

CHAPTER 6

LICENSES AND PERMITS

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## 6.01 INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES.

## (1) STATE STATUTES ADOPTED

The provisions of Wisconsin Statutes, Chapter 125, including the penalty provisions, are hereby adopted and incorporated herein by reference as if fully set forth herein verbatim, including any amendments to said Chapter 125 subsequent to the enactment of Section 6.01. ((Ord. No. 1091 6/19/12, Ord. #1071 3/15/11, Ord# 1058 1/19/2010, #578 7/6/82, #617 6/19/84, #755 2/4/92, #756 3/17/92)

This section shall allow dry night as defined in Statute 125.07(3) and (8) for an underage person(s) who enter or remain in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the City of Chilton issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the Law Enforcement Agency, the Chilton Police Department is responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the Chilton Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

## (2) LICENSE FEES. (Ord. #1027 3/18/08, Ord. #10/16/79)

(a) Enumerated. The following fees shall be chargeable for licenses issued by the Council for the sale of intoxicating liquors and fermented malt beverages within the City:

1. Class A fermented malt beverage: \$100.00 per year.
2. Class B fermented malt beverage: \$100.00 per year.
3. Class A intoxicating liquors: \$200.00 per year.
4. Class B intoxicating liquors: \$200.00 per year.
5. Class B picnic licenses: \$10.00 for each day or meeting but not to exceed \$10.00. (Ord. #970 3/16/0, Ord. #578 7/6/82)
6. Fermented malt beverage wholesaler: \$25.00 per year.
7. Clubs and lodges: \$50.00 per year. (Ord. #578 7/6/82) **Revised 3/15/11**

8. Pharmacist: Deleted. (Ord. #970 3/16/04)
9. Operator's License: \$15.00 per year. (Ord. #970 3/16/04)
10. Outdoor Consumption \$100.00 per year. (Ord. # 1058 1/19/2010)
11. Reserve Combination Class B Beer/Liquor License. (Ord. #1058 1/19/2010)
  - (a) Initial License. The initial license fee for a Reserve Class B License shall be ten thousand dollars (\$10,000.00) in addition to the annual Class B license fee, except that the fee for an initial issuance of a Reserve Class B License to a bona fide club or lodge situated and incorporated in the state for at least six (6) years shall be determined under the procedure describe in Section 1 above. Applicants and holders of a Reserve Class B License shall be subject to the same policies and procedures in this chapter relating to Class B License applicants and holders.
  - (b) Grants for Certain Reserve Class B Licenses.
    - (1) The City of Chilton hereby finds that businesses such as restaurants, hotels, and taverns important contributions to the City's economy. These establishments serve important public purposes including increasing the City's property tax base, providing employment opportunities, attracting tourists and generally enhancing the economic and cultural climate of the community.
    - (2) After the granting of any new Reserve Class B license and payment of the ten thousand dollar (\$10,000.00) initial issuance fee, the applicant may file an application for an economic development grant of ten thousand dollars (\$10,000.00) with the City Clerk. Upon application, the Common Council may provide a grant to the licensee in an amount not to exceed ten thousand dollars (\$10,000.00). Prior to awarding such grant, the Common Council shall make such findings and establish such conditions to assure that any funds awarded there under further the important public purpose indentified herein.
  - (c) Renewal. The annual renewal fee shall be determined by the procedure used for Class B Licenses.
12. Change of Agent Fee \$25.00 per occurrence. (Ord. # 1068 12/21/10)

13. Request for Expansion of Alcohol Beverage License for Special Event \$25.00 per request. (Ord. # 1068 12/21/10)
14. Request for Underage Authorization Permit \$20.00 per occurrence. Reference Section 6.01. (Ord. # 1071 3/15/11)

(b) Fees to be Paid at Time of Issuance. All fees imposed hereunder shall be paid before the City Clerk issues the license. The fee required hereunder for the issuance of an operator's license shall be paid at the time of application for the license is made to the City Clerk. (Ord. #522 12/4/79)

(3) DELINQUENT DEBT(S) OWED TO THE CITY.

