



**11/19/2024 Monthly Board Meeting
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2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year	Current YTD Estimate &			%	% of	
				Actual	Actual	Actual	2024 Current YTD	Estimate	Total	Budgeted 2024	2025 Proposed	CHANGE	Budget
41000 - INCOME/TAXES													
	41900 - Other Taxes				\$ -								
	41110 - General Property Taxes			\$ 259,063.68	\$ 260,069.57	\$ 260,750.65	\$ 246,837.87		\$ 246,837.87	\$ 261,609.00	\$ 246,837.87	#REF!	25.33%
	41150 - Woodland tax			\$ 11,707.74	\$ 11,670.36	\$ 11,535.56	\$ -			\$ 11,500.00		-100.00%	0.00%
	41800 - Interest on taxes			\$ 5.86	\$ 5.94		\$ 205.88	\$ -	\$ 205.88	\$ -			0.00%
	41000 - INCOME/TAXES - Other (Annexation)				\$ -		\$ 115.40	\$ -		\$ -			0.00%
	TOTAL 41000 INCOME/TAXES			\$ 270,777.28	\$ 271,745.87	\$ 272,286.21	\$ 247,159.15	\$ -	\$ 247,159.15	\$ 273,109.00	\$ 246,837.87	-9.62%	23.90%
													0.00%
42000 - SPECIAL ASSESSMENTS													
							\$ -						0.00%
	42001 - Street Const/Paving SA				\$ -		\$ -			\$ -	\$ -		0.00%
	42000 - Special Assessments - Other			\$ 13,500.00	\$ 4,479.47	\$ 710.00							0.00%
	TOTAL 42000 - SPECIAL ASSESSMENTS			\$ 13,500.00	\$ 4,479.47	\$ 710.00	\$ -						0.00%
													0.00%
43000 - INTERGOVERNMENTAL													
							\$ -						0.00%
	42880 - State - Planning Grant												0.00%
	Federal Grants												0.00%
	43300 - ARPA Grant			\$ 210,383.80	\$ 210,383.80	\$ 14,186.00				\$ 132,927.76			0.00%
	43400-CDBG Grant					\$ 84,783.61	\$ -			\$ 350,000.00			0.00%
	43212 - FEMA Grant												0.00%
	Federal Grants - Other												0.00%
	Total Grants			\$ 210,383.80	\$ 210,383.80	\$ 98,969.61	\$ -	\$ -	\$ -	\$ 482,927.76			0.00%
													0.00%
	Grants from County & Other												0.00%
	43710 - County bridge aid				\$ -		\$ -	\$ -		\$ -	\$ -		0.00%
	43781 - County - timber sales			\$ 536.89	\$ 543.52		\$ 992.41	\$ -	\$ 992.41	\$ 500.00	\$ 500.00	0.00%	0.05%
	Total Grants from County & Other			\$ 536.89	\$ 543.52		\$ 992.41	\$ -	\$ 992.41	\$ 500.00	\$ 500.00	0.00%	0.05%
							\$ -						
	Other State Payments												0.00%
	43532 - State Grants-Disaster Damage				\$ -		\$ -	\$ -		\$ -			0.00%
	43545 - State - recycling grant			\$ 8,387.88	\$ 8,366.25	\$ 8,370.45	\$ 8,383.10	\$ -	\$ 8,383.10	\$ 8,300.00	\$ 8,300.00	0.00%	0.80%
	43620 - April PILT Payment			\$ 3,676.71	\$ 15,938.74	\$ 15,938.74	\$ 15,938.74	\$ -	\$ 15,938.74	\$ 15,500.00	\$ 15,500.00	#REF!	1.50%
	43640 - State - manag. forest lands-DNR			\$ 199.56	\$ 261.66	\$ 327.08	\$ 261.66	\$ -	\$ 261.66	\$ 260.00	\$ 260.00	0.00%	0.03%
	43651 - State - county forest land			\$ 117.44	\$ 246.63	\$ 324.95	\$ 324.95	\$ -	\$ 324.95	\$ 245.00	\$ 245.00	0.00%	0.02%
	43660 - State - in lieu taxes - DNR - Other			\$ 2,423.59	\$ 2,456.71	\$ 2,075.82	\$ 2,117.96	\$ -	\$ 2,117.96	\$ 2,450.00	\$ 2,000.00	-18.37%	0.19%
	43690-Personal Property Tax Aid/Act 12 Aid			\$ 405.36	\$ 405.36	\$ 405.36	\$ 405.36	\$ -	\$ 405.36	\$ 405.36	\$ 1,019.90	151.60%	0.10%
	Total Other State Payments			\$ 15,210.54	\$ 27,675.35	\$ 27,442.40	\$ 27,431.77	\$ -	\$ 27,431.77	\$ 27,160.36	\$ 27,324.90	0.61%	2.65%
							\$ -						

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year	Current YTD					
				Actual	Actual	Actual	2024 Current YTD	Estimate	Estimate & Total	Budgeted 2024	2025 Proposed	%	% of
												CHANGE	Budget
			State Grants/Public Safety				\$ -						0.00%
			43529 - State - Fire Grant	\$ 2,517.50	\$ 1,570.50	\$ 2,400.00	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	0.00%	0.23%
			Total State Grants/Public Safety	\$ 2,517.50	\$ 1,570.50	\$ 2,400.00	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00		0.23%
							\$ -						0.00%
			State Shared Taxes				\$ -						0.00%
			43410 - State - shared revenue	\$ 282,822.85	\$ 281,479.18	\$ 280,994.81	\$ 56,621.68	\$ 326,419.22	\$ 383,040.90	\$ 377,477.82	\$ 382,564.74	1.35%	37.04%
			43420 - State - fire insurance dues	\$ 13,382.27	\$ 13,517.02	\$ 17,439.84	\$ 20,273.14		\$ 20,273.14	\$ 17,439.84	\$ 21,000.00	20.41%	1.69%
			43430 - State - Computer Aid	\$ 131.99	\$ 131.99	\$ 9,547.48	\$ 131.99		\$ 131.99	\$ 131.99	\$ 131.99	0.00%	0.01%
			Total State Shared Taxes	\$ 296,337.11	\$ 295,128.19	\$ 307,982.13	\$ 77,026.81	\$ 326,419.22	\$ 403,446.03	\$ 395,049.65	\$ 403,696.73	2.19%	39.08%
							\$ -		\$ -				
			Transportation				\$ -		\$ -				0.00%
			43531- State aid - transportation	\$ 229,739.76	\$ 234,373.02	\$ 238,350.12	\$ 180,238.95	\$ 60,079.05	\$ 240,318.00	\$ 240,318.60	\$ 240,318.60	0.00%	23.26%
			43534-State -Road grant	\$ 26,326.97	\$ -				\$ -	\$ 28,000.00	\$ 28,000.00		2.71%
			43550 - RTR Grant										0.00%
			Total Transportation	\$ 256,066.73	\$ 234,373.02	\$ 238,350.12	\$ 180,238.95	\$ 60,079.05	\$ 240,318.00	\$ 268,318.60	\$ 240,318.60	-10.44%	23.26%
							\$ -		\$ -				
			TOTAL INTERGOVERNMENTAL	\$ 781,052.57	\$ 769,674.38	\$ 721,644.26	\$ 287,097.53	\$ 386,498.27	\$ 673,595.80	\$ 693,428.61	\$ 674,240.23	-2.77%	65.27%
							\$ -						
			44000 - LICENSE AND PERMITS				\$ -						0.00%
			44100 Business & Occupational License										0.00%
			44100.0 - Liquor	\$ 2,740.00	\$ 2,740.00	\$ 2,680.75	\$ 3,058.09	\$ -	\$ 3,058.09	\$ 2,740.00	\$ 2,750.00	0.36%	0.27%
			44100.1 - Operators License	\$ 860.00	\$ 467.00	\$ 1,126.00	\$ 605.00	\$ -	\$ 605.00	\$ 500.00	\$ 500.00	0.00%	0.05%
			44100.2 - Cigarette	\$ 100.00	\$ 125.00	\$ 50.00	\$ 45.91	\$ -	\$ 45.91	\$ 125.00	\$ 75.00	-40.00%	0.01%
			44100.3 - CATV	\$ 29,179.87	\$ 28,826.90	\$ 20,166.09	\$ 23,993.89	\$ -	\$ 23,993.89	\$ 29,600.00	\$ 28,302.00	-4.39%	2.74%
			44150 Hauler Fee				\$ 50.00		\$ 50.00		\$ 50.00		0.00%
			Total 44100 Business & Occupational License	\$ 32,879.87	\$ 32,158.90	\$ 24,022.84	\$ 27,752.89		\$ 27,752.89	\$ 32,965.00	\$ 31,677.00	-3.91%	3.07%
													0.00%
			44200 - Animal	\$ 1,495.63	\$ 1,354.58	\$ 649.65	\$ 508.13	\$ 50.00	\$ 558.13	\$ 1,400.00	\$ 500.00	-64.29%	0.05%
			44201 - Late Fee	\$ 141.00	\$ 90.00	\$ 44.00	\$ 100.00		\$ 100.00		\$ 25.00		0.00%
			44300 - Building Permits/Inspections-Town Share		\$ -	\$ 1,294.91	\$ 1,829.18	\$ -	\$ 1,829.18	\$ 1,300.00	\$ 1,300.00		0.13%
			44300.1- Building Town Share			\$ 355.80							
			44400 - Board of Appeals-Income	\$ 450.00	\$ 150.00	\$ 300.00	\$ 1,150.00	\$ -	\$ 1,150.00	\$ 500.00	\$ 500.00	0.00%	0.05%
			44400.1 - Conditional Use Permit	\$ 150.00	\$ 450.00	\$ 300.00		\$ -		\$ 500.00		-100.00%	0.00%
			44400.2 - Rezoning Fees		\$ -	\$ 150.00		\$ -					0.00%
			44400.3-Conservation & Development										0.00%
			44400.4-Land Use Planning			\$ 150.00							
			Total 44200 -44400.3	\$ 2,236.63	\$ 2,044.58					\$ 3,700.00	\$ 2,325.00	-37.16%	0.23%
			TOTAL 44000 LICENSE AND PERMITS	\$ 35,116.50	\$ 34,203.48	\$ 27,267.20	\$ 31,340.20	\$ 50.00	\$ 31,390.20	\$ 36,665.00	\$ 34,002.00	-7.26%	3.29%

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year	Current YTD													
				Actual	Actual	Actual	2024 Current YTD	Estimate	Estimate &			%	% of								
									Total	Budgeted 2024	2025 Proposed	CHANGE	Budget								
45000 - FINES, FORFEITS AND PENALTIES						\$	-						0.00%								
45100 - Court Penalties & Cost				\$	209.00	\$	185.00	\$	43.00	\$	100.00	\$	-	\$	100.00	\$	200.00	\$	100.00	-50.00%	0.01%
45223 - Restitution						\$	-						0.00%								
TOTAL 45000 FINES, FORFEITS AND PENALTIES				\$	209.00	\$	185.00	\$	43.00	\$	100.00	\$	-	\$	100.00	\$	200.00	\$	100.00	-50.00%	0.01%
46000 - PUBLIC CHARGE FOR SERVICES													0.00%								
46100 - Treasurer and clerk fees				\$	8.00	\$	21.50			\$	-			\$	-			\$	-		0.00%
46100.1 - License publication				\$	120.00	\$	128.00			\$	16.00	\$	-	\$	16.00	\$	120.00	\$	-		0.00%
46100.2 - Record search				\$	3,375.00	\$	1,945.00	\$	832.00	\$	2,250.00	\$	-	\$	2,250.00	\$	1,000.00	\$	1,000.00	0.00%	0.10%
46100.3 - Background search fees				\$	392.00	\$	189.00			\$	84.00	\$	-	\$	84.00	\$	300.00			-100.00%	0.00%
46100.4 - Zoning Books						\$	-			\$	-					\$	-				0.00%
TOTAL 46100 Treasurer and Clerk Fees				\$	3,895.00	\$	2,283.50	\$	832.00	\$	2,350.00			\$	2,350.00	\$	1,420.00	\$	1,000.00	-29.58%	0.10%
46220 - Fire Service - Other				\$	5,631.24	\$	4,317.86	\$	4,376.09	\$	7,675.00	\$	-	\$	7,675.00	\$	6,100.00	\$	6,000.00	-1.64%	0.58%
46220.1 - Fire numbers								\$	69.50	\$	1,050.00	\$	-	\$	1,050.00			\$	-		0.00%
46220.2 - Fire Number (New Bldg)																					0.00%
46220.3 Fire Numbers (Replacement Number)				\$	600.00	\$	1,455.00			\$	150.00										0.00%
46220.4 - Post				\$	70.00	\$	60.00			\$	40.00										0.00%
Total 46220 Fire Services				\$	6,301.24	\$	5,832.86	\$	4,635.59	\$	8,725.00			\$	8,725.00	\$	6,100.00	\$	6,000.00	-1.64%	0.58%
46290 - Public Safety Fees				\$	115,393.95	\$	40,974.33														0.00%
46310 - Road Damage				\$	250.00	\$	100.00							\$	-	\$	-	\$	-		0.00%
46431 - Solid Waste Disposal				\$	55,405.25	\$	57,748.25	\$	60,666.55	\$	55,232.00	\$	6,000.00	\$	61,232.00	\$	55,000.00	\$	63,000.00	14.55%	6.10%
46435 - Recycling Charges				\$	15,919.52	\$	11,805.46	\$	9,814.85	\$	4,746.20	\$	800.00	\$	5,546.20	\$	12,000.00	\$	5,000.00	-58.33%	0.48%
Total 46290, 46310, 46431, 46435				\$	186,968.72	\$	110,628.04	\$	70,481.40	\$	59,978.20	\$	6,800.00	\$	66,778.20	\$	67,000.00	\$	68,000.00	1.49%	6.58%
TOTAL 46000 PUBLIC CHARGE FOR SERVICES				\$	197,164.96	\$	118,744.40	\$	75,948.99	\$	71,053.20	\$	6,800.00	\$	77,853.20	\$	74,520.00	\$	75,000.00	0.64%	7.26%
48000 - MISCELLANEOUS																					0.00%
48100 - Interest income - Other				\$	335.58	\$	963.85	\$	10,645.84	\$	7,895.03	\$	-	\$	7,895.03	\$	350.00	\$	350.00	0.00%	0.03%
48110.1 - Designated Interest - Other				\$	2,367.30			\$	1.71	\$	10,413.47	\$	-	\$	10,413.47	\$	2,600.00	\$	2,000.00	-23.08%	0.19%
48110.2-Designated Interest-Fire Dept						\$	1,146.42	\$	1,904.12	\$	6,954.10			\$	6,954.10						0.00%
48110.3 Designated Interest-Capital Outlay						\$	2,130.64	\$	4,805.16	\$	3,938.79			\$	3,938.79						0.00%
48110.4 Designated Interest- Roads						\$	2,042.29	\$	4,350.16	\$	3,445.31			\$	3,445.31						0.00%
48110.6 Designated Interest- Recycling						\$	178.05	\$	580.10	\$	433.54			\$	433.54						0.00%
48110.7 Designated Interest- ARPA Funds						\$	5,775.18	\$	10,012.22	\$	4,689.40			\$	4,689.40						0.00%

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year	Current YTD Estimate &			%	% of	
				Actual	Actual	Actual	2024 Current YTD	Estimate	Total	Budgeted 2024	2025 Proposed	CHANGE	Budget
Total 48100 Interest				\$ 2,702.88	\$ 12,236.43	\$ 32,299.31	\$ 37,769.64	\$ 2,500.00	\$ 40,269.64	\$ 2,950.00	\$ 2,350.00	-20.34%	0.23%
OTHER MISC.													0.00%
48200 · Rent - town buildings				\$ 1,000.00	\$ 775.00	\$ 675.00	\$ 415.00	\$ 75.00	\$ 490.00	\$ 500.00	\$ 450.00	-10.00%	0.04%
48309 · Sale gen. town property				\$ 1,119.88	\$ -			\$ -		\$ -	\$ -		0.00%
48440 - Insurance Recoveries					\$ -	\$ 2,237.00	\$ (8,994.03)	\$ -	\$ (8,994.03)				0.00%
48500-Fire Department Grant						\$ (11,547.03)							0.00%
48901 - Insurance Refund				\$ 1,413.00	\$ 886.00		\$ 1,291.00		\$ 1,291.00				0.00%
48900-Other misc income				\$ 4,202.00	\$ 209.99	\$ 37,499.62	\$ 15.00	\$ -	\$ 15.00	\$ -	\$ -		0.00%
48991-Election Reimbursement						\$ 429.66	\$ -						0.00%
Total Other Misc.				\$ 7,734.88	\$ 1,870.99	\$ 29,294.25	\$ (7,273.03)	\$ 75.00	\$ (7,198.03)	\$ 500.00	\$ 450.00	-10.00%	0.04%
													0.00%
TOTAL 48000 MISCELLANEOUS				\$ 10,437.76	\$ 14,107.42	\$ 61,593.56	\$ 30,496.61	\$ 2,575.00	\$ 33,071.61	\$ 3,450.00	\$ 2,800.00		0.27%
Services/Personal property tax							\$ -		\$ 2,989.74				0.00%
TOTAL REVENUES				\$ 1,308,258.07	\$1,213,140.02	\$1,159,793.22	\$ 670,236.43	\$ 395,923.27	\$ 1,066,159.70	\$ 1,081,372.61	\$ 1,032,980.10	-4.48%	100.00%
OTHER INCOME							\$ -						0.00%
49310-Other financing-Reserves					\$ -		\$ -			\$ -			0.00%
TOTAL OTHER INCOME					\$ -		\$ -			\$ -			0.00%
TOTAL REVENUES AND OTHER INCOME				\$ 1,308,258.07	\$1,213,140.02	\$1,159,793.22	\$ 670,236.43	\$ 395,923.27	\$ 1,066,159.70	\$ 1,081,372.61	\$ 1,032,980.10	-4.48%	100.00%
EXPENDITURES							\$ -						
51000 - GENERAL GOVERNMENT							\$ -						
51110 · Town board - Office				\$ 32,384.75		\$ 56.07	\$ 31.50			\$ 30,000.00	\$ 33,000.00	10.00%	3.19%
TBA Administrative-Town Board					\$ 1,127.68	\$ 1,364.11							0.00%
TBM Mileage						\$ 520.00	\$ 329.35	\$ 150.00					
TBO Operations-Town Board-Training					\$ 566.02	\$ 3,162.37	\$ 1,820.30						0.00%
TBW Wages-Town Board					\$ 27,043.67	\$ 29,309.04	\$ 18,659.50	\$ 12,000.00	\$ 30,659.50				0.00%
Total 51110 Town Board				\$ 32,384.75	\$ 28,737.37	\$ 34,411.59	\$ 20,840.65	\$ 12,150.00	\$ 32,990.65	\$ 30,000.00	\$ 33,000.00	10.00%	3.19%
51200 - Judicial				\$ 2,927.29	\$ 25.45	\$ 369.03	\$ 279.89			\$ 3,000.00		-100.00%	0.00%
JA Administrative					\$ 329.74								0.00%
JC Clerk					\$ 1,284.15	\$ 1,307.10	\$ 857.37	\$ 450.00					0.00%
JJ Judge					\$ 1,291.80	\$ 1,307.10	\$ 857.38	\$ 450.00					0.00%
Total 51200 Judicial				\$ 2,927.29	\$ 2,931.14	\$ 2,983.23	\$ 1,994.64	\$ 900.00	\$ 2,894.64	\$ 3,000.00	\$ 3,000.00	0.00%	0.29%
51300 · Attorney				\$ 126,490.46	\$ 19,210.50	\$ 21,033.65	\$ 378.00	\$ 2,500.00		\$ 10,000.00	\$ 8,000.00	-20.00%	0.77%

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year	Current YTD													
				Actual	Actual	Actual	2024 Current YTD	Estimate	Estimate &			%	% of								
									Total	Budgeted 2024	2025 Proposed	CHANGE	Budget								
			AO Ordinances			\$	540.50														
			AR Roads			\$	450.00														
			ATB Town board		\$	5,687.06	\$	531.00					0.00%								
			APC Plan Commission			\$	151.30						0.00%								
			JW Tyco Water Issues		\$	42,550.27	\$	18,854.60					0.00%								
Total 51300 Attorney				\$	126,490.46	\$	67,447.83	\$	41,561.05	\$	378.00	\$	2,500.00	\$	2,878.00	\$	10,000.00	\$	8,000.00	-20.00%	0.77%
51400 - GENERAL ADMINISTRATION													#DIV/0!	0.00%							
51400 General Administration						\$	70.80							0.00%							
			51400.1 · Clerk - Other	\$	27,632.76	\$	310.75	\$	364.13	\$	50.00	\$	200.00	\$	27,000.00	\$	28,000.00	3.70%	2.71%		
			CA Administrative			\$	243.94	\$	987.16					0.00%							
			CM Mileage-Clerk			\$	148.12	\$	230.75		\$	100.00		0.00%							
			CS Supplies-Clerk			\$	8.68	\$	50.28	\$	542.11			0.00%							
			CW Wages-Clerk			\$	29,068.97	\$	26,799.09	\$	15,249.95	\$	6,000.00		0.00%						
Total 51400 General & 51400.1 Clerk				\$	27,632.76	\$	29,780.46	\$	28,502.21	\$	15,842.06	\$	6,000.00	\$	21,842.06	\$	27,000.00	\$	28,000.00	3.70%	2.71%
			51400.2 · Elections	\$	13,622.43	\$	3,923.51	\$	11,000.57					\$	31,529.00	\$	15,000.00	-52.42%	1.45%		
			EMM Machine Maintenance			\$	470.43	\$	1,290.00	\$	483.78	\$	1,000.00					0.00%			
			EP Postage			\$	1,440.62			\$	616.43			0.00%							
			ES Election Supplies			\$	5,303.22	\$	199.55	\$	3,165.55	\$	600.00					0.00%			
			ET Training					\$	29.25					0.00%							
			EW Election Wages			\$	13,729.45	\$	6,611.59	\$	7,498.50	\$	4,000.00					0.00%			
Total 51400.2 Elections				\$	13,622.43	\$	24,867.23	\$	19,130.96	\$	11,764.26	\$	5,600.00	\$	17,364.26	\$	31,529.00	\$	15,000.00	-52.42%	1.45%
			51400.3 · Licenses and Permits			\$	136.00	\$	135.00	\$	151.72	\$	-		\$	100.00	\$	200.00	100.00%	0.02%	
Total 51400.3 Licenses & Permits						\$	136.00	\$	135.00	\$	151.72				\$	100.00	\$	200.00	100.00%	0.02%	
Total 51400 - General Administration				\$	41,255.19	\$	54,783.69	\$	47,768.17	\$	27,758.04	\$	11,600.00	\$	39,358.04	\$	58,629.00	\$	43,200.00		4.18%
																			0.00%		
51500 - FINANCIAL ADMINISTRATION							\$	-											0.00%		
			51500.1 · Assessment of Property	\$	26,345.20			\$	7,180.60					\$	33,000.00	\$	33,000.00	0.00%	3.19%		
			AA Administrative				4,304.28												0.00%		
			AM Mileage-Assessor				426.68			\$	443.54								0.00%		
			AS Supplies-Assessor				1,296.99	\$	1,044.00	\$	5,134.83								0.00%		
			AW Wages-Assessor				23,783.67	\$	25,737.26	\$	18,118.45								0.00%		
			AWA Assistant Wages				315.55												0.00%		
Total 51500.1 Assessment of Property				\$	26,345.20	\$	30,127.17	\$	33,961.86	\$	23,696.82	\$	6,800.00	\$	30,496.82	\$	33,000.00	\$	33,000.00	0.00%	3.19%
																			0.00%		
			51500.2 · Treasurer	\$	30,659.09	\$	22.80	\$	24,565.62					\$	25,000.00	\$	33,388.00	33.55%	3.23%		

