

## CHAPTER 11

### LICENSES AND PERMITS

11.01	GENERAL PROVISIONS. ....	2
11.02	INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.....	3
11.03	CIGARETTE RETAILER LICENSE.....	10
11.04	MONETARY OPERATED MACHINES.....	10
11.05	JUNK DEALERS.....	11
11.06	MOBILE HOMES AND MOBILE HOME PARKS.....	12
11.07	NUMBER OF DOGS PER HOUSEHOLD LIMITED.....	17
11.08	KEEPING OF VICIOUS DOGS REGULATED.....	17
11.09	PENALTY.....	19
11.10 – 11.99	RESERVED.....	19

## 11.01 GENERAL PROVISIONS.

- 1) **DEFINITIONS.** Unless otherwise specifically stated herein, terms used in this Chapter shall have meanings provided in Wis. Stats. Ch. 125.
- 2) **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 Chapter without first obtaining such license or permit from the Town in the manner provided in this Chapter, unless otherwise specifically provided.
- 3) **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 Clerk and the 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 license or permit.
- 4) **PAYMENT OF FEE.** The fees for any license or permit shall be paid at the office of the Town Clerk with the application for such license or permit, except that alcohol beverage license fees shall be paid not less than fifteen (15) days prior to the issuance of the license.
- 5) **FORM.** Licenses and permits 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 Town Clerk. The Clerk shall keep a record of all licenses and permits issued.
- 6) **LICENSE AND PERMIT TERM.**
  - a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.
  - b) When the issuance of a license 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.
- 7) **EXHIBITION OF LICENSES OR PERMITS.** Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit as granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.
- 8) **TRANSFER.** Unless otherwise provided, no license or permit shall be transferable or assignable.
- 9) **RENEWAL.** Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.

10) **SUSPENSION AND REVOCATION OF LICENSES AND PERMITS.** Except as otherwise specifically provided, any license or permit granted under this Chapter may be suspended or revoked by the Town Board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include any of the following:

- a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
- b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.
- c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Town upon recommendation of the appropriate Town official.
- d) Expiration or cancellation of any required bond or insurance.
- e) Actions unauthorized or beyond the scope of the license or permit granted.
- f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State, so applicable.
- g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.
- h) Being delinquent in payment of any taxes, assessments or other claims owed to the Town, or being delinquent in payment of a forfeiture resulting from a violation of any section of this Code.

**11.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

1) **STATE STATUTES ADOPTED.** The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.075, 125.14(4), 125.15, 125.16, 125.19, 125.29, 125.30, 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision, or future amendments thereto, shall constitute a violation of this section.

2) **DEFINITIONS.** As used in this section, the following definitions apply:

- a) **Legal Drinking Age.** Twenty one (21) years of age.
- b) **Underage Person.** A person who has not attained the legal drinking age.

- 3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3), Wis. Stats., and shall be filed together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats. , with the Town Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under §§125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk not less than three (3) days prior to the granting of the license. Further, as a condition of granting a liquor license or an operator's license, the applicant shall permit the Town to secure from the Monroe County Sheriff's Department and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee has been paid.
- 4) APPLICATION INVESTIGATION. The Town Clerk shall notify the Town Board of each new license and permit application and the Board shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board.
- 5) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as indicated in the most recently adopted Fee Schedule for the Town of Sparta.
  - a) Class "A" Fermented Malt Beverage Retail License. See §125.25, Wis. Stats.
  - b) Class "B" Fermented Malt Beverage Retail License. Issued to organizations enumerated in §125.26, Wis. Stats. See also §125.51(10), Wis. Stats.
  - c) Temporary Class "B" Beer and Wine License (Picnic). Issued to organizations enumerated in §125.26(6), Wis. Stats. See also §125.51(10), Wis. Stats.
  - d) Class "A" Intoxicating Liquor Retail License. See §125.51(2), Wis. Stats.
  - e) Class "B" Intoxicating Liquor Retail License. See §125.51(3), Wis. Stats.
  - f) Class "C" Wine License. See §125.51(3m) Wis. Stats. See §125.26(6) Wis. Stats.
  - g) Wholesalers Fermented Malt Beverage License. See §125.28, Wis. Stats.
  - h) Operator's License. No new operator's license shall be granted unless the applicant has successfully completed a Vocational, Technical and Adult Education responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a) , Wis. Stats. The Town Clerk may issue a provisional operator's license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course.
  - i) Provisional License. See §125.17(5), Wis. Stats.
  - j) Transfer of License. See §125.04(12), Wis. Stats.