- (a) Denial of Annual License or Permit. No annual license or permit authorized or required by the Code of General Ordinances of the City of Chilton shall be granted or issued:
  1. To any person(s) who owes any unpaid, delinquent personal property tax, real estate tax, special assessment, municipal court forfeiture, charges for false fire alarms or parking ticket, sewer or water bill, inspection fee, and loan payments to the City of Chilton such as Community Development Block Grant, Tax Incremental Financing (TIF) Loan and Non-Tax Incremental Financing (Non-TIF) Matching Fund Loan.
  2. For any premises for which real estate taxes, sewer or water bills, or special assessments owed to the City are delinquent and unpaid.
  3. For any premises containing personal property upon which a personal property tax owed to the City was assessed and the personal property tax remains unpaid and delinquent.
- (b) This paragraph (a) does not apply to annual dog licenses. In this subsection, an "annual license or permit" is a license or permit having a 12-month term or longer. An "annual license or permit" does not lose its status as such merely because it is issued after the beginning of the term or because the license or permit fee is prorated for the remainder of the term. "Person" includes a natural person, corporation, limited liability company, partnership, limited partnership, association, cooperative or any other entity making application for a license in the name of that entity. In this subsection, loan payment is delinquent if it is not paid within 30 days of the due date specified in the loan agreement. No annual license or permit shall be denied if a payment becomes delinquent after fully completed, together with any required application fee, has been filed with the City Clerk.
- (c) Bankruptcy. Paragraph (a) of this subsection does not apply to a person whose personal liability for payment of a delinquent tax or other charge has been discharged by order of a U.S. Bankruptcy Court or other court of

competent jurisdiction. Paragraph (a) does not apply to a bankrupt or a bankrupt's premises covered by an automatic stay issued by a U.S. Bankruptcy Court or other court of competent jurisdiction while the automatic stay is in effect.

- (d) Notice of Denial; Appeal. If the grant or issuance of an annual license or permit is denied for nonpayment of delinquent taxes or charges, the person or department responsible for the issuance of the annual license or permit, shall notify the applicant in writing that the license or permit will not be granted or issued because of the unpaid delinquent taxes or charges. The notice shall be mailed to the applicant, by first class mail, at the address indicated by applicant on the application form. The notice shall advise the applicant that he/she may appeal the denial of the license or permit to the City Council by filing a written notice of appeal with the City Clerk within 10 days of the date of the notice. The City Council shall afford the applicant an opportunity to be heard after which the City Council shall grant or deny the license.
- (4) **CONDITIONS OF LICENSE.** All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:
- (a) Search of Premises. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from such premises of all things and articles there had in violation of City ordinances or State laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.
- (b) Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (c) View of Premises Required. All windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk, except as such view may be obstructed by the sides of booths as hereinafter set forth. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of such room from the general observation of persons and provided, however, a retail Class "B" license shall entitle the holder thereof to serve such beverages in a separate room at banquets or dinners, and there shall at no time be curtains or obstructions of any kind obstructing the view to booths within the premises.

- (5) CLOSING HOURS. (Ord. No. 1094 9/18/12, Ord. No. 1091 6/19/2012)
1. Between Midnight and 6:00 A.M. no person may sell fermented malt beverages, pursuant to Wisconsin Statutes 125.32(3)
  2. Between 9:00 P.M. and 6:00 A.M. no person may sell intoxicating liquor, pursuant to Wisconsin Statutes 125.68(4)
- (6) OUTDOOR CONSUMPTION LICENSES REQUIRED FOR OUTDOOR CONSUMPTION AT “CLASS B”, CLASS “B” AND/OR “CLASS C” LICENSE PREMISES. (Ord. #1077 8/2/11, Ord. #1056 1/19/10)
- (a) DEFINITIONS. The following words and terms, whenever they occur in this ordinance shall be interpreted as herein defined.
- (1) Outdoor Consumption Area - is defined as an open air, roofed or unroofed area adjacent or accessory to a "Class B", Class “B” and/or “Class C” licensed premises, where beer and other alcoholic beverages are served or consumed. (Ord. #1077 8/2/11)
  - (2) Enclosed Place – an enclosed place is defined as a structure or area that has a roof and more than two substantial walls.
  - (3) Substantial Wall – is a wall with an opening that may be used to allow air in from the outside that is less than 25 percent of the wall’s surface.
  - (4) Patio - A terrace extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.
  - (5) Structure - Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. This shall include signs.
  - (6) Fence – A structure intended to enclose an open space for purposes of security, confinement or aesthetic ornamentation.
- (b) APPLICATION. Application for an outdoor consumption license shall be made in writing on the form prescribed by the City and filed with the City Clerk. New applicants and those making alterations to an existing outdoor consumption license will have their permit reviewed by the Plan Commission and approved by the Common Council. Applicants who are renewing a license and are not altering an existing outdoor consumption license will submit their application to the City Clerk and approved by the Common Council.

