

Chapter 12

LICENSES AND PERMITS

- Sec. 12.01. License fees.
- Sec. 12.02. General provisions as to licenses.
- Sec. 12.03. Alcohol beverages.
- Sec. 12.031. Nudity Ordinance *(adopted by the Town Board of the Town of Oak Grove 6-18-2001 by Ordinance Number 2001-01)*
- Sec.12.032. Nude dancing in licensed establishments prohibited.
- Sec. 12.04. Animal control.
- Sec. 12.05. Storage and parking of recreational vehicles. *(adopted by the Town Board of the Town of Oak Grove 1-17-2005 by Ordinance 2005-01)*
- Sec. 12.10. Penalty.
- Sec 12.11 Purpose. *(regulate Special Events to assure that proper public facilities can be provided for such Special Events. Adopted by the Town Board of the Town of Oak Grove 6-4-2009 by Ordinance 2009-2)*
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- Sec 12.24 Severability.
- Sec 12.25 Effective date.

HISTORY:

(1) Chapter 12 of the Oak Grove Licenses and Permits was repealed by the Town of Oak Grove Board by Resolution on 6-18-2001. It was recreated adding 12.031, Nudity Ordinance and 12.032, Nude Dancing in Licensed Establishments Prohibited, and adopted by the Town of Oak Grove Board as Ordinance 2001-01. It is published as replacement Chapter 12, Sections 12.01 through 12.10 on 6-18-2001.

At the regular meeting 6-18-2001, the Town of Oak Grove Board repealed former Chapter 12, Licenses and permits, and republished section 12 adding sections 12.031 and 12.032. Chapter 12 is now renumbered reflecting these additions.

(2) Section 12.05 of the Oak Grove Licensing and Permits Code was repealed by the Town of Oak Grove Board by Resolution 2005-001. It was recreated and adopted by the Town of Oak Grove Board as Ordinance 2005-01. It is published as replacement Chapter 12, Section 12.01 through 12.10 on 01-17-2005.

At the regular meeting, 1-17-2005, the Town of Oak Grove Board repealed former Section 12.05, Mobile Homes, and recreated Section 12.05, Storage and Parking of Recreational Vehicles.

(3) At the regular meeting the Town Board of the Town of Oak Grove, in the interest of the public health, safety and welfare, and pursuant to its authority under Wisconsin laws, including but not limited Wisconsin Statutes, Chapter 125, hereby ordains that Section 12.01, License Fees, of the General Code of the Town of Oak Grove shall be amended. The amended code is published in Section 12.01 dated 7-21-2008.

(4) At the regular meeting the Town Board of the Town of Oak Grove finds that it is in the best interest of the public health, safety, and welfare to regulate Special Events to assure that proper public facilities, including road access, police and fire protection, and other health and safety facilities can be provided to such Special Events, and to assure that such Special Events do not unreasonably disturb surrounding areas, therefore, the Town Board of the Town of Oak Grove hereby ordains as follows: Adopts Ordinance 2009-2 adding Section 12.11 through 12.25 establishing a requirement and procedure for obtaining a Special Event permit. This code was adopted May 18, 2009 and published in Section 12.11 through 12.25, dated 6-4-2009.

(5) At the regular meeting the Town Board of the Town of Oak Grove, amends Section 12.14.G as provided in Ordinance 2009-5. (temporary alcohol beverage license for Special Events). This code was adopted May 18, 2009, revised 6-20-2009, and published as Section 12.14.G.

Sec. 12.01. License fees

Unless otherwise indicated, fees for licenses issued under this chapter shall be as provided in this section. Such fees may be changed from time to time by resolution of the Town Board.

(1) *Alcohol beverages.*

(a) Retail class B fermented malt beverage license: \$100.00.

1. Special event (picnic): \$10.00.

(b) Retail class B intoxicating liquor license: \$500.00.

(c) Operator's license: \$20.00.

(d) The initial issuance fee for reserve "class B" license shall be \$20,000.00.

(e) "Class B" to a winery: \$500.00

(2) *Dogs.*

(a) Neutered males and spayed females: \$5.00.

(b) Unneutered males and unspayed females: \$10.00.

(3) Cigarette license: \$50.00.

(Ord. No. 12.031, § 1, 6-21-99)

Sec. 12.02. General provisions as to licenses.

(1) *Licenses or permits required.* No person shall engage in any trade, profession, business or privilege in the town for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the town in the manner provided in this section, unless otherwise specifically provided.

(2) *Application.* Unless otherwise provided, application for a license or permit shall be made in writing to the town clerk upon forms provided by the town, and applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

(3) *Payment of fee.* The fees required for any license or permit shall be paid at the office of the town clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied.

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

(5) *Approval or denial of licenses.* Where the approval of any town or state officer is required prior to the issuance of any license or permit, such approval shall be presented to the town before any license or permit is issued

(6) *Certificate.* Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit and shall be signed in the name of the town by the chairman and town clerk and be impressed with the town seal. The clerk shall keep a record of all licenses and permits issued.

(7) *Terms.*

(a) Unless otherwise provided, the license year shall end on June 30 of each year.

(b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

(c) Permits shall be issued for the term set forth in the permit.

(8) *Exhibition of certificate.* Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(9) *Transfer.* Unless otherwise provided, no license or permit shall be transferable or assignable.

(10) *Determinations of the town board.* All determinations made by the town board shall be subject to the provisions of chapter 68, Wis. Stats.

(11) *Inspection.* Town officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

(1) *Revocation and suspension of licenses.*

- (a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the town board. No license shall be revoked except upon written verified complaint filed with the town board by the chairman, a member of the town board, the constable or a resident of the town. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the town board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than five days after notice, except as otherwise agreed between the parties.
- (b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the chairman or presiding officer of the board to compel the attendance of witnesses.

(2) After hearing the evidence, the board may revoke such license or impose a limited period of suspension. The determination of the board shall be final, subject to review under chapter 68, Wis. Stats., provided the licensee shall not be entitled to a further hearing unless granted by the town board.

(3) The constable shall repossess any license revoked hereunder.

- (a) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the town board.

Sec. 12.03. Alcohol beverages.

(4) *State statutes adopted.* The provisions of chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(5) *Licenses, permits, authorization required.*

- (a) When required. Except as provided by section 125.06, Wis. Stats., no person shall within the town, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or chapter 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See section 125.04(1), Wis. Stats.
- (b) Separate license required for each place of sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See section 125.04(9), Wis. Stats.