2025 PROPOSED BUDGET

				2021	2022	2023		To End of Year	Current YTD											
				Actual	Actual	Actual	2024 Current YTD	Estimate	Estimate &									%	% of	
									Total		Budgeted 2024	2025 Proposed					CHANGE	Budget		
	TA Administrative				\$ 7,705.40	\$ 26,043.48	\$ 7,581.50	\$ 4,000.00											0.00%	
	TM Mileage-Treasurer				\$ 377.96	\$ 266.21													0.00%	
	TS Supplies-Treasurer				\$ 292.38	\$ 242.70	\$ 4,315.69												0.00%	
	TW Wages-Treasurer				\$ 28,249.06	\$ 21,119.34	\$ 18,729.93	\$ 6,000.00											0.00%	
	Total 51500.2 Treasurer			\$ 30,659.09	\$ 36,647.60	\$ 72,237.35	\$ 30,627.12	\$ 10,000.00	\$ 40,627.12		\$ 25,000.00	\$ 33,388.00					33.55%	3.23%		
																			0.00%	
	51500.4 · Independent audit				\$ -		\$ -	\$ -			\$ 7,500.00								0.00%	
	Total 51500.4											\$ -							0.00%	
	TOTAL 51500 - FINANCIAL ADMINISTRATION			\$ 57,004.29	\$ 66,774.77	\$ 106,199.21	\$ 54,323.94	\$ 16,800.00	\$ 71,123.94		\$ 65,500.00	\$ 66,388.00					1.36%	6.43%		
																			0.00%	
																			0.00%	
	51600 - GENERAL BUILDING																		0.00%	
	51600.1 · Town Hall and garage																		0.00%	
	TGE · Town Garage Electric			\$ 492.60	\$ 408.12						\$ 600.00						-100.00%	0.00%		
	TGG · Town Garage Gas			\$ 987.18	\$ 1,323.47						\$ 1,500.00						-100.00%	0.00%		
	THA · Administrative-Town Hall & Gara				\$ 25.30												#DIV/0!	0.00%		
	THAW-Wages-Admin Asst.			\$ 9,361.16	\$ 10,753.04						\$ 11,500.00						-100.00%	0.00%		
	Administrative Other			\$ 2,623.39			\$ -	\$ -			\$ -								0.00%	
	Total Administrative Town Hall & Garage			\$ 13,464.33	\$ 12,509.93	\$ -	\$ -	\$ -			\$ 13,600.00	\$ -					-100.00%	0.00%		
	THE · Town Hall Electric			\$ 3,057.16	\$ 4,280.21	\$ 3,850.37	\$ 2,961.51	\$ 1,638.00	\$ 4,599.51		\$ 4,000.00	\$ 75,000.00					1775.00%	7.26%		
	THG · Town Hall Gas			\$ 5,119.07	\$ 8,079.33	\$ 8,198.37	\$ 4,902.22	\$ 3,500.00	\$ 8,402.22		\$ 5,000.00						-100.00%	0.00%		
	THO · Operations-Town Hall & Garage			\$ 42,753.05	\$ 31,519.86	\$ 90,691.05	\$ 21,803.91	\$ 12,000.00	\$ 33,803.91		\$ 37,000.00						-100.00%	0.00%		
	Holiday Town Workers				\$ 1,537.56	\$ 870.77	\$ 808.32	\$ 1,000.00	\$ 1,808.32										0.00%	
	TOW Wages				\$ 5,337.87	\$ 5,752.12	\$ 15,409.04	\$ 8,500.00	\$ 23,909.04										0.00%	
	Vacation Town Road Workers				\$ 1,535.64	\$ 2,163.34	\$ 808.32	\$ 1,000.00	\$ 1,808.32										0.00%	
	Total 51600.1 Operations Town Hall & Garage			\$ 77,857.94	\$ 52,290.47	\$ 111,526.02	\$ 46,693.32	\$ 27,638.00	\$ 74,331.32		\$ 46,000.00	\$ 75,000.00					63.04%	7.26%		
	TOTAL 51600 - GENERAL BUILDING			\$ 91,322.27	\$ 64,800.40	\$ 111,526.02	\$ 46,693.32	\$ 27,638.00	\$ 74,331.32		\$ 59,600.00	\$ 75,000.00					25.84%	7.26%		
																			0.00%	
	51900 - OTHER GENERAL GOVERNMENT						\$ -												0.00%	
	51932.0 · Insurance-Highway			\$ 2,136.00	\$ 2,221.00			\$ -			\$ 2,000.00						-100.00%	0.00%		
	Total 51932 Insurance-Highway			\$ 2,136.00	\$ 2,221.00			\$ -			\$ 2,000.00	\$ -					-100.00%	0.00%		
	51938 - INSURANCE PROP. & LIABILITY						\$ -												0.00%	
	51938.1 - Other Insurance			\$ 12,154.00	\$ 13,064.00	\$ 26,697.00		\$ -			\$ 15,000.00						-100.00%	0.00%		
	51938.2 · Bonds			\$ 270.00	\$ -	\$ 250.00		\$ -			\$ 250.00						-100.00%	0.00%		
	51938.3 · Unemployment payments				\$ -		\$ -	\$ -			\$ -	\$ -							0.00%	

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year			Current YTD				
									Estimate &					
				Actual	Actual	Actual	2024 Current YTD	Estimate	Total	Budgeted 2024	2025 Proposed	%	% of	
												CHANGE	Budget	
				51938 · Insurance prop. & liability - Other	\$ 6,010.00	\$ 6,304.00		\$ 28,433.47	\$ -		\$ 6,000.00	\$ 30,000.00	400.00%	2.90%
				Total 51938 Insurance Prop & Liability	\$ 18,434.00	\$ 19,368.00	\$ 26,947.00	\$ 28,433.47	\$ -	\$ 28,433.47	\$ 21,250.00	\$ 30,000.00	41.18%	2.90%
							\$ -						0.00%	
				TOTAL 51000 - GENERAL GOVERNMENT	\$ 358,489.92	\$ 307,064.20	\$ 371,396.27	\$ 180,422.06	\$ 71,588.00	\$ 252,010.06	\$ 249,979.00	\$ 258,588.00	3.44%	25.03%
							\$ -						0.00%	
				52000 - PUBLIC SAFETY									0.00%	
				52200 - FIRE PROTECTION									0.00%	
				52200.1 - FIRE DEPARTMENT		198.14	\$ 9,217.00						0.00%	
				FDW · Wages	\$ 40,018.40	\$ 46,884.94	\$ 38,223.47	\$ 4,448.21	\$ 38,875.00		\$ 43,000.00		-100.00%	0.00%
				FDT · Training	\$ 2,294.06	\$ 2,276.28	\$ 5,431.71	\$ 2,502.00	\$ 400.00		\$ 2,500.00		-100.00%	0.00%
				FDRR · Recruitment/Recertification	\$ 3,807.81	\$ 3,808.20	\$ 2,366.84	\$ 2,534.38	\$ 1,250.00		\$ 4,000.00		-100.00%	0.00%
				FDR · Retirement	\$ 8,238.20	\$ 9,610.80	\$ 9,732.85				\$ 9,400.00		-100.00%	0.00%
				FDC · Communication Equip.	\$ 3,658.19	\$ 1,998.00	\$ 3,142.00		\$ 1,730.45		\$ 4,000.00		-100.00%	0.00%
				FDPM · PM/Repairs	\$ 13,511.85	\$ 11,066.70	\$ 10,513.18	\$ 8,628.13	\$ 1,871.87		\$ 10,500.00		-100.00%	0.00%
				FDSD · Subscriptions/Dues	\$ 1,110.00	\$ 1,679.95	\$ 689.00	\$ 670.50	\$ 229.50		\$ 900.00		-100.00%	0.00%
				FDE - Equipment	\$ 10,489.50	\$ 9,926.72	\$ 24,881.43	\$ 8,797.56	\$ 1,088.45		\$ 9,000.00		-100.00%	0.00%
				FDFP · Fire Prevention		\$ 1,627.97	\$ 979.86		\$ 113.99		\$ 1,000.00		-100.00%	0.00%
				FDPE · Personal Equip	\$ 9,568.42	\$ 2,701.25	\$ 6,522.45	\$ 1,362.86	\$ 5,622.14		\$ 6,985.00		-100.00%	0.00%
				FDFO · Fuel/Oil	\$ 2,730.25	\$ 5,310.06	\$ 2,284.11	\$ 2,317.63	\$ 1,000.00		\$ 4,000.00		-100.00%	0.00%
				FDI · Insurance	\$ 6,161.00	\$ 6,525.00					\$ 6,600.00		-100.00%	0.00%
				52200.1 · Fire department - Other	\$ 251.53						\$ -			0.00%
				Total 52200.1 · Fire department	\$ 101,839.21	\$ 103,614.01	\$ 113,983.90	\$ 31,261.27	\$ 52,181.40	\$ 83,442.67	\$ 101,885.00	\$ 102,075.00	0.19%	9.88%
							\$ -							
				52200.2 - Fire Station-Gas		\$ -		\$ -	\$ -		\$ -	\$ -		0.00%
				52200.3 · Fire numbers	\$ 1,696.62	\$ 1,110.10	\$ 1,028.29	\$ 1,345.81	\$ 100.00		\$ 1,500.00	\$ 1,500.00	0.00%	0.15%
				FNW - Wages		\$ 305.58	\$ 486.79							0.00%
				Total 52200.3 Fire Numbers	\$ 1,696.62	\$ 1,415.68	\$ 1,515.08	\$ 1,345.81	\$ 250.00	\$ 1,595.81	\$ 1,500.00	\$ 1,500.00		0.15%
				Total 52200 Fire Protection	\$ 103,535.83	\$ 105,029.69		\$ 32,607.08	\$ 52,431.40	\$ 85,038.48	\$ 103,385.00	\$ 103,575.00	0.18%	10.03%
														0.00%
				52300 · Rescue Squad	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00		\$ 5,000.00		\$ 5,000.00	\$ 7,500.00	50.00%	0.73%
				52400 · Building inspection	\$ -	\$ -					\$ -	\$ -		0.00%
				52700 - Correction and Detention	\$ -	\$ -			\$ -		\$ -			0.00%
				TOTAL 52000 - PUBLIC SAFETY	\$ 108,535.83	\$ 110,029.69	\$ 120,498.98	\$ 32,607.08	\$ 57,431.40	\$ 90,038.48	\$ 108,385.00	\$ 111,075.00	2.48%	10.75%
							\$ -							0.00%
				53000 - PUBLIC WORKS				\$ -						0.00%
				53311 Transportation										0.00%

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year	Current YTD													
				Actual	Actual	Actual	2024 Current YTD	Estimate	Estimate &	Budgeted 2024	2025 Proposed	%									
									Total			% of									
												Budget									
			53311.1 · Machinery and equipment	\$	12,963.25	\$	678.81	\$	4,073.98	\$	14,919.04	\$	15,564.00	\$	25,000.00	60.63%	2.42%				
			MER Maintenance & Repairs-Machinery			\$	4,147.77	\$	12,920.74	\$	20,572.60	\$	2,000.00				0.00%				
			MEW Wages-Machinery & Equipment			\$	4,762.76	\$	4,832.17	\$	4,220.94	\$	2,000.00				0.00%				
			Total 53311.1 Machinery Equipment	\$	12,963.25	\$	9,589.34	\$	21,826.89	\$	39,712.58	\$	4,000.00	\$	43,712.58	\$	15,564.00	\$	25,000.00	60.63%	2.42%
																	0.00%				
			53311.2 · Road Maintenance	\$	314,118.64	\$	7,170.00	\$	71,520.41	\$	18,394.19	\$	10,000.00	\$	28,394.19	\$	204,800.00	\$	266,930.00	30.34%	25.84%
			Road Expense-Town Board					\$	622.71											0.00%	
			Road Expense-Admin					\$	10,579.55											0.00%	
			RMCR-Contracted Roads					\$	227,263.60											0.00%	
			RMSA-Upgrade & Paving					\$	112.17											0.00%	
			RMNC-Non-Contracted Roads					\$	2,469.85	\$	16,548.60									0.00%	
			RMW- Wages					\$	22,097.74	\$	39,013.04	\$	7,000.00	\$	46,013.04					0.00%	
			Total 53311.2 Road Maintenance	\$	314,118.64	\$	7,170.00	\$	334,666.03	\$	73,955.83	\$	7,000.00	\$	80,955.83	\$	204,800.00	\$	266,930.00	30.34%	25.84%
																				0.00%	
			53311.3 · Bridges and culverts	\$	329.21			\$	11,800.54	\$	11,677.50	\$	30,000.00	\$	41,677.50	\$	40,000.00	\$	40,000.00	0.00%	3.87%
			BCW Wages			\$	329.99	\$	759.20	\$	335.82			\$	335.82						0.00%
			Total 53311.3 Bridges & Culverts	\$	329.21	\$	329.99	\$	12,559.74	\$	12,013.32	\$	30,000.00	\$	42,013.32	\$	40,000.00	\$	40,000.00	0.00%	3.87%
			53311.4 · Snow and ice control	\$	132,702.32											\$	162,000.00	\$	130,000.00	-19.75%	12.58%
			SIC Contracted Ice & Snow			\$	128,861.20	\$	96,331.90	\$	42,199.36	\$	30,000.00								0.00%
			SINC Non-Contracted Ice & Snow			\$	2,803.87	\$	5,935.46												0.00%
			SIW Wages			\$	3,011.35	\$	2,624.36	\$	1,998.02	\$	2,000.00								0.00%
			Total 53311.4 Snow & Ice Control	\$	132,702.32	\$	134,676.42	\$	104,891.72	\$	44,197.38	\$	32,000.00	\$	76,197.38	\$	162,000.00	\$	130,000.00	-19.75%	12.58%
			53311.5 · Road signs	\$	4,483.70	\$	2,799.09	\$	5,048.90							\$	5,000.00			-100.00%	0.00%
			RSW Wages			\$	3,237.21	\$	3,587.37												0.00%
			Total 53311.5 Road Signs	\$	4,483.70	\$	6,036.30	\$	8,636.27	\$	-	\$	800.00	\$	800.00	\$	5,000.00	\$	-	-100.00%	0.00%
			53311.6 · Ditching & Brushing	\$	22,085.48			\$	78.01							\$	23,781.00			-100.00%	0.00%
			DBG Garbage PU			\$	6,370.72	\$	6,671.35												0.00%
			DBM Mowing			\$	3,974.82	\$	16,791.57												0.00%
			DBO Ditching & Brushing-Other			\$	2,900.00														0.00%
			DBR Road Expense			\$	4,143.99	\$	2,207.47												0.00%
			Total 53311.6 Ditching & Brushing	\$	22,085.48	\$	17,389.53	\$	25,748.40	\$	-					\$	23,781.00	\$	-	-100.00%	0.00%
			53311.7 Road Expense Town Board			\$	393.37									\$	400.00			-100.00%	0.00%
			Road Expense TB Mileage																		0.00%
			Total 53311.7 Road Expense Town Board			\$	393.37									\$	400.00			-100.00%	0.00%

2025 PROPOSED BUDGET

[illegible]

2025 PROPOSED BUDGET

				2021	2022	2023	To End of Year		Current YTD				
				Actual	Actual	Actual	2024 Current YTD	Estimate	Estimate &	Budgeted 2024	2025 Proposed	%	% of
									Total			CHANGE	Budget
				56900.1 - Land Use Planning	\$ 134.56	\$ 164.40							0.00%
				Total 56900.1	\$ 134.56	\$ 164.40							0.00%
													0.00%
				56900.2 - Comprehensive Planning	\$ -		\$ 4,663.56	\$ 4,000.00	\$ 8,663.56	\$ 15,000.00	\$ 6,336.44		0.61%
				Total 56900.2 Comprehensive Planning			\$ 4,663.56	\$ 4,000.00	\$ 8,663.56	\$ 15,000.00	\$ 6,336.44		0.61%
				56900.3 Intergovernmental Planning	\$ 25.00								0.00%
				PC Planning Commission	\$ 425.47		\$ 587.70	\$ 200.00	\$ 787.70		\$ 2,000.00		0.19%
				PCW Wages	\$ 342.23	\$ 292.21							0.00%
				Total 56900.3 Intergovernmental Planning	\$ 792.70	\$ 292.21	\$ 587.70	\$ 200.00	\$ 787.70		\$ 2,000.00		0.19%
				56900.4 - Board of Appeals	\$ 587.72	\$ 63.20	\$ 178.00	\$ 9.55	-	\$ 500.00	\$ 500.00	0.00%	0.05%
				BAW Wages Board of Appeals	\$ 100.00	\$ 311.49	\$ 428.20						0.00%
				Total 56900.4 Board of Appeals	\$ 587.72	\$ 163.20	\$ 489.49	\$ 437.75	\$ 250.00	\$ 687.75	\$ 500.00	\$ 500.00	0.00%
													0.00%
				56900.5 - Zoning	\$ 2,963.20	\$ 3,926.80		\$ -			\$ -		0.00%
				Total 56900.5 Zoning	\$ 2,963.20	\$ 3,926.80	\$ -						0.00%
													0.00%
				TOTAL 56000 - CONSERVATION AND DEVELOPMENT	\$ 722.28	\$ 4,083.50	\$ 4,708.50	\$ 5,689.01	\$ 4,450.00	\$ 10,139.01	\$ 15,500.00	\$ 8,836.44	-42.99%
													0.86%
							\$ -						0.00%
				57000 - CAPITAL OUTLAY			\$ -						0.00%
				57140 -Town Hall-Capitol Improvement			\$ 10,400.00	\$ -	\$ 10,400.00	\$ 30,000.00	\$ 4,800.00	-84.00%	0.46%
				57220 - Capital Outlay - Fire dept.	\$ 15,208.00	\$ 400,000.00				\$ 95,000.00	\$ 34,750.00	-63.42%	3.36%
				57324 - Capital Outlay-Machinery/Equipm	\$ -		\$ -	\$ -		\$ -	\$ 25,000.00		2.42%
				TOTAL 57000 - CAPITAL OUTLAY	\$ 15,208.00	\$ 400,000.00	\$ 8,836.44	\$ -	\$ 8,836.44	\$ 125,000.00	\$ 64,550.00	-48.36%	6.25%
				ARPA/CDBG			\$ (2,926.34)	\$ 19,966.25					
				UNKNOWN			\$ 47.45						
				55900 - Contingency				\$ -		\$ 16,937.61	\$ 20,000.66	18.08%	1.94%
				NET OTHER INCOME		\$ 225.36							
				TOTAL EXPENSES	\$ 1,094,108.67	\$1,294,269.56	\$ 1,110,611.52	\$ 487,344.25	\$ 223,758.07	\$ 711,102.32	\$ 1,081,372.61	\$ 1,032,980.10	-4.48%
													100.00%
				TOTAL REVENUES AND OTHER INCOME	\$ 1,094,108.67	\$1,214,471.32	\$1,160,018.58	\$ 670,236.43	\$ 395,923.27	\$ 1,066,159.70	\$ 1,081,372.61	\$ 1,032,980.10	-4.48%
													100.00%
				NET OPERATING INCOME			\$49,407.06	\$ 182,892.18	\$ 172,165.20	\$ 355,057.38	\$ -	\$ -	0.00%
													0.00%



MEETING MINUTES
Town of Peshtigo Monthly Board Meeting
Tuesday, October 15, 2024 at 6 p.m.

- 1) Call to order: **Chairperson Friday called the meeting to order at 6:00pm.**
- 2) Pledge of allegiance
- 3) Roll call: **All present.**
Chairperson Friday, Supervisor Coble, Supervisor Wortner, Supervisor Bergeson, Supervisor Joy
- 4) Verification of proper notice: **Chairperson Friday verified.**
- 5) Approve agenda: **Coble motion to approve/Second by Wortner. Motion carried with 5 yes.**
- 6) Public comment, limited to 15 minutes (*in-person attendees only, limited to 3 minutes per person with no time donations from others, agenda items only*), please be prepared to come forward to the table, speak clearly into the microphone, **start by stating name/address & agenda item(s) to be addressed. No public comment.**
- 7) Announcements:
 - a. **Chairperson Friday sent in her application to become a Town Advocacy Council Ambassador.**
 - b. **Tyco/JCI and DNR updates are on website.**
 - c. **Clerk Okins reminded residents of the upcoming General Election 11/05/24, with polls open from 7am-8pm. In-person Absentee Voting dates are 10/22, 10/24, 10/29, 10/31 from 10am-2pm.**
- 8) Minute approval
 - a. 9/17/2024 Regular Board Meeting: **Approved via unanimous consent.**
 - b. 10/10/2024 Special Board Meeting/Budget Workshop: **Approved via unanimous consent.**
- 9) Reports
 - a. Fire Department: **Chief Folgert gave report.**
 - b. Constable: **Chairperson Friday gave report.**
 - c. Building Inspector: **Chairperson Friday gave report.**
 - d. Marinette County Board: **No representative in attendance.**
- 10) Treasurer Report/Investment Report/Budget YTD vs Actual/Budget Amendments: **Approved via unanimous consent.**
 - a. Approve vouchers & payment of bills: **Coble motion to approve (with exception of Treasurer and Chairperson reviewing MSA bill first, then pay if accurate)/Second by Joy. Motion carried with 5 yes.**
- 11) Fire truck funding from capital outlay: **Coble motion to approve moving \$50,000 from capital outlay toward fire department's new engine/Second by Joy. Motion carried with 5 yes votes.**
- 12) ERS annual donation: **Friday motion to increase the ERS donation to \$7,500/year beginning in 2024/Second by Wortner. Motion carried with 5 yes.**
- 13) Marinette County Elderly Services donation request: **No action taken.**
- 14) Town Attorney status, hourly fee: **Coble motion to approve David Spangenberg as official Town Attorney at \$250/hour rate/Second by Wortner. Motion carried with 5 yes votes.**
- 15) 2025 landfill testing and reporting proposal: **Joy motion to approve/Second by Bergeson. Motion carried with 5 yes votes.**
- 16) Proposed 2025 Budget review/discussion: **Coble motion to approve as presented/Second by Wortner. Motion carried with 5 yes votes.**
- 17) Plan Commission/Comprehensive Plan update
 - a. Resolution adopting public participation procedures: **Joy motion to approve/Second by Coble. Motion carried with 5 yes.**
 - b. Resident/Property Owner Survey: **Survey will be available to all Town residents through 11/12/24.**
- 18) Approval of Class B Beer and Class B Liquor license for Krossroads Pub & Grub, LLC located at W3109 State Hwy 64, Marinette, WI 54143: **Joy motion to approve/Second by Bergeson. Motion carried with 5 yes votes.**



19) Approval of Cigarette, Tobacco and Electronic Vaping Device Retail License for Holy Smokes Peshtigo Corporation (Justin Cook), located at 1000 French Street, Peshtigo WI 54157: **Friday motion to allow Clerk Okins to approve or deny application based on attorney recommendation/Second by Coble. Motion carried with 5 yes.**

20) Ad hoc committee updates:

a. Capital Improvement Plan – Chairperson Joy, Vice Chairperson Friday: **Chairperson Friday and Supervisor Joy are continuing to work on CIP.**

b. CDBG-CV – Chairperson Friday, Treasurer Maney: **Required Public Hearing for CDBG will be held on 10/28/24 at 5:30pm.**

i. HVAC update: **Construction starts 10/16/24, will be back in compliance at 1st payroll billing.**

c. Ordinance/Policy Review – Chairperson Friday, Vice Chairperson Wortner

i. Proposed ordinance changes: **Coble motion to approve all below (#1-13) ordinance changes, as proposed/Second by Wortner. Motion carried with 5 yes votes.**

1. Section 2-399
2. Sections 2-427, 2-428
3. Section 2-455
4. Sections 2-495, 2-497
5. Sections 2-545, 2-549
6. Sections 2-612, 2-614, 2-616, 2-617, 2-622
7. Section 2-648
8. Section 2-701
9. Sections 2-735 thru 2-740
10. Sections 2-801 thru 2-813
11. Sections 2-837 thru 2-843
12. Sections 2-867, 2-869, 2-871
13. Sections 2-959 thru 2-970

21) Standing Committee Updates:

a. Buildings & Grounds – Chairperson Coble, Vice Chairperson Bergeson: **Coble and Bergeson updated that CDBG construction starts on 10/16 and that Drees Electric will complete fire department replacement lighting (under \$5,000) early November.**

b. Recycling Center – Chairperson Bergeson, Vice Chairperson Coble: **Fire Department and Recycling Center will collaborate on having old bulbs picked up by LRI.**

c. Roads & Ditches – Chairperson Wortner, Vice Chairperson Joy

i. Resident concern re: Rader Road west of Green Gable intersection: **Wortner updated that DunRite will be repairing and blacktopping before winter, will be under \$5,000.**

22) Upcoming Meetings

a. CDBG Public Hearing, Monday, October 28, 2024 at 5:30 p.m.

b. Budget Hearing/Special Town Meeting/Regular Board Meeting, Tuesday November 19, 2024 at 6pm.