- 6) OPERATOR'S LICENSE. All applications for one (1) year operator's licenses, together with the fee, shall be filed in the office of the Town Clerk on or before May 31 of the year the license expires, provided that nothing shall prevent the Town Board from granting any license which is applied for at least five (5) working days before a Town Board meeting at any other time.
- 7) LICENSE REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all Statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.
- 8) QUALIFICATIONS FOR LICENSES AND PERMITS.
  - a) Natural Persons. Licenses related to alcohol beverages, issued to natural person under this section, may be issued only to persons who:
    1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.
    2. Have been residents of this State continuously for at least one (1) year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.
    3. Have attained the legal drinking age, except that operators' licenses may be issued to any person who has attained the age of eighteen (18).
    4. Have submitted proof of having a seller's permit under §77.61(11), Wis. Stats.
    5. Have successfully completed within the two (2) years prior to the date of application a responsible beverage server training course as provided in §125.04(5)(a)5., Wis. Stats., unless the applicant held, within the past two (2) years, a Class "A," "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.
    6. Applications shall be accompanied with proof of a negative TB test.
  - b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.
  - c) Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under §125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of pars. (a)1. and 3. and (b) above, except that par. (a)(2) does not apply to agents.

9) LICENSE QUOTAS.

- a) Class "A" Intoxicating Liquor License Quota. The number of "Class A" liquor licenses to be issued hereunder shall not exceed one (1) license for every 1,000 of population in the Town, as determined by the annual Wisconsin Department of Administration population estimate.
- b) Class "A" Fermented Malt Beverage License Quota. In addition to Class "A" fermented malt beverage licenses issued to the holders of "Class A" liquor license holders under par. (a) above, the number of Class "A" fermented malt beverage licenses shall not exceed one (1) license for every 1,000 determined by the annual Wisconsin Department of Administration population estimate.
- c) "Class B" Intoxicating Liquor License Quota. The number of persons and places that may be issued "Class B" intoxicating liquor licenses under this section is limited as provided in §125.51(4), Wis. Stats.

10) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

- a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by the Town Board without any warrant, and the application for a license hereunder shall be deemed consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.
- b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.
- c) Sales to Underage Persons Restricted. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- d) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- e) Commencement of Operations. Within 180 days after the issuance of a "Class B" intoxicating liquor license or a "Class B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 180 day period.
- f) Cessation of Operations. If any licensee shall suspend or cease doing business for 180 consecutive days or more, his Class B intoxicating liquor license and fermented malt beverage license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such ninety (90) day period.

- g) **Transfer of License.** No license shall be transferable from person to person except as provided in §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.
- h) **Location of Premises Restricted.** No retail 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 such premises.
- i) **Safety and Health Requirements.** No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the Town.
- j) **Operator on Duty Required.** The licensee, a member of his immediate family or a licensed operator must be present at all times in the immediate area open to the public where alcohol beverages are being served.
- k) **Disorderly Conduct and Gambling Prohibited.** Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.
- l) **Wearing Apparel.** All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:
  - 1. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the pubic area, genitals and the buttocks at all times.
  - 2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubic area, genitals and buttocks at all times.
- m) **Posting of Licenses Required.** Licenses or permits issued under this section shall be posted and displayed as provided in §125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.
- n) **Live Music and Dancing.** Dancing and live music shall be permitted in any premises holding a "Class B" liquor license, provided that such dancing and music is limited to the building only and does not constitute a nuisance in the neighborhood;

11) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

- a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00P.M.
- b) Retail Class B License. No premises shall be open for the sale of intoxicating liquor or fermented malt beverage between the hours of 2:00 A.M. to 6:00 A.M., except on Saturday and Sunday the closing hour shall be 2:30A.M.; on January 1 there are no closing hours.
- c) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (b) above.
- d) Presence on Premises After Closing Hour Restricted.
  1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to ,the penalties as provided in this chapter.
  2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.

12) SALE OF CLASS B PACKAGED GOODS.

- a) Sale Restrictions. Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of four (4) liters at any one time on any premises for which any "Class B" intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.
- b) Hours of Sale. Between the hours of 12:00 midnight and 8:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

13) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE.