(3) *Classes of licenses and fees.* The following classes and denominations of licenses may be issued by the town clerk under the authority of the town board upon compliance with law and payment of the fee herein specified which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced state statute.

(a) Class A fermented malt beverage retailer's license. See section 125.25, Wis. Stats.

(b) Class B fermented malt beverage retailer's license. See section 125.26, Wis. Stats.

(1) Six months. A Class "B" license may be issued at any time for six months in any calendar year, for three-fourths of the applicable license fee. Such license shall not be renewable during the calendar year in which issued. See section 125.26(5), Wis. Stats.

(2) Special event (picnic). See section 125.26(6), Wis. Stats.

(c) Wholesaler's fermented malt beverage license. May not exceed \$25.00 per year or fraction thereof. See section 125.28, Wis. Stats.

(d) Retail Class A liquor license. See section 125.51(2), Wis. Stats.

(e) Retail Class B liquor license. A retail "Class B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed four liters at any one time to be consumed off the licensed premises. See section 125.51(3), Wis. Stats.

(1) A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.

(2) The fee for such license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued. See section 125.51(9), Wis. Stats.

(f) Operator's license. See section 125.17, Wis. Stats.

(1) Operator's licenses may be granted to individuals by the town board for the purposes of complying with section 125.32(2) and section 125.68(2), Wis. Stats.

(2) Operator's licenses may be issued only on written application on forms provided by the town.

(3) Operator's licenses shall be valid for one year and shall expire on June 30 of each year.

- (g) Reserve "Class B" license as defined as a liquor license that is not granted or issued by a municipality on December 1, 1997 as defined in Wis. Stat., 125.51(4)(a)4. See Wis. Stat., 125.51(3)(e)2 and see Wis. Stat., 135.51(4)(a)4.

(4) *License application.*

- (a) *Form.* Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue and filed with the town clerk at least 15 days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- (b) *Application to be notarized.* The application shall be signed and sworn to by the applicant as provided by section 887.01, Wis. Stats.
- (c) *Publication.* Prior to issuance of a license under this section, the town clerk shall publish notice of the application in the official town newspaper.
- (d) *Duplicate.* Upon approval, a duplicate copy of each application shall be forwarded by the town clerk to the state department of revenue.

(5) *License restrictions.*

- (a) *Statutory requirements.* Licenses shall be issued only to persons eligible therefor under section 125.04 and section 125.68(3), Wis. Stats.
- (b) *Location.*
 - (1) No retail "class A" or "class B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.
 - (2) This paragraph 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, hospital or church building.
- (c) *Violators of liquor or beer laws or ordinances.* No retail class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under section 125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

- (d) *Health and sanitation requirements.* No retail class B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state department of industry, labor and human relations pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants and to all such ordinances and regulations adopted by the town board.
- (e) *License quota.* The number of persons and places that may be granted a retail class B liquor license under this section is limited as provided in section 125.51(4), Wis. Stats.
- (f) *Age requirement.* No license hereunder, except an operator's license, shall be granted to any person who has not attained the age of 19 by September 1, 1986. Operator's licenses may be issued only to applicants who have attained the age of 18.
- (g) *Effect of revocation of license.* Twelve months shall elapse before another license shall be granted to the person whose license was revoked.
- (h) *Delinquent taxes, assessments and claims.* No license shall be granted for any premises for which taxes, assessments or other claims of the town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the town.
- (i) *Issuance for sales in dwellings prohibited.* No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.
- (j) *Operator's license required.* No person other than the licensee or persons having an operator's license issued by the town shall be behind the bar in the licensed premises for the purpose of serving, dispensing or mixing alcohol beverages.
- (k) *Special events.*
 - (1) Holders of picnic licenses and holders of licenses for occasions when beer is to be dispensed by a number of vendors passing among participants in events shall provide for a licensed operator to be present at all times at the central facility for dispensing beer during the time the premises are open. There shall also be at least one additional operator supervising all persons dispensing beer in the outer area serviced by the central facility.
 - (2) This rule shall not apply to golf courses for occasions such as stag nights and ladies nights when events are participated in only by members and their few invited guests.

(6) *Form and expiration of licenses.* All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law. The town clerk shall affix his affidavit as required by section 125.04(4), Wis. Stats.

(7) *Transfer of licenses.*

(a) *As to person.* No license shall be transferable as to licensee except as provided by section 125.04(12), Wis. Stats.

(b) *As to place.* Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in section 125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the state department of revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be \$10.00.

(8) *Posting and care of licenses.* Every license or permit required under this section shall be framed and posted and at all times displayed as provided in section 125.04(10) Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) *Regulation of licensed premises and licensees.*

(a) *Gambling and disorderly conduct prohibited.* Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(b) *Employment of underage person.* No licensee shall employ any person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.

(c) *Sales by clubs.* No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(d) *Safety and sanitation requirements.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(10) *Closing hours.* No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(a) If a retail class A fermented malt beverage license, between 2 a.m. and 6 a.m.

(b) If a retail class A intoxicating liquor license, between 10 p.m. and 6 a.m.

- (c) If a retail class B license, between 2 a.m. and 6 a.m. on weekdays and between 2 a.m. and 6 a.m. on Saturdays and Sundays. On January 1 premises operating under a class B license are not required to close. No package, container or bottle sales may be made after midnight.
- (d) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs and golf courses may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(11) Revocation and suspension of licenses.

- (a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by section 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.
- (b) Effect of Revocation. See subsection (5)(h) of this section.

(12) Nonrenewal of licenses. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the town board.

(13) Violations by agents and employees. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(14) Selling or giving beer to underage persons prohibited. No person shall sell, dispense, give or furnish any fermented malt beverage to any underage person when not accompanied by parent, guardian or spouse of legal drinking age.

(15) Purchase or possession of intoxicating liquor or fermented malt beverages by underage persons prohibited. No underage person shall purchase or receive from any person, or have in his possession, any intoxicating liquor or wine. No underage person shall purchase or receive from any person, or have in his possession, any fermented malt beverages unless accompanied by his parent, guardian or spouse of legal drinking age.

(Ord. No. 12.031, § 1, 6-21-99)

Sec. 12.031. Nudity Ordinance

AN ORDINANCE PROHIBITING LIVE, TOTALLY NUDE, NON-OBSCENE, EROTIC DANCING IN ESTABLISHMENTS LICENSED TO SELL ALCOHOL BEVERAGES AND CREATING AN EXCEPTION FROM SUCH PROHIBITION FOR THEATERS, CIVIC CENTERS, PERFORMING ARTS CENTERS, AND DINNER THEATERS WHERE LIVE DANCE, BALLET, MUSIC AND DRAMATIC PERFORMANCES OF SERIOUS ARTISTIC MERIT ARE OFFERED ON A REGULAR BASIS.

