more restrictive than this section.

(e) Location of Mobile Homes or Recreational Vehicles Beyond Licensed Mobile Home Park

1. A person may park and use for display and sale in the Town mobile homes if these mobile homes are parked in commercially zoned areas (if county or town zoning is in the Town), 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 sale purpose of display and sale.

2. A person may park mobile homes in the Town on public streets, highways and alleys in the Town for a temporary basis with that time period not longer than one (1) hour per day. 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.

3. A person who is presently holding a permit to occupy a mobile home in the Town may park, use and occupy the mobile home for residential purposes. This "Present Permittee" shall be able to continue to occupy and use the mobile home until:

a. The mobile home is not occupied nor used for residential purposes.

b. The mobile home is not primarily, permanently or continuously occupied and used by the present permittee and his or her immediate family.

c. The mobile home is not maintained in a sanitary condition.

d. The mobile home does not comply with Town of Randall building codes, the State of Wisconsin building codes and the rules and regulations of the appropriate State Departments, including the state plumbing code.

e. The mobile home constitutes a public nuisance.

f. The "present permittee" transfers, leases or conveys in anyway the title to the mobile home to another person outside the immediate family.

g. The person who occupies the mobile home or the landowner does not pay the monthly fee.

h. The mobile home is moved to different premises in or outside the Town and beyond the specific location wherein the mobile home was originally parked.

4. The "present permittee" shall not be allowed to replace or substitute with a new or different mobile home than that which was in existence at the time of the effective date of this section, nor shall such mobile

home continue to be authorized if it is damaged by fire, exposure, flood or other calamity to the extent of more than fifty percent (50%) of its current value, nor if its continuous occupancy is discontinued or terminated for a period of 12 months or more. Any mobile home under the provisions of this paragraph shall immediately be removed from the premises upon which it is located.

5. A person may be issued or re-issued a mobile home permit from the Town to locate, park, use and occupy a mobile home outside a mobile home park. A permit shall be issued or re-issued by the Town Board only upon certain limited conditions: These conditions are as follows:

a. If the person is a "present permittee."

b. In the event that fire, explosion or natural disaster render the main dwelling uninhabitable, the Town Board shall have the authority to grant a temporary permit for the use of a mobile home on the original lot only for a period not to exceed six (6) months, provided that proper water and sanitary facilities are available.

c. Any person requesting a temporary permit shall submit an application to the Town Board for the temporary permit, together with the payment of a fee of twenty-five dollars (\$25.00). Such application shall be submitted to the Town Board for determination and action.

6. One unoccupied mobile home, with a body length of no more than thirty-five (35) feet and a body width of no more than eight feet six inches (8'6") may be parked or stored in an accessory private garage building or in a rear yard, provided no living quarters shall be maintained nor any business conducted in the mobile home while the same is parked or stored.

(f) Other provisions

1. Definitions

a. Dependent Mobile Home

A mobile home which does not have complete bathroom facilities.

b. Licensee

Any person licensed to operate and maintain a mobile home park under this section.

c. Mobile Home (also known as a house trailer)

A device which is or was originally constructed, designed to be transported by a motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to be so used and includes any additions, attachments, annexes, foundations, and appurtenances. For the purpose of this section, "Mobile Home" also means recreational vehicles as defined herein.

d. Mobile Home Park

Any plot or plots of ground upon which two (2) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

e. Nondependent Mobile Home

A mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

f. Park

Mobile home park.

g. Person

Shall be construed to include an individual, partnership, firm, company or corporation, whether tenant, owner, lessee, licensee or their agent, heir or assign.

h. Recreational Vehicle

A vehicular type unit initially designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic types of recreational vehicles are:

1) Travel Trailers

Vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use, and a body length of no more than thirty five feet (35') and a body width of no more than eight feet and six inches (8'6") when factory equipped for the road.

2) Truck Camper

A portable unit designed to be loaded onto or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.

3) Motor Homes

A vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping or travel use.

4) Camping Trailer

A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfolds at the campsite and is initially designed to provide temporary living quarters for recreational, camping or travel use.