- a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.



b) Exceptions. Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.
2. Licensed restaurants where the principal business is that of a restaurant.
3. A person who is at least eighteen (18) years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
4. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Town Clerk of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

14) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.

a) Restrictions. Pursuant to §125.07(4)(b) and (bm), Wis. Stats., any underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may not knowingly possess or consume alcohol beverages.

b) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in §125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.

c) Selling or Serving Alcohol Beverages. Pursuant to §125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least eighteen (18) years of age may sell or serve alcohol beverages on any Class B premises, provided that such underage person is a licensed operator or is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

15) REVOCATION AND SUSPENSION OF LICENSES.

a) Procedure. Except as hereinafter provided, the provisions of §125. 12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or

permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Town Chairperson or by the Town Board upon its own motion.

- b) **Repossession of License or Permit.** Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Town Clerk shall notify the licensee or permittee and the Sheriff of such revocation or suspension and the Sheriff shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk.
- c) **Effect of Revocation of License.** No license shall be issued for any premises if a license covering such premises has been revoked within six (6) months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within twelve (12) months prior to application.

### **11.03 CIGARETTE RETAILER LICENSE.**

- 1) **REQUIRED.** No person shall sell cigarettes in the Town without first obtaining a license from the Town Clerk. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.
- 2) **LICENSE FEE.** The license fee shall be as indicated in the most recently adopted Fee Schedule for the Town of Sparta.

### **11.04 MONETARY OPERATED MACHINES.**

- 1) **DEFINITION.** A monetary operated machine is any machine activated by the insertion of a coins, paper monies, debt or card and designed for amusement of the person operating the device or the sale of certain products, including, but not limited to, jukeboxes; video and pinball machines; pool, shuffleboard and similar games; and cigarette, newspaper, food and beverage vending machines.
- 2) **LICENSE REQUIRED.** No person shall install, lease or set up any coin operated machine for use on any premises in the Town without first obtaining a license from the Town Clerk.
- 3) **APPLICATION.**
  - a) Application for a license hereunder shall be made to the Town Clerk on a form furnished by the Clerk. The following information shall be required:
    - 1.The applicant's name.
    - 2.Type, brand and general description of all machines.
    - 3.Identifying numbers of all machines.
    - 4.Location of machines.

- b) The applicant shall consent in such application to reasonable inspection of his devices to determine ownership and character of the device.
- 4) FEE. The fee for a license hereunder shall be as indicated in the most recently adopted Fee Schedule for the Town of Sparta.
- 5) POSTING OF LICENSES. All licenses for monetary operated machines shall be attached in plain view upon the respective licensed devices.
- 6) PRIZES AND GAMBLING PROHIBITED. No person shall offer, make, give or award any prize, money or coin to any person through or by reason of the use or operation of a coin operated machine. No licensee shall permit his monetary operated devices to be used for gambling purposes.

#### **11.05 JUNK DEALERS.**

- 1) LICENSE REQUIRED. No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefor, and all articles and things discarded as manufactured articles commonly referred to as "junk," without first obtaining a license from the Town Board. No Town license shall be issued until the applicant has obtained a State Salvage Dealers License under §218.205, Wis. Stats.
- 2) EXCEPTION. No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site, as provided in sec. 10.06 of this Code.
- 3) APPLICATION. Applications for such license shall be made on forms supplied by the Town Clerk and filed with the Town Clerk.
- 4) LICENSE FEE. The license fee shall be as indicated in the most recently adopted Fee Schedule for the Town of Sparta. The license year shall commence on July 1 of each year.
- 5) REFERRAL TO TOWN BOARD. The application shall be referred to the Town Board which may grant, grant with conditions, or deny the license.
- 6) RESTRICTIONS APPLICABLE TO JUNK DEALERS.
  - a) No junk shall be displayed or stored outside the fenced area of the premises.
  - b) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.
  - c) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and

wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Town Board.

- d) No more than fifteen (15) junked cars shall be stored at any one time and no car shall remain on the premises more than sixty (60) days.
- e) Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.
- f) Every license hereunder shall comply with all applicable provisions of this Code and all applicable State and Federal laws and regulations.
- g) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by police officers at any time.
- h) No junk shall be purchased from any person under sixteen (16) years of age without the written consent of the parent or guardian of such person.

7) REVOCATION AND SUSPENSION OF LICENSE.