- (c) **REQUIRED FOR OUTDOOR CONSUMPTION.** No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under a license granted by the Common Council. The licenses are a privilege in which no rights vest and therefore may be revoked by the Common Council pursuant to Wisconsin Statutes, Chapter 125, or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premise which is not described in a valid outdoor consumption license.
- (d) **LIMITATIONS ON ISSUANCE OF BEER GARDEN LICENSES.** Each applicant for an outdoor consumption license shall accurately describe the area intended for use for outdoor consumption and must include a map or diagram that particularly describes the outdoor consumption area. The applicant shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor consumption.
- (1) The outdoor consumption area shall be completely enclosed with a fence, wall or screen not less than four (4) feet in height. The outdoor premises shall not be closer to the street than the principal building and shall not protrude on the front and abutting street. (Ord. 1133 11/15/2016)
  - (2) Amplified sound or music is permitted within the enclosed licensed premises only, not within the outdoor consumption area.
  - (3) All service in the outdoor premises (beverage and food) shall stop at least one half hour prior to the closing time of the establishment, with the outdoor premises promptly vacated by closing time except for the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.
  - (4) Bartenders shall be responsible for policing the outdoor consumption area at all times it is open for operation.
  - (5) Access to the outdoor consumption area shall be through the main (indoor) entrance to the premises. The Beer Garden shall be equipped with a locking system on a fire exit that meets fire codes.
  - (6) Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.
  - (7) No open flames, inclusive of uncontained candles, table decorations, fire pits or any other type of objects emitting an open flame are allowed.  
(Revised 11/15/2016)

- (8) It shall be the responsibility of the licensee to daily clean up adjoining property of all debris that originates from the outdoor premise/beer garden.
- (7) AFTER HOURS OCCUPANCY. (Ord. #1060 6/1/2010)  
No customer shall remain in any establishment issued a license for the sale of intoxicating liquors and fermented malt beverages after the closing hours as set forth in sub. (5). "Customer" shall include any individual who is employed by the establishment unless that employee is at the premises for a valid business reason, such as cleaning up the establishment or doing book work.
- (8) VIOLATIONS: REVOCATION. (Ord. #578 7/6/82)
- (a) A violation of this section by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.
- Whenever the holder of any license or permit under this section violates any portion of the section or any regulation adopted pursuant thereto, proceedings for the revocation of such license or permit may be instituted in the manner and under the procedure establishing by Section 125.12(2)(a) – (c) & (3) Wis. Stats., and the provision therein relating to renewing a license shall likewise be applicable.
- (b) Whenever any license shall be revoked, at least 6 months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall lapse before any other license shall be granted to the person whose license was revoked.

#### 6.02 DIRECT SELLERS.

- (1) REGISTRATION REQUIRED. It shall be unlawful for any direct seller to engage in direct sales within the City of Chilton without being registered for that purpose as provided herein.
- (2) DEFINITIONS: In this ordinance:
- (a) "Direct seller" means any individual who, for him-herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location, other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) "Permanent merchant" means a direct seller who, for at least one year prior to the consideration of the application of this ordinance to said

merchant, 1) has continuously operated an established place of business in this city, or 2) has continuously resided in this city and now does business from his-her residence.

- (c) "Goods" shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.
- (d) "Charitable organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) "Clerk" shall mean the city clerk.

(3) EXEMPTIONS. The following shall be exempt from all provisions of this ordinance:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- (b) Any person selling goods at wholesale to dealers in such goods.
- (c) Any person selling agricultural products which such person has grown.
- (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business.
- (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person.
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under Sec. 440.41, Stats. Any charitable organization not registered under

Sec. 440.41, Stats. or which is exempt from that statute's registration requirements, shall be required to register under this ordinance.

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

(4) REGISTRATION.