5) Vans, Buses, Etc

Vans, buses, and other vehicles when equipped for camping purposes, designed to provide temporary living quarters for recreational, camping or travel use.

i. Space

A plot of ground within a mobile home park of not less than two thousand four hundred (2,400) square feet, designed for the accommodation of one auto and one mobile home unit.

j. Unit

A mobile home unit.

2. Limitations on Length of Stay and Number of Occupants

a. No person shall occupy any mobile home within the Town for permanent occupancy, unless the mobile home is located in a mobile home park licensed under this section, except as provided in Sec. 12.05(4)(e).

b. The Town Board may, in its discretion and by an uniform rule, limit the number of occupants in any trailer occupying a space in a licensed mobile home park for reasons of health and public welfare.

3. Management of Mobile Home Park

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

b. The attendant or person in charge, together with the licensee, shall:

1) Keep a register of all guests, to be open at all times for inspection by Federal and State officers and by the Town Board, which shall show for all guests:

a) Names and addresses.

b) Number of children of school age.

c) State of legal residence.

d) Dates of entrance and departure.

e) License number of all mobile homes and towing of other vehicles.

f) States issuing such license.

- g) Purpose of stay in park.
 - h) Place of last location and length of stay.
 - i) Place of employment of each occupant.
- 2) Maintain the park in a clean, orderly and sanitary condition at all times.
 - 3) Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of law which may come to their attention.
 - 4) Report to the Town Chairperson all cases of persons or animals affected or suspected of being affected with any communicable disease.
 - 5) Maintain in convenient places, approved by the Town Fire Chief, hand fire extinguishers in the ratio of one to each eight (8) units.
 - 6) Collect the monthly parking permit fee as provided in this section. A book shall be kept current, showing the names of the persons paying the service charges and the amount paid, which moneys are the property of the Town.
 - 7) Prohibit the lighting of open fires on the premises.

(5) **Alcohol Beverages**

(a) Statutes Adopted

The provision of Chapter 125, (1991-1992) Wis. Stats., and all acts amendatory thereof and supplementary thereto, relating to the sale of alcohol beverages are adopted as a portion of this section so far as applicable, except as otherwise lawfully provided by Town ordinance.

(b) Legal Drinking Age

- 1. As used in this Chapter, "legal drinking age" means twenty-one (21) years of age.

2. As used in this Chapter, "underage person" means a person who has not attained the legal drinking age.

(c) General provisions

1. License

a. License Required

No person may sell, manufacture, rectify, brew, distribute or engage in any other activity for which this section provides a license or other type of authorization without holding the appropriate license or authorization issued under this section.

b. License Issuance and Expiration

A license may be issued at any time during the license year, but shall expire on the following June 30. The fees for such licenses or permits shall be established annually by the Town Board. The fees are as noted in Section 12.04(1)(a). The fees shall be prorated according to the number of months or fractions thereof remaining until the following June 30. The license or permit shall be from July 1 of one year to June 30 of the next year. Class "B" licenses may be issued at any time for a period of six (6) months in any calendar year, for which fifty (50) percent of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued. Operators Licenses may be issued for a one (1) year period from July 1 of one year to June 30 of the next year.

No license or permit for the sale of alcohol beverages may be delivered to the applicant by the Town, its officers, employees, or agents until the applicant files with the Town Clerk a receipt showing payment of the license or permit fee to the Town Treasurer. The Town may not require an applicant to pay a license or permit fee more than thirty (30) days prior to the date of issuance or re-issuance of the license or permit. The license or permit shall be issued by the Town Clerk prior to any person selling the alcohol beverage in the Town.

c. License Applications

1) Application for a license to sell or deal in alcohol beverages shall be made in writing, properly and fully completed on the forms and in the manner as prescribed by Sec. 125.04(3), (1991-1992) Wis. Stats., and shall be filed with the Town Clerk at least fifteen (15) days prior to the granting of such license.

2) The application shall be accompanied by the cost of publication as required by Sec. 125.04(3) (g), (1991-1992) Wis. Stats., and determined under Sec. 985.08, (1991-1992) Wis. Stats.

3) For temporary Class "B" licenses issued under Section 12.05(5)(i)3. pursuant to the authority granted in Sec. 125.26(6), (1991-1992) Wis. Stats., for a picnic or other gathering lasting less than four (4) days, the application for said temporary Class "B" license shall be made in writing, properly and fully complete, on the forms and in the manner as prescribed by Sec. 125.04(3), (1991-1992) Wis. Stats., and shall be filed with the Town Clerk at least fifteen (15) days prior to the granting of such license.