- a) Upon complaint being made in writing by any official of the Town to the Town Board that any licensee hereunder has violated any of the provisions of this section, the Town Board shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than ten (10) days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Town Board shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the designated Town Agent and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.
- b) Whenever a license is revoked, the licensee shall have a period of forty-five (45) days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

**11.06 MOBILE HOMES AND MOBILE HOME PARKS.**

- 1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of §66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.
- 2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS.
  - a) Restricted.

1. No occupied mobile home shall be permitted to be located in the Town unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.
2. No unoccupied mobile home shall be used for storage in the Town.
  - b) Exception. Paragraph (a) above is not intended to restrict the location of one-family manufactured homes which meet the applicable one-family standards set forth in Ch. 101, Wis. Stats.
  - c) Manufactured Homes. A manufactured home which is certified and labeled as a manufactured home under 42 USC §5401-5426, may be located in a mobile home park or on any lot or parcel in the Town in compliance with the Monroe County Zoning Ordinance or the City of Sparta Zoning Ordinance, whichever is applicable.
- 3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the Town a mobile home park without having first secured a license therefor from the Town Board. The application for such license shall be filed with the Town Clerk and shall be accompanied by a fee as indicated in the most recently adopted Fee Schedule for the Town of Sparta. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference.
- 4) ADDITIONS TO PARKS. Licensees of mobile home parks shall furnish information to the Town Clerk and Assessor on such homes added to their parks within five (5) days after their arrival on forms furnished by the Clerk.
- 5) PARKING PERMIT FEES. There is imposed on each mobile home located in the Town a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the Town Clerk, monthly, on or before the 10th day of the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats.
- 6) TEMPORARY USE. This section shall not prohibit the temporary use of any mobile home or recreational vehicle by the personal guests of the owner of property within the Town provided such use shall be limited to fifteen (15) days in any one (1) calendar year. With the permission of the Town Board, the owner of property whose dwelling has been substantially damaged by fire or other accidental means may be permitted to keep a mobile home in the Town for a period of not to exceed four (4) months upon payment in advance of the monthly parking permit fee required under this section.
- 7) TERMINATION OF PERMISSION TO MAINTAIN MOBILE HOME. The Town Board shall have the power, after notice to the owner of any mobile home, the occupant thereof, or the owner of the land on which it is located, to require such mobile home to be removed from the Town if such mobile home has fallen into neglect, is unfit for dwelling purposes, is a detriment to the valuation of adjoining properties, or if any provision of this section has been violated.

8) MOBILE HOME PARK DESIGN, CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

a) Unique Design. Although the following standards are mandatory, nothing herein should be construed to prevent or limit the submission of unique, innovative designs to the Town Board. Such designs are encouraged and, if approved by the Town Board, can be permitted through the variance procedure described herein.

b) Park Size. The minimum size of any mobile home park shall be ten (10) acres.

c) Lot Size.

1. Lot dimensions and area shall be as follows:

Width	50 ft. minimum
Depth	100 ft. minimum
Area	5,000 sq. ft. minimum

2. All lots shall abut on a private street within the park for at least thirty (30) feet and shall have unobstructed access to said street. No lot shall abut on a Town street, right-of-way or property line of the park.

3. Corner lots located on the inside of any corner shall be of extra width sufficient to maintain front setback requirements on both streets.

4. No mobile home unit shall be parked outside of a designated lot.

5. The corners of each lot shall be clearly staked so that an occupant can easily determine his lot boundaries.

d) Setbacks. The following setback requirements shall apply to each mobile home on each lot:

Front yard setback	20 ft. minimum
Rear yard setback	10 ft. minimum
Side yard setback	10 ft. minimum

e) Streets.

1. Each private street and parking area shall be paved within two (2) years after initial construction thereof.

2. A street light shall be placed at each street corner within the park, at each entrance to the park and at such places along the street that the distance between each light does not exceed 225 feet as measured down the center line of the street.

3. All streets shall be maintained and plowed by the owner.

f) Parking.

1. Each lot shall have an off-street parking space having either a minimum width of twenty (20) feet and a minimum depth of twenty-four (24) feet, or a minimum width of twelve (12) feet and a minimum depth of forty (40) feet.
2. If parking on any street is prohibited within the park, an additional parking area within the park shall be established containing one parking space for every five (5) lots or fraction thereof which abut on a street where parking is prohibited.
3. No parking shall be permitted on lot yards.

g) Walkways.