- (a) Applicant for registration must complete and return to the clerk a registration form furnished by the clerk, which shall require the following information:

- (1) Name, permanent address and telephone number and temporary address, if any.
- (2) Age, height, weight, color of hair and eyes.
- (3) Name, address and telephone number of the person, firm, association, or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
- (4) Temporary address and telephone number from which business will be conducted, if any.
- (5) Nature of business to be conducted and a brief description of the goods offered, and any services offered.
- (6) Proposed method of delivery of goods, if applicable.
- (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his-her business.
- (8) Last cities, villages, and towns, not to exceed three, where applicant conducted similar business.
- (9) Place where applicant can be contacted for at least seven days after leaving this city.
- (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction.

- (b) Applicants shall present to the clerk for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required.
- (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state's authorities.
- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

- (c) At the time the registration is returned, a fee of \$20.00 shall be paid to the clerk to cover the cost of processing said registration. (Ord. #970 3/16/04)

The applicant shall sign a statement appointing the clerk his-her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

Upon payment of said fee and the signing of said statement, the clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for the current calendar year or any remaining portion thereof, subject to subsequent refusal as provided in Section 5 (b) below. (Ord. No. 996 6/20/06)

(5) INVESTIGATION.

- (a) Upon receipt of each application, the clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.
- (b) The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with the applicable provision of Section 4(b) above.

- (6) APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council, or, if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Stats.

## (7) REGULATION OF DIRECT SELLERS.

## (a) Prohibited Practices.

- (1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his-her visit, his-her identity or the identity of the organization he-she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.
- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he-she is conducting business.

## (b) Disclosure Requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his-her name, the name of the company or organization he-she is affiliated with, if any, and the identity of goods or services he-she offers to sell.
- (2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Sec. 423.203, Stats.: the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Secs. 423.203(1) (a) (b) and (c), (2) and (3), Stats.

- (3) If the direct seller takes a sales order for the later delivery of goods, he- she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee of warranty is provided and, if so, the terms thereof.
- (8) RECORDS. The Chief of Police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.
- (9) REVOCATION OF REGISTRATION.
- (a) Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provisions of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (10) PENALTY. Any person convicted of violating any provisions of this ordinance shall forfeit not less than \$10.00 or more than \$100.00 for each violation plus costs of prosecution. Each violation shall constitute a separate offense.
- (11) SEVERANCE CLAUSE. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

### 6.03 AUCTIONS.

- (1) LICENSE REQUIRED. No person shall, within the City, engage in the business of auctioneer by selling any goods, wares, merchandise or other property at public auction unless said the Common Council shall license person. This section does not include sales of livestock such as cattle, horses, mules, etc.; sales of household goods which have been used as such by the person making the sale; sales made by virtue of a chattel mortgage, or of a rule, order or judgment of the court, or of some law of the State or of the United States respecting the collection of some tax or duty; sales in consequence of a general assignment of property or effects for the benefit of

creditors; sales made by or on behalf of any executor or administrator; sales made of his farm property or on behalf of a farmer resident in the City whose property to be sold is located therein and who has paid the taxes lawfully levied on such property; or sales made by a resident merchant for the purpose of closing out his business who has paid the taxes lawfully levied on the property to be sold.

- (2) APPLICATION AND FEE. Application for such license shall be made to the City Clerk who shall grant such license for one or more days upon payment of a license fee of \$20.00 per day. (Ord. #970 3/16/04)
- (3) TIME OF SALE. No sale shall be held between 6:00 p.m. and 8:00 a.m. No person selling or offering for sale at public auction any goods, wares or merchandise shall misrepresent the same as to character, quantity, kind or description.