4) The application shall, for any Operators License or Managers License, include:

- a) The name of the applicant
- b) The address of the applicant
- c) The residential and business telephone number of the applicant, if any
- d) The age of the applicant
- e) The name of the licensed premises where the alcohol beverage will be sold
- f) The address of the licensed premises where the alcohol beverage will be sold
- g) The business telephone number of the licensed premises where the alcohol beverage will be sold

h) A history of the applicant relevant to the fitness of the applicant to hold a license.

i) Which license requested (Operators License or Managers License)

j) The kind of Operators License, if any, for which the applicant is applying (permanent or temporary)

k) Length of applicant residency in State of Wisconsin

l) Any felony record of applicant. If so, was applicant duly pardoned? If so, by whom?

m) Any arrest or conviction record. If so, for what acts?

d. License Investigation

The Town Board shall notify the Town Enforcement Officer, Town Fire Chief, Town Building Inspector and such other appropriate officers of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with the investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Town Board, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required. In determining the suitability of an applicant, consideration shall be given to the financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

e. Qualifications for Licenses

1) Natural Persons

Licenses related to alcohol beverages, issued to natural persons may be issued only to persons who fulfill all the following requirements:

a) Does not have an arrest or conviction record, pursuant to Sec. 111.31, 111.32, 111.321, 111.322, 111.325 and 111.335, (1991-1992) Wis. Stats.

b) Have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of application except a natural person applying for an Operators License or a Managers License need not be a resident of the State of Wisconsin at the time of application. However, a natural person must be a resident of the State of Wisconsin at the time of issuance of a Managers License.

c) Have attained the legal drinking age, except a natural person applying for an Operators License need not be of legal drinking age at the time of application. However, a natural person must have attained the age of eighteen (18) at the date of issuance of an Operators License.

d) Have submitted proof under Sec. 77.61(11), (1991-1992) Wis. Stats.

2) Criminal Offenders

No license or permit related to alcohol beverages may, subject to Sec. 111.31, 111.32, 111.321, 111.322, 111.325 and 111.335, (1991-1992) Wis. Stats., be issued under this section to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

3) Corporations

Only corporate persons whose agent meets the qualification established in Sec. 125.04(6), (1991-1992) Wis. Stats., and whose

directors meet the qualifications established in Sec. 125.04(5), (1991-1992) Wis. Stats., shall be issued or re-issued any license or permit related to alcohol beverages, except no foreign corporation shall be issued a Class "B" license.

f. License Conditions and Regulations

1) All retail alcohol beverage licenses granted hereunder shall be granted subject to the following conditions:

a) Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspections.

b) No gambling or games of chance of any kind or sort shall be permitted in any form upon the licensed premises. Slot machines or any devices of chance are prohibited and shall not be kept upon the premises.

c) As a condition of issuance of a temporary Class "B" picnic license, each applicant shall guarantee to the Town that at least two (2) persons holding operators license or one (1) business licensed person and one (1) operators license person, will be working at the licensed premises.

g. License Framed, Posted

1) Licenses for the sale of alcohol beverages shall be enclosed in a frame having a transparent front which allows the license to be clearly read.

2) All licenses for the sale of alcohol beverages shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to license is carried on.

3) It is unlawful for any person to post such license, or be permitted to post such, upon premises other than that mentioned in

the application, or knowingly to deface or destroy such license or to remove such without consent of the license holder.

4) Whenever a license is lost or destroyed without fault on the part of the holder or his or her agent or employee, a duplicate in lieu thereof, under the original application, shall be issued by the Town Clerk on satisfying himself or herself as to the facts, upon the payment of a fee of five dollars (\$5.00).

2. Health Rules

Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purposes for which used. The Town Board may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules-and regulations shall have the same force as this section and any infraction thereof may be punished as a violation of this section.

3. Codes Meet

No person shall be issued or re-issued a "Class A", Class "A", "Class B" or Class "B" license in the Town until the premises complies with the Town of Randall building code and plumbing code or the State of Wisconsin building code and plumbing code.