23) Motion to Adjourn: **Wortner motion to adjourn at 6:45pm/Second by Bergeson. Motion carried with 5 yes votes.**

Kayla Okins, Clerk 10/31/2024



PUBLIC HEARING MINUTES
Town of Peshtigo CDBG-CV
Monday, October 28, 2024 at 5:30 p.m.

- 1) Call to order: **Chairperson Friday called the meeting to order, on behalf of Michael at MSA.**
- 2) Roll call:
Present: Chairperson Friday, Supervisor Wortner, Supervisor Bergeson, Supervisor Joy
Absent: Supervisor Coble
- 3) Verification of proper notice: **Chairperson Friday verified.**
- 4) Approve agenda: **Joy motion to approve/Second by Wortner. Motion carried with 4 yes.**
- 5) Update on the status of the Community Development Block Grant (CDBG) project, including an overview of project activities completed to date and activities as a result of the CDBG project, if applicable: **Michael at MSA stated that the total CDBG award is \$646,274. Construction has started.**
- 6) Update on the status of any residential and/or business displacement and relocation assistance activities as a result of the CDBG project, if applicable
- 7) Public input and feedback from community residents on the CDBG project activities: **None heard.**
- 8) Other topics, as applicable
- 9) Adjourn: **Joy motion to adjourn at 5:35pm/Second by Bergeson. Motion carried with 4 yes votes.**

Kayla Okins, Clerk 10/31/2024

**Town of Peshtigo Fire Department Report to the Town Board
November 19, 2024**

8 Calls since the October 15th, 2024 Monthly Town Board meeting:

10/19/24	U.S. Hwy 41 at Access Rd. 4, Vehicle Crash
10/21/24	N3675 Kozuzek Rd., EMS CPR Assist
10/22/24	N3267 River Bend Dr., Unauthorized Burn - Extinguished
10/27/24	W2575 County B, Unauthorized Burn - Extinguished
11/3/24	N2497 01 Dr., Menominee, MI, Structure Fire MABAS Assist
11/4/24	N1938 Shore Dr., Burning Electric Pole
11/12/24	N1351 Shore Dr., EMS Lift Assist
11/17/24	N3407 Rehms Rd., EMS Lift Assist

Apparatus and Equipment Status:

- Engine 207 suffered a sudden loss of power requiring the turbocharger and VGT actuator to be replaced. Repairs were completed by Frank's Repair last week at a cost of \$6,784.
- Waiting for delivery and installation of a new commercial garage door opener to replace an old opener that malfunctioned and cannot be repaired.
- All overhead fluorescent lights in the fire station were replaced with LED lights.

Training:

- Fifteen firefighters joined with firefighters from Grover-Porterfield last week to drill at an acquired structure in the town of Grover over the course of three nights.

Fire Prevention, Education and Community Involvement:

- One new business, Krossroads Pub & Grill, was inspected prior to opening for business. Several code violations were noticed and are being addressed.
- Ten additional fire inspections of local businesses have been completed in the past month.

Fund Raising & Donations:

- Cash raffle drawing was held on November 11th. \$6,290 was raised which will help fund the purchase of fire equipment to be placed on our new engine. Ten cash prizes were awarded with the winners being announced on our Facebook page.
- \$650 of cash raffle prize was donated back from three raffle winners.
- \$305 in boot donations received during elections. Several additional donations were received in varying amounts.

Personnel:

- No roster changes since last month.
- Our current roster stands at 24 volunteer firefighters. We are currently accepting applications.

Mike Folgert
Fire Chief

CONSTABLE REPORT

10-04-24	Dogs at large, taken to animal shelter
10-11-24	Horse at large
10-11-24	Dog at large for three days, warning given
10-18-24	Received call regarding junk vehicles and boat in yard, unable to make contact with owner



TREASURER'S REPORT
October 2024

		Begin	Deposits/Interest	Withdrawals	Ending	Outstanding Receipts	Outstanding Deposits	Register Balance
BMO Checking Account	7013	65,746.43	9,994.43	(52,987.94)	22,752.92	(6,407.90)		16,345.02
BMO Payroll Checking	7734	6,674.73	19,941.00	(22,084.27)	4,531.46	(2,198.69)		2,332.77
BMO Plantinum MM	6811	211,390.05	60,679.94	(8,332.88)	263,737.11	(851.15)		262,885.96
BANK TOTALS		283,811.21	90,615.37	(83,405.09)	291,021.49	(9,457.74)	-	281,563.75
PNB Checking - CDBG		8.71	-	-	8.71	-	-	-
Change Fund		215.00	-	-	215.00	-	-	-
Fire Dept Equipment		268.49	1.12	-	269.61			
Fire Truck		65,791.65	100,477.15		166,268.80			
Roads		98,114.10	410.02	-	98,524.12			
Capital Outlay - Mach & Equip		60,919.14	153.48	(50,000.00)	11,072.62			
Recycling		12,346.17	51.59		12,397.76			
ARPA		133,543.06	456.97	(50,000.00)	84,000.03			
LGIP TOTAL		370,982.61	101,550.33	(100,000.00)	372,532.94	-	-	-
BMO CD		277,002.05	-	-	277,002.05	-	-	-
BMO CD Fire Dept.		158,326.64	-	-	158,326.64	-	-	-
TOTAL CASH & INVESTMENTS		1,090,346.22	192,165.70	(183,405.09)	1,099,106.83	(9,457.74)	-	1,089,649.09

Jodi Maney
Treasurer
toptreasurer@townofpeshtigo.org



Bellin Marinette 5K Heart Run/Walk (May 3rd, 2025)

From Cleven, Brian D <Brian.Cleven@bellin.org>

Date Mon 10/28/2024 12:19 PM

To Town of Peshtigo Chair <topchair@townofpeshtigo.org>; Town of Peshtigo Fire <topfire@townofpeshtigo.org>

Good Afternoon Jennifer & Mike!

I am writing seeking support from the Town of Peshtigo for our 4th Annual Bellin 5K Heart Run on Saturday, May 3rd in 2025. (We moved it back a weekend due to the NFL draft in Green Bay the last weekend of April)

The past 3 editions have been incredibly successful with over 500 community participants each year. Support from the Town of Peshtigo and especially Mike and his team have been big keys to the safety and success of each event!

The main Town of Peshtigo road in question is Roosevelt Road from University Drive to Radar Road from around 7:45AM until 9:30-9:45AM on May 3rd which we close for participant safety. Each year my family and I have placed "Neighborhood Notification" letters in the majority of the affected residents mailboxes and to my knowledge I haven't heard of any complaints so far and even had a neighbor volunteer last year.

Last year we did a clean-up on Roosevelt which collected 16 bags of trash and likely we will plan to do that again in the week or two leading up. We also were able to donate an AED for the Town Hall to help support the communities that we serve!

The continued support and involvement of the Town of Peshtigo for the this Community Celebration of physical activity and heart health would be greatly appreciated!

Thank you and have a wonderful rest of the week!

Brian

Brian Cleven MS, ACSM CEP, CCRP, ATC
Registered Clinical Exercise Physiologist, Certified Athletic Trainer
Cardiac Rehabilitation/Stress Testing
2024 ACSM Certified Professional of the Year
Race Director Bellin 5K Heart Run
Tri City Event Series Board Member
Bellin Health Marinette

SIXTH AMENDMENT TO ACCESS AGREEMENT

THIS AMENDMENT is entered into this ____ day of _____, 2024 (“Execution Date”), by and between TYCO FIRE PRODUCTS LP, a Delaware limited partnership (“Tyco”) and the Town of Peshtigo, WI (“Township”) to amend that original Access Agreement dated December 12, 2017, as amended May 15, 2018, June 6, 2019, June 19, 2022, June 23, 2022, and May 7, 2024.

RECITALS:

WHEREAS, the parties entered into an Access Agreement dated December 12, 2017, and an Amendment to Access Agreement dated May 15, 2018, June 6, 2019, June 19, 2022, June 23, 2022, and May 7, 2024, a copy of which are attached hereto and incorporated herein and marked as Attachment 1 (collectively, the “Access Agreement”); and

WHEREAS, the Access Agreement provides that Tyco shall submit a copy of any new or amended Work Plan to the Township for approval prior to commencing activities under that new or amended Work Plan.

WHEREAS, subsequent to execution of the Access Agreement, an additional Work Plan has become necessary and has been submitted to the Town for approval. The new amended Work Plan (the “Work”) is attached hereto as Exhibit A.

NOW THEREFORE, the parties hereto, intending to be legally bound, hereby do agree to the following amendment:

1. Work Plan (the Work). The new proposed Work Plan (the “Work”) is attached hereto as Exhibit A.
2. Terms of Original Agreement. All other terms and conditions of the Access Agreement not modified in this amendment shall remain in full force and effect and be considered incorporated herein as part of the amended agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment to Access Agreement as of the date first written above.

TYCO FIRE PRODUCTS LP

By: _____

Its: _____

TOWNSHIP OF PESHTIGO

By: _____
Jennifer Friday, Chairperson

By: _____
_____, Township Attorney

EXHIBIT A
Town of Peshtigo Proposed Investigation Scope of Work

Location. The proposed location is shown in the attached figure (Figure 1 of this Exhibit A), within the public right-of-way (ROW). Select investigation location is approximate and may need to be adjusted based on site conditions or accessibility; the target area is listed below.

Schedule. Activities will be conducted per the specified single-timeframe; or on a recurring basis through 2033 as indicated. Tyco or Consultant will provide a minimum of five (5) working days notice to Town of field or data collection activity.

Activities. The Activities will include some or all of the following. Tyco and Consultant will ensure all appropriate safety measures are taken and will remove from the work locations any materials generated from completing the work.

1. **Groundwater Sampling, Recurring.** Up to four sampling events at existing and new monitoring well locations (Figure 1 of Exhibit A) per year.
 - a. Locations may include Green Gable Road ROW, Rader Road ROW, Shore Drive ROW, Heath Lane ROW, Edwards Avenue ROW, Stanley Lane ROW, Madsen Road ROW, County Road B ROW, and Oakwood Beach Road ROW.
 - b. Scheduled to begin November 2024, continuing as necessary through November 2034.
 - c. Samples will be analyzed for PFAS and other substances, as needed.
2. **Monitoring Well Installation.** Up to 1 additional monitoring well is proposed to be installed.
 - a. Location includes Green Gable Road ROW.
 - b. Scheduled November 2024 – March 2025
 - c. One *overburden* monitoring well will be installed using a sonic rig. Assumed well depth of approximately 40 feet below ground surface. The well will be constructed of 2-inch-diameter schedule 40 polyvinyl chloride (PVC). After installation, the monitoring well location will be surveyed (elevation and coordinates).
3. **Repairs, Replacements, and Abandonments.** Repair, replacement and/or abandonment of monitoring wells may be required during the time in which this agreement applies.
 - a. Locations vary, as indicated on Figure 1
 - b. Scheduled November 2024 – November 2034.

4. **Surface Water Sample Collection.** Surface water sampling in Ditches A, D, and E.
 - a. Locations in Ditches A, D, and E as indicated on Figure 1
 - b. Scheduled May 2024 – December 2024; as needed through 2034
 - c. Surface water samples will be collected from the locations in ditches located within public rights-of-way. Samples will be collected by hand using a clean beaker attached to a pole, and then pouring the sample into appropriate laboratory-supplied containers. Sample locations will be accessed by walking or wading, as appropriate for field conditions. Samples will be analyzed for PFAS, total suspended solids (TSS), and other substances as needed.
5. **Surveyed Benchmark** (i.e., a small marker etched and/or painted), which were installed at road crossings of ditches and the Little River, will be properly maintained to facilitate the collection of water levels.
 - a. Locations as indicated on Figure 1
 - b. Scheduled July 2024 – December 2034 as needed

Chapter 8 ANIMALS AND FOWL¹

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal includes exotic animals, for purposes of this chapter.

Animal control officer means the town constable, law enforcement officers, building inspector, town chairperson, animal control officers, humane society employees, or any other person designated by the town to enforce or assist in the enforcement of this chapter.

Animal shelter means any premises designated or used by the town for the purpose of impounding and caring for animals found in violation of this chapter, or of any other town ordinance regulating the keeping of and care of animals. Included within this definition are animal shelters whose services are secured by the town through contract or intergovernmental agreement.

At large shall be defined pursuant to Wis. Stats. § 174.042(1) means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but shall not include a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises. An animal is at large when:

- (1) It is off the property of the owner and not properly confined or restrained in a manner such that the risk of uncontrolled or accidental contact by the animal with humans or domesticated animals has been minimized;
- (2) It is on the property of the owner, but is improperly restrained or confined so as to pose a risk of leaving the property and having uncontrolled or accidental contact by or with humans or domesticated animals off of the owner's property; or
- (3) It is so improperly, inadequately or negligently restrained or confined on the owner's property so as to pose a risk of potentially dangerous contact with humans or domesticated animals which come on to the owner's property.

¹State law reference(s) — Crimes against animals, Wis. Stats. § 951.01 et seq.; local regulation of wild animals, Wis. Stats. § 29.038; wild animals and plants generally, Wis. Stats. § 29.001 et seq.; protection of endangered species, Wis. Stats. § 29.604; noxious substances, Wis. Stats. § 29.601; soil and water conservation and animal waste management, Wis. Stats. § 92.01 et seq.; local regulation of livestock operations, Wis. Stats. § 92.15; animal health generally, Wis. Stats. § 95.001 et seq.; diseased animals, Wis. Stats. § 95.19; rabies control program, Wis. Stats. § 95.21; disposition of animal carcasses, Wis. Stats. § 95.50; strays and lost chattels, Wis. Stats. § 170.01 et seq.; animals distrained or doing damage, Wis. Stats. § 172.01 et seq.; animals not to run at large, Wis. Stats. § 172.01; humane officers, Wis. Stats. § 173.01; dogs generally, Wis. Stats. § 174.001 et seq.; dog license tax, Wis. Stats. § 174.05; dog licenses and collar tags, Wis. Stats. § 174.07; humane killing of dogs, Wis. Stats. § 562.105.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Enclosure or *enclosure area* means the indoor and/or outdoor area in which an animal is kept confined or restrained, including any structure in which it is kept, confined or restrained.

Exotic animal, including *USDA dangerous animals*, *harmful wild animals* pursuant to *NR 16.11*, means any animal, fowl, insect, or reptile that is not normally domesticated in the state or is inherently wild by nature. The term "exotic animals" includes, but is not limited to, any or all of the following orders, families and/or species, whether bred in the wild or in captivity, and also hybrids with domestic species. The animals, fowl, insects, and reptiles listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list nor to limit the generality of each group of animals, fowl, reptiles or insects:

- (1) Nonhuman primates and prosimians*, including chimpanzees (*Pan*); monkeys (*Cercopithecidae*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); siamangs (*Symphalangus*); and baboons (*Papio*, *Mandrillus*).
- (2) Canidae*, excluding nonhybrid domesticated dogs, including wolves (*Canis lupus*); coyotes (*Canis latrans*); and all foxes and jackals.
- (3) Felidae*, excluding domesticated cats, including cheetahs (*Acinonyx jubatus*); jaguars (*Panthera onca*); leopards (*Panthera pardus*); lions (*Panthera leo*); lynxes (*Lynx*); pumas (*Felis concolor*) which are also known as cougars, mountain lions or panthers; snow leopards (*Panthera uncia*); tigers (*Panthera tigris*); and ocelots.
- (4) Ursidae*, including all bears.
- (5) Crocodylians (Crocodylia) 30 inches in length or more, including alligators, caimans, and crocodiles.
- (6) Proboscidea*, including elephants (*Elephas* and *Loxodonta*).
- (7) Hyaenidae*, including all hyenas.
- (8) Artiodactyla*, including hippopotami (Hippopotamidae) and giraffes (excluding camels, cattle, swine, sheep and goats).
- (9) Procyonidae, including coatis (raccoons excluded).
- (10) Marsupialia, including kangaroos (opossums excluded).
- (11) Perissodactyla*, including rhinoceroses (Rhinocerotidae) and tapirs, excluding horses, donkeys and mules.
- (12) Edentata, including anteaters, sloths and armadillos.
- (13) Viverridae, including mongooses, civets and genets.
- (14) Game cocks and other fighting birds.
- (15) Varanidae, including only water monitors and crocodile monitors.
- (16) Any other type of dangerous or carnivorous wild animal, fowl, or reptile.

*Species listed on the United States Department of Agriculture's dangerous species list.

Farm animal means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

Humane society means the Humane Society of Marinette Menominee County.

Law enforcement officer has that meaning as appears in [Wis. Stats. § 967.02\(5\)](#) and includes a humane officer under [Wis. Stats. § 95.21\(1\)\(a\)](#) but does not include a conservation warden appointed under [Wis. Stats. § 23.10](#).

Neutered means a dog or cat having nonfunctional reproductive organs.

Owner means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this chapter.

~~*Pet* means an animal kept and treated as a pet.~~

~~*Service dog* as defined pursuant to [Wis. Stats. § 106.52\(1\)\(fm\)](#).~~

Solid surface means a surface constructed of cement, concrete, metal, asphalt, fiberglass or similar such hard, impervious surface.

~~*Spayed* means a dog or cat having nonfunctional reproductive organs.~~

Wolf/dog hybrid means any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote jackal or dingo or resulting from the mating of any wolf/dog hybrid and another wolf/dog hybrid or a domesticated dog. ~~As used herein:~~

~~(1) *Canine animal*. Includes all members of the family *canidae* except foxes.~~

~~(2) *Domesticated dog*. *Canis familiaris*.~~

~~(3) *Wolf*. Includes both *canis lupus* and *canis niger*.~~

~~(4) *Coyote*. *Canis latrans*.~~

~~(5) *Jackal*. *Canis aureus*.~~

~~(6) *Dingo*. *Canis dingo*.~~

(Code 2006, §§ 7-1-1(b), 7-1-9(b), (p)(1))

Sec. 8-2. Penalties.

Any person who violates any section within this chapter or [Wis. Stats. ch. 174](#) shall be subject to a forfeiture as provided in the town penalty schedule.

~~(a) The following penalties shall apply:~~

~~(1) Any one person who violates sections 8-79, 8-80, 8-81, 8-106 and 8-187 or [Wis. Stats. ch. 174](#) shall be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, for the first offense and for any subsequent offenses.~~

~~(2) An owner who refuses to comply with an order issued under section 8-187 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be subject to a forfeiture or imprisonment, or both, as provided in the town penalty schedule, available in the office of the town clerk.~~

~~(b) Any person who violates sections 8-25 and 8-28 shall be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, for the first violation and for subsequent violations.~~

~~(c) Any person who violates section 8-279 shall, upon adjudication of the violation, be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, plus the costs of prosecution and any assessments and expenses related to enforcement authorized elsewhere in this section. Each day of~~

violation shall constitute a separate offense. This penalty is in addition to any other remedies for noncompliance set forth elsewhere in this section.

(Code 2006, §§ 7-1-9(q)(1), 7-1-10)

Secs. 8-3—8-24. Reserved.

ARTICLE II. ANIMAL REGULATIONS

Sec. 8-25. Restrictions on keeping of dogs, cats, fowl and other animals.

It shall be unlawful for any person within the town to own, harbor or keep any dog, cat, fowl or other animal that:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the town.
- (2) Assaults or attacks any person or destroys property.
- (3) Is at large within the limits of the town.
- (4) Habitually barks or howls to the annoyance of any person. (See section 8-28.)
- (5) Kills, wounds or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) In the case of a dog, is unlicensed.

(Code 2006, § 7-1-6(a))

Sec. 8-26. Vicious dogs and animals.

- (a) For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any 12-month period it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the law enforcement authorities pursuant to [Wis. Stats. § 174.02\(3\)](#).
- (b) No person shall harbor or permit to remain on his their premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(Code 2006, § 7-1-6(b))

Sec. 8-27. Animals running at large.

- (a) No person having in his their possession or ownership any animal shall allow the same to run at large within the town. The owner of any animal, whether licensed or unlicensed, shall keep his their animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or

neighbors. Any animal running at large unlicensed and required by state law or town ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.

- (b) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it. All dogs shall be leashed or under the direct control of their owners in areas within the town not zoned A-1 agricultural.

(Code 2006, § 7-1-6(c))

~~State law reference(s) — Animals not to run at large, Wis. Stats. § 172.01; dogs running at large subject to impoundment, Wis. Stats. § 174.042.~~

Sec. 8-28. Barking dogs and crying cats.

- (a) It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. The town constable shall determine if a dog or cat is in violation of this section and shall issue a warning or citation dependent upon the severity and regularity of the offense. A dog or cat is considered to be in violation of this section when three formal, written complaints are filed with the town within any one 60-day period; the town may send a notice of complaint to the harbinger of a barking dog after one written complaint.
- (b) No person shall be found to be in violation of this section unless first notified in writing, at least ten days prior to the issuance of any citation or summons, of the fact of the complaints of noise.

(Code 2006, § 7-1-7)

Secs. 8-29—8-59. Reserved.

ARTICLE III. DOGS²

DIVISION 1. GENERALLY

Sec. 8-60. Owner's liability for damage caused by dogs; penalties.

The provisions of [Wis. Stats. § 174.02](#) relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

(Code 2006, § 7-1-6(d))

Secs. 8-61—8-78. Reserved.

²State law reference(s) — Dogs, Wis. Stats. § 174.001 et seq.; dog licenses and collar tags, Wis. Stats. § 174.07; dog training licenses, Wis. Stats. § 169.20; dog trial licenses, Wis. Stats. § 169.21.

DIVISION 2. ~~INDIVIDUAL~~ DOG LICENSES

Sec. 8-79. ~~Required Rabies vaccination; required for dog license.~~

No dog license shall be issued under this chapter unless and until the applicant has complied with all provisions of this chapter regarding rabies control, including securing the required rabies vaccination pursuant to Wis. Stats. §§ 95.21(2) and 174.07(1)(b).

Dog license and collar tags shall be required pursuant to Wis. Stats. §§ 174.05 and 174.07.

The minimum license tax shall be in accordance Wis. Stats. § 174.05(2) with late fee pursuant to Wis. Stats. § 174.05(5). Fees shall be included on town fee schedule.

Multiple dog (kennel) licenses and collar tags shall be provided when applicable, adhering to regulations pursuant to Wis. Stats. § 174.053 with fees included on town fee schedule.