#### 6.04 TAXICABS.

- (1) LICENSE REQUIRED. No person shall maintain or operate in the City a taxicab or other motor vehicles for the transportation of persons for hire without first obtaining a license therefor from the Common Council of the City.
- (2) APPLICATION. Any person desiring to provide such service WITHIN the City shall first make written application for license therefor to the Common Council and shall attach to such application the license fee of \$50.00. Such application shall state the type and nature of transportation to be provided and such further information relating to the character, financial responsibility and the public necessity intended to be met as may be required by the Chief of Police. (Ord. #970 3/16/04)
- (3) ISSUANCE. Upon the Common Council being satisfied that the applicant is a proper person to exercise such privilege and upon the Council being satisfied that the public convenience will be served by the granting of such license, such license shall be directed to be issued by the City Clerk upon motion of record in the minutes of the Common Council.
- (4) RENEWALS. Such license shall be renewable annually for a fee of \$20.00.  
(#970 3/16/04)

#### 6.05 R-MH MOBILE HOME DISTRICT. (#614 5/1/84)

- (1) USE. In the Mobile Home District, no building or premises shall be used or structurally altered except for use in connection with a mobile home park. Permitted uses include all permitted uses in R-1 zoning area per City of Chilton Municipal Code, Chapter 16. (#970 3/16/04)
- (2) DEFINITIONS: As used in this ordinance.
  - (a) Licensee means any person licensed to operate and maintain a mobile home park under the provisions of this ordinance. Person means any individual, firm, trust, partnership, association, or corporation.

- (b) Mobile Home means a manufactured transportable, single-family dwelling unit suitable for year-round occupancy and meeting residential building codes (HUD) Federal Housing and Urban Development. (Ord. #970 3/16/04)
- (c) Dependent Mobile Home is a mobile home without inside toilets, bath, is less than 10 feet in width, and is prohibited in a mobile home park as defined in this ordinance.
- (d) Mobile Home Park means a parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.
- (e) Mobile Home Lot or Site means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (f) Permittee means any person to whom a special permit is issued to construct, alter, or extend a mobile home park under the provisions of this ordinance.
- (g) Issuing Authority means the Common Council of the City of Chilton.
- (h) Unit means mobile home dwelling unit.

(3) PERMITS.

- (a) It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of City of Chilton unless he holds a valid permit issued by the issuing authority in the name of such person for the specific construction, alteration or extension proposed.
- (b) All applications for permits shall contain, and after issuance, be subject to the following:
  - (1) Names and address of applicant.
  - (2) Location and legal description of the mobile home park.
  - (3) A complete plan of the park in conformity with the requirements of this ordinance, City of Chilton.
  - (4) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
  - (5) Proposed rules and regulations for the management of the mobile home park.

- (c) Application for initial mobile home park license shall be filed with the Clerk and be subject to approval by the permit issuing authority. The application shall be in writing, signed by the applicant.
- (4) LICENSE FEES.
- (a) The annual license fee for each mobile home park shall be \$100.00 for each 50 spaces or fraction thereof. (Ord. #970 3/16/04)
  - (b) The fee for transfer of a license shall be \$10.00.
  - (c) A fee equal to 10% of the monthly parking permit shall be paid to the City as specified in Wis. Statutes Sec. 66.0435(3) of Wisconsin Statutes. (Ord. #970 3/16/04)
- (5) APPLICATION FOR LICENSE, TRANSFER, OR RENEWAL.
- (a) Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, and upon review, the issuing authority shall issue a certificate renewing such license for another year.
  - (b) Upon application in writing for transfer of a license and payment of the transfer fee, the issuing authority shall issue a transfer if the transferee is approved pursuant to Section 6.02; (5) (a), (b).
- (6) LOCATION. Mobile home parks may be located only in a District zoned Mobile Home (R-MH). Where any boundary of a park directly abuts property which is improved with a permanent residential building located within 25 feet of such boundary or directly abuts unimproved property which may under existing laws and regulations be used for on-site residential construction, a fence, wall or hedge may be required along such boundary by the permit issuing authority.
- (7) MOBILE HOME PARK PLAN/CONSTRUCTION STANDARDS. Mobile home parks shall conform to the following requirements:
- (a) The construction of mobile home parks shall conform to the requirements of Chapter 17 of the MUNICIPAL CODE OF THE CITY OF CHILTON excepting the following sections: 17.03;(2)(1), (2)(m), (2)(n), (7)(b), (8)(b), and (9)(a).
  - (b) The park shall be located on a well-drained property, properly graded to insure rapid drainage and free from stagnant pools of water, except where storm water retention basins are required.
  - (c) Each site shall be clearly defined or delineated. Each site shall have an average area of not less than 8,000 square feet, and the average width of each site shall be not less than 60 feet and the unit shall not occupy in excess of 20% of the area of site. (Ord. #970 3/16/04)