WHEREAS, the Town Board of the Town of Oak Grove has explicit authority under sec. 125.10(1), Wis. Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in ch. 125, Wis. Stats., and,

WHEREAS, the Town Board has village powers under sec. 60.10(2)©, Wis. Stats., that grants general police powers as set forth in sec. 61.34(1), Wis. Stats., to act for the good order of the Town, for its commercial benefit and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and,

WHEREAS, the Town Board recognizes it lacks authority to regulate obscenity in light of sec. 66.051(3), Wis. Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene dancing in bars and taverns; and,

WHEREAS, bars and taverns featuring live totally nude, non-obscene dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and,

WHEREAS, the Town Board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and,

WHEREAS, however, the Town Board is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene dancing occurs may and do generate secondary effects which the Town Board believes are detrimental to the public health, safety and welfare of the citizens of the City of Oak Grove; and,

WHEREAS, among these secondary effects are: (a) the increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct; and,

WHEREAS, the consumption of alcohol in such establishments exacerbates the negative secondary effects;

WHEREAS, the Town Board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Town of Oak Grove; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and,

WHEREAS, the Town Board has determined that the enactment of an ordinance prohibiting live, totally nude, non-obscene dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF OAK GROVE ORDAINS THAT THE OAK GROVE CODE OF ORDINANCES SHALL BE AMENDED TO ADD §12.031 AS FOLLOWS:

Sec. 12.032. NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

(1) Prohibition. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

- (a) Shows the male or female genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or,
- (b) Shows the female breast with less than a fully opaque covering of any part of the nipple and areola;
- (c) Shows the human male genitals in a discernibly turgid state, even if fully and opaquely covered;.

(2) Exemptions. The provisions of this ordinance do not apply to the following licensed establishments or portions of licensed establishments:

- (a) Licensed theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, nude dancing;
- (b) Places In Licensed Establishments That Are Provided Or Set Apart for Nudity provided that:
 - (1) Persons appearing nude in a Place Provided Or Set Apart For Nudity does so for the sole purpose of performing lawful function(s) that is customarily intended to be performed within such Place Provided Or Set Apart For Nudity; and

- (2) Persons appearing nude in a Place Provided Or Set Apart for Nudity is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity.
- (3) A performance(s) in a licensed establishment of a work(s) of serious literary or artistic merit where the performance is not intended for the sexual interest or titillation of customers and where the performance is not distinguished by an emphasis on or the advertising or promotion of nude performances.

(3) Definitions.

- (a) Licensed Establishment means any establishment licensed by the Town Board of the Town of Oak Grove to sell alcohol beverages pursuant to ch. 125, Wis. Stats.
- (b) Licensee means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" license granted by the Town Board of the Town of Oak Grove pursuant to Ch. 125, Wis. Stats.
- (c) Places In Licensed Establishments That Are Provided Or Set Apart For Nudity means enclosed single-sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.
- (d) Nude or Nudity means the showing of human male or female genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola; the showing of the human male genitals in a discernible turgid state, even if fully and opaquely covered.
- (e) Regular Basis means recurring on a basis which is frequently, customarily, or typically as part of the ongoing scheduled activities of the establishment.

(4) Penalties.

Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00, and not more than \$500.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under sec. 125.12, Wis. Stats.

(5) Severability.

If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

(6) Effective Date.

This ordinance shall take effect upon passage and publication as required by law.

(7) Inclusion in Ordinance Code.

It is the intention of the Town Board and it is hereby provided that the provisions of this ordinance shall be made part of the Municipal Code; and that the section of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

Sec. 12.04. Animal control.

(1) *Short title.* This section shall be named the "Animal Control Ordinance." Any previous animal control ordinances or codes enacted by the Town of Oak Grove in conflict herewith are repealed.

(a) *Definitions.* The following terms shall mean:

Abused animal. Any animal which is:

- (1) Mistreated, beaten, tormented or teased.
- (2) Deprived of sufficient and wholesome water, food, or shelter.
- (3) Is kept under unhealthy conditions.
- (4) Is trained for fighting other animals.

Animal. "Animal" includes every living (A) warm-blooded creature except farm livestock (swine, cattle, horses, sheep, goats) and a human being; (B) reptiles; (C) amphibians.

Animal shelter. Any premises designated by the action of the town board for the purposes of impounding and caring for all animals found in violation of this section. The Humane Society of Pierce County and St. Croix, Inc., is the current designated animal shelter for the Town of Oak Grove.

Animal warden. The "animal warden" shall be the person employed by the town to enforce this section, and may include the town constable, the town health officer, a representative of the Humane Society of Pierce and St. Croix, Inc., and any other agent (including veterinarians) who may be appointed from time to time by the town to enforce this section.

At large. An animal is "at large" when it is off the property of its owners and not under restraint.

Commercial dog kennel. The term "commercial dog kennel" means a place where over five dogs over the age of five months are kept by a corporate or individual owner, lessor, breeder of dogs who trains, grooms, boards, breeds and/or sells animals for resale, individually or in litter lots.

Dangerous animal.

- (1) Any animal which constitutes a physical threat to human beings or to other domestic animals by virtue of a known history to endanger life by an unprovoked assault or bite so as to cause bodily harm.
- (2) A dog trained, owned or harbored for the purpose, primarily or in part, of dog fighting.
- (3) A dog shall not be deemed dangerous if:
 - (a) It bites, attacks, or menaces anyone assaulting the owner.
 - (b) It bites, attacks, or menaces a trespasser on the property of the owner.
 - (c) It bites, attacks, or menaces any person or other animal who has tormented or abused it.
 - (d) It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person.
 - (e) It is protecting or defending it's young or other animal.

Dog. The term "dog" shall apply to canine animals, male or female, altered or unaltered.

Exotic animal. Any animal not native to Wisconsin or to the United States. Exotic animals includes but is not limited to tigers, lions, pandas, lamas, ostriches, peacocks.

Guard dog. Any dog which has been trained to attack persons independently or upon command.

Individual dog owner. The term "individual dog owner" means an owner of no more than three dogs over the age of five months which dogs are kept on a premises occupied for residential purposes. To qualify as an individual dog owner there may be no more than three dogs kept on the premises occupied for residential purposes. If there are more than three dogs kept on the premises, the premises must comply with the regulations applicable to private or commercial dog kennels.