Licenses shall not be required for those dogs kept for educational or scientific purposes pursuant to Wis. Stats. § 174.054 and service dogs pursuant to Wis. Stats. § 174.055.

Sec. 8-80. ~~Dog license required.~~

(a) ~~It shall be unlawful for any person in the town to own, harbor or keep any dog more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05 through 174.10 relating to the listing, licensing and tagging of the same.~~

(b) ~~The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license tax and obtain a license.~~

(c) ~~The minimum license tax under this section shall be in accordance with the town board's current fee schedule.~~

(d) ~~Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, the town treasurer or his deputy shall complete and issue to the owner a license for such dog containing all information required by state law. The town treasurer or his deputy shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.~~

(e) ~~The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in section 8-159.~~

(f) ~~The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. The town constable shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the town continues to be unlicensed constitutes a separate offense for which a separate penalty applies.~~

(g) ~~Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the town treasurer or his deputy upon application therefor.~~

{Code 2006, § 7-1-1(a), 7-1-3(a)}

State law reference(s)—Dog license tax, Wis. Stats. § 174.05; dog licenses and collars, Wis. Stats. § 174.07.

Sec. 8-81. Late fees.

The town shall issue dog licenses in compliance with state statute. Any license not timely obtained shall be subject to the late fee provided by statute, as set forth in the town fee schedule, available in the office of the town clerk.

{Code 2006, § 7-1-4}

Secs. 8-82—8-105. Reserved.

DIVISION 3. KENNEL LICENSES

Sec. 8-106. Multiple dog (kennel) licenses.

Any person who keeps or harbors multiple dogs may, instead of the license tax for each dog required by this chapter, apply for a multiple dog license for the keeping or operating of the kennel in accordance with state statutes.

{Code 2006, § 7-1-3(b)(1)}

Sec. 8-107. Multiple dog license tags; tag to be attached; exceptions; transferring tags.

(a)—The owner or keeper of multiple dogs shall keep at all times a multiple dog license tag attached to the collar of each dog over five months old kept by the owner or keeper under a multiple dog license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.

(b)—These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.

(c)—No dog bearing a multiple dog tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

{Code 2006, § 7-1-3(b)(2)}

Sec. 8-108. Exceptions for service dogs.

Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the town treasurer or his deputy upon application therefor.

{Code 2006, § 7-1-3(b)(3)}

Secs. 8-109—8-129. Reserved.

ARTICLE IV. RABIES CONTROL²

DIVISION 1. GENERALLY

Secs. 8-130—8-156. Reserved.

DIVISION 2. VACCINATIONS, CERTIFICATES AND TAGS

Sec. 8-157. Rabies vaccination required.

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the town after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(Code 2006, § 7-1-2(a))

Sec. 8-158. Rabies vaccination certificate.

(a) *Issuance of certificate of rabies vaccination.* A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the town stating the owner's name and address, the name, sex, spayed or unsprayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the town.

(b) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(Code 2006, § 7-1-2(b), (c))

²State law reference(s) — Rabies control program, Wis. Stats. § 95.21.

Sec. 8-159. Rabies vaccination tag.

- (a) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (b) *Tag to be attached; exceptions.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (a) of this section.
- (c) *Duplicate tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (d) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

(Code 2006, § 7-1-2(d)–(g))

Secs. 8-160—8-186. Reserved.

DIVISION 3. QUARANTINE

Sec. 8-187. Confinement of dogs and cats required during quarantine.

In the event of district or neighborhood quarantine for rabies, confinement of dogs and cats shall occur pursuant to [Wis. Stats. § 95.21\(3\)](#).

- (a) *Dogs and cats confined.* If a district or neighborhood is quarantined for rabies, all dogs and cats within the town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. The town constable shall cooperate in the enforcement of the quarantine. The town constable shall promptly post in at least three public places in the town notices of quarantine.
- (b) *Exemption of vaccinated dog or cat from town quarantine.* A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the town quarantine provisions of subsection (a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(Code 2006, § 7-1-5(a), (b))

Sec. 8-188. Quarantine or sacrifice of suspect ~~dogs or cats~~ animal.

Quarantine or sacrifice of animals suspected of biting a person or being infected or exposed to rabies may be quarantined or sacrificed pursuant to [Wis. Stats. § 95.21\(4\)](#).

Method of quarantine of dogs or cats shall be pursuant to [Wis. Stats. § 95.21\(5\)](#).

Sacrifice of a dog or cat exhibiting symptoms of rabies shall be performed pursuant to Wis. Stats. § 95.21(5)(d) with subsequent delivery of carcass, preparation and examination by laboratory of hygiene pursuant to Wis. Stats. § 95.21(6) with cooperation of local veterinarian pursuant to Wis. Stats. § 95.21(7) and all expenses being the responsibility of the animal's owner pursuant to Wis. Stats. § 95.21(8).

A law enforcement, humane or animal control officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(Code 2006, § 7-1-5(a), (b))

~~Sec. 8-189. Sacrifice of other animals.~~

A law enforcement, humane or animal control officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

(Code 2006, § 7-1-5(c))

~~Sec. 8-190. Quarantine—Method.~~

A law enforcement, humane or animal control officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(Code 2006, § 7-1-5(d)(1))

~~Sec. 8-191. Same—Upon health risk to humans.~~

If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this section, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(Code 2006, § 7-1-5(d)(2))

~~Sec. 8-192. Same—Upon health risk to animals.~~

(a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

(b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation

facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

{Code 2006, § 7-1-5(d)(3)}

Sec. 8-193. Sacrifice of a dog or cat exhibiting symptoms of rabies.

If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

{Code 2006, § 7-1-5(d)(4)}

Sec. 8-194. Delivery of carcass; preparation; examination by laboratory of hygiene.

An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

{Code 2006, § 7-1-5(e)}

Sec. 8-195. Cooperation of veterinarian.

Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the town, the laboratory of hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

{Code 2006, § 7-1-5(f)}

Sec. 8-196. Responsibility for quarantine and laboratory expenses.

The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination.

{Code 2006, § 7-1-5(g)}

Secs. 8-197—8-215. Reserved.

ARTICLE V. IMPOUNDMENT⁴

Sec. 8-216. Animal control agency.

- (a) The town may contract with or enter into an agreement with such person to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (b) The town does hereby delegate any such animal control agency the authority to act pursuant to the provisions of subsection (a) of this section.

(Code 2006, § 7-1-8(a))

Sec. 8-217. Impounding of animals.

A law enforcement officer or town constable may impound any dog, cat or other animal pursuant to Wis. Stats. §§ 173.13(1) and 173.21.

Owner notification shall be done pursuant to Wis. Stats. § 173.13(3) including method by which owner can recover the animal pursuant to Wis. Stats. §§ 173.23(1) and 173.22 as applicable.

Unclaimed animals shall be managed pursuant to Wis. Stats. § 173.23(1m).

The town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

In addition to any penalty hereinafter provided for a violation of this article, any law enforcement officer or town constable may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this town, assaults or attacks any person, is at large within the town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this section or have in possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the town for any damages it sustains for improper or illegal seizure.

(Code 2006, § 7-1-8(b))

Sec. 8-218. Claiming animal; disposal of unclaimed animals.

After seizure of animals under this section by a law enforcement officer or town constable, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner is unknown or unascertainable, the officer shall post written notice in three public places in the town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven days after such notice the owner does not claim such animal, the officer may dispose of the animal in

⁴State law reference(s) — Impounding of animals doing damage, Wis. Stats. § 172.53; impoundment of dogs running at large, Wis. Stats. § 174.042.

a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 14 days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the town board. No animal shall be released from the pound without being properly licensed if so required by state law or town ordinance.

(Code 2006, § 7-1-8(c))

Sec. 8-219. Sale of impounded animals.

If the owner doesn't reclaim the animal within seven days, the animal warden may sell the animal to any willing buyer.

(Code 2006, § 7-1-8(d))

Sec. 8-220. Town not liable for impounding animals.

The town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

(Code 2006, § 7-1-8(e))

Secs. 8-221—8-248. Reserved.

ARTICLE VI. PROTECTED AND EXOTIC SPECIES⁵

DIVISION 1. GENERALLY

Sec. 8-249. Purpose and intent.

It is the purpose and intent of the town in adopting this article to protect the public safety, health and general welfare from the safety and health risks that the unregulated keeping or harboring of exotic animals can pose to the community and to protect the health and welfare of permitted exotic animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, typically, do not adjust well to a captive environment. This article shall be liberally construed in favor of the town's right and authority to protect the public health, safety and welfare.

Statutory authority is granted to the town pursuant to [Wis. Stats. § 169.43](#).

(Code 2006, § 7-1-9(a)(1))

⁵State law reference(s)—Captive wildlife, Wis. Stats. § 169.01 et seq.; authority for local ordinances prohibiting the possession or selling of live wild animals, Wis. Stats. § 169.43.

Sec. 8-250. Prohibition.

It shall be unlawful for any person to own, possess, maintain, harbor, bring into the town, have in one's possession, act as a custodian for, or have custody or control of an exotic animal, except in compliance with this article **if also in compliance with Wis. Stats. § 169.04.**

(Code 2006, § 7-1-9(a)(2))

Sec. 8-251. Federal code requirements.

It shall be unlawful for any person to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Department of Interior and published in the Code of Federal Regulations pursuant to the [Endangered Species Act of 1973, 16 USCA § 1531 et seq.](#)

(Code 2006, § 7-1-9(c)(1))

Sec. 8-252. **Regulation of the importation of birds.**

No person shall import or cause to be imported into this town any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This section shall not be construed to forbid or restrict the importance or use of the plumage, skin, body or any part thereof legally collected for use by American Indian Nations for ceremonial purposes or in the preservation of their tribal customs and heritage.

(Code 2006, § 7-1-9(c)(2))

Sec. 8-253. Liability.

- (a) The owner/permittee shall be liable for all costs incurred by any public authority or their agents and resulting from the escape of any animal for which a permit is required, including boarding, placement, veterinarian and legal fees.
- (b) Neither the town nor any agent of the town shall be liable for the loss, death, injury or destruction of any animal for which a permit is required, nor shall the town be liable for any injury or damage caused by any animal for which a permit is required and issued under this article.

(Code 2006, § 7-1-9(h)(2))

Sec. 8-254. Inspection.

Inspections shall be performed pursuant to Wis. Stats. § 169.37.

The owner/permittee of an exotic animal, at all reasonable times, shall allow designated inspectors of the town, town constables and law enforcement authorities to enter the premises where the animal is kept to ensure compliance with this article as a condition of permit issuance. Town representatives shall conduct a minimum of three periodic, unannounced inspections of the outdoor and indoor enclosure areas per 12-month period for USDA designated dangerous exotic animals, and a minimum of one such unannounced inspection per 12-month period for non-dangerous exotic animals, to ensure that said areas are being maintained in the manner required by this article.

(Code 2006, § 7-1-9(i))

Sec. 8-255. Limitation on exotic animal numbers.

No person shall own, harbor or keep in his possession on any one parcel of property more than two exotic animals over five months of age at any one time, nor shall any person retain a litter/offspring, or portion thereof, of exotic animals longer than five months following birth.

(Code 2006, § 7-1-9(n))

Sec. 8-256. Enforcement.

The town constable, with such veterinarian assistance as may be needed **as well as those listed in Wis. Stats. § 169.37(1)**, shall be primarily responsible for the enforcement of this article. The town board may appoint additional persons as may be necessary to assist with the enforcement of this article.

(Code 2006, § 7-1-9(o)(2))

Sec. 8-257. Interference with enforcement.

It is unlawful for a permittee/owner or any other person harboring, keeping, boarding or maintaining an exotic animal to fail to comply with the provisions of this article, and/or for any person on the permittee's premises to interfere with the enforcement or administration of this article.

(Code 2006, § 7-1-9(q)(2))

Sec. 8-258. Penalties.

The penalty for violation of this article shall be as provided in the **town penalty schedule**, available in the office of the town clerk.

Secs. 8-259—8-277. Reserved.

DIVISION 2. PERMITS

Sec. 8-278. Sale, importation, transfer, purchase or gift restricted.

It shall be unlawful for any person to:

- (1) Import, transfer, sell, own, or purchase an exotic animal in the town without first obtaining a permit from the town board as prescribed by this division, unless exempt from such permit requirement.
- (2) Sell, transfer, deliver, or give an exotic animal to any other person in the town without first obtaining a permit from the town board as prescribed by this division, unless exempt from such permit requirement.

(Code 2006, § 7-1-9(d)(1))

Sec. 8-279. Keeping, harboring, maintaining or controlling an exotic animal.

It shall be unlawful for any person in the town to own, keep, maintain, harbor, board, or control an exotic animal without first obtaining a permit from the town board as prescribed by this division, unless exempt from such permit requirement pursuant to Wis. Stats. § 169.04.

(Code 2006, § 7-1-9(d)(2))

~~State law reference(s)—Authority for local ordinances prohibiting the possession or selling of live wild animals, Wis. Stats. § 169.43; possession of live wild animals, Wis. Stats. § 169.04.~~

Sec. 8-280. Exceptions to exotic animal permit requirement.

~~The exotic animal permit requirements of this division shall not apply to:~~

~~(1) Institutions accredited by the American Zoo and Aquarium Association (AZA).~~

~~(2) State licensed humane societies.~~

~~(3) Animal control or law enforcement officers acting in an official capacity.~~

~~(4) State licensed veterinary hospitals or clinics.~~

~~(5) Persons holding a scientific collectors permit issued by the state department of natural resources.~~

~~(6) Any person presenting a transient or itinerant circus or carnival operating within the town ten days or less per year and holding all other required town, county and state permits and/or licenses.~~

~~(7) Wildlife rehabilitators licensed by the state department of natural resources who temporarily keep, nurture, rehabilitate, and care for exotic animals which are injured or in need of rehabilitation, with the primary purpose of returning such animals to the wild. No animal may be kept under this exception for a period of more than 90 days. No animal may be kept under this exception that poses a danger to the community or domestic animals.~~

~~(8) State licensed or accredited research or medical institutions.~~

~~(9) Any person temporarily transporting an exotic animal through the town if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.~~

~~(Code 2006, § 7-1-9(d)(3))~~

Sec. 8-281. Application contents and fees ; permit and renewal fees.

An applicant for an exotic animal permit shall file an application with the town clerk containing the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) A description of each exotic animal the applicant possesses, or seeks to possess, including the scientific name, common name, sex, age, color, weight and any distinguishing marks or coloration that would aid in the identification of the animal.
- (3) A photograph of each exotic animal.
- (4) A description of the exact location and confinement facilities where the exotic animal will be kept.

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- (5) The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.
 - (6) The name and address of the veterinarian providing veterinary care to the exotic animal and a certificate of good health for the exotic animal from that veterinarian.
 - (7) A plan for the prompt and safe recapture of the exotic animal if the exotic animal escapes. Each applicant/permittee shall have a plan for the quick and safe recapture of the exotic animal if the animal escapes, and, if recapture is impossible, then a plan for the destruction of the exotic animal.
 - (8) In the case of exotic animals included on the United States Department of Agriculture's dangerous animal list, proof of having obtained a minimum of one year's, paid in full, liability insurance in an amount not less than \$2,000,000.00 for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. (Failure to at all times keep such liability insurance in full force and effect during the life of the permit shall immediately terminate the validity of such permit; it is the responsibility of the permittee to immediately notify the town clerk, in writing, of any changes in his insurance status, validity or carrier). The town shall be listed as a co-insured solely for the purpose of notice of cancellation of such insurance policy.
 - (9) Copies of all United States Department of Agriculture, United States Department of Interior, state department of natural resources, and any other state or federal permits/licenses issued to the applicant approving of or governing the applicant's possession of the species for which a town exotic animal permit is being sought.
 - (10) Any other information required by town authorities to properly consider the application.

Additionally, the applicant shall certify in writing that:

- (1) The applicant is 18 years of age or older.
- (2) The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of animals or has not within the last ten years been convicted for possession, sale or use of illegal narcotics or controlled substances.
- (3) The facility and the conditions in which the exotic animal will be kept are in compliance with this division and all other applicable state and local regulations.
- (4) The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.
- (5) Proof that a licensed veterinarian has spayed or neutered the exotic animal.

Each application for an exotic animal permit shall be accompanied by an application fee in the amount per animal determined by the town board, in addition to the fee for an annual exotic animal permit, or renewal thereof, as prescribed by the town board.

(Code 2006, § 7-1-9(d)(4)a.1—9, 11)

~~Sec. 8-282. Certified application information.~~

~~The applicant shall certify in writing that:~~

- ~~(1) The applicant is 18 years of age or older.~~

(2) The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of animals or has not within the last ten years been convicted for possession, sale or use of illegal narcotics or controlled substances.

(3) The facility and the conditions in which the exotic animal will be kept are in compliance with this division and all other applicable state and local regulations.

(4) The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.

(5) Proof that a licensed veterinarian has spayed or neutered the exotic animal.

(Code 2006, § 7-1-9(d)(4)b)

Sec. 8-283. Application fees, permit fees, and permit renewal fees.

Each application for an exotic animal permit shall be accompanied by an application fee in the amount per animal determined by the town board, in addition to the fee for an annual exotic animal permit, or renewal thereof, as prescribed by the town board.

(Code 2006, § 7-1-9(d)(4)a.10, (e)(3)d)

Sec. 8-284. Consideration of application.

Upon receipt of the application, application fee and all of the information required by this article, the town clerk shall schedule consideration of the application before the town board, ~~duly noticing the consideration of the application on the notice/agenda for such meeting in compliance with the state Open Meeting Law, Wis. Stats. § 19.81 et seq.~~ All neighboring property owners and residents located within 300 feet of the applicant's property shall receive written notice of the meeting at which the application is to be considered by the town board a minimum of seven days prior to the meeting date.

(Code 2006, § 7-1-9(e)(1))

Sec. 8-285. Town board action.

Upon consideration of the application, the town board may issue an exotic animal permit if the board is satisfied that:

- (1) All of the application and insurance requirements required by sections ~~8-281, 8-288~~ and ~~8-289~~ 8-287 have been fully satisfied;
- (2) The applicant has provided credentials, satisfactory to the town board, establishing that the applicant/owner is properly trained to handle, care for, restrain, and recapture the type of animal for which the permit application is being made;
- (3) The applicant has provided either application information or oral testimony at the application review meeting demonstrating ownership of, and training and proficiency with, tranquilizing and restraint equipment that is species-appropriate, to the satisfaction of the town board, and shall demonstrate adequate training and certification in first aid and cardiac-pulmonary resuscitation (CPR);
- (4) The exotic animal and the manner in which it will be kept will be fully in compliance with the requirements of this article and that the animal will be kept in such manner so as not pose a threat to public safety and health;

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- (5) The applicant has demonstrated that the animal will be kept in a humane manner consistent with this article and all other applicable federal and state standards; and
 - (6) The site is properly zoned for such use.

The town board shall not issue a permit if it determines that:

- (1) The applicant has been convicted of cruelty to animals within the previous ten years;
- (2) The applicant has failed to provide, withheld or falsified any required permit application information; or
- (3) The applicant is, or has been, unable to comply with the requirements necessary to obtain a permit or has failed to comply with the provisions of this section at any time during the permit year.

(Code 2006, § 7-1-9(e)(2))

Sec. 8-286. Display of permit.

A copy of the exotic animal permit shall be displayed, in plain view, on or reasonably near the animal's confinement area.

(Code 2006, § 7-1-9(e)(3)a)

Sec. 8-287. Term of permit; permit renewal.

Permits for each exotic animal shall be valid for one year. The permit year shall commence on January 1 or as soon thereafter as officially issued and expire on December 31 of that year.

Exotic animal permit renewal applications shall be submitted to the town clerk on or before November 15 of the permit year. Along with each permit renewal application, the applicant shall submit the required renewal fee, a current certificate of good health for the animal, update in full all information required for the original permit, and provide proof of the required continued paid-up liability insurance, and such proof of insurance shall be no more than 30 days old. The town board shall consider renewals in the same manner as with the issuance of original permits.

The town board shall not renew a permit if it determines that:

- (1) The applicant has been convicted of cruelty to animals within the previous ten years;
- (2) The applicant has failed to provide, withheld or falsified any required renewal application; or
- (3) The applicant is, or has been, unable to comply with the requirements necessary to maintain a permit or has failed to comply with the provisions of this section at any time during the permit year.

(Code 2006, § 7-1-9(e)(3)c)

~~Sec. 8-288. Permit renewal; issuance criteria.~~

~~(a) Exotic animal permit renewal applications shall be submitted to the town clerk on or before November 15 of the permit year.~~

~~(b) Along with each permit renewal application, the applicant shall submit the required renewal fee, a current certificate of good health for the animal, update in full all information required for the original permit, and~~

provide proof of the required continued paid-up liability insurance, and such proof of insurance shall be no more than 30 days old.

(c) The town board shall consider renewals in the same manner as with the issuance of original permits.

(Code 2006, § 7-1-9(e)(4)a—c)

Sec. 8-289. Criteria for denial of renewal.

The town board shall not issue or renew a permit if it determines that:

(1) The applicant has been convicted of cruelty to animals within the previous ten years;

(2) The applicant has failed to provide, withheld or falsified any required permit application or renewal information; or

(3) The applicant is, or has been, unable to comply with the requirements necessary to obtain a permit or has failed to comply with the provisions of this section at any time during the permit year.

(Code 2006, § 7-1-9(e)(4)d)

Sec. 8-290. Revocation.

The town board may revoke a permit for violation of this article after giving written notice of the reason for revocation to the permit holder. The town shall give the permittee notice, by certified mail with receipt requested, of intent to consider revocation of the exotic animal permit. The town shall give the permittee an opportunity to respond to the notice and address the issues identified at an open, noticed town board meeting, after which the town board shall make its determination, with the reasons therefor included in the record of the board's meeting.

(Code 2006, § 7-1-9(e)(5))

Sec. 8-291. Permit transfer; exception.

An exotic animal permit is not transferable without re-application under this division, except that if an owner can no longer properly care for his exotic animal, that person may transfer his exotic animal only to another person who has been issued a valid exotic animal permit by the town board. An owner/permittee shall notify the town clerk of any changes central to the validity of the permit, including the death of the exotic animal.

(Code 2006, § 7-1-9(e)(3)b, (e)(6))

Secs. 8-292—8-315. Reserved.

DIVISION 3. CONFINEMENT STANDARDS

Sec. 8-316. Prohibited confinement.

An exotic animal shall not be tethered, leashed, chained outdoors, or allowed to run at large.

(Code 2006, § 7-1-9(f)(1))

Sec. 8-317. Required confinement standards.

- (a) All exotic animals governed by this article shall be confined in a building or secure enclosure that has a floor, a secure roof and sides, constructed and maintained so as to securely confine the animal and provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of animal debilitation, stress, abnormal behavior patterns, or the professional opinion of a veterinarian, a qualified animal trainer, or experts from the United States Department of Agriculture (USDA), United States Department of Interior, or state department of natural resources.
- (b) For each exotic animal, the permittee shall comply with the AZA's Association of Zoo and Aquarium Association "Minimum Guidelines" for animal care and maintenance or the USDA's standards for the humane handling, care and treatment of exotic animals, (9 CFR Subchapter A (Animal Welfare, Part 3)), whichever is more restrictive. These standards shall provide the basis against which to assess the sufficiency of space or facility for animals for which a permit is sought or held.
- (c) The town recognizes that exotic animals typically require extra care in the provision of confinement and care due to the climate and conditions of their original place of origin.

(Code 2006, § 7-1-9(f)(2))

~~State law reference(s) — Humane care and housing, Wis. Stats. § 169.39.~~

Sec. 8-318. Minimum outdoor area standards.