4. Delinquent Taxes

No person shall be issued or reissued a Class "A," "Class A," "Class B," or Class "B" license for any premise' in the Town until all delinquent, taxes, and assessments of the Town of Randall for that premises are paid to the Town Treasurer.

5. Premise Required

No person shall be issued or re-issued a "Class A" or "Class B" intoxicating liquor license in the Town who does not, at the time of application, have a building on the premises for the purpose of utilizing the license. No person shall be issued or re-issued the license until the building has been constructed and the building complies with all federal, state, County of Kenosha and,

Town laws, regulations and ordinances, including but not limited to, fire, sanitation, electrical, plumbing and building codes. If the building where alcohol beverages is sold is destroyed, the license issued by the Town shall remain valid until expiration of the license term and, in addition, the person issued the license shall have one hundred and eighty (180) days after expiration to complete construction of a new building for re-issuance of a new license.

6. Multiple Licenses

Not more than two "Class A" or "Class B" licenses may be issued in this state to anyone person, except in the case of hotels or clubs. In each application for a "Class A" or "Class B" license, the applicant shall state that application has not been made for more than one other "Class A" or "Class B" license.

(d) License - Granting, Transfer, Number Issued, Denial of Renewal and Revocation

1. Granting of License by Town Board

a. The Town Board shall meet not later than May 15 of each year and be in session from day to day thereafter so long as it may be necessary, for the purpose of acting upon license applications filed with it on or before April 15. The Town Board shall grant or deny each application not later than June 15 for the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The Town Board may accept and act upon any application filed at any other time. The Town Board may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in the clerk's minutes.

b. Opportunity to be heard shall be given by the Town Board to any person for or against the granting of any license. Upon the approval of the application by the Town Board, the Town Clerk shall, upon the filing by the applicant of a receipt showing the payment of the license fee required by Section 12.04(1)(a) to the Town Treasurer, issue a license to the applicant.

2. Numbering

Each license shall be numbered according to the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid and the name of the licensee.

3. Transfer

The license to sell alcohol beverages may be transferred if the licensee or permittee:

- a. Dies
- b. Becomes bankrupt
- c. Makes an assignment for benefit of creditors

If the licensee/permittee becomes disabled, the Town may, upon application, transfer the license or permit to the licensee's or permittee's spouse if the spouse qualifies for a license/permit pursuant to Chapter 125, (1991-1992) Wis. Stats., and this ordinance and the spouse complies with requirements under Chapter 125, (1991-1992) Wis. Stats., for original applicants. However, the spouse is exempt from payment of the license/permit fee for the year in which the transfer takes place.

Upon the happening of any of the events noted above, the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if:

He or she complies with the requirements applicable to' original applicants and;

He or she is acceptable to the Town Board and consent to the transfer is given by the Town Board.

The license/permit to sell alcohol beverages may be transferred to another area or premises in. the Town. "Class A," Class "A," "Class B," Class B," licenses/permits, Managers License and Operators Licenses, pursuant to Sec. 125.04(12), (1991-1992) Wis. Stats., are limited to only one transfer in any license or permit year. Transfers shall cost ten dollars (\$10.00) and shall be payable to the Town Clerk. The

Town Clerk shall promptly notify the State Department of Revenue of any transfers.

4. Non renewal of License by Town Board

a. Grounds for Non renewal

1) The Town Board shall, at minimum, establish written considerations and grounds for any determination to not re-new or not re-issue to any person an alcohol beverage license authorized by this ordinance. These considerations and grounds may be that the person:

a) violated Chapter 125, (1991-1992) Wis. Stats., or this ordinance.

b) Kept or maintained a disorderly or riotous, indecent or improper business.

c) Sold or gave away alcohol beverages to known intoxicated persons.

d) Does not possess qualifications to hold license.

e) Failed to maintain sanitary standards established by the State of Wisconsin or the Town of Randall.

f) Was convicted of a civil or criminal offense, all pursuant to Sec. 111.31, 111.32, 111.321, 111.322, 111.325 and 111.335, (1991-1992) Wis. Stats.

b. Procedure for Non-renewal

Prior to the time for the renewal of the license, the Town Board shall notify the licensee in writing of its intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action.

c. Hearing Procedure

The hearing shall be conducted as provided in subpar. 5.b. below and judicial review shall be as-provided in subpar. 5.d. below. In addition and

adding to the hearing procedure set forth in subpar. b. above.