Nuisance dog. Any dog which by frequent and habitual howling, yelping, barking, or other, shall cause serious annoyance or disturbance to person(s) or to a neighborhood or habitually pursues any bicycle or vehicle upon any public street or highway. The provision of this chapter shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals.

Own. The term "own" unless otherwise specified shall be deemed to mean keep, have control, charge or custody of an animal for a period of five days or longer.

Owner/custodian. The term "owner/custodian" shall mean any person, group of persons or corporation owning, keeping, harboring, having charge or control of, or permitting any animal to habitually be or remain on or be lodged or fed within such persons residence, yard, or premises for a period of five days or longer.

Private dog kennel. The term "private dog kennel" means a place where more than three but less than six dogs over the age of five months are kept and where the keeping of such animals is incidental to the occupancy of the premises for residential purposes, and is not the primary source of income of the occupant or owner of the property.

Proper enclosure. A fence or structure of suitable height, forming or causing an enclosure suitable to prevent the entry of any young children. Such enclosure shall be locked and shall be designed with secure sides to prevent an animal from escaping from the enclosure.

Restraint. An animal is under "restraint" within the meaning of this section if it is controlled by a leash or by a competent person and immediately obedient to that person's command or within a vehicle being driven or parked on the streets or roads or within the property limits of its owner.

Stray. Any unlicensed animal, the owner or which is unknown, which is at large.

Town. The term "town" as used in this section shall mean the Town of Oak Grove, Pierce County, Wisconsin.

Wild animal. Any animal other than domesticated household pets such as dogs, cats, mice, gerbils, hamsters, turtles, and nonpoisonous snakes and lizards, and other than farm animals include fur-bearing animals, game, game animals and gam birds described in chapter 29, Wis. Stats.

(4) *Restraint.* The owner/custodian shall keep his/her dog under restraint at all times. The owner/custodian shall not permit his/her dog to run or be at large.

(5) *Licensing of dogs.*

(a) No person shall own any dog within the town limits unless such dog is licensed, except as provided under "exceptions". Written application shall be made to such person as designated by the town and shall include all pertinent documentation as required for such license.

(b) *Exceptions.*

(1) Hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from provisions of this section, except where such duties are expressly stated.

- (2) The licensing requirement of this section shall not apply to any dog belonging to a nonresident and kept within the town for less than 30 days, provided that all such dogs shall at all times be kept under restraint.
- (3) Any dog owned, kept or harbored by an individual or corporation holding either a private or commercial kennel license need not be individually licensed.
- (4) Every dog specially trained to lead blind or deaf person or to provide support for mobility impaired person is exempt from dog license fee and every person owning such a dog shall receive annually a free dog license.
- (c) There shall be three types of dog licenses issued:

- (1) Individual dog.
- (2) Private dog kennel.
- (3) Commercial dog kennel.

(6) *Types of licenses and fees.*

- (a) *Individual dog.* Written application shall be made on a form to be furnished by the town. As a condition for the issuance of said license, the owner shall submit a current certification of rabies vaccination for a dog. At the time of application a numbered durable tag shall be issued to the owner.

(1) *License fee.*

- (a) The individual annual license fee for each dog over the age of five months that is "whole or unspayed or unneutered": \$10.00.
- (b) The individual annual license fee for each dog over the age of five months that is either spayed or neutered. Written documentation proof of spay or neuter must be presented at the time of license issue: \$5.00.
- (c) A late fee of \$5.00 shall be charged if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age.

- (2) *Replacement fee.* In the event that the durable license tag for a dog shall be lost, the owner may obtain a duplicate tag free of charge upon proof that the original license was issued. For the second and subsequent replacement license tags, the license fee shall be prorated.

(3) *Change of ownership.* If there is a change of ownership of a dog, the new owner must, within 30 days notify the town treasurer, have the license transferred to his/her name, and pay the license fee.

(4) *Miscellaneous.*

(a) Any person who secures a dog five months of age or older shall be allowed 30 days to obtain a license. Any dog owner upon becoming a resident of the town shall be allowed 30 days to obtain a dog license.

(b) Upon complying with the provisions of this section, there shall be issued to the owner a durable tag, stamped with a number and year for which issued.

(c) Every owner is required to keep a valid tag securely fastened to the dog's collar or harness which must be worn by the dog at all times, except that upon good cause shown to the board, the board may authorize some form of identification other than a dog tag.

(b) *Private dog kennel license.*

(1) Any premises with more than three and less than six dogs over the age of five months is required to have a private dog kennel license issued by the town board.

(2) In circumstances requiring a private dog kennel license under this section, no dogs may be kept on the premises until the private dog kennel license is issued and the fee is paid.

(3) The fee for a private dog kennel shall be \$100.00 per year.

(c) *Commercial dog kennel.*

(1) Any place with more than five dogs over the age of five months shall be required to have a commercial dog kennel license.

(2) The town board may grant a commercial dog kennel license only upon approval of a special exception permit after a public hearing as required by Oak Grove Zoning Ordinance. A commercial dog kennel shall not be located within 1,500 feet of a private residence (other than the kennel owner's residence) and/or a place of business.

(3) In circumstances requiring a commercial dog kennel license no dogs may be kept on the premises until a commercial kennel license is issued by the town board and the fee is paid.

(4) The fee for a commercial dog kennel license shall be \$500.00 per year.

(d) *Dog kennel licenses issuance and revocation.*

- (1) All dog kennel licenses shall be issued for one year beginning on January 1. Application for licenses may be made 60 days prior to the start of the licensing year and thereafter during the licensing year.
- (2) Applications for dog kennel licenses shall be made to the town board on a form approved by the town clerk.
- (3) The application must include proof that all dogs kept at the premises have been given all shots required by law.
- (4) No license shall be issued until there has been an inspection of the premises for which license is sought. The inspection shall be conducted by the town board or its agents, or the animal warden. From time to time during the term of the license the town board, its agents or the animal warden may inspect the premises and animals kept thereat. Thereupon the owner shall cooperate in all manner with the said town board, its agents or the animal warden in allowing an inspection of the premises.
- (5) The town board may refer an application for a dog kennel license to the planning committee for its review and recommendation.
- (6) A dog kennel license may be revoked by reason of any violation of this section or by reason of the violation of any application health or nuisance ordinances, or other applicable order, state law or regulation as may be determined by the town board.
- (7) Before revoking a dog kennel license, the licensee shall be given notice of the meeting at which such a revocation shall be considered and the basis for the proposed revocation. If the licensee is present at such meeting, he/she shall be first given an opportunity to be heard. Notice of such meeting shall be given to the licensee in writing, mailed to the address of the licensee as set forth in the license application for the dog kennel at least ten days prior to the date of the meeting.