The outdoor area of an exotic animal's enclosure shall, at a minimum:

- (1) Have two sets of wire enclosures with a minimum of four inches separation between them;
- (2) Have the sides of the wire enclosure extend downward and be buried a minimum of 12 inches below ground;
- (3) Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds damage the roof over the enclosure;
- (4) Have a floor with a minimum six-inch perimeter of breaker rock-grade aggregate around the borders of the enclosed area and a minimum five-inch uniform depth of Class Five gravel for the floor, or a floor with a minimum four-inch uniform depth of concrete or asphalt over the remainder of the enclosure floor;
- (5) Be provided with shelter that allows the exotic animal, if kept outdoors, to remain dry and warm during snow/sleet/rain;
- ~~(6)~~ In the alternative, present to and secure approval from the town board for an alternative outdoor confinement system that substantially complies with the safeguards of this section;
- ~~(7)~~ In addition to the structural requirements of the exotic animal's outdoor enclosure, the permittee shall:
 - ~~a.~~ (1) Ensure that the outdoor area is maintained in a safe and healthful manner;
 - ~~b.~~ (2) Keep the outdoor area free of standing water, accumulated waste, and debris;
 - ~~c.~~ (3) Ensure that sufficient shade, by natural or artificial means, is available when the animal is outdoors; and
 - ~~d.~~ (4) Maintain the structural soundness of the outdoor structure in good repair to protect the exotic animals from injury and to prevent escape.

(Code 2006, § 7-1-9(f)(3))

Sec. 8-319. Minimum indoor area standards.

The indoor area of an exotic animal's enclosure shall:

- (1) Be an insulated, moisture-proof and windproof structure of adequate area to accommodate the need of the animal for adequate freedom of movement;
- (2) Contain a solid floor of no less than four inches thick to prevent the animal from escaping;
- (3) Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds blow off the roof over the enclosure;
- (4) Locate the entrance to the building in which the animal is housed facing away from prevailing winds; and
- (5) Have a self-closing door over the human and animal entryway during the winter months to protect the animal from cold temperatures; and.

~~(6)~~ In addition to the structural requirements of the animal's indoor enclosure area, the owner of an animal shall:

- ~~a-~~ (1) Ensure that the indoor enclosure area remains at an ambient temperature that will maintain the good health of the exotic animal;
- ~~b-~~ (2) Provide proper ventilation of the indoor structure by natural or mechanical means to provide fresh air for the animal and to prevent moisture condensation;
- ~~c-~~ (3) Ensure that the animal has natural or artificial lighting and adequate heat and ventilation to properly provide for the health of the animal at all times;
- ~~d-~~ (4) Ensure that the animal has proper bedding in sufficient quantity for insulation against the cold and dampness and that is changed regularly; and
- ~~e-~~ (5) Maintain the indoor enclosure area in good repair to protect the animal from injury and to prevent escape.

(Code 2006, § 7-1-9(f)(4))

Sec. 8-320. Notification signs.

All owners/permittees of an exotic animal shall have continuously posted and displayed at each normal entrance onto the premises where an exotic animal is kept a conspicuous metal sign, clearly visible, and easily readable by the public, warning that there is an exotic animal on the premises. At least one such sign shall be located within 20 feet of the animal's confinement area using the words "BEWARE OF _____," with the last word to indicate the type of exotic animal that is being confined. In addition, the permittee shall conspicuously display a sign with a warning symbol that adequately informs children of the presence of an exotic animal.

(Code 2006, § 7-1-9(g))

Sec. 8-321. Escape and liability for escape.

- (a) An owner/permittee shall immediately notify the town chairperson, local humane society, the **town's animal control officer** **town constable** and the county sheriff's department of the escape of any exotic animal for which a permit is required.
- (b) No person may intentionally release an exotic animal. If an exotic animal is released by any party, authorized or unauthorized, the owner/permittee is liable for all expenses associated with efforts to recapture the animal, and may, in addition, be subject to a forfeiture.

(Code 2006, § 7-1-9(h)(1))

Secs. 8-322—8-345. Reserved.*DIVISION 4. EXOTIC ANIMAL CARE***Sec. 8-346. Humane treatment; food and water.**

- (a) *Food and water.* No owner shall fail to provide an exotic animal in his care with sufficient food, potable water, or shelter when needed.
- (b) *Humane treatment.* No person shall ill-treat, beat, torment or otherwise abuse an exotic animal.

(Code 2006, § 7-1-9(k))

Sec. 8-347. Sanitation.

- (a) *Fecal matter; odor.* Any person who owns, harbors, keeps, or controls an exotic animal shall be responsible for keeping **his their** property properly clean of fecal matter and to keep obnoxious odors under control.
- (b) *Waste disposal.* Disposal of all animal waste shall be in a manner that is consistent with normal agricultural practices and adequately protects human and animal health.

(Code 2006, § 7-1-9(m))

State law reference(s)—Humane care and housing, Wis. Stats. § 169.39.

Secs. 8-348—8-367. Reserved.*DIVISION 5. IMPOUNDMENT***Sec. 8-368. Animals at large.**

- (a) All exotic animals shall be kept confined or under proper restraint by their owners as provided herein and shall not be permitted to run at large. Unrestrained exotic animals and animals running at large may be taken into custody in accordance with [Wis. Stats. ch. 173](#) and impounded at any facility deemed appropriate for the protection of the public and with facilities and equipment that permit the facility to adequately care for the animal. Such animals shall be considered to be abandoned.

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- (b) The town constable, designees of the town board, or law enforcement officers, upon receipt of information indicating probable cause of a violation of this section, may in **his their** discretion, and after investigation, seize and impound an animal in emergency situations or where previous written notice has failed to produce compliance and when otherwise authorized by law.

(Code 2006, § 7-1-9(j)(1))

Sec. 8-369. Failure to reclaim; costs.

- (a) If an owner fails to reclaim an exotic animal within seven days of taking the animal into custody, the town board shall consider the animal to be unclaimed, as authorized by [Wis. Stats. § 173.23\(1m\)](#) and shall take such steps as authorized by law. The town may contact the American Zoo and Aquarium Association for further assistance.
- (b) The animal's owner is liable for the costs of capture, care and placement for the exotic animal from the time of confiscation until the time of return to the owner, until the animal is disposed of, or until the time the animal has been relocated to an approved facility, such as a proper wildlife sanctuary.
- (c) If an exotic animal is confiscated due to the animal being kept in contravention of this section, the animal's owner is required to post a security bond or cash deposit with the town and/or animal control authority in an amount sufficient to guarantee payment of all reasonable costs expected to be incurred in caring and providing for the animal, including, but not limited to, the estimated cost of feeding, medical care, and housing for at least 30 days. The posting of the bond or cash deposit shall not prevent the town or animal control authority from disposing of the animal as permitted by law at the end of the 30 days.
- (d) An exotic animal may be returned to its owner only if, to the satisfaction of the town board, the possessor has a valid town exotic animal permit, has corrected the conditions resulting in the confiscation, and has paid in full the cost of placement and care of the animal while under the care and control of the town or humane society.
- (e) If the owner of a confiscated exotic animal cannot be located or if a confiscated animal remains unclaimed, the town or humane society may, at its discretion, contact an approved facility, such as an institution accredited by the American Zoo and Aquarium Association (**AZA**), allow the animal to be adopted by a party who can satisfy the permit requirements of this section, or may euthanize the animal as permitted by law.
- (f) If an escaped exotic animal cannot be recaptured safely and is posing a threat to public health and safety, authorities may euthanize the animal as permitted by law.

(Code 2006, § 7-1-9(j)(2))

Sec. 8-370. Incidents causing injury.

- (a) *Notification.* All incidents in the town in which an exotic animal injures or is suspected of injuring any person or domesticated animal shall be reported by the permittee to the town chairperson or town **clerk constable** within two hours of the incident.
- (b) *Liability.* The owner of an exotic animal shall be responsible for all expenses incurred as a result of an injury inflicted or suffered by an exotic animal, whether expenses are incurred by the family of the victim, the victim, the town or on behalf of the animal involved.

(Code 2006, § 7-1-9(l))

Secs. 8-371—8-398. Reserved.

ARTICLE VII. WOLF/DOG HYBRIDS

DIVISION 1. GENERALLY

Sec. 8-399. Wolf/dog hybrid regulation and confinement.

The provisions of this article address the unique public health and safety concerns involved with the keeping of wolf/dog hybrids.

(Code 2006, § 7-1-9(p), intro. ¶)

Sec. 8-400. Right of inspection.

To ensure compliance with this article, any person possessing any registration papers, certificate, advertisement or other written evidence relating to the bloodlines or ownership of a canine animal found within the town to be that of a wolf/dog hybrid shall produce the same for inspection on demand of any law enforcement, conservation or public health officer or court.

(Code 2006, § 7-1-9(p)(6))

Sec. 8-401. Limitation on numbers; veterinary exception.

(a) *Limitation on numbers.* No person shall own, harbor or keep in his possession on any one parcel of property more than two wolf/dog hybrids over five months of age at any one time, nor shall any person retain a litter or portion of a litter of wolf/dog hybrids longer than five months.

(b) *Veterinary exception.* The provisions of subsection (a) of this section shall not apply to doctors of veterinary medicine in temporary possession of wolf/dog hybrids in the ordinary course of their practice.

(Code 2006, § 7-1-9(p)(7), (8))

Sec. 8-402. Abandonment or negligent release.

No person shall willfully or negligently release or abandon a wolf/dog hybrid as defined herein within the town.

(Code 2006, § 7-1-9(p)(9))

Sec. 8-403. Transportation and muzzling of animals.

A wolf/dog hybrid may be transported only if confined in a secure, locked container, covered with one fourth inch galvanized fine mesh screen. This section shall not prohibit the walking of such animals, provided they are muzzled and restrained by a leather lead, at least one inch in diameter and not exceeding three feet in length, attached to a metal choker type collar, under the control of an adult. The muzzle must be made in a manner that

will not cause injury to the wolf/dog hybrid or unduly interfere with its vision or respiration, but will prevent it from biting any person or animal.

{Code 2006, § 7-1-9(p)(5)}

Secs. 8-404. Wolf/dog hybrid prohibition.

Wolf/dog hybrids are now considered to be prohibited within the town since the following holds to be true:

- (1) Current town ordinance requires all owners of any wolf/dog hybrid in the town to register such animal on or before June 1, 2006;
- (2) Current town ordinance prohibits any person from harboring, keeping or maintaining within the town any wolf/dog hybrid which has not been registered on or before June 1, 2006; and
- (3) There are no current registered wolf/dog hybrids in the town.

Secs. 8-404 405—8-434. Reserved.

DIVISION 2. REGISTRATION

Sec. 8-435. Required annually; liability insurance requirements.

All owners of any wolf/dog hybrid in the town shall, on or before June 1, 2006, and annually thereafter on or before January 30 of each year, register such animal and provide a current color photograph of such animal with the town clerk's office and annually pay a registration fee as prescribed in the town fee schedule, available in the office of the town clerk. At the time of registration, each owner of any wolf/dog hybrid kept within the town limits shall provide to the town clerk proof of liability insurance in the amount of at least \$2,000,000.00 for any acts of property damage, personal injury or other liability incurred by virtue of any injury or damage inflicted by such wolf/dog hybrid. Such insurance shall name the town as coinsured solely for the purpose of notice of cancellation of such insurance policy.

{Code 2006, § 7-1-9(p)(11)}

Sec. 8-436. Prohibition on unregistered animals.

No person shall harbor, keep or maintain within the town any wolf/dog hybrid which has not been registered pursuant to section 8-435 on or before June 1, 2006. This prohibition shall not apply to animals being transported through the limits of the town within a one-hour period of time. A pup born to a female wolf/dog hybrid so registered shall be removed from the town before it has reached the age of five months. Wolf/dog hybrids permitted in the town shall be confined as set forth in this section.

{Code 2006, § 7-1-9(p)(2)}

Sec. 8-437. Removal; impoundment.

Whenever any person is charged with harboring, keeping or maintaining a wolf/dog hybrid in the town which has not been registered on or before June 1, 2006, that person shall remove said animal from the town until a trial on the citation. If said animal has not been so removed within 48 hours of the service of the citation, the said animal may be impounded as directed by the town board until the trial on the citation. In that case, the owner of

any such animal shall pay all expenses incurred due to such impoundment, including but not limited to the cost of shelter, food, handling and veterinary care. If it is determined by plea or trial that said animal is a wolf/dog hybrid not registered pursuant to section 8-435 on or before June 1, 2006, it shall be removed from and not returned to the town.

(Code 2006, § 7-1-9(p)(3))

~~Secs. 8-438—8-457. Reserved.~~

DIVISION 3. CONFINEMENT

~~Sec. 8-458. Minimum requirements.~~

The owner of any wolf/dog hybrid permitted to be kept in the town, and the owner of any property on which such wolf/dog hybrid is kept, shall see that the animal is at all times confined according to the minimum requirements of this section. A wolf/dog hybrid may be kept only in enclosures that meet the following minimum requirements:

- (1) The first enclosure shall be constructed of not less than nine-gauge galvanized chainlink fencing, with mesh openings not greater than two inches, which shall be securely anchored by stainless steel or copper rings, placed at intervals not greater than six inches apart, to a poured concrete base as described herein. Such enclosure shall be not less than 500 square feet in area, plus 250 square feet for each additional canine animal kept therein. Such enclosure shall be the location in which any wolf/dog hybrid is primarily kept.
- (2) The first enclosure shall extend to a height of not less than eight feet, and shall be surrounded from ground level to a height of not less than four feet by one-quarter-inch galvanized mesh screening.
- (3) The first enclosure shall have a full top, which shall also be constructed of not less than nine-gauge chainlink fencing with mesh openings not greater than two inches, and which shall be securely anchored to the sides of the enclosure. The entire base of the first enclosure shall be a poured concrete slab floor at least four inches thick.
- (4) The second enclosure shall consist of a securely anchored fence at least eight feet in height, which shall entirely surround the first enclosure, and no part of which shall be less than eight feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than six feet from any part of the first enclosure. Said fence shall be a "vision barrier" fence, no more than five percent open for through vision except, however, that the portion of said fence facing the dwelling of the owner of said animals or of the property on which they are kept shall be constructed of not less than nine-gauge chainlink fencing, to provide for observation of said animals. If any portion of said fence is made of wood, the finished or painted side thereof shall face outward from the first enclosure.
- (5) Both enclosures shall be kept locked with case-hardened locks at all times when an animal is unattended by an adult. The first, or innermost, enclosure shall have double entrance gates or doors situated and constructed in such a fashion as to prevent an animal from escaping past an open gate or door. The gates or doors providing access to the first, or innermost, enclosure shall be spring-loaded, so as to shut on their own accord behind anyone entering that enclosure.
- (6) Within the first enclosure, shelter shall be provided adequate to protect the animals confined against weather extremes. The first enclosure shall be regularly cleaned to remove excreta and other waste materials, dirt and trash, in a manner adequate to minimize health hazards and avoid offensive odors.

(7) The above described enclosures shall be located in the rear yard of any property on which a wolf/dog hybrid is kept, as defined in the zoning chapter.

{Code 2006, § 7-1-9(p)(4)}

Sec. 8-459. Nonconforming enclosures.

As to any person keeping wolf/dog hybrids in existing enclosures in the town on the date of passage of the ordinance from which this section is derived, section 8-458 shall take effect on June 1, 2006; for all other persons, section 8-458 shall take effect and be in force from and after passage and publication as provided by law. The remaining provisions of this division shall take effect and be in force from and after passage and publication as provided by law.

{Code 2006, § 7-1-9(p)(10)}

Sec. 8-460. Warning sign.

The owner or keeper of a wolf/dog hybrid shall display on the premises on which such animal is kept metal signs warning that there is a wolf/dog hybrid on the property as provided herein. Such signs shall be visible and capable of being read within at least 20 feet of their placement, but shall not be more than two square feet in area, and shall state in bold, capital letters, on a white background, the following: "WARNING — WOLF/DOG HYBRIDS PRESENT." One such sign shall be placed in the front yard of any property on which any wolf/dog hybrid is kept, and additional such signs shall be placed on all gates or doors providing access through the second, or outermost, enclosure required in section 8-458.

{Code 2006, § 7-1-9(p)(12)}

Chapter 4 ALCOHOL BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

As used in this chapter the terms "alcohol beverages," "intoxicating liquors," "principal business," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," "retailers," "operators," and "nonintoxicating beverages" shall have the meaning given them by Wis. Stats. ch. 125.

(Code 2006, § 7-2-2)

State law reference(s)—Definitions, Wis. Stats. § 125.02.

Sec. 4-2. State statutes adopted.

The provisions of Wis. Stats. ch. 125, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of alcohol beverage control.

(Code 2006, § 7-2-1)

State law reference(s)—Authority for municipality to enact ordinances regulating the sale of alcohol beverages and to adopt state provisions, Wis. Stats. § 125.10.

Secs. 4-3—4-22. Reserved.

ARTICLE II. LICENSING

DIVISION 1. GENERALLY

¹State law reference(s)—Alcohol beverages, Wis. Stats. ch. 125; local option, Wis. Stats. § 125.05; municipal regulation of alcohol beverages, Wis. Stats. § 125.10; fermented malt beverages generally, Wis. Stats. § 125.25 et seq.; intoxicating liquor generally, Wis. Stats. § 125.51 et seq.; unlicensed places serving alcohol beverages as nuisance, Wis. Stats. § 125.14; carrying handgun where alcohol beverages may be sold and consumed, Wis. Stats. § 941.237; parental liability for acts of minor child, Wis. Stats. § 895.035; beverage taxes, Wis. Stats. § 139.01 et seq.

Sec. 4-23. License required.

No person shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this article nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by Wis. Stats. §§ 125.16, 125.27, 125.28 and 125.51.

(Code 2006, § 7-2-3)

State law reference(s)—General licensing requirements, Wis. Stats. § 125.04; municipal authority to license and regulate sales of alcohol beverages, Wis. Stats. § 125.10.

Sec. 4-24. Classes of licenses.

(a) *Retail "Class A" intoxicating liquor license.* A retail "Class A" intoxicating liquor license, when issued by the town clerk under the authority of the town board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

(b) *Retail "Class B" intoxicating liquor license.* A retail "Class B" intoxicating liquor license, when issued by the town clerk under authority of the town board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(c) *Reserve "Class B" license.* A reserve "Class B" license means a license that is not granted or issued by the town on December 1, 1997, and that is counted under Wis. Stats. § 125.51(4)(br) which, if granted or issued, authorized the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorized the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(d) *Class "A" fermented malt beverage retailer's license.* A Class "A" retailer's fermented malt beverage license, when issued by the town clerk under the authority of the town board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1. The license shall expire on the following June 30.

(e) *Class "B" fermented malt beverage retailer's license.*

(1) *License.* A Class "B" fermented malt beverage retailer's license, when issued by the town clerk under the authority of the town board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1. The license shall expire on the following June 30.

(2) *Application.* Class "B" licenses may be issued to any person qualified under Wis. Stats. § 125.04(5). 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 which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for

compliance with this chapter. Except as provided in Wis. Stats. § 125.31, Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(f) *Temporary Class "B" fermented malt beverage license.*

(1) *License.* As provided in Wis. Stats. § 125.26(1) and (6), temporary Class "B" fermented malt beverage licenses 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 months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages 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. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the town board.

(2) *Application.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the town clerk together with the appropriate license fee for each day for which the license is sought. Any person making application for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the town board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a town park, the applicant shall specify the main point of sale facility.

(g) *Temporary "Class B" wine license.*

(1) *License.* Notwithstanding Wis. Stats. § 125.68(3), temporary "Class B" licenses 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 months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle 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. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Wis. Stats. § 125.26(6), or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent alcohol by volume from the stands while the fair is being held.

(2) *Application.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the town clerk together with the appropriate license fee for each day for which the license is sought. Any person making application for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, and will be ineligible to apply for a temporary Class "B" wine license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the town board at which the application will be considered for events of more than three consecutive days. If

the application is for a license to be used in a town park, the applicant shall specify the main point of sale facility.

(h) ~~Wholesaler's license.~~ A wholesaler's fermented malt beverage license, when issued by the town clerk under authority of the town board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

(i) ~~Retail "Class C" license.~~

(1) ~~In this subsection, the term "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.~~

(2) ~~A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.~~

(3) ~~A "Class C" license may be issued to a person qualified under Wis. Stats. § 125.04(5), for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.~~

(4) ~~A "Class C" license shall particularly describe the premises for which it is issued.~~

~~(Code 2006, § 7-2-4)~~

~~State law reference(s)—Classes of licenses, Wis. Stats. § 125.25 et seq.~~

Sec. 4-25. Time of issuance; term; license fees.

Fees for licenses issued under this article shall be as established by the town board and included in the town fee schedule, subject to the following:

(1) ~~Class "A" fermented malt beverage retailer's license.~~ The annual fee for this license shall be in accordance with the town board's current fee schedule. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(2) ~~Class "B" fermented malt beverage license.~~

a. ~~The annual fee for this license shall be in accordance with the town board's current fee schedule. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.~~

b. ~~A Class "B" fermented malt beverages license may also be issued to bona fide clubs, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering and at a meeting of the post. The fee for the license shall be as prescribed by the town board's current fee schedule.~~

(3) ~~Temporary Class "B" fermented malt beverage license.~~ The fee for this license shall be per event in accordance with the town board's current fee schedule.

(4) ~~Temporary "Class B" wine license.~~ The fee for this license shall be per event in accordance with the town board's current fee schedule. However, there shall be no fee if the temporary wine license is obtained along with a temporary fermented malt beverage license.

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- (5) *Fermented malt beverage wholesaler's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule.
- (6) *"Class A" intoxicating liquor retailer's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule.
- (7) *"Class B" intoxicating liquor retailer's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (8) *Reserve "Class B" license.* The annual fee for this license shall be in accordance with the town board's current fee schedule. A reserve "Class B" license means a license that is not granted or issued by the town on December 1, 1997, and that is granted under Wis. Stats. § 125.51(4)(br) which, if granted or issued, authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(Code 2006, § 7-2-5)

Sec. 4-26. Application for license.

- (a) *Contents.* An application for a license must contain the following information and materials and be made in writing on the form prescribed by the state department of revenue and shall be sworn to by the applicant as provided by Wis. Stats. §§ 887.01 to 887.04 and shall be filed with the town clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances. Applications lacking any of the required information or materials shall not be accepted by the town clerk.
- (1) *Forms.* Applications shall be made upon forms provided by the town clerk, which shall be completed in their entirety.
- (2) *Time limitation.* An application shall not be valid after the license year for which it is filed.
- (3) *Property interest.* All original license applications shall be accompanied by proof of one of the following:
- a. *Ownership of the premises to be licensed.*
 - b. *A valid option to purchase the premises to be licensed.*
 - c. *A valid lease for the premises to be licensed for the term of the license.*
 - d. *A valid option to lease the premises to be licensed for the term of the license.*
- (b) *Corporations.* Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) *Publication.* The town clerk shall publish each application for a Class "A", Class "B", "Class A" or "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Wis. Stats. § 125.26 or temporary "Class B" picnic wine licenses under Wis. Stats. § 125.51(10). The application shall be published once in a newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Wis. Stats. § 985.08.

(d) *Amending application.* Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten days after the occurrence thereof.

(e) *License quotas.* Retail intoxicating liquor licenses issued by the town board shall be limited in number to the quota prescribed by state law.

(Code 2006, § 7-2-6)

Sec. 4-27. Qualifications of applicants and premises.

(a) *Residence requirements.* A retail Class "A" or Class "B" fermented malt beverage or "Class A", "Class B" or Reserve "Class B" intoxicating liquor license shall be granted only to persons, or their agents, who are citizens of the United States and who have been residents of the state and county continuously for at least 90 days prior to the date of the application.

(b) *Applicant to have malt beverage license.* No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.