1. Walkways not less than three (3) feet wide and comprised of a hard surface shall be provided from the parking area of each lot up to and including the steps to the front door of each mobile home.
2. Walkways shall be installed on each lot within one (1) month of the occupancy of the lot, except in those cases where winter weather conditions require a longer period.

h) Utilities.

1. Water, sewer, gas and electrical utilities shall be provided for each lot.
2. All utilities, including telephone and cable TV, shall be placed underground.
3. Each lot shall be furnished with a minimum 200 amp electrical service.

i) Open Areas.

1. Each park shall have one or more designated open areas which shall be easily accessible to all park residents, which shall not include a street or the park boundary, and which shall be so located as to be free of traffic hazards.
2. The total size of such open areas shall be a minimum of five percent (5%) of the total land area of the park.
3. For every twenty-five (25) lots in the park, there shall be at least one (1) open area in the park having a minimum size of 5,000 square feet.

j) Landscaping.

1. Each lot shall be planted with at least two (2) trees, one of which shall be a deciduous tree.

2. All lots shall be sodded or planted in grass within two (2) months of occupancy of the lot, except where winter weather condition require a longer period.
3. Trees, grass and landscape material shall be properly maintained and replaced to conform to the approved landscape plans and specifications.

k) Park Boundary.

1. A buffer zone shall be placed around the entire perimeter of the park. Each lot within the park shall be set back from the park perimeter a minimum of five (5) feet.
2. A visual screen consisting of compact hedges, decorative fences, coniferous trees and shrubs, and other landscape materials approved by the Town Board shall be installed and maintained in the five (5) foot buffer zone described in subpar.1 above to substantially inhibit eye-level vision of the interior of the park from any adjacent street or property.
3. The five (5) foot buffer zone described in subpar.1 above shall be maintained by the owner free of rubbish, debris, weeds and paper.

l) Mobile Home Installation.

1. Each mobile home shall be placed and leveled on stands or block piers consisting of a 16" x 16" x 4" deep concrete solid base, with a double tier of eight (8) inch cement core blocks on the cement base, and with wood shimming resting on the concrete blocks.
2. Each mobile home shall be secured with tie-downs and anchoring equipment.
3. All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass, aluminum, metal or vinyl and shall be of a permanent color or painted to match the mobile home so as to enhance the general appearance thereof.

m) Outbuildings.

1. Only one outbuilding may be placed on each lot.
2. The following setback requirements shall apply to each outbuilding on each lot:

Front yard setback	20 ft. minimum
Rear yard setback	3 ft. minimum
Side yard setback	3 ft. minimum
3. All outbuildings, except for automobile garages, shall be located in the rear one-half (½) of the lot.
4. No outbuildings shall exceed one (1) story in height.



- n) Building Additions. Any building addition shall comply with ch. 13 of this Code and shall blend architecturally with the mobile home.

**11.07 NUMBER OF DOGS PER HOUSEHOLD LIMITED.** No person, except a kennel licensee located in an approved Monroe County Zoning District, shall own, harbor or keep more than three (3) dogs that are more than five (5) months of age, per housing unit. If a total of more than three (3) dogs are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such dogs.

**11.08 KEEPING OF VICIOUS DOGS REGULATED.**

- 1) DEFINITIONS. The terms used in this section are defined as follows:

- a) Vicious Dog.

- 1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
- 2. Any dog which attacks a human being or another domestic animal without provocation.
- 3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

- 2) REQUIREMENTS AND PROHIBITIONS.

- a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four (4) feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Town Board.
- b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be

embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

- c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
  - d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.
  - e) Signs. All owners, keepers or harborers of vicious dogs shall, within fifteen (15) days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.
  - f) Insurance. All owners, keepers, or harborers of vicious dogs shall, within thirty (30) days of the effective date of this section, provide proof to the Town Board of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten (10) day written notice is first given to the Town Chairperson. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.
- 3) VICIOUS DOG DETERMINATION. The Town Board shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Board makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.
  - 4) APPEAL OF VICIOUS DOG DETERMINATION. Any person aggrieved by the determination of the Town Board, as provided in sub. (3) above, may appeal such determination with the Town Board.
  - 5) DISPOSITION OF VICIOUS DOGS. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by the Town Board or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.
  - 6) PENALTY. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 1.07 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

**11.09 PENALTY.** Except as otherwise specifically provided in this Chapter, any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 1.07 of this Code.

**11.10 – 11.99 RESERVED.**