(7) *Standards for care and housing of animals.*

- (a) All dog kennels shall be kept in a clean and healthful condition and at all reasonable times shall be open to inspection by the town board, any health officer, animal control officer or other person(s) charged with the enforcement of this section or any health or sanitary regulation order, rule or statute of the Town of Oak Grove, Pierce County, or the State of Wisconsin.

- (1) Such shelter shall include an insulated, moisture proof and windproof structure of suitable size to accommodate the dog's postural adjustments yet small enough to allow retention of body heat, made of durable material, with a solid floor raised at least two inches from the ground and with the entrance facing away from prevailing winds during the appropriate season.
- (2) Structural strength. The housing facility shall be structurally sound and maintained in good repair to protect animals from injury.
- (3) During the winter season the following shall apply: The entryway shall be protected by self-closing door, an off-set outer door, or a flexible flap made of windproof material. The shelter shall be shaded during the hot months. Bedding, such as cedar shavings, straw or other nonabsorbent material, shall be provided in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry.
- (4) If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or objects which will prevent the animals from entering the shelter.
- (5) If dogs are tethered, the chain, rope or application shall be equipped with a swivel to prevent tangling.
- (6) Free access to porches, garages or port-a-doors with special areas within shall be considered satisfactory shelter.
- (7) Proper drink shall mean clean, rust and algae free, drinkable water available at all times, exceptions shall be determined by veterinary consultations or professionally accepted practices for the safety and well-being of the animal.
- (8) All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal and be positioned or affixed to prevent spills.

(h) *Indoor standards.*

- (1) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
- (2) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide fresh air and prevent moisture condensation necessary to provide for health of the animal at all times.
- (3) *Heat and light.* Natural or artificial lighting and heat shall be supplied to provide for the health of the animal at all times.

- (4) *Excessive illumination.* Lighting of primary enclosures shall be designed to protect animals from excessive illumination. The duration of illumination shall be appropriate for the species involved.
- (5) *Air flow.* Holding areas shall be construed to allow a free flow of fresh air.
- (h) *Confinement.* Cage confinement of dogs and cats is restrictive and stressful and shall only be used for temporary confinement. Dogs and cats shall not be caged except upon veterinary advice, transport and/or other professionally accepted practices. Dogs kept in cages for these reasons shall be removed from them and exercised a minimum of twice a day--once in the morning and once in the afternoon--for a minimum of half an hour each time or once a day for a minimum of two hours.
- (8) *Impoundment and redemption of animals.*
- (a) Any dog found to be unlicensed, running at large, or otherwise in violation of this section or other applicable ordinance or law may be taken and impounded in the designated animal shelter and there confined in humane manner for a period of not less than seven days. If not claimed prior thereto by its owner it shall thereafter become the property of the animal shelter and may be disposed of in a humane manner or sold to an individual desiring to purchase the dog as a pet (after signing an agreement to spay or neuter). If a dog is destroyed pursuant to this section, the license for such dog shall expire.
- (b) Immediately upon the impounding of a dog wearing a current license, tattoo, or other identification, the designated animal shelter shall make reasonable efforts to notify the owner of such dog of the impoundment and of the conditions whereby the owner may regain custody of the dog. Any verbal notices shall be confirmed in writing.
- (c) Notwithstanding anything contained herein to the contrary, if a critically injured animal is at large pursuant to this article, it may be destroyed, but only after reasonable efforts have been made to contact its owner.
- (d) Any animal impounded hereunder being held for suspected disease (except rabies) may be reclaimed by the owner within seven days upon payment of the owner to the animal shelter any applicable forfeitures in addition to the costs for keeping such an animal during the impoundment, providing that the licensing requirements of this section are complied with.
- (e) Impoundment and redemption fines and forfeitures.
- (1) These fees are subject to the fees set by the town's designated animal shelter, currently the Humane Society of Pierce and St. Croix, Inc.

(f) Quarantine.

- (1) Any animal that has bitten a person shall immediately be impounded for at least ten days and kept apart from other animals, under the supervision of a veterinarian or at the town designated animal shelter, until it is determined whether such animal had or has a disease which might have been transmitted by such bite.
- (2) Any animal which has been bitten by a rabid or suspected rabid animal shall be quarantined and kept in the same manner for a period of six months, unless the owner shows proof of current rabies vaccination administered by a licensed veterinarian within the previous year, then the quarantine period shall be 60 days. The owner of an animal which has been bitten by a rabid animal shall notify the town board in the event of the animal's illness or death during quarantine.

(9) Records.

- (a) It shall be the duty of the town treasurer to keep, or cause to be kept, accurate detailed records of the licensing of dogs in the Town of Oak Grove.
- (b) It shall be the duty of the town treasurer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the town pursuant to this section. All checks and money orders for the licensing of dogs and fines shall be made payable to the Town of Oak Grove.
- (c) It shall be the duty of the animal shelter to keep accurate and detailed records of the impoundment and disposition of all animals taken into its custody, including the breed, age, color, date of pick-up, and date, place and manner of disposition.
- (d) It shall be the duty of the animal shelter to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. A copy of the report shall be given to the town clerk.

(10) Investigation.

- (a) For the purpose of enforcing this section, the town board may utilize the services of the Humane Society of Pierce and St. Croix, Inc., the department of agriculture, and authorized state health officials in identifying and locating animals which pose a risk and/or danger to the public and/or in need of humane treatment. To such extent as is permitted by state statute, the town board or its agent, any law enforcement officer, or the humane society is empowered to enter upon the premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal and/or license for such animal.