(c) *Right to premises.* No applicant will be considered unless he has the right to possession of the premises as set forth in section 4-26(a)(3).

(d) *Age of applicant.* Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.

(e) *Corporate restrictions.*

(1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Wis. Stats. § 125.04(a)1, (a)4 and (b) unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) and the officers and directors of the corporation meet the qualifications of Wis. Stats. § 125.04(a)1, (a)3 and (b) and unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) meets the qualification under Wis. Stats. § 125.04(a)2. The requirement that the corporation meet the qualifications under Wis. Stats. § 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person. It shall be the duty of each corporate applicant and licensee to file with the town clerk a statement of transfers of stock within 48 hours after such transfer of stock.

(3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Wis. Stats. § 125.12, when more than 50 percent of the stock interest, legal or beneficial, in such corporation is held by any person not eligible for a license under this article or under the state law.

(f) *Sales tax qualification.* All applicants for retail licenses shall provide proof, as required by Wis. Stats. § 77.61(11), that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

(g) *Separate license required for each place of sale.* A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and

no license shall be issued to any person for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

(h) *Off-street parking facilities.* No "Class B" intoxicating liquor license shall be issued for any premises unless said premises provides off-street parking stalls equal in number to 50 percent of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this subsection.

(i) *Connecting premises.* Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

(j) *Limitations on other business; Class "B" premises; exceptions.*

(1) No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit.

(2) These restrictions do not apply to any of the following:

- a. A hotel.
- b. A restaurant whether or not it is a part of or located in any mercantile establishment.
- c. A combination grocery store and tavern.
- d. A combination sporting goods store and tavern in towns, villages and fourth class cities.
- e. A combination novelty store and tavern.
- f. A bowling alley or recreation premises.
- g. A club, society or lodge that has been in existence for six months or more prior to the date of filing application for the Class "B" license or permit.

(Code 2006, § 7-2-7)

State law reference(s)—Applications and qualifications for licensure, Wis. Stats. § 125.04.

Sec. 4-28. Investigation.

The town clerk shall notify the fire chief of each new application, and the fire chief shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the 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 clerk in writing, who shall forward to the town board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

(Code 2006, § 7-2-8)

Sec. 4-29. Approval of application.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the town are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the state building code, and the regulations of the state board of health and local board of health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the town.
- (c) Consideration for the granting or denial of a license will be based on:
- (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335;
 - (2) The financial responsibility of the applicant; and
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony, unless duly pardoned, or if the applicant has habitually been a law offender. For purposes of this licensing procedure, the term "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the town board, the town board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

(Code 2006, § 7-2-9)

Sec. 4-30. Granting or denial of license.

- (a) In the event the application is for a "Class A" or a "Class B" intoxicating liquor or fermented malt beverage license at a site not previously licensed under this article, the town clerk shall schedule public hearings before the town board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. The notice shall be given at least ten days before the hearing and may be given by mail.
- (b) Opportunity shall be given by the town board to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the town board, the town clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the town. The full license fee shall be charged for the whole or fraction of any year.
- (c) If the town board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the town board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session and the town board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten days prior to the town board meeting at which the application is to be reconsidered.

(Code 2006, § 7-2-10)

State law reference(s)—Revocations, suspensions, refusals to issue or renew, Wis. Stats. § 125.12.

Sec. 4-31. Transfer and lapse of license.

(a) In accordance with the provisions of Wis. Stats. § 125.04(12), a license shall be transferable from one premises to another if such transfer is first approved by the town board. An application for transfer shall be made on a form furnished by the town clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be in the amount established by the town board. Whenever a license is transferred, the town clerk shall forthwith notify the state department of revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the town for reissuance of said license and the town, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

(b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the town clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the town board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the town clerk of notice of disapproval of the successor agent by the state department of revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the town board until the successor agent or another qualified agent is appointed and approved by the town.

(Code 2006, § 7-2-11)

State law reference(s)—Transfer of licenses, Wis. Stats. § 125.04.

Sec. 4-32. Numbering of license.

All licenses shall be numbered and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee.

(Code 2006, § 7-2-12)

Sec. 4-33. Posting licenses; defacement.

(a) Every person licensed in accordance with the provisions of this article shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

(b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(Code 2006, § 7-2-13)

Secs. 4-34—4-54. Reserved.

DIVISION 2. OPERATOR'S LICENSE

Sec. 4-55. Application.

Persons desiring an operator's license for purposes specified in this chapter shall make application therefore to the town clerk.

Sec. 4-56. Procedure upon application.

(a) The town clerk may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the town clerk only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the town.

(b) At the town's option, all applications are subject to an investigation as provided in section 4-28.

(Code 2006, § 7-2-31)

Sec. 4-57. Duration.

Licenses issued under the provisions of this chapter shall be valid for a period of two years and shall expire on June 30.

(Code 2006, § 7-2-32)

Sec. 4-58. License fees.

The annual fee for an operator's license or provisional license as provided herein, shall be in accordance with the town board's current fee schedule for the term or part thereof, plus actual records check costs.

(Code 2006, § 7-2-33)

Sec. 4-59. Issuance or denial.

(a) *Application approval.* The town clerk shall determine if an individual is qualified for an operator's license and, if qualified, shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

(b) *Application denial.*

(1) If the application is denied by the town clerk, the town clerk shall, in writing, inform the applicant of the denial, the reasons therefor, and of the opportunity to request a reconsideration of the application by the town board. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

(2) If, upon reconsideration, the board denies the application, the town clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter, may apply to circuit court pursuant to Wis. Stats. § 125.12(2)(d) for review.

(c) *Consideration of application.* Considerations for the granting or denial of licenses under this division shall be as provided in section 4-29.

Sec. 4-60. Required training course.

(a) Except as provided in subsection (b) of this section, the town clerk may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:

(1) The person is renewing an operator's license.

(2) Within the past two years, the person held a class "A", class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license that was not revoked or suspended.

(3) Within the past two years, the person has completed such a training course.

(b) The town clerk may issue a provisional operator's license to a person who is enrolled in a training course under subsection (a) of this section and shall revoke that license if the applicant fails successfully to complete the course in which he enrolls.

(c) The town clerk may not require that applicants for operators' licenses undergo training in addition to that under subsection (a) of this section, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under subsection (a) of this section.

(Code 2006, § 7-2-35)

Sec. 4-61. Display of license.

Each license issued under the provisions of this division shall be posted on the premises whenever the operator dispenses.

(Code 2006, § 7-2-36)

Sec. 4-62. Revocation.

Violation of any of the terms or provisions of the state law or of this chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

(Code 2006, § 7-2-37)

Secs. 4-63—4-73. Reserved.

DIVISION 3. REGULATIONS

Sec. 4-74. Conditions of license.

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the town applicable thereto.

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- (1) *Consent to entry.* 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 inspection and search, and consents to the removal from said premises of all things and articles there had in violation of town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
 - (2) *Employment of minors.* No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the state statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcohol beverages.
 - (3) *Disorderly conduct prohibited.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
 - (4) *Licensed operator on premises.* There shall be upon premises operated under a "Class B" or Class "B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B" or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
 - (5) *Restrictions near schools and churches.* No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
 - (6) *Clubs.* No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
 - (7) *Credit prohibited.* No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, wares, merchandise or other articles in exchange for alcohol beverages.
 - (8) *Licensee or permittee responsible for acts of agents and employees.* A violation of this chapter by a duly authorized agent or employee of a licensee or permittee under this chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this chapter.
 - (9) *Additional conditions.* The town board may place additional conditions upon a license consistent with the provisions of this chapter and the laws of the state. Violation of such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

{Code 2006, § 7-2-14}

Sec. 4-75. Closing hours.

Closing hours shall be established in conformance with Wis. Stats. § 125.32(3) and further restricted as follows:

(1) — Class "B" licenses.

a. — No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt

beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m. Monday through Friday, and between 2:30 a.m. and 6:00 a.m. Saturday and Sunday. There shall be no closing hours on January 1.

b. — Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of subsection (1)a of this section.

(2) — Carryout hours.

a. — Between 12:00 midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

b. — Between 12:00 midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class B" or Class "B" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

(Code 2006, § 7-2-15; Ord. No. 032012-3, 3-20-2012)

Sec. 4-76. Guidelines for outdoor facilities.

(a) — Approval required.

(1) — Any retail license issued pursuant to this chapter shall limit and restrict the consumption of alcohol beverages to the building premises defined on the license application unless, prior to the application for license or for renewal thereof, approval is obtained from the town board for an outdoor facility.

(2) — The application to the town board shall be accompanied by the application fee established by the town board as set forth in the town fee schedule, available in the office of the town clerk, together with a site plan of the entire parcel showing the outdoor facility, designating its location with respect to the main premises and other buildings on the site, designating entrances and exits of both the main structure and outdoor facility, and the location of the outdoor facility with respect to buildings on adjoining sites. The application shall also include such other information as the town board may require ensuring compliance with this Code. Existing licenses are exempt from the site plan requirements unless enlarging the outdoor facility.

(b) — *Guidelines for outdoor facilities.* The town board shall consider the following guidelines when reviewing an application for an outdoor facility:

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- (1) *Location.* A licensed outdoor area must be immediately adjacent to the indoor portion of the licensed premises. In the event the location of the outdoor area is within 300 feet of property zoned residential, conditions shall be instituted to ensure that such area does not significantly compromise the uses, values, and enjoyment of such residential property within the neighborhood of the proposed site.
 - (2) *Fencing and lighting.* The outdoor area should be enclosed with a fence and adequate lighting that will prohibit the passing of alcohol beverages to or from the licensed premises. The requirements for location, height and style of the fence and lighting shall meet those requirements as directed by the town board after due consideration is made to the site location and any other pertinent factors specific to the site. Temporary enclosed tents are exempt from the fencing provisions but other regulations shall apply.
 - (3) *Overall appearance and size.* The overall appearance must be attractive. An outdoor area should not be larger than the inside area of its parent building.
 - (4) *Entrances and exits.* The normal entry and exit should be from inside the building. However, an entrance and exit must be available from the outdoor facility. The town board shall review the entrance and exit systems.
 - (5) *Trash.* Trash receptacles will be required. The outdoor area must be patrolled for trash and cleaned on a daily basis.
 - (6) *Alcohol beverage availability.* The availability of alcohol beverages shall be consistent with the license of the applicant.
 - (7) *Use of right-of-way; setback.* No outdoor area shall be located on a dedicated public right-of-way. Existing town setbacks shall apply. Exceptions may be requested.
 - (8) *Surface and materials.* The outdoor area should be on a hard surface; however, exceptions may be granted upon approval by the town board and after due consideration is made to the site location and any other pertinent factors specific to the site.
 - (9) *Hours of operation.* An outdoor facility shall be operated during the hours of 8:00 a.m. to 11:00 p.m. Sunday through Thursday and during the hours of 8:00 a.m. to 12:00 midnight Friday and Saturday.
 - (10) *Music allowed.* No electronically amplified musical instruments, radios, jukeboxes or sound systems shall be used or operated in a licensed outdoor area after 11:00 p.m. Sunday through Thursday or after 12:00 midnight Friday or Saturday.
 - (11) *Unlicensed outdoor area.* An unlicensed outdoor area adjacent to and used in conjunction with the licensed premises shall not be used for the purpose of serving or consuming alcohol beverages.
- (c) *Licensee responsibility.* Any licensed outdoor area is subject to all regulations of this chapter and Wis. Stats. ch. 125.
 - (d) *Maintaining order.* The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is licensed. Violation of this section may result in the county sheriff's department exercising its authority and ordering any outdoor premises or the entire licensed area closed in the public interest.
 - (e) *Public hearing; notice.* The town board shall conduct a public hearing for all new or enlarged outdoor facilities. Notice shall be given by ordinary mail of the proposed establishment of an outdoor facility to the owners of property immediately adjacent to the area to be considered for the new use extending 300 feet from the outdoor facility and to the owners of properties extending 300 feet from the street frontage of the outdoor facility and also by a Class 1 publication in the newspaper. When applicable, the fee, as established by the town board, shall be payable by the licensee.

Sec. 4-77. Restrictions on temporary fermented malt beverage or wine licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any town-owned property or privately owned property within the town, except through the issuance of a temporary Class "B" fermented malt beverage license or temporary "Class B" wine license issued by the town board in accordance with state statutes and as set forth in this section. A temporary Class "B" fermented malt beverage license or temporary "Class B" wine license authorizing the sale and consumption of beer and/or wine on town-owned property or privately owned property may be authorized by the town board provided the following requirements are met:

- (1) *Compliance with eligibility standards.* The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Wis. Stats. § 125.26(6) and shall fully comply with the requirements of this section and section 34-177. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (2) *Posting of signs and licenses.* All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person, and proper identification is required.
- (3) *Fencing.* If necessary due to the physical characteristics of the site, the town board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress and egress. When required, the double fence shall be a minimum of four feet high and a minimum of six feet between fences.
- (4) *Underage persons prohibited.* No underage persons as defined by the state statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (5) *Licensed operators requirement.* A licensed operator shall be stationed at all points of sales at all times.
- (6) *Waiver.* The town board may waive or modify the requirements of this section due to the physical characteristics of the licensed site.
- (7) *Insurance.* The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the town and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the town. The applicant may be required to furnish a performance bond prior to being granted the license.

(Code 2006, § 7-2-16)

Sec. 4-78. Continuing business license requirements.

- (a) It shall be a condition of maintaining and keeping a license in the town that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business or intending to resume doing business under conditions of this chapter, as defined as follows, is declared to be against public policy, and thus lacking in usefulness.

(b) Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the town board by amendments or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such law restrictions and regulations, his license may be revoked in accordance with this chapter. In the event of revocation of any license or any violations of any provisions of this chapter, or by the court for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(c) The term "business continuation" of a license is hereby defined to mean as follows: Should a license issued under this chapter not be used within 60 days after its issuance and/or adoption of the ordinance from which this chapter is derived, such situation may be grounds for cancellation of the license in accordance with the provisions of this section. In addition, all persons issued a license to sell alcohol beverages in the town for which a quota exists limiting the number of such licenses that may be issued by the town shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the terms of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply.

(d) Holders of such licenses are required to possess the following: A premises (facility) from which to conduct business, sanitary permit, building permits, conditional use permits (CUPs) when required in accordance with the county zoning and shoreland protection ordinance, and meeting of any other requirements under the provisions of the county ordinance. Further, holders of such licenses must possess necessary federal I.D. numbers, state sales tax numbers, and shall meet and continue to meet on an ongoing basis all other state and federal requirements. Approval by the town board must also be obtained.

(e) Exceptions to these requirements to continue to possess a necessary license would be any act of God which may damage or destroy the facility for which the license has been issued to operate the business from. In such cases, the holder of the license will be allowed a maximum of one year to repair damages or rebuild the damaged or destroyed facility and again resume operating the business from the premises for which the license issued was intended. The holder of a license of a damaged or destroyed business shall also be required to meet with the town board at that board's discretion to discuss the situation and progress. Again, the board reserves the right to revoke such license if, in its opinion, progress toward repair or rebuilding is not progressing in a timely manner. In such cases, the holder of the license has the express right to request a hearing, and any other appeal avenues which may be available to the license holder.

{Code 2006, § 7-2-17(c)(1) — (5)}

State law reference(s) — Possession of alcohol beverages and presence on licensed premises by underage and intoxicated persons, Wis. Stats. § 125.07; proof of age, Wis. Stats. § 125.085.

Sec. 4-79. Nonalcohol events for underage persons on licensed premises.

The presence of underage persons on a licensed premises as provided under Wis. Stats. § 125.07(3)(a)10 shall be subject to the following:

(1) The licensee or agent of a corporate licensee shall notify the town clerk at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such nonalcohol event notice shall specify the date on which the event is to occur and the time of commencement. All notices shall be filed with the town clerk during normal working hours. After a nonalcohol event notice has been given, the licensee may cancel an event only by giving like notice to the town in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.

(2) During the period of any nonalcohol event a notice card prescribed by the town shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the town to a requesting licensee.

(3) Once a nonalcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.

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

(Code 2006, § 7-2-18)

Secs. 4-80—4-98. Reserved.

DIVISION 4. SUSPENSION AND REVOCATION

Sec. 4-99. Revocation and suspension of licenses; nonrenewal.

(a) *Procedure.*

(1) The town shall follow the procedure outlined in Wis. Stats. § 125.12 when taking suspension/revocation/nonrenewal action against any alcohol beverage license issued by the town board.

(2) If the action is initiated by a citizen or a board member, the town board may take action and upon notice hold a hearing under Wis. Stats. § 125.12.

(3) Grounds. Licenses may be the subject of hearings as described in this section for any violation of Wis. Stats. ch. 125 including, but not limited to, the following:

a. The running of a disorderly house as proscribed by Wis. Stats. § 125.12.

b. Licensee or operator directly interfering with police officers or otherwise violating the law in a manner substantially related to the operation of the licensed facility.

c. Any violation of any health code provision of the state dealing with public health, welfare, and safety.

d. Any building, electrical or plumbing code violation of the state dealing with public health, welfare, and safety.

e. Any liquor related violation involving juveniles as proscribed by Wis. Stats. ch. 125, specifically Wis. Stats. § 125.07.

f. Any violation of general statutory restrictions pertaining to licensed premises and operations as proscribed by Wis. Stats. ch. 125.

g. Any failure to maintain the qualifications required of all license holders as detailed by Wis. Stats. § 125.04.

h. Any violation of any restriction, stipulation, or agreement entered into with the town or signed in consideration of a license issued by the town under this chapter or Wis. Stats. ch. 125.

i. Whether the licensee and/or the licensee's agents, employees, and assigns have accumulated 200 or more demerit points within a 12-month period.

~~(b) Penalties.~~

~~(1) All actions being affirmed by the town board, or any conviction under Wis. Stats. ch. 125 in circuit court against an alcohol beverage license holder, shall be considered as a violation under this section.~~

~~(2) Violations shall be counted from date of said violation and shall accrue for a period of 36 months.~~

~~(3) All actions where the complaint is found true by the town board shall result in the following penalties:~~

~~a. First through third action: a suspension as provided in the town penalty schedule, available in the office of the town clerk.~~

~~b. Fourth action: a revocation as provided in the town penalty schedule, available in the office of the town clerk.~~

~~(c) Disciplinary action.~~

~~(1) In the event any licensed party violates this chapter, disciplinary action may be taken by the town board, including reprimand, suspension of the license for a specified number of days, up to a maximum as provided in the town penalty schedule, available in the office of the town clerk, or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will specify the reason for the hearing, and the subsequent decision of the board, will be sent by first class mail to the last known address of the licensee, or personally served, at the option of the town chairperson.~~

~~(2) In the event disciplinary action is taken against a licensee, the state procedure mandated under present Wis. Stats. § 125.12 or its successor, will be followed. At present, said procedure requires personal service of the hearing notice, which is the summons and complaint, and a hearing within three to ten days thereafter.~~

~~(3) As specified by law, there shall be no refund of any license fee paid to a party whose license is revoked.~~

~~(4) In lieu of a hearing, the town board may accept surrender of the license, and the town board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.~~

~~(5) Evidence and testimony at the hearing shall be done in open session. Pursuant to Wis. Stats. § 19.85(1)(a), the board may go into closed session to deliberate with regard to its decision, where that possibility and option have been properly and legally listed on the hearing notice posted and/or published. The town clerk shall see that the hearing notice is posted and/or published, in format acceptable to the town chairperson.~~

~~{Code 2006, § 7-2-17(a), (b), (c)(6)–(10)}~~

~~State law reference(s)—Revocations, suspensions, refusals to issue or renew, Wis. Stats. § 125.12.~~

Chapter 12 BUSINESS REGULATION AND LICENSING TAXATION⁴

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. LICENSING

Sec. 12-19. Payment of claims.

The town shall not issue or renew any license to transact any business within the town for any purposes for which taxes, assessments or other claims of the town are delinquent and unpaid or to any person who is delinquent in payment of any taxes, assessments or other claims owed the town or delinquent in payment of any forfeiture resulting from a violation of any town provision of this Code or other town ordinance.

(Code 2006, § 7-7-1(a))

Sec. 12-20. Procedure for hearing on refusal to issue or on denial of renewal of license.

- (a) *Applicability.* An application for issuance or renewal of a license subject to this chapter shall be denied pursuant to the provisions of section 12-19 only following notice and opportunity for hearing as provided by subsection (b) of this section.
- (b) *Hearings.* Prior to any denial of an application for renewal of a license, including denials pursuant to section 12-19, the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to all renewable town business licenses, including licenses for the sale of alcohol beverages under chapter 4, notice and opportunity for hearing shall be as provided by Wis. Stats. § 125.12, as amended from time to time, and town ordinances.
 - (2) With respect to licenses other than those described in subsection (a) of this section, the town board or its assignee shall notify the applicant in writing of the town's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three days or more than ten days after the date of the notice on which the applicant shall appear before the town board. If the applicant shall fail to appear before the board on the date indicated on the notice, the board shall deny the application for renewal. If the applicant appears before the board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the town board shall conduct a hearing with respect to the matter. At the hearing, both the town and the applicant may produce witnesses, cross-examine

⁴State law reference(s)—Regulations and licensing of businesses generally, Wis. Stats. § 440.01 et seq.; cigarette and tobacco products retailer license, Wis. Stats. § 134.65I; restrictions on sale or gift of cigarettes or tobacco products, Wis. Stats. § 134.66; food regulation generally, Wis. Stats. § 97.01 et seq.; local licensing of nonintoxicating and soda water beverages, Wis. Stats. § 66.0433.

witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the town board determines the applicant shall not be entitled to renewal pursuant to subsection (a) of this section, the application for renewal shall be denied.

(c) *Appeals.* Where an individual, business or corporation wishes to appeal the town clerk's decision not to issue a license or permit under this article on grounds other than those specified in section 12-19 and subsections (a) and (b) of this section, the applicant may file a request in writing with the town clerk that the matter be referred to the town board. A public hearing shall be scheduled within 14 calendar days by the town board. All parties may be represented by counsel. The board shall consider all relevant information and shall render a decision which shall be binding.

(Code 2006, § 7-7-1(c) — (c))

Sec. 12-21. Duty of clerk with regard to licenses.

The town clerk shall be charged with the administration of all provisions of this Code and other town ordinances relating to licenses unless otherwise provided by the town board.

(Code 2006, § 7-7-2)

Secs. 12-22—12-4526. Reserved.

ARTICLE III. ALCOHOL BEVERAGES

Sec. 4-1 12-27. Definitions.

As used in this chapter the terms "alcohol beverages," "intoxicating liquors," "principal business," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," "retailers," "operators," and "nonintoxicating beverages" shall have the meaning given them by [Wis. Stats. ch. 125](#).

Terms in this Article shall have the meaning given them by [Wis. Stats. § 125.02](#).

(Code 2006, § 7-2-2)

Sec. 4-23 12-28. License required.

No person shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this article nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by [Wis. Stats. §§ 125.16, 125.27, 125.28 and 125.51](#).

Licenses shall be required pursuant to [Wis. Stats. § 125.04](#) with noted exceptions pursuant to [Wis. Stats. § 125.06](#). Operators' licenses shall be issued pursuant to [Wis. Stats. § 125.17](#). Managers' licenses shall be issued pursuant to [Wis. Stats. § 125.18](#). Provisional retail licenses shall be issued pursuant to [Wis. Stats. § 125.185](#). Licenses may be issued by the town clerk under the authority of the town board.

An application for a license shall be completed on the form prescribed by the state department of revenue pursuant to [Wis. Stats. § 125.04\(3\)](#).

Time of filing of application and issuance of license pursuant to Wis. Stats. § 125.04(3)(f).

Town clerk shall publish each application as required pursuant to Wis. Stats. § 125.04(3)(g).