1) The Town Board shall fix a date for the hearing which shall not be later than June 15 of said year and the hearing shall be open to the public, except the same may be closed pursuant to the exemptions listed at Sec. 19.85, (1991-1992) Wis. Stats.

2) The applicant and Town may request subpoenas to compel witnesses to attend said hearing and said request shall be made to the Town Chairperson who shall issue the same according to law.

3) The Town shall have the burden of proof and shall proceed first.

4) If said application for renewal is denied, the reason for denial shall be stated in the Clerk's minutes.

5. Revocation of License by Town Board

a. The Town Board may revoke or suspend any license issued by the Town under Chapter 125, (1991-1992) Wis. Stats. Any person may file a sworn written complaint with the Town Clerk alleging that a person holding a license issued herein by the Town has violated any of the provisions of Chapter 125, No. "J" (1991-1992) Wis. Stats, or any section of the Town Municipal Code. Such license shall be revoked by the Town Board upon conviction of the licensee of a second offense for violating any of the provisions of Chapter 125, (1991-1992) Wis. Stats., or any of the provisions of this Chapter, within the license year of July 1 to June 30. Upon the filing of this complaint, the Town Board shall issue a summons, signed by the Town Clerk and directed to any peace officer in the Town. The Summons shall command the licensee complained of to appear before the Town Board on a day and place named in the Summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The Summons and a copy of the Complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Chapter 801, (1991-1992) Wis. Stats., for service in civil actions in circuit court.

b. Procedure on Hearing

If the licensee does not appear as required by the Summons, the allegations of the Complaint shall be taken as true and if the Town Board finds the allegations sufficient, the license shall be revoked. The Town Clerk shall give notice of the revocation to the person whose license is revoked. If the licensee appears as required by the Summons and denies the complaint, both the complainant and the licensee may produce witnesses cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If upon the hearing the Town Board finds the Complaint to be true the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked. The Town Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the Town Board finds the complaint untrue, the proceeding shall be dismissed without costs to the accused. If the Town Board finds the Complaint to be malicious and without probable cause the costs shall be paid by the complainant. The Town Board may require the complainant to provide security for such costs before issuing the summons under subpar. a. above.

c. Effect of Revocation

When a license is revoked under this Section, the revocation shall be recorded by the Town Clerk and no other license may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

d. Judicial Review

The action of the Town Board in granting or failing to grant, suspending or revoking any license, or the failure to the Town Board to revoke or suspend any license for good cause may be reviewed by the Circuit Court of Kenosha County upon application by any applicant, licensee or resident of the Town. The procedure on review shall be the same as in civil actions instituted in the Circuit Court. The person desiring review shall file pleadings, which shall be served on the Town Board in the manner provided in Chapter 801,

(1991-1992) Wis. Stats., for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The Town Board, applicant or licensee shall have twenty (20) days to file an answer to the complaint. Following filing of an Answer, the matter shall be disposed of pursuant to Sec. 125.12(2)(d), (1991-1992) Wis. Stats.

(e) Evidence of Documentary Proof of Age

Every retail alcohol beverage licensee shall cause a book to be kept for the purposes of this ordinance. The licensee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

(f) Hours for Sale

1. Fermented Malt Beverages

a. No premises for which a Class "B" license is issued may remain open between the hours of 2 a.m. and 6 p.m., except as provided in Sec. 125.32(3), (1991-1992) Wis. Stats. On Saturday and Sunday, the closing hour shall be between 2:30 a.m. and 6 a.m. On January 1, premises operating under a Class "B" license are not required to close.

b. Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

c. Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12 midnight and 8 a.m.