- (b) It is further provided that the town board may utilize the services of the department of agriculture, authorized health officials and designated humane societies in identifying and locating animals which are kept in reportedly cruel and/or inhumane manner. To such extent as is permitted by state statute, the town board or its agent, any law enforcement officer, or the humane society is empowered to enter upon the premises where any animal is kept in a reportedly cruel and/or inhumane manner and demand to examine such animal and to take possession of such animal when it requires humane treatment.
- (11) *Interference.*
- (a) No person shall interfere with, hinder or molest the town board or the Humane Society of Pierce and St. Croix, Inc. in the performance of the duties of his/her/its office or seek to release any animal in the custody of the town board or the Humane Society of Pierce County and St. Croix, Inc. except as herein provided.
 - (b) Any such action shall constitute a violation of this section.
- (12) *Organized animal fighting prohibited.* No dog fighting, cock fighting, bull baiting, bear bailing or other setting of or other fighting of one animal against another shall be permitted in the Town of Oak Grove.
- (13) *Abandonment or abuse of animals.* It shall be unlawful for anyone to knowingly abandon or abuse any animal. Each person who does abandon or abuse knowingly or willingly permits this abandonment or cause or aids in the abandonment or abuse of any animal shall be in violation of this section and shall be subject to the penalties as herein provided.
- (14) *Duties of all animal owners.*
- (a) It shall be the duty of every owner of any animal or anyone having any animal in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, an animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
 - (b) It shall be the duty of every owner of any animal, or anyone having any animal in their possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent limits of its owner, possessor or custodian.
 - (c) It shall be the duty of the owner of any animal or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor, or custodian.
 - (d) Failure to keep any animal confined or under restraint as provided for in this section shall be unlawful and shall be punishable as herein provided.

- (e) No person shall keep or harbor any nuisance dog, nor shall any person keep or harbor any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making or other noises shall cause serious annoyance or disturbances to person(s) or to a neighborhood.
 - (f) Disposition of all animal waste, including urine, fecal matter and excreta shall be in a manner that is consistent with the maintenance of human and animal health. Animal waste shall be disposed of in a manner that does not pollute or contaminate ground water or soil. Acceptable methods for disposing of animal waste include flushing down an indoor toilet where the property is connected to a municipal sewer utility, disposing in a holding tank, disposing in a holding tank, disposing in the trash to be incinerated, composting with suitable quantities of leaves, grass and other organic debris (fecal matter to be less than 20 percent of gross weight of composted material) or spreading over land after being first treated with lime, provided any crop grown is for nonhuman use and the spreading is at least 100 yards from the nearest domicile. Disposition of animal waste in an on site landfill, or burying the animal waste, is not an acceptable disposition. Burning and incineration of animal waste is not an acceptable disposition unless the incinerator is one approved by the department of natural resources, and all other state and local agencies which monitor and license such facilities. Disposition of animal waste in a private septic system (including drain field systems or mounds systems) is not an acceptable disposition.
 - (g) No wild animals or exotic animals may be kept within the Town of Oak Grove except upon issuance of a permit by the town board, provided that wild animals and exotic animals may be kept for exhibition purposes by circuses, zoos, or educational institutions, in accordance with such regulations as shall be established by the town board. The town board may place conditions on such permit as it deems necessary or advisable under the circumstances. The town board may refer any application to the planning committee for its review and recommendation.
- (15) *Penalties.* Any person who violates any provision of this section may be subject to a forfeiture penalty of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution, including attorneys fees. Each day of violation shall constitute a separate violation.
- (16) *Severability and conflict.* If any section, subsection, sentence, clause, phrase or word of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions.
- (Ord. of 12-19-94)

Sec. 12.05 Storage and Parking of Recreational Vehicles.

(a) Definitions – Recreational Vehicles. For purposes of this Section, the following definitions shall apply:

(1) Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. This term includes all structures which meet the above requirements, except the size requirements, and for which the manufacturer voluntarily files a certification pursuant to Title 24 CFR part 3282.13 and complies with the standards set forth in Title 24 CFR Part 3280.

(2) Recreational Vehicle. Recreational vehicle means any of the following:

- a. Travel Trailer means a vehicular, portable structure built on a chassis and on wheels that is between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width, designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
- b. Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
- c. Motor Home means a portable, temporary dwelling to be used for travel, recreation, vacation or other uses, constructed as an integral part of a self propelled vehicle.
- d. Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- e. Chassis Mounts, Motor Homes and Mini-Motor Homes means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
- f. Converted and Chopped Vans means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.

(3) Yard, Front, means that part of a lot between the front lot line and front(s) of the principal building on the lot and extended to both side lot lines.

(4) Yard, Rear, means that part of a lot between the rear lot line and the back(s) of the principal building on the lot and extended to both side lot lines.

(5) Yard, Side, means that part of a lot not surrounded by a building and not in the front or rear yard.

(b) Permitted Parking of storage of Recreational Vehicles. In all residential and commercial districts provided for in the County Zoning Code, it is permissible to park or store a recreational vehicle on private property in the following manner:

- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirement of the particular zoning district where located.
- (2) Parking is permitted outside in the side yard or rear yard only provided it is not nearer than (5) feet to the lot line.
- (3) Parking is permitted outside on a hard surfaced or well drained gravel driveway provided:
 - a. 1. Space is not available in the rear or side yard, or there is not reasonable access to either the side yard or rear yard.
 2. A corner lot is always deemed to have reasonable access to the rear yard.
 3. A fence is not necessarily deemed to prevent reasonable access.
 - b. Inside parking is not possible.
- (4) No part of the unit may extend over the public right-of-way.
- (5) Parking is permitted only for storage purposes. Recreational vehicles shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of (30) days in any one (1) calendar year with proper approval and permits issued by the Town Board.
 - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (6) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (7) The recreational vehicle shall be owned by the resident on whose property the unit is parked for storage.

Sec. 12.10. Penalty.

Except as otherwise provided, in addition to the revocation, suspension or nonrenewal of any license issued under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in section 25.04 of this General Code.

Sec. 12.11. Purpose.

In recognition of the limited resources of the Town of Oak Grove to provide services, it is the purpose of this ordinance to regulate Special Events and other assemblies of people that are temporary in nature, which are likely to need health, sanitary, fire, police, transportation, parking and utility services in excess of those regularly provided in the Town of Oak Grove in order that the health, safety and welfare of assemblies of large numbers of people and for all persons in the Town of Oak Grove, residents and visitors alike, may be protected. It is not the purpose of this article to regulate family gatherings.

Sec. 12.12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. **COMMERCIAL USE** – A commercial use shall be a properly zoned established commercial use within the Town that has sufficient area, facilities, parking and structures that have been designed and constructed as a public building. The building must be or have been inspected and approved by the Department of Commerce, Safety and Buildings, and maintain the proper licenses and insurance.
- B. **SPECIAL EVENT** – Any temporary public gathering where the public is provided entertainment, gains entry by payment of an admission charge, and/or congregates at any location or event, within the limits of the Town of Oak Grove. This includes but is not limited to, shows, concerts, rodeos, fairs, exhibitions, carnivals, sporting events, races, and horse shows.
- C. **SPECIAL EVENT – PRIVATE**- A Private Special Event is defined as an event, celebration or gathering on private property that is not for profit and involves the property owners' family or relatives to celebrate or hold an event such as, but not limited to, birthdays, graduations, weddings, anniversaries, garage sales, auctions, homecomings, cook outs, block parties, etc. These would be gatherings typical of residential neighborhoods that would have no commercial or business orientation and not requiring any special needs such as major liability insurance, security, liquor licenses or other needs typical to commercial, business or occupational uses.
- D. **TOWN** – The Town of Oak Grove
- E. **PERSON** – Any individual natural human being, partnership, corporation, firm, company, association or group

Sec 12.13. Exemptions.