Subsequent application changes shall be filed with the town clerk pursuant to Wis. Stats. § 125.04(3)(h).

Issuance of licenses or shall be limited to those who meet qualifications pursuant to Wis. Stats. §§ 125.04(5) and (6).

Expiration dates of licenses shall be pursuant to Wis. Stats. § 125.04(11).

Transfer of licenses shall be allowed pursuant to Wis. Stats. § 125.04(12).

Fees for licenses issued under this article shall be as established by the town board and included in the town fee schedule; fees may include payment of criminal history fees pursuant to Wis. Stats. § 125.04(8m).

Separate license required pursuant to Wis. Stats. § 125.04(9).

The town hereby has the authority to enact regulations including forfeitures or license suspension or revocation for violations of any such regulations pursuant to Wis. Stats. § 125.10.

Revocations, suspensions and refusals to issue or renew may be done pursuant to Wis. Stats. § 125.12.

For "Class A" or "Class B" intoxicating liquor or fermented malt beverage license at a site not previously licensed under this article, the town clerk shall schedule public hearings before the town board on the granting of the license(s) and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. The notice shall be given at least 10 days before the hearing and may be given by mail. Opportunity shall be given by the town board to any person to be heard for or against the granting of any license.

Any resident of the town may file a sworn written complaint with the clerk alleging one or more complaints about a person holding a license issued by the municipality pursuant to Wis. Stats. § 125.12(2)(ag). Upon the filing of the complaint, the town board shall issue a summons, pursuant to Wis. Stats. § 125.12(2)(ar), to command licensee complained of to appear before the town board to show cause why their license should not be revoked or suspended. Procedure on hearing shall be followed pursuant to Wis. Stats. § 125.12(2)(b). The effect of revocation shall be pursuant to Wis. Stats. § 125.12(2)(c). Judicial review may occur pursuant to Wis. Stats. § 125.12(2)(d).

Pursuant to Wis. Stats. § 125.12(3), the town may refuse to renew a license for causes provided in Wis. Stats. § 125.12(2)(ag) with written notification to the licensee and an opportunity for a hearing. The hearing shall be conducted as provided in Wis. Stats. § 125.12(2)(b) and judicial review shall be as provided in Wis. Stats. § 125.12(2)(d).

Hearings for consideration or reconsideration of revocations, suspensions and refusals to renew shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session.

If the town decides not to issue a new license, it shall notify the applicant in writing the decision not to issue the license and the reasons for the decision pursuant to Wis. Stats. § 125.12(3m).

The clerk shall mail a report to the division of alcohol beverages of department of revenue at Madison, Wisconsin, giving the name of the licensee, address of the licensed premises and full description of the circumstances for any revoked or suspended license or pursuant to Wis. Stats. § 125.13.

(Code 2006, § 7-2-3)

Sec. 4-24. 12-29. Classes of licenses.

Pursuant to Wis. Stats. § 125.51, the town may grant and issue the following licenses for sales from premises within the municipality to persons entitled to a license under Wis. Stats. ch. 125 as the town deems proper:

-
- (a) **Retail "Class A" intoxicating liquor license.** A retail "Class A" intoxicating liquor license, when issued by the town clerk under the authority of the town board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed. Pursuant to Wis. Stats. § 125.51(2).
- (b) **Retail "Class B" intoxicating liquor license.** A retail "Class B" intoxicating liquor license, when issued by the town clerk under authority of the town board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises. Pursuant to Wis. Stats. § 125.51(3).
- (c) **Reserve "Class B" intoxicating liquor license.** A reserve "Class B" license means a license that is not granted or issued by the town on December 1, 1997, and that is counted under Wis. Stats. § 125.51(4)(b) which, if granted or issued, authorized the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorized the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises. Pursuant to Wis. Stats. § 125.51(4)(a)4.
- (d) **Retail Class "A" fermented malt beverage retailer's license.** A Class "A" retailer's fermented malt beverage license, when issued by the town clerk under the authority of the town board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1. The license shall expire on the following June 30. Pursuant to Wis. Stats. § 125.25.
- (e) **Retail Class "B" fermented malt beverage retailer's license.** Pursuant to Wis. Stats. § 125.26.
- (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the town clerk under the authority of the town board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1. The license shall expire on the following June 30.
- (2) **Application.** Class "B" licenses may be issued to any person qualified under Wis. Stats. § 125.04(5). 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 which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter. Except as provided in Wis. Stats. § 125.31, Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (f) **Retail Temporary Class "B" fermented malt beverage license.** Pursuant to Wis. Stats. § 125.26(6).
- (1) **License.** As provided in Wis. Stats. § 125.26(1) and (6), temporary Class "B" fermented malt beverage licenses 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 months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages 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. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented

malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the town board.

(2) *Application.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the town clerk together with the appropriate license fee for each day for which the license is sought. Any person making application for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the town board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a town park, the applicant shall specify the main point of sale facility.

(g) *Temporary "Class B" wine license.*

(1) *License.* Notwithstanding Wis. Stats. § 125.68(3), temporary "Class B" licenses 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 months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle 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. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Wis. Stats. § 125.26(6), or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent alcohol by volume from the stands while the fair is being held.

(2) *Application.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the town clerk together with the appropriate license fee for each day for which the license is sought. Any person making application for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture as provided in the town penalty schedule, available in the office of the town clerk, and will be ineligible to apply for a temporary Class "B" wine license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the town board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a town park, the applicant shall specify the main point of sale facility.

(† g) *Retail "Class C" license.* Pursuant to Wis. Stats. § 125.51(3m).

(1) In this subsection, the term "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.

(2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(3) A "Class C" license may be issued to a person qualified under Wis. Stats. § 125.04(5), for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.

(4) — A "Class C" license shall particularly describe the premises for which it is issued.

(h) *Wholesalers' license.* A wholesaler's fermented malt beverage license, when issued by the town clerk under authority of the town board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

(h) *Operators' and managers' licenses.* Pursuant to Wis. Stats. §§ 125.17 and 125.18.

(Code 2006, § 7-2-4)

State law reference(s) — Classes of licenses, Wis. Stats. § 125.25 et seq.

Sec. 4-25. Time of issuance; term; license fees.

Fees for licenses issued under this article shall be as established by the town board and included in the town fee schedule, subject to the following:

(1) — *Class "A" fermented malt beverage retailer's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(2) — *Class "B" fermented malt beverage license.*

a. — The annual fee for this license shall be in accordance with the town board's current fee schedule. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

b. — A Class "B" fermented malt beverages license may also be issued to bona fide clubs, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering and at a meeting of the post. The fee for the license shall be as prescribed by the town board's current fee schedule.

(3) — *Temporary Class "B" fermented malt beverage license.* The fee for this license shall be per event in accordance with the town board's current fee schedule.

(4) — *Temporary "Class B" wine license.* The fee for this license shall be per event in accordance with the town board's current fee schedule. However, there shall be no fee if the temporary wine license is obtained along with a temporary fermented malt beverage license.

(5) — *Fermented malt beverage wholesaler's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule.

(6) — *"Class A" intoxicating liquor retailer's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule.

(7) — *"Class B" intoxicating liquor retailer's license.* The annual fee for this license shall be in accordance with the town board's current fee schedule. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

(8) — *Reserve "Class B" license.* The annual fee for this license shall be in accordance with the town board's current fee schedule. A reserve "Class B" license means a license that is not granted or issued by the town on December 1, 1997, and that is granted under Wis. Stats. § 125.51(4)(br) which, if granted or issued, authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises

where sold, and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(Code 2006, § 7-2-5)

Sec. 4-26. Application for license.

(a) *Contents.* An application for a license must contain the following information and materials and be made in writing on the form prescribed by the state department of revenue and shall be sworn to by the applicant as provided by Wis. Stats. §§ 887.01 to 887.04 and shall be filed with the town clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances. Applications lacking any of the required information or materials shall not be accepted by the town clerk.

(1) *Forms.* Applications shall be made upon forms provided by the town clerk, which shall be completed in their entirety.

(2) *Time limitation.* An application shall not be valid after the license year for which it is filed.

(3) *Property interest.* All original license applications shall be accompanied by proof of one of the following:

a. Ownership of the premises to be licensed.

b. A valid option to purchase the premises to be licensed.

c. A valid lease for the premises to be licensed for the term of the license.

d. A valid option to lease the premises to be licensed for the term of the license.

(b) *Corporations.* Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.

(c) *Publication.* The town clerk shall publish each application for a Class "A", Class "B", "Class A" or "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Wis. Stats. § 125.26 or temporary "Class B" picnic wine licenses under Wis. Stats. § 125.51(10). The application shall be published once in a newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Wis. Stats. § 985.08.

(d) *Amending application.* Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten days after the occurrence thereof.

(e) *License quotas.* Retail intoxicating liquor licenses issued by the town board shall be limited in number to the quota prescribed by state law.

(Code 2006, § 7-2-6)

Sec. 4-27. Qualifications of applicants and premises.

(a) *Residence requirements.* A retail Class "A" or Class "B" fermented malt beverage or "Class A", "Class B" or Reserve "Class B" intoxicating liquor license shall be granted only to persons, or their agents, who are citizens of the United States and who have been residents of the state and county continuously for at least 90 days prior to the date of the application.

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- (b) *Applicant to have malt beverage license.* No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) *Right to premises.* No applicant will be considered unless he has the right to possession of the premises as set forth in section 4-26(a)(3).
- (d) *Age of applicant.* Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) *Corporate restrictions.*
- (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Wis. Stats. § 125.04(a)1, (a)4 and (b) unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) and the officers and directors of the corporation meet the qualifications of Wis. Stats. § 125.04(a)1, (a)3 and (b) and unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) meets the qualification under Wis. Stats. § 125.04(a)2. The requirement that the corporation meet the qualifications under Wis. Stats. § 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person. It shall be the duty of each corporate applicant and licensee to file with the town clerk a statement of transfers of stock within 48 hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Wis. Stats. § 125.12, when more than 50 percent of the stock interest, legal or beneficial, in such corporation is held by any person not eligible for a license under this article or under the state law.
- (f) *Sales tax qualification.* All applicants for retail licenses shall provide proof, as required by Wis. Stats. § 77.61(11), that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) *Separate license required for each place of sale.* A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- (h) *Off street parking facilities.* No "Class B" intoxicating liquor license shall be issued for any premises unless said premises provides off street parking stalls equal in number to 50 percent of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this subsection.
- (i) *Connecting premises.* Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (j) *Limitations on other business; Class "B" premises; exceptions.*
- (1) No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by

a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit.

(2) These restrictions do not apply to any of the following:

- a. A hotel.
- b. A restaurant whether or not it is a part of or located in any mercantile establishment.
- c. A combination grocery store and tavern.
- d. A combination sporting goods store and tavern in towns, villages and fourth class cities.
- e. A combination novelty store and tavern.
- f. A bowling alley or recreation premises.
- g. A club, society or lodge that has been in existence for six months or more prior to the date of filing application for the Class "B" license or permit.

(Code 2006, § 7-2-7)

State law reference(s)—Applications and qualifications for licensure, Wis. Stats. § 125.04.

Sec. 4-28. Investigation.

The town clerk shall notify the fire chief of each new application, and the fire chief shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the 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 clerk in writing, who shall forward to the town board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

Sec. 4-29. Approval of application.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the town are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the state building code, and the regulations of the state board of health and local board of health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the town.
- (c) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335;
 - (2) The financial responsibility of the applicant; and
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony, unless duly pardoned, or if the applicant has habitually been a law offender. For purposes of this licensing procedure, the term "habitually been a law offender" is generally considered to be

an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the town board, the town board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

(Code 2006, § 7-2-9)

Sec. 4-30. Granting or denial of license.

- (a) In the event the application is for a "Class A" or a "Class B" intoxicating liquor or fermented malt beverage license at a site not previously licensed under this article, the town clerk shall schedule public hearings before the town board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. The notice shall be given at least ten days before the hearing and may be given by mail.
- (b) Opportunity shall be given by the town board to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the town board, the town clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the town. The full license fee shall be charged for the whole or fraction of any year.
- (c) If the town board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the town board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session and the town board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten days prior to the town board meeting at which the application is to be reconsidered.

(Code 2006, § 7-2-10)

State law reference(s)—Revocations, suspensions, refusals to issue or renew, Wis. Stats. § 125.12.

Sec. 4-31. Transfer and lapse of license.

- (a) In accordance with the provisions of Wis. Stats. § 125.04(12), a license shall be transferable from one premises to another if such transfer is first approved by the town board. An application for transfer shall be made on a form furnished by the town clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be in the amount established by the town board. Whenever a license is transferred, the town clerk shall forthwith notify the state department of revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the town for reissuance of said license and the town, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the town clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the town board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease

to be in effect upon receipt by the town clerk of notice of disapproval of the successor agent by the state department of revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the town board until the successor agent or another qualified agent is appointed and approved by the town.

(Code 2006, § 7-2-11)

State law reference(s) — Transfer of licenses, Wis. Stats. § 125.04.

Sec. 4-32. Numbering of license.

All licenses shall be numbered and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee.

(Code 2006, § 7-2-12)

Sec. 4-33. Posting licenses; defacement.

(a) — Every person licensed in accordance with the provisions of this article shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

(b) — It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(Code 2006, § 7-2-13)

DIVISION 2. OPERATOR'S LICENSE

Sec. 4-55. Application.

Persons desiring an operator's license for purposes specified in this chapter shall make application therefore to the town clerk.

Sec. 4-56. Procedure upon application.

(a) — The town clerk may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the town clerk only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the town.

(b) — At the town's option, all applications are subject to an investigation as provided in section 4-28.

(Code 2006, § 7-2-31)

Sec. 4-57. Duration.

Licenses issued under the provisions of this chapter shall be valid for a period of two years and shall expire on June 30.

(Code 2006, § 7-2-32)

Sec. 4-58. License fees.

The annual fee for an operator's license or provisional license as provided herein, shall be in accordance with the town board's current fee schedule for the term or part thereof, plus actual records check costs.

(Code 2006, § 7-2-33)

Sec. 4-59. Issuance or denial.

(a) *Application approval.* The town clerk shall determine if an individual is qualified for an operator's license and, if qualified, shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

(b) *Application denial.*

(1) If the application is denied by the town clerk, the town clerk shall, in writing, inform the applicant of the denial, the reasons therefor, and of the opportunity to request a reconsideration of the application by the town board. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

(2) If, upon reconsideration, the board denies the application, the town clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter, may apply to circuit court pursuant to Wis. Stats. § 125.12(2)(d) for review.

(c) *Consideration of application.* Considerations for the granting or denial of licenses under this division shall be as provided in section 4-29.

Sec. 4-60. Required training course.

(a) Except as provided in subsection (b) of this section, the town clerk may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:

(1) The person is renewing an operator's license.

(2) Within the past two years, the person held a class "A", class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license that was not revoked or suspended.

(3) Within the past two years, the person has completed such a training course.

(b) The town clerk may issue a provisional operator's license to a person who is enrolled in a training course under subsection (a) of this section and shall revoke that license if the applicant fails successfully to complete the course in which he enrolls.

(c) The town clerk may not require that applicants for operators' licenses undergo training in addition to that under subsection (a) of this section, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under subsection (a) of this section.

(Code 2006, § 7-2-35)

Sec. 4-61. Display of license.

Each license issued under the provisions of this division shall be posted on the premises whenever the operator dispenses.

(Code 2006, § 7-2-36)

Sec. 4-62. Revocation.

Violation of any of the terms or provisions of the state law or of this chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

(Code 2006, § 7-2-37)

DIVISION 3. REGULATIONS

Sec. 4-74. Conditions of license.

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the town applicable thereto.

- (1) *Consent to entry.* 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 inspection and search, and consents to the removal from said premises of all things and articles there had in violation of town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (2) *Employment of minors.* No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the state statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcohol beverages.
- (3) *Disorderly conduct prohibited.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (4) *Licensed operator on premises.* There shall be upon premises operated under a "Class B" or Class "B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B" or "Class C" license unless they possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (5) *Restrictions near schools and churches.* No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

(6) ~~Clubs.~~ No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

(7) ~~Credit prohibited.~~ No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, wares, merchandise or other articles in exchange for alcohol beverages.

(8) ~~Licensee or permittee responsible for acts of agents and employees.~~ A violation of this chapter by a duly authorized agent or employee of a licensee or permittee under this chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this chapter.

(9) ~~Additional conditions.~~ The town board may place additional conditions upon a license consistent with the provisions of this chapter and the laws of the state. Violation of such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

Sec. 4-75. Closing hours.

Closing hours shall be established in conformance with Wis. Stats. § 125.32(3) and further restricted as follows:

(1) ~~Class "B" licenses.~~

a. ~~No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt~~

~~beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m. Monday through Friday, and between 2:30 a.m. and 6:00 a.m. Saturday and Sunday. There shall be no closing hours on January 1.~~

b. ~~Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of subsection (1)a of this section.~~

(2) ~~Carryout hours.~~

a. ~~Between 12:00 midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.~~

b. ~~Between 12:00 midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class B" or Class "B" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.~~

(Code 2006, § 7-2-15; Ord. No. 032012-3, 3-20-2012)

Sec. 4-76. 12-30. Guidelines for outdoor facilities.

(a) Approval required.

- (1) Any retail license issued pursuant to this chapter shall limit and restrict the consumption of alcohol beverages to the building premises defined on the license application unless, prior to the application for license or for renewal thereof, approval is obtained from the town board for an outdoor facility.
- (2) The application to the town board shall be accompanied by the application fee established by the town board as set forth in the town fee schedule, ~~available in the office of the town clerk,~~ together with a site plan of the entire parcel showing the outdoor facility, designating its location with respect to the main premises and other buildings on the site, designating entrances and exits of both the main structure and outdoor facility, and the location of the outdoor facility with respect to buildings on adjoining sites. The application shall also include such other information as the town board may require ensuring compliance with this Code. Existing licenses are exempt from the site plan requirements unless enlarging the outdoor facility.

(b) Guidelines for outdoor facilities. The town board shall consider the following guidelines when reviewing an application for an outdoor facility:

- (1) *Location.* A licensed outdoor area must be immediately adjacent to the indoor portion of the licensed premises. In the event the location of the outdoor area is within 300 feet of property zoned residential, conditions shall be instituted to ensure that such area does not significantly compromise the uses, values, and enjoyment of such residential property within the neighborhood of the proposed site.
- (2) *Fencing and lighting.* The outdoor area should be enclosed with a fence and adequate lighting that will prohibit the passing of alcohol beverages to or from the licensed premises. The requirements for location, height and style of the fence and lighting shall meet those requirements as directed by the town board after due consideration is made to the site location and any other pertinent factors specific to the site. Temporary enclosed tents are exempt from the fencing provisions but other regulations shall apply.
- (3) *Overall appearance and size.* The overall appearance must be attractive. An outdoor area should not be larger than the inside area of its parent building.
- (4) *Entrances and exits.* The normal entry and exit should be from inside the building. However, an entrance and exit must be available from the outdoor facility. The town board shall review the entrance and exit systems.
- (5) *Trash.* Trash receptacles will be required. The outdoor area must be patrolled for trash and cleaned on a daily basis.
- (6) *Alcohol beverage availability.* The availability of alcohol beverages shall be consistent with the license of the applicant.
- (7) *Use of right-of-way; setback.* No outdoor area shall be located on a dedicated public right-of-way. Existing town setbacks shall apply. Exceptions may be requested.
- (8) *Surface and materials.* The outdoor area should be on a hard surface; however, exceptions may be granted upon approval by the town board and after due consideration is made to the site location and any other pertinent factors specific to the site.
- (9) *Hours of operation.* An outdoor facility ~~shall~~ **may** be operated during the hours of 8:00 a.m. to 11:00 p.m. Sunday through Thursday and during the hours of 8:00 a.m. to 12:00 midnight Friday and Saturday.

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- (10) *Music allowed.* No electronically amplified musical instruments, radios, jukeboxes or sound systems shall be used or operated in a licensed outdoor area after 11:00 p.m. Sunday through Thursday or after 12:00 midnight Friday or Saturday.
- (11) *Unlicensed outdoor area.* An unlicensed outdoor area adjacent to and used in conjunction with the licensed premises shall not be used for the purpose of serving or consuming alcohol beverages.
- (c) *Licensee responsibility.* Any licensed outdoor area is subject to all regulations of this chapter and [Wis. Stats. ch. 125](#).
- (d) *Maintaining order.* The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is licensed. Violation of this section may result in the county sheriff's department exercising its authority and ordering any outdoor premises or the entire licensed area closed in the public interest.
- (e d) *Public hearing; notice.* The town board shall conduct a public hearing for all new or enlarged outdoor facilities. Notice shall be given by ordinary mail of the proposed establishment of an outdoor facility to the owners of property immediately adjacent to the area to be considered for the new use extending 300 feet from the outdoor facility and to the owners of properties extending 300 feet from the street frontage of the outdoor facility and also by a Class 1 publication in the newspaper proper notice pursuant to [Wis. Stats. ch. 985](#). When applicable, the fee, as established by the town board, shall be payable by the licensee.

Sec. 4-77. Restrictions on temporary fermented malt beverage or wine licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any town-owned property or privately owned property within the town, except through the issuance of a temporary Class "B" fermented malt beverage license or temporary "Class B" wine license issued by the town board in accordance with state statutes and as set forth in this section. A temporary Class "B" fermented malt beverage license or temporary "Class B" wine license authorizing the sale and consumption of beer and/or wine on town-owned property or privately owned property may be authorized by the town board provided the following requirements are met:

- (1) *Compliance with eligibility standards.* The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in [Wis. Stats. § 125.26\(6\)](#) and shall fully comply with the requirements of this section and section 34-177. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (2) *Posting of signs and licenses.* All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person, and proper identification is required.
- (3) *Fencing.* If necessary due to the physical characteristics of the site, the town board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress and egress. When required, the double fence shall be a minimum of four feet high and a minimum of six feet between fences.
- (4) *Underage persons prohibited.* No underage persons as defined by the state statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.

(5) ~~Licensed operators requirement.~~ A licensed operator shall be stationed at all points of sales at all times.

(6) ~~Waiver.~~ The town board may waive or modify the requirements of this section due to the physical characteristics of the licensed site.

(7) ~~Insurance.~~ The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the town and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the town. The applicant may be required to furnish a performance bond prior to being granted the license.

(Code 2006, § 7-2-16)

Sec. 4-78. 12-31. Continuing business license requirements.

- (a) It shall be a condition of maintaining and keeping a license in the town that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business or intending to resume doing business under conditions of this chapter, as defined as follows, is declared to be against public policy, and thus lacking in usefulness.
- (b) Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the town board by amendments or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such law restrictions and regulations, his license may be revoked in accordance with this chapter. In the event of revocation of any license or any violations of any provisions of this chapter, or by the court for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
- (c) The term "business continuation" of a license is hereby defined to mean as follows: Should a license issued under this chapter not be used within 60 days after its issuance and/or adoption of the ordinance from which this chapter is derived, such situation may be grounds for cancellation of the license in accordance with the provisions of this section. In addition, all persons issued a license to sell alcohol beverages in the town for which a quota exists limiting the number of such licenses that may be issued by the town shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the terms of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply.
- (d) Holders of such licenses are required to possess the following: A premises (facility) from which to conduct business, sanitary permit, building permits, conditional use permits (CUPs) when required in accordance with the county zoning and shoreland protection ordinance, and meeting of any other requirements under the provisions of the county ordinance. Further, holders of such licenses must possess necessary federal I.D. numbers, state sales tax numbers, and shall meet and continue to meet on an ongoing basis all other state and federal requirements. Approval by the town board must also be obtained.
- (e) Exceptions to these requirements to continue to possess a necessary license would be any act of God which may damage or destroy the facility for which the license has been issued to operate the business from. In such cases, the holder of the license will be allowed a maximum of one year to repair damages or rebuild the damaged or destroyed facility and again resume operating the business from the premises for which the license issued was intended. The holder of a license of a damaged or destroyed business shall also be required to meet with the town board at that board's discretion to discuss the situation and progress. Again, the board reserves the right to revoke such license if, in its opinion, progress toward repair or rebuilding is not progressing in a timely manner. In such cases, the holder of the license has the express right to request a hearing, and any other appeal avenues which may be available to the license holder.