2. Intoxicating Liquor

a. "Class A" Retailers. No premises for which a "Class A" license has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

b. "Class B" Retailers. No premises for which a "Class B" license has been issued may remain open between the hours of 2:00 a.m. and 6:00 p.m. On January 1, premises operated under a "Class B" license are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 p.m.

c. Between 12:00 midnight and 6:00 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in original unopened package, container or bottle or for consumption away from the premises.

d. No premises for which a "Class B" license has been issued under Sec. 125.51(3)(am), (1991-1992) Wis. Stats., may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

(g) Licensee Responsible for Acts of Employees

A violation of any of the provisions of this ordinance by an agent or employee of a license shall constitute a violation by the licensee, and the applicable violation proceedings and penalties shall apply to such licensee, and proceedings for the revocation or suspension of the license may be instituted by the Town.

(h) Operators' Licenses

1. No premises operated under a Class "A", Class "B", "Class A", "Class B" or Temporary 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 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. For the purpose of this ordinance, any person holding a manager's license under Sec. 125.18, (1991-1992) Wis. Stats., or any member of the licensee's- immediate family who has attained the age of eighteen (18) shall be considered the holder of an operator's license.

2. 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 eighteen (18) years of age and is under the immediate supervision of the licensee, agent or a

person holding an operator's license, who is on the premises at the time of the service.

3. Operators' licenses may be issued only upon written application and shall be valid only within the Town of Randall. Every operator's license shall be valid for a period of one year, and shall expire on June 30 Pursuant to Sec. 125.17(6), (1991-1992) Wis. Stats., 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 vocational, technical or adult- education district, and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education. This requirement shall not apply if the applicant is a person who is renewing an operator's license; or within the last two (2) years the person held a Class "A" license or permit, Class "B" license or permit, a "Class A" or "Class B" license or permit, or a "Class C" license or permit, a manager's license, or an operator's license; or within the last two (2) years the person has successfully completed a responsible beverage server training course as described above. Nothing herein shall prohibit the issuance of a provisional operator's license to a person who is enrolled in a responsible beverage server training course as described above; however, such a provisional license shall be revoked if the applicant fails to successfully complete the course.

(i) Fermented Malt Beverages; Types of Licenses; Application and Restoration License

1. Retail Class "A" Fermented Malt Beverage Licenses

A Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles. A Class "A" license may be issued to any person qualified under Sec. 125.04(5), (1991-1992) Wis. Stats. and this ordinance, except a person acting as an agent for or in the employ of another. A Class "A" license shall particularly describe the premises for which issued and are not transferable, except under Sec. 125.04(12), (1991-1992) Wis. Stats. A Class "A" license is subject to revocation for violation of any of the terms or provisions of Chapter 125, (1991-1992) Wis. Stats., or this ordinance.

2. Retail Class "B" Fermented Malt Beverage Licenses

A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. Persons holding

a Class "B" license may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under Sec. 66.053(1), (1991-1992) Wis. Stats. A Class "B" license may be issued to any person qualified under Sec. 125.04(5), (1991-1992) Wis. Stats., and this ordinance, except a foreign corporation. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant, all as provided in Sec. 125.26(2), (1991-1992) Wis. Stats. A Class "B" license is subject to revocation for violation of the provisions of Chapter 125, (1991-1-992) - Wis. Stats., or this ordinance.

3. Retail Temporary Class "B" Fermented Malt Beverage Licenses

A temporary Class "B" license may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans organizations authorizing the sale of fermented malt beverages and wine containing not more than six (6) percent alcohol by volume, at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society, all according to the provisions of Sec. 125.26(6), (1991-1992) Wis. Stats.

(j) Intoxicating Liquor

1. Retail "Class A" Intoxicating Liquor Licenses

A "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers. Except as provided under Sec. 125.69, (1991-1992) Wis. Stats., "Class A" licenses may be issued to any person qualified under Sec. 125.04(5), (1991-1992) Wis. Stats., and this ordinance, except a foreign corporation or a person acting as an agent for or in the employ of another. "Class A" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in Sec. 125.04(12), (1991-1992) Wis. Stats.

2. Retail "Class B" Intoxicating Liquor Licenses

The Town elects to come under the provisions of Sec. 125.51(3), (1991-1992) Wis. Stats., and therefore a "Class B" license authorizes the retail sale of

intoxicating liquor for consumption on the premises where sold by the glass and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed four (4) liters at anyone time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. Except as provided under Sec. 125.69, (1991-1992) Wis. Stats., a "Class B" license may be issued to any person qualified under Sec. 125.04(5), (1991-1992) Wis. Stats., and this ordinance, except a foreign corporation or a person acting as an agent for or in the employ of another. A "Class B" license shall particularly describe the premises for which issued and is not transferable, except as provided in Sec. 125.04(12), (1991-1992) Wis. Stats. A "Class B" license may be issued only to the holder of a retailer Class "B" license to sell fermented malt beverages.