These sections regulating Special Events do not apply to:

- A Any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum, permanently established place of assembly, commercially zoned uses for Special Events for which it is reasonably anticipated that the number of persons attending will not exceed the maximum seating capacity of the structure.

Where the assembly is held as provided in the Life Safety Code NFPA 101 and where the special event is not anticipated to generate substantially more than average traffic or patronage as a result of its regular and average use.

- B. Commercial zoned properties are not required to have a permit under this ordinance, but may not hold more than 4 Special Events in a 12 month period.
- C. Special Events occurring on Town property.
- D. Private Special Events or family gatherings such as graduations, weddings, receptions, anniversaries, birthdays, religious, farm or household auctions, retirement or any other family gatherings of friends and family residing on the property as defined under section 12.12 of this ordinance. Parking and all other safety measures of the State, County and Town must be complied with and shall be the responsibility of the person(s) holding the Private Event.

Sec. 12.14. Permit required; General regulations.

- A. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize or manage an actual or reasonably anticipated Special Event unless a permit to hold the Special Event has been issued by the Town of Oak Grove Board of Supervisors.
 - (1) A permit to hold a Special Event issued to one person shall permit that person to engage in any lawful activity in connection with the holding of the permitted Special Event.
 - (2) The Pierce County Sherriff, Prescott Fire Department, Emergency Medical Services and Town Officials shall at all times be allowed on the grounds to enforce the terms of this chapter, any permit issued hereunder, and any applicable federal, state, or local law.
- B. The Permittee shall not permit the sound of the Special Event to carry unreasonably beyond the enclosed boundaries of the location of the Special Event. Live or recorded music, if played, shall be limited to the hours of 10:00 a.m. and 6:00 p.m.
- C. The hours of the Special Event shall be limited so as to practically allow time for entry and exit from the event area during daylight hours. No Special Event shall start before 10:00 a.m. or continue beyond 6:00 p.m. or at sunset, whichever is earlier. Gates shall not be open to the public more than 1 hour before the Special Event.
- D. The Town shall notify in writing the Town residents within 1500 feet and all parcels that abut the location of the proposed Special Event. The applicant shall submit to the Town a list of all owners and addresses along with unsealed stamped addressed envelopes of all persons or properties that abut or are within 1500 feet of the boundary of the parcel, lot or site of the Special Event. The date and time of the proposed Special Event and of the date and time of the Town Board meeting at which the application for the Special Event will be considered shall be mailed to all persons or properties within 1500 feet or that abut the Special Event Site.

- E. A Permittee shall be limited to 4 1 day Special Events per year.
- F. In the Event of dry conditions or a Department of Natural Resources fire ban on outside burning, the Prescott Fire Chief may prohibit the Special Event or may require more stringent fire protection than required by this article.
- G. The Town may in its discretion, issue a temporary alcohol beverage license for Special Events per State Statue 125.26(6).
- H. There shall be no overnight camping or RV parking on the grounds of a Special Event.

Sec. 12.15. Application

- A. Application for a permit to hold a Special Event shall be made in writing on a form provided by the Town and delivered to the Town Clerk at least 60 days before the proposed Special Event.
- B. The Town Board shall establish an application fee per Town fee schedule resolution to be paid at the time of filing an application and is non-refundable.
- C. The application shall contain:
 - (1) The address, legal description of the site and of all property upon which the special event is to be held.
 - (2) The name, mailing address and telephone number of all persons applying for the Special Event permit and required signatures. In the case of a corporation, a certified copy of the articles of incorporation, together with the name, residence, mailing address and telephone number of each person holding 10% or more of the stock of said corporation.
 - (3) Proof of ownership of all property upon which the Special Event is to be held. If the Special Event or a portion of the Special Event is held on a site or property which the applicant does not own, the property owner shall join in and sign the application and if the permit is granted, the Special Events sponsor and the property owner shall be named as permittee on the permit and shall be responsible for conducting the Special Event in compliance with all applicable laws and any conditions of the permit.
 - (4) The nature and/or purpose of the Special Event.
- D. Security Deposit. The applicant shall provide a financial security, either a letter of credit or cash to reimburse the Town for unusual and/or extraordinary costs incurred by the Town which might arise by reason of granting the permit and promotion and conduct of the Special Event. The amount of the letter of credit or cash deposit shall be a minimum of \$7500 or as determined by the Town Board, giving consideration to the nature and size of the event. Proof of expenses incurred by the Town, or notice of the intent to file such proof, shall be submitted within 60 days following the Special Event to the applicant.

- E. Insurance. Prior to the time of granting the permit, the applicant shall provide a copy of a single limit liability insurance policy in the amount of \$1,000,000, covering bodily injury, property damages and personal injury (including Coverage's A, B and C) naming the Town of Oak Grove, Pierce County, Wisconsin, its agents, servants and employees as additional insured. Such policy shall be written by an agent licensed to do business in Wisconsin through a company having an A-plus rating in Best's Guide.
- F. Proof of compliance with Applicable Laws. As part of the application, the applicant shall submit evidence showing that the Special Event is in compliance with any and all local, county, state and federal laws and regulations regulating the gathering of large numbers of people.
- G. Site Plans. The applicant shall submit site plans showing compliance detailed with all items and conditions for issuing the permit as specified and required below.
 - (1) Fencing. A fence completely enclosing the proposed location, of sufficient strength and height to prevent people in excess of the maximum number permissible from gaining access to the event grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.
 - (2) Sanitary Facilities and Potable Water. All sanitary facilities (toilets) and potable water facilities shall be provided for the Special Event required in the Building Code for places of public assembly, or other applicable Federal, State, County or Local Regulation.
 - (3) Solid Waste Disposal. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste, together with a plan for holding and a plan for collecting of all such waste. sufficient trash cans with tight fitting lids and personnel to perform the task of collection shall be provided. Waste must be collected along designated traffic routes within one mile of the special event and the grounds of the special event and parking lot at least once during the day of the event and at the completion of the event.
 - (4) Traffic Control. A traffic control and circulation plan with provisions for, but not limited to, signing roads, parking of vehicles, prohibited parking along roadways, emergency vehicle traffic, impoundment lots, towing vehicles and prohibition of pedestrian traffic. Such traffic plan shall be approved by the Town Board of Supervisors and County Traffic officials.
 - (5) Parking. A parking area, inside the Special Event grounds sufficient to provide parking for the maximum number of people to be assembled at the rate of one parking space for every three persons. Parking along public and private roads outside of the enclosed event location before, during and after the Special Event shall be prohibited.
 - (6) Centralized Information Office. The applicant shall provide a centralized office emergency contact center.