(Code 2006, § 7-2-17(c)(1)–(5))

State law reference(s)—Possession of alcohol beverages and presence on licensed premises by underage and intoxicated persons, Wis. Stats. § 125.07; proof of age, Wis. Stats. § 125.085.

Sec. 4-79. Nonalcohol events for underage persons on licensed premises.

The presence of underage persons on a licensed premises as provided under Wis. Stats. § 125.07(3)(a)10 shall be subject to the following:

- (1) The licensee or agent of a corporate licensee shall notify the town clerk at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such nonalcohol event notice shall specify the date on which the event is to occur and the time of commencement. All notices shall be filed with the town clerk during normal working hours. After a nonalcohol event notice has been given, the licensee may cancel an event only by giving like notice to the town in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (2) During the period of any nonalcohol event a notice card prescribed by the town shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the town to a requesting licensee.
- (3) Once a nonalcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (4) During the period of any nonalcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages, or speed guns, shall be either disconnected, disabled or made inoperable.

(Code 2006, § 7-2-18)

DIVISION 4. SUSPENSION AND REVOCATION

Sec. 4-99. Revocation and suspension of licenses; nonrenewal.

(a) *Procedure.*

- (1) The town shall follow the procedure outlined in Wis. Stats. § 125.12 when taking suspension/revocation/nonrenewal action against any alcohol beverage license issued by the town board.
- (2) If the action is initiated by a citizen or a board member, the town board may take action and upon notice hold a hearing under Wis. Stats. § 125.12.
- (3) Grounds. Licenses may be the subject of hearings as described in this section for any violation of Wis. Stats. ch. 125 including, but not limited to, the following:
 - a. The running of a disorderly house as proscribed by Wis. Stats. § 125.12.

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- b. Licensee or operator directly interfering with police officers or otherwise violating the law in a manner substantially related to the operation of the licensed facility.
 - c. Any violation of any health code provision of the state dealing with public health, welfare, and safety.
 - d. Any building, electrical or plumbing code violation of the state dealing with public health, welfare, and safety.
 - e. Any liquor related violation involving juveniles as proscribed by Wis. Stats. ch. 125, specifically Wis. Stats. § 125.07.
 - f. Any violation of general statutory restrictions pertaining to licensed premises and operations as proscribed by Wis. Stats. ch. 125.
 - g. Any failure to maintain the qualifications required of all license holders as detailed by Wis. Stats. § 125.04.
 - h. Any violation of any restriction, stipulation, or agreement entered into with the town or signed in consideration of a license issued by the town under this chapter or Wis. Stats. ch. 125.
 - i. Whether the licensee and/or the licensee's agents, employees, and assigns have accumulated 200 or more demerit points within a 12-month period.

(b) Penalties.

- (1) All actions being affirmed by the town board, or any conviction under Wis. Stats. ch. 125 in circuit court against an alcohol beverage license holder, shall be considered as a violation under this section.
- (2) Violations shall be counted from date of said violation and shall accrue for a period of 36 months.
- (3) All actions where the complaint is found true by the town board shall result in the following penalties:
 - a. First through third action: a suspension as provided in the town penalty schedule, available in the office of the town clerk.
 - b. Fourth action: a revocation as provided in the town penalty schedule, available in the office of the town clerk.

(c) Disciplinary action.

- (1) In the event any licensed party violates this chapter, disciplinary action may be taken by the town board, including reprimand, suspension of the license for a specified number of days, up to a maximum as provided in the town penalty schedule, available in the office of the town clerk, or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will specify the reason for the hearing, and the subsequent decision of the board, will be sent by first class mail to the last known address of the licensee, or personally served, at the option of the town chairperson.
- (2) In the event disciplinary action is taken against a licensee, the state procedure mandated under present Wis. Stats. § 125.12 or its successor, will be followed. At present, said procedure requires personal service of the hearing notice, which is the summons and complaint, and a hearing within three to ten days thereafter.
- (3) As specified by law, there shall be no refund of any license fee paid to a party whose license is revoked.
- (4) In lieu of a hearing, the town board may accept surrender of the license, and the town board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.

(5) Evidence and testimony at the hearing shall be done in open session. Pursuant to Wis. Stats. § 19.85(1)(a), the board may go into closed session to deliberate with regard to its decision, where that possibility and option have been properly and legally listed on the hearing notice posted and/or published. The town clerk shall see that the hearing notice is posted and/or published, in format acceptable to the town chairperson.

(Code 2006, § 7-2-17(a), (b), (c)(6) — (10))

State law reference(s) — Revocations, suspensions, refusals to issue or renew, Wis. Stats. § 125.12.

Secs. 12-32—12-44. Reserved.

ARTICLE ~~III~~ IV. CIGARETTE, ELECTRONIC VAPING DEVICES AND TOBACCO PRODUCTS ~~SALES~~

Sec. 12-45. Definitions.

Terms in this Article shall have the meaning given them by Wis. Stats. § 134.65(1a).

Sec. 12-46. License required.

No person shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.

Licenses shall be required pursuant to Wis. Stats. § 134.65(1d).

An application for a license shall be completed on the form prescribed by the state department of revenue pursuant to Wis. Stats. § 134.65(1g).

Subsequent application changes shall be filed with the town clerk pursuant to Wis. Stats. § 134.65(1g)(e).

Issuance of licenses or shall be limited to those who meet qualifications pursuant to Wis. Stats. § 134.65(1m).

Pursuant to Wis. Stats. § 134.65(2)(a), upon filing of a proper written application, a license shall be issued on July 1 of each year or when applied for and continued in force until the following June 30 unless sooner revoked. The town may charge a fee for the license of not less than \$5 nor more than \$100 per year which shall be paid to the town treasurer before the license is issued. The fee shall be included on the town fee schedule.

Pursuant to Wis. Stats. § 134.65(2m), the clerk shall submit to the department of revenue a list of licenses issued.

Pursuant to Wis. Stats. § 134.65(3), such licenses shall not be transferable from one person to another nor from one premises to another.

Pursuant to Wis. Stats. § 134.65(8), the town shall strictly conform to Wis. Stats. § 134.65(7) in reference to filing a complaint; issuing a summons for licensee to appear before the town board; suspension, revocation or nonrenewal of license; judicial review.

Hearings for consideration or reconsideration of revocations, suspensions and refusals to renew shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session.

(Code 2006, § 7-3-1(a))

Sec. 12-47. Application for license; fee.

Every person desiring a license under this article shall file with the town clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the town clerk and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the town clerk a license fee in accordance with the town board's current fee schedule.

(Code 2006, § 7-3-1(b))

Sec. 12-48. Issuance and term of license.

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale, of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the town clerk. Each license shall be issued on July 1 in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30 unless sooner revoked for any violation of this article.

(Code 2006, § 7-3-1(c))

Chapter 16 COURTS[±]

ARTICLE I. IN GENERAL

Sec. 16-1. Alternative juvenile dispositions and sanctions.

The court may impose alternative juvenile dispositions and sanctions as provided in chapter 34.

Secs. 16-2—16-20. Reserved.

ARTICLE II. JOINT MUNICIPAL COURT

Sec. 16-21. Established; costs of administration.

- (a) *Court established.* The joint municipal court for the City of Peshtigo, the Town of Peshtigo, the Town of Grover and the Town of Porterfield permitted by [Wis. Stats. ch. 755](#) was established and became operative and functional on December 18, 2007.
- (b) *Administering agreement.* The Peshtigo Common Council, the Peshtigo Town Board, the Grover Town Board and the Porterfield Town Board shall enter into an agreement to share the costs of maintaining the joint municipal court.

(Code 2006, § 2-4-18(a), (l); Ord. No. 02-07, 12-18-2007)

Sec. 16-22. Municipal judge.

- (a) *Residency.* The person filling the office of municipal judge shall be a resident of the City of Peshtigo, the Town of Peshtigo, the Town of Grover or the Town of Porterfield.
- (b) *Election, vacancies, salary, etc.* The joint municipal court shall be presided over by a municipal judge.
 - (1) *Election; term.* The municipal judge shall be elected at large by the Town of Peshtigo electors, Town of Grover electors, Town of Porterfield electors, and the City of Peshtigo electors for a four year term pursuant to [Wis. Stats. § 755.02](#) effective May 1, 2012. The judge will be elected every four years by the electors in the municipal court area. The municipal judge shall serve until a successor is elected and

[±]State law reference(s) — Municipal courts generally, [Wis. Stats. § 755.001 et seq.](#); municipal court procedure, [Wis. Stats. § 800.001 et seq.](#); procedure in forfeiture actions, [Wis. Stats. § 23.50](#); authority for municipal citations for certain ordinance violations, [Wis. Stats. § 66.0113](#); form of citation in municipal court, [Wis. Stats. § 800.02](#); contempt of court generally, [Wis. Stats. § 785.01 et seq.](#); municipal court contempt procedure, [Wis. Stats. § 800.12](#); application by municipal court for remedial or punitive sanctions, [Wis. Stats. § 785.06](#); arrests, bails, and penalties generally, [Wis. Stats. § 345.11 et seq.](#); sentencing of juveniles, [Wis. Stats. § 345.18](#); sentencing in traffic forfeiture actions, [Wis. Stats. § 345.20](#); deposits, [Wis. Stats. § 345.26](#).

qualified. Mid-term vacancies in the office of municipal judge shall be filled by appointment, as agreed upon by the city council and the town boards pursuant to [Wis. Stats. § 8.50\(4\)\(fm\)](#).

- (2) *Salary.* The municipal judge shall receive a salary paid by the city and each town which shall be in lieu of fees and costs. No salary shall be paid to the municipal judge for any time during the term for which the official bond and oath have not been executed and filed, as required by subsection (b)(3) of this section [as well as Wis. Stats. § 755.04](#).
- (3) *Bond; oath.* The municipal judge shall execute and file with the clerk of courts for the county the oath prescribed by [Wis. Stats. § 757.02](#) and a bond. The municipal judge shall not be qualified to act until a certified copy of the bond is filed with the city clerk and town clerks of each town and a certified copy of the oath is filed with the office of the state administrator of courts, as required by [Wis. Stats. § 755.03](#).

(Code 2006, § 2-4-18(b), (d)(1)–(3); Ord. No. 02-07, 12-18-2007; Ord. No. 032012-2, 3-20-2012)

~~State law reference(s) — Term of municipal judgment, Wis. Stats. § 755.02; oath and bond of municipal judge, Wis. Stats. § 755.03; salary and fees of municipal judge, Wis. Stats. § 755.04.~~

Sec. 16-23. Jurisdiction; sessions; location.

- (a) *Jurisdiction.* The joint municipal court and the municipal judge shall have jurisdiction as provided in [Wis. Stats. §§ 755.045 and 755.05](#), and as otherwise provided by state law.
- (b) *Sessions.* The joint municipal court shall be open on the days and hours set by the municipal judge.
- (c) *Location.* The municipal judge shall keep an office and hold court in the City Hall of the City of Peshtigo and the Town Hall of the Town of Peshtigo.

(Code 2006, § 2-4-18(c), (d)(4), (e); Ord. No. 02-07, 12-18-2007)

~~State law reference(s) — Municipal court jurisdiction, Wis. Stats. § 755.045; municipal court sessions, Wis. Stats. § 755.06; place of municipal judge's office, Wis. Stats. § 755.09.~~

Sec. 16-24. Procedure; use of citations.

- (a) *Procedure.* The procedure in the joint municipal court shall be as provided by this section and state law including, without limitation because of enumeration, [Wis. Stats. chs. 800 and 755](#) and [Wis. Stats. §§ 23.50, to 23.52, 23.53, 23.85, 345.11, 345.20 to 345.53, and 972.11\(3m\)](#).
- (b) *Use of citations.* The use of citations to be used for alleged violations of ordinances is hereby authorized pursuant to [Wis. Stats. § 66.0113\(1\)\(a\)](#). The form of the citation shall ~~be the Wisconsin Uniform Municipal Court Citation established~~ include information pursuant to [Wis. Stats. §§ 800.02\(2\) and 66.0113\(1\)\(b\)](#).
- (c) *Issuance of citations.* Citations issued pursuant to subsection (b) of this section shall be signed by ~~a peace officer or~~ the town constable, or upon application of any other ~~city or~~ town officer or employee, shall be endorsed by the ~~city or~~ town attorney or authorized legal counsel [as applicable](#) and served by personal service by ~~a municipal employee~~ the town constable or as provided in [Wis. Stats. §§ 968.04\(3\)\(b\)\(2\) and 66.0113\(2\)](#).
- (d) *Forfeitures.* The municipal judge may impose punishment and forfeitures provided under state law and as provided in the ~~town~~ ordinances ~~of the city and the respective towns~~. The municipal judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the municipal court and shall pay over the amounts collected to the ~~city clerk or~~ appropriate town clerk within 15 days of receipt. At such time, the municipal judge shall also report to the

city clerk or appropriate town clerk the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, assessment, fees and costs.

(Code 2006, § 2-4-18(f)—(i); Ord. No. 02-07, 12-18-2007)

State law reference(s)—Municipal court procedure, Wis. Stats. § 800.001 et seq.; form of citation in municipal court, Wis. Stats. § 800.02; authority for municipal citations for certain ordinance violations, Wis. Stats. § 66.0113.

Sec. 16-25. Contempt of court.

The municipal judge may impose a sanction authorized under Wis. Stats. § 800.12(2) for contempt of court, as defined in Wis. Stats. § 785.01(1), in accordance with the procedures under Wis. Stats. § 785.03. The municipal judge may impose a forfeiture for contempt under Wis. Stats. § 800.12(1) in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture, penalty assessment under Wis. Stats. § 165.87, jail assessment under Wis. Stats. § 302.46, and any applicable domestic abuse assessment under Wis. Stats. § 973.055(1), a jail sentence not to exceed seven days.

(Code 2006, § 2-4-18(j); Ord. No. 02-07, 12-18-2007)

State law reference(s)—Contempt of court generally, Wis. Stats. § 785.01 et seq.; municipal court contempt procedure, Wis. Stats. § 800.12; application by municipal court for remedial or punitive sanctions, Wis. Stats. § 785.06; jail surcharge, Wis. Stats. § 302.46.

Sec. 16-26. Stipulations and deposits.

- (a) *Bond schedule to be established.* The city and towns shall establish by resolution a bond schedule for violations of city or town ordinances. As adopted by the town with the exception of, except traffic regulations, which are governed by Wis. Stats. § 345.26.
- (b) *Initial appearance.* Initial appearance pursuant to Wis. Stats. § 800.035. If the court finds the defendant guilty, the court may render judgment pursuant to Wis. Stats. § 800.09.
- (c) *Stipulation and deposit in lieu of court appearance.* Persons cited for violations of city or town ordinances for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. § 800.03, 800.04, and 800.09. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under section 16-25.
- (d) *Traffic and all-terrain vehicle deposits.* The bond schedule established by the state judicial conference and the procedures set forth in Wis. Stats. chs. 23 and 345 shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Wis. Stats. § 345.26 and all-terrain vehicle regulations enacted in accordance with Wis. Stats. § 23.33.
- (e) *When not permitted.* Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under section 16-25.

(Code 2006, § 2-4-18(k); Ord. No. 02-07, 12-18-2007)

State law reference(s)—Arrests, bails, and penalties generally, Wis. Stats. § 345.11 et seq.; sentencing of juveniles, Wis. Stats. § 345.18; sentencing in traffic forfeiture actions, Wis. Stats. § 345.20; deposits, Wis. Stats. § 345.26.

Chapter 20 ENVIRONMENT¹

¹State law reference(s) — Requirements for floodplain regulation, Wis. Stats. § 87.30; town construction site erosion control and stormwater management zoning, Wis. Stats. § 60.627; conservation generally, Wis. Stats. § 23.09 et seq.; public lands administration, Wis. Stats. § 24.01 et seq.; protection of forest lands and forest productivity, Wis. Stats. § 26.01 et seq.; navigable waters, harbors, and navigation, Wis. Stats. § 30.01 et seq.; public inland waters, Wis. Stats. § 33.001 et seq.; nuisance weeds, Wis. Stats. § 23.235; flood damage aids on highways, Wis. Stats. § 86.34; flood control, Wis. Stats. § 87.01 et seq.; drainage of lands, Wis. Stats. § 88.01 et seq.; floodplain zoning, Wis. Stats. § 87.30; soil and water conservation and animal waste management, Wis. Stats. § 92.01 et seq.; municipal soil conservation on private land, Wis. Stats. § 92.115; groundwater protection standards, Wis. Stats. § 160.001 et seq.; smoke as health hazard, Wis. Stats. § 254.57.

Chapter 28 HUMAN RELATIONS¹

¹State law reference(s) — Equal rights programs generally, Wis. Stats. § 106.50 et seq.; local housing authorities, Wis. Stats. § 66.1201 et seq.; village housing authorities, Wis. Stats. § 61.73; fair employment, Wis. Stats. § 111.31 et seq.; prohibited local labor practices, Wis. Stats. § 111.70 et seq.

Chapter 30 LAW ENFORCEMENT¹

¹State law reference(s) — Definitions of police chief, police department, and police officer, Wis. Stats. § 990.01; law enforcement officer defined, Wis. Stats. § 967.02; Law Enforcement Officers' Bill of Rights, Wis. Stats. § 164.01 et seq.; police and firefighting services generally, Wis. Stats. § 213.01 et seq.; police relief association, Wis. Stats. § 213.11; town law enforcement, Wis. Stats. § 60.56; town police and fire commission, Wis. Stats. § 60.57; village police and fire departments, Wis. Stats. § 61.65; authority to arrest with warrant, Wis. Stats. § 345.21; authority to arrest without warrant, Wis. Stats. § 345.22; traffic officers not to profit from arrests, Wis. Stats. § 345.55.

Chapter 32 MANUFACTURED AND MOBILE HOMES¹

¹State law reference(s) — Manufactured and mobile homes, Wis. Stats. § 101.91 et seq.; property taxation of mobile and manufactured homes, Wis. Stats. § 70.043; modular home code, Wis. Stats. § 101.70 et seq.; local regulation of manufactured and mobile home communities, Wis. Stats. § 66.0435; local ordinances regarding manufactured home to conform to state law regarding installations, Wis. Stats. § 101.96.

Chapter 38 PEDDLERS AND SOLICITORS¹

¹State law reference(s) — Solicitation of funds for charitable purposes, Wis. Stats. § 440.41 et seq.; peddlers, Wis. Stats. § 440.51 et seq.; local regulation of transient merchants, Wis. Stats. § 66.0423.

Chapter 40 PERSONNEL¹

¹State law reference(s) — State alcohol, drug abuse, developmental disabilities and mental health act, Wis. Stats. § 51.001 et seq.; employment regulations generally, Wis. Stats. § 103.001; worker's compensation generally, Wis. Stats. § 102.01 et seq.; minimum wage law, Wis. Stats. § 104.001 et seq.; wage payments, claims and collections, Wis. Stats. § 109.01 et seq.; fair employment generally, Wis. Stats. § 111.31 et seq.; municipal employment relations, Wis. Stats. § 111.70 et seq.; prohibited local labor practices, Wis. Stats. § 111.70 et seq.

Chapter 42 PLANNING¹

ARTICLE I. GENERAL

Secs. 42-1—42-18. Reserved.

ARTICLE II. COMPREHENSIVE PLAN

Sec. 42-19. Plan adopted.

The comprehensive plan recommended by the plan commission to the town board, and adopted by the town board is available for inspection in the office of the town clerk.

(Ord. No. 01-07, § 1, 8-21-2007)

Sec. 42-20. Clerk to file copies.

The town clerk is directed to file a copy of the attached comprehensive plan with all the following entities:

- (1) — Every governmental body that is located in whole or in part within the town boundaries;
- (2) — The clerk of every local governmental unit that is adjacent to the town;
- (3) — The state department of administration;
- (4) — The Bay Lake Regional Planning Commission; and
- (5) — The Peshtigo Public Library.

(Ord. No. 01-07, § 2, 8-21-2007)

¹State law reference(s) — Town zoning authority if exercising village powers, Wis. Stats. § 60.62; town zoning board of adjustment, Wis. Stats. § 60.65; town historic preservation, Wis. Stats. § 60.64; community and other living arrangements, Wis. Stats. § 60.63; local subdivision regulation, Wis. Stats. § 236.45; comprehensive municipal planning, Wis. Stats. § 66.1001; city planning, Wis. Stats. § 62.23; village planning, Wis. Stats. § 61.35; zoning of wetlands and shorelands, Wis. Stats. § 62.231; floodplain zoning, Wis. Stats. § 87.30; navigable waters protection law, Wis. Stats. § 281.31; farmland preservation, Wis. Stats. § 91.01 et seq.; regional planning programs, Wis. Stats. § 60.82.

Chapter 46 SECONDHAND GOODS¹

¹State law reference(s) — Pawnbrokers and secondhand article and jewelry dealers, Wis. Stats. § 134.71; limitations on interest rates charged by pawnbrokers, Wis. Stats. § 138.10; deceptive advertising, Wis. Stats. § 100.18.

Chapter 52 TAXATION¹

¹State law reference(s) — Property taxes generally, Wis. Stats. § 70.01 et seq.; property tax credits, Wis. Stats. § 79.10 et seq.; payments for municipal services, Wis. Stats. § 70.119; tax rolls, Wis. Stats. § 70.65; duties of clerk to examine and correct tax rolls, Wis. Stats. § 70.52; collection of taxes, Wis. Stats. § 70.68; return and collection of delinquent taxes, Wis. Stats. § 74.45 et seq.; taxation of public utilities, Wis. Stats. § 76.01 et seq.; general sales and use taxes, Wis. Stats. § 77.51 et seq.; local food and beverage tax, Wis. Stats. § 77.98 et seq.; local rental car tax, Wis. Stats. § 77.99 et seq.; municipal and county shared revenue, Wis. Stats. § 79.005 et seq.; beverage taxes, Wis. Stats. § 139.01 et seq.; cigarette taxes, Wis. Stats. § 139.30 et seq.; tobacco products taxes, Wis. Stats. § 139.75 et seq.; town tax increment law, Wis. Stats. § 60.85.

Chapter 56 UTILITIES[†]

[†]State law reference(s) — Regulation of public utilities generally, Wis. Stats. § 196.01 et seq.; local regulation of public utilities generally, Wis. Stats. § 66.0801 et seq.; municipal power under utility laws, Wis. Stats. § 197.01; groundwater protection standards, Wis. Stats. § 160.001 et seq.; municipal acquisition of utilities, Wis. Stats. § 197.01 et seq.; municipal power and water districts, Wis. Stats. § 198.01 et seq.; municipal public utilities contracts, Wis. Stats. § 196.71; municipal public utility charges, Wis. Stats. § 66.0809; municipal public utility revenues, Wis. Stats. § 66.0811; combining local water and sewer utilities, Wis. Stats. § 66.0819; municipal electric companies, Wis. Stats. § 66.0825; town public works and safety generally, Wis. Stats. § 60.50 et seq.; sewer and water systems of adjoining municipality, Wis. Stats. § 60.52; village authority regarding streets, sidewalks, sewers, and watercourses, Wis. Stats. § 61.36; village authority regarding service pipes and sewers, Wis. Stats. § 61.39.