3. Retail "Class C" Intoxicating Liquor License

A "Class C" license authorizes retail sale of wine by the glass or in an opened original container for consumption off the premises where sold. A "Class C" license may be issued to any person qualified under Sec. 125.04(5), (1991-1992) Wis. Stats., and this section, for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom. A "barroom", as defined in Sec. 125.51(3m)(a), (1991-1992) Wis. Stats., means a room what is primarily used for the sale or consumption of alcohol beverages. The Town shall not issue a "Class C" license to a foreign corporation or a person acting as an agent for or in the employ of another.

(k) Miscellaneous provisions

1. No "Class A" or "Class B" Intoxicating liquor license may be issued for premises, the main entrance of which is less than three hundred (300) feet of the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of the Town Board. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license. This prohibition does not apply to any of the following:

- a. Premises covered by a license on June 30, 1947.
 - b. Premises covered by a license prior to the occupation of real property within three hundred (300) feet thereof by any school, hospital or church building.
 - c. A restaurant located within three hundred (300) feet of a church, hospital or school. This subsection applies only to restaurants in which the sale of alcoholic beverages accounts for less than fifty percent (50%) of its gross receipts.
2. Any person convicted of a second offense under this ordinance, in addition to the penalties, shall automatically forfeit any alcohol beverage license issued by the Town, without notice. Any person whose license has been revoked under this ordinance shall not be re-issued a license for a period of one hundred and eighty (180) days from the date of revocation.
 3. The Town Board may, by order, temporarily close any licensed premises during any civil disturbance, riot, labor disturbance, strike or other civil emergency declared by the Town Board.
 4. No adult person in the Town may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by any underage person on premises owned by the adult or under the control of the adult. This provision does not apply to alcohol beverages used exclusively as part of a religious ceremony.
 5. No adult person in the Town may intentionally encourage or contribute to any underage person procuring alcohol beverages, entering a licensed premises in violation of Sec. 125.07(3), (1991-1992) Wis. Stats., falsely representing his or her age for the purpose of receiving alcohol-beverages from a licensee or knowingly possessing or consuming alcohol beverages unless allowed pursuant to Sec. 125.07(4), (1991-1992) Wis. Stats.
 6. No underage person in the Town, not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may enter, knowingly attempt to enter or be on any licensed premises for any purpose except those specific purposes noted in Sec. 125.07(3), (1991-1992) Wis. Stats.

7. No person in the Town shall give away intoxicating liquor or use any other means to evade the law of the State of Wisconsin or this ordinance relating to the sale of intoxicating liquor in the Town.

(6) **Rummage Sales** (Created 10/95)

(a) Rummage Sale

The definition of rummage sale shall mean and include all general sales, open to the public, conducted from or on a residential premise, for the purpose of disposing of property, including but not limited to all sales entitled "rummage", "lawn", "yard", "Porch", "backyard", "patio", "garage sale" or "thrift sale".

(b) Property

Property as used in subsection (a) above, shall not mean personal property. Personal property is property which is owned, utilized and maintained and acquired in the normal course of living in or maintaining a residence. Property as defined herein includes merchandise which was purchased for resale or obtained on consignment, or obtained for the purpose to realize a profit.

(c) Permit Required

All persons or organizations wishing to hold a rummage sale to sell property which is not personal property shall first obtain a permit by way of application to the Town Clerk. The Town Clerk upon receiving application for a permit shall place on the agenda for the next Town-Board meeting the request to hold the rummage sale. At said Board meeting the Town Board shall decide whether to allow the rummage sale. The permit must be obtained before the sale. The permit, if approved by the Town Board, must be obtained from the Town Clerk at the Town Hall. The person responsible for the rummage sale must personally obtain the permit from the Town Clerk. The permit must be prominently displayed during the rummage sale.