Sec. 12.16. Required information for issuing a Permit.

A. Before the applicant may be issued a permit, the applicant shall first:

(1) Provide proof in written form that the applicant will furnish, at the applicants expense, before, during and after the Special Event, the following:

(a) Emergency Medical Services. A plan to provide emergency medical services adequate to serve both participants in the special event and attendees.

(b) Security. Plans for internal security shall provide for security guards, either regularly employed duly sworn, off-duty Wisconsin peace officers or private guards, licensed and bonded in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled. The applicant shall provide a plan for external law enforcement and security to provide adequate security for the Town of Oak Grove and its residents. The plan shall be subject to approval by the Oak Grove Town Board and the Pierce County Sheriff. Perimeters of the Special Event grounds shall be patrolled by required security personnel to prevent people in excess of the maximum number permissible from gaining access to event grounds and to ensure that adjoining private property is not harmed. Plans for internal and external security must state the number and deployment of security personnel and their names, addresses, phone numbers, credentials and hours of availability. Security Guards shall be subject to a background check.

(c) Fire Protection. Measures shall be taken with the Prescott Fire Department to provide fire protection for the Special Event. The applicant shall contact the Prescott Fire Inspector and have an inspection of the Special Event done prior to the Event being allowed.

(d) Noise. All reasonably necessary precautions to ensure that the sound of the Special Event does not carry beyond the enclosed boundaries of the event location. Plans for sound control and sound amplification, if any, include number, location and owner of amplifiers and speakers, shall be provided by the applicant.

(e) Concessions. Plans for food concessions and such other concessions as may be allowed to operate on the grounds, including the names, residence and business addresses and telephone numbers of all concessionaries and their license and/or permit numbers. Food and beverage booths shall comply with food handling health regulations as determined by Federal, State, and Local Laws and regulations. A copy of the food handler's health certificate to open shall be provided to the Town.

Sec. 12.17. Approval or Denial of Application.

Upon receipt of a completed application, the Town Clerk shall submit the application to the Town Board. The Town Board shall approve, conditionally approve or deny the permit application within the following time frame: 30 days of filing the application. If a permit application is denied, the Town Board shall provide reasons for the denial in writing to the applicant within 48 hours of the Town Boards decision. The Town Board shall issue the permit if it complies with all terms and provisions of this ordinance. Grounds for denial shall include but not be limited to:

1. Any false statements set forth in the application.
2. The Special Event is of such a size or nature so as to require the diversion of so great a number of police, fire, or EMS personnel as to deny reasonable police, fire and EMS personnel to the Town as a whole.
3. The time, size and nature of the Special Event would unduly disrupt the safe and orderly use of any street or public place or material portion thereof or substantially interrupts the safe and orderly movement of traffic.
4. The vehicles, temporary structures, sanitary facilities, tents, equipment or other materials used in the Special Event do not comply with or meet all applicable health, fire or safety requirements.
5. The Special Events will interfere or conflict with another Special Event for which an application has been previously filed or with a construction or public works project.
6. The conduct of the Special Event will be contrary to federal, state, county, or local law including noise regulations.
7. Either the applicant or a proposed Special Event were previously issued a permit for a Special Event under this ordinance and violated any term of this ordinance while operating under such permit.
8. The proposed Special Event will have an unreasonable adverse impact or will cause undue hardship, disturbance or disruption to residents or owners of property adjacent or near the site of the proposed Special Event.

Sec.12.18. Adjustments of Requirements.

In consideration of the nature of the proposed Special Event, the Town Board may require that the applicant comply with other conditions in order to protect the health, safety and welfare of those attending and of all persons in the Town of Oak Grove. The Town Board may adjust these requirements or add conditions where required to address the public health and safety considerations identified in this ordinance.

Sec.12.19. Issuance of Permit.

- A. The application for a permit shall be processed within 30 days of the receipt by the Town Clerk of a complete application including any required fees, and the permit shall not be issued until the Town Board of the Town of Oak Grove has approved the permit and the applicant has filed written proof of compliance with the requirements for issuance of the permit. If special Town Board or Plan Commission meetings are needed to decide upon the application, the applicant shall be responsible to pay all costs associated with holding the special meeting.
- B. Any permit issued under this article is subject to the applicant's compliance with the conditions of this article and subject to the applicant's compliance with all other conditions required by the Town Board at the time of approval.

Sec.12.20. Revocation of Permit

The permit may be revoked by the Town Board at any time if any of the conditions necessary for issuing the permit or contained in the permit are not complied with or if any conditions shall cease to be complied with.

Sec.12.21. Appeal of Denial or Revocation

Any applicant who has been denied a Special Event permit, or whose permit has been revoked, may, upon written request within 5 days of denial or revocation, have the denial reviewed by the Pierce County Circuit Court, which shall either, affirm or reverse the Town Board's action on the permit application/revocation. As an alternate to Circuit Court, the applicant may commence review proceedings under Wis. Stat.Chapter 68.

Sec.12.22. Enforcement; Violations and Penalties.

- A. This ordinance may be enforced by an injunction or any other lawful remedy by any court of competent jurisdiction, and any holding of a Special Event in violation of this ordinance shall be deemed a public nuisance and may be abated as such.
- B. Penalty. In addition to an injunction, any person, firm or corporation who or which violates any of the provisions' of this article shall, upon conviction thereof, be required to pay forfeiture of \$1,000 - \$2,500 for the first offense, \$2,500 - \$5,000 for a second offense, and \$5,000 - \$10,000 for a third or continued offense in addition to the costs of the Town to administer prosecution. Each violation of any condition of this article shall constitute a separate offense.

Sec 12.23. Liberal Construction.

The provisions of this ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town. If there

is a conflict between this ordinance and any other ordinance or law of the Town, county or state the most restrictive requirements shall govern.

Sec.12.24. Severability

If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

Sec 12.25. Effective Date.

This ordinance shall be effective after adopted by the Town Board and publication as required by law.