(d) Permit not Required

It shall be lawful for any person to sell or offer for sale at a rummage sale personal property without the need for a permit.

(e) Hours and Place of Operation

A rummage sale shall be conducted only between the hours of 8:00 a.m. and 5:00 p.m.. No more than one (1) rummage sale

may be allowed in one (1) calendar year to be conducted from any premise, sponsored by the same person or persons. Each sale may last no longer than two (2) days and must be conducted on the seller's property.

(f) Signs

"Rummage Sale", or similar signs shall be permitted to advertise the rummage sale. There shall be not more than one (1) such sign per lot except that on a corner lot two (2) signs are allowed, one facing each street. No sign shall exceed twelve (12) square feet in area and shall be located not less than eight (8) feet from the nearest lot line. Said signs may be placed only upon the property of the residence where the sale is being held, or upon other residential property with permission of the owner or other person in charge of such, at the time of the sale. No signs shall be placed within the area of any public lands or right-of-way. Any sign must contain the following information: (1) the name and address of the person holding the permit number for the rummage sale; (2) the dates of the sale; (3) the location of the sale; (4) the rummage sale permit number. All signs, no matter where placed, must be removed within twenty four (24) hours after the close of, the rummage sale.

(g) Penalty

Any person who violates or fails to comply with any provision of this Ordinance shall be subject to the penalties as outlined in Section 12.06.

12.06 PENALTY

Except as otherwise provided herein, in addition to the revocation, suspension or non-renewal of any license or permit issued under this chapter, any person found in violation of any provision of this chapter shall be subject to a penalty as provided in Sec. 25.04 of this Code of Ordinances.

12.10 LICENSING OF OUTDOOR EVENTS

(CREATED 10/12/2006)

(1) Description

Outdoor music festivals, art festivals, cultural festivals, any outdoor performance entertainment, or other large gatherings in the Town of Randall create additional expenses to the Town for inspection, traffic control, maintaining the peace and order, sanitation, and clean up. In addition outdoor music festivals, art festivals, cultural festivals, any outdoor performance

entertainment, or other large gatherings create an inconvenience to Town residents and businesses by virtue of increased traffic flow, noise, congestion, littering, and crowd control issues no matter how closely controlled and issues of abuse of alcohol, driving under the influence of alcohol or illegal substances, as well as substance control problems. In recognition of the aforesaid burden and inconvenience to the Town and its residents, the Town imposes the following licensing fee on any festivals, entertainments and outdoor gatherings as defined herein.

(2) **Fees**

This ordinance applies to any music festivals, art festivals, cultural festivals, any outdoor performance entertainment, or other large gatherings for which tickets are sold for attendance or admission. In such events a licensing fee is imposed of one percent (1%) of the price charged for tickets. The aforesaid fee will be assessed only on those music festivals, art festivals, cultural festivals, any outdoor performance entertainment, or other large gatherings at which attendance exceeds one thousand (1,000) persons on any given day. Determination as to whether attendance of the given event is greater than one thousand (1,000) persons shall be conclusively determined based upon the prior years event. If the event is a first time event, determination of applicable fees based upon attendance shall be made in reliance upon reasonable crowd estimates by the entity or person(s) conducting the event. If attendance at such event exceeds one thousand (1,000) persons based upon ticket sales, the operator of the event shall pay an after-the-fact licensing fee equal to one percent (1%) of the total receipt for tickets sold.

(3) **Exemptions**

(a) Non-profit organizations which are tax exempt under either the Internal Revenue Code of the United States or the Wisconsin income tax statutes are exempt from the licensing fee imposed by this section.

(b) Events from which all net profits from ticket sales are paid to non-profit organizations, which are tax exempt under either the Internal Revenue Code of the United States or the Wisconsin income tax statutes, are exempt from the licensing fee imposed by this section.

(4) **Licenses**

(a) This ordinance applies to events as described in this ordinance beginning on or after January 1, 2007. License fees as provided herein shall be collected on all ticket sales for events covered by this ordinance which are made on or after September 1, 2006.

(b) Licenses for events covered by this section shall be obtained at least seven (7) days prior to the commencement of the event at the office of the Town Clerk. Fees imposed by this section shall be paid within thirty (30) days after collected, and reported on forms provided by the Town.