- (d) Recreational space must be provided as part of the Mobile Home Park Plan. A minimum of 11,000 sq. ft. per 30 mobile home sites shall be provided.
  - (e) The units shall be so located that there shall be at least a minimum of 20 foot total side yard, with 8 feet as a minimum on any one side. No unit shall be located closer than 20 feet from the property line abutting a public street, or 50 feet from trunk Hwy., thoroughfare or such other distance as may be established by ordinance or regulation as a front yard or set-back requirement with respect to permanently erected buildings in the Mobile Home district in which the mobile home park is located.
  - (f) All sites shall abut upon a street of not less than 32 feet in width, which shall have unobstructed access to a public street or highway.
  - (g) All streets shall be in compliance with chapter 17 of the Municipal Code.
  - (h) An electrical service supplying at least 110-120/220-240 volts, 100 amperes shall be provided for each mobile home site. Such services shall be equipped with a disconnect and conform to the Wis. Public Service Corp. Standards.
  - (i) Each mobile home site shall be provided with two off street parking spaces and one side on-street parking for guests and residents only for occasional purposes shall be allowed subject to Municipal Code City of Chilton regarding on-street parking Section 4.05 and 16.19(5).
- (8) **WATER SUPPLY: (Non-utility)** Each site shall be provided with a cold water tap, located to be accessible from the side of the unit. Water meters may be located either in an approved meter pit, or inside of each individual mobile home. Due to the nature of the installation, outside registers for water meters shall be mandatory.
- (9) **SEWAGE AND REFUSE DISPOSAL: (Non-utility)**
- (a) Each mobile home site shall be provided with a sewer service lateral 4" in diameter, which shall be connected to receive the waste water of the mobile home harbored on such site. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable municipal ordinances. Each service lateral shall be located so as to be accessible from side of unit.
  - (b) Garbage containers shall conform to Chapter 9 of Municipal Code.  
(Ord. #970 3/16/04)
- (10) **SITE FACILITIES:**
- (a) Each site shall be provided with 2 concrete foundation runners, each a minimum of 24" wide and 6" thick. Runners shall begin a maximum of 22'

behind the R.O.W. line, and extend a minimum of 75' towards the rear of the lot.

- (b) Tie down eyes shall be cast in the concrete of the runners and be installed in accordance with the Mobile Home Manufacturers Association Specifications.
  - (c) Garages and accessory buildings shall be permitted under the same conditions and standard as permitted in the R-1 District. (#970 3/16/04)
  - (d) After installation, all mobile homes shall be skirted with a semi-opaque or opaque material, and provided with an access panel at the location of the utility services on the home.
- (11) **LANDSCAPING:** Each site and all areas fronting the park and any buildings or recreation areas shall be attractively landscaped.
- (12) **SERVICE BUILDING:**
- (a) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, including electrical installations, plumbing, and sanitation systems.
  - (b) The service buildings shall be well-lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1<sup>st</sup> to May 1<sup>st</sup>. The floors of the service buildings shall be of water impervious material. Washing and drying machines may be installed according to needs of the park.
  - (c) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance, and shall be equipped with a public phone with emergency numbers clearly posted.
- (13) **FIRE PROTECTION:**
- (a) Service buildings shall be equipped with fire extinguishers. Water hydrants of such type, size and number and so located within the park to comply with the City of Chilton Water Department rules and the regulations of the fire department shall be provided.
  - (b) Recreational fires in compliance with Section 14.06 of the Municipal Code. (Ord. #970 3/16/04)
- (14) **SUPERVISION.** The licensee or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker

and the licensee or permittee, shall jointly be subject to prosecution for violation of the provisions of this ordinance.

(15) MANAGEMENT:

(a) In every mobile home park, there shall be located, the office of the person in charge of said Mobile Home Park.

(b) It is the duty of the mobile home park owner or operator, together with any attendants or persons in charge of a mobile home park, to:

(1) Keep a register of all occupants of mobile homes. Said register to be open at all times to inspection by federal, state and local officials.

(2) Maintain the mobile home park in a clean, orderly and sanitary condition at all times.

(3) Report presence of dogs or any other animals running loose in the park.

(4) Report to the County health officer all cases of persons or animals affected or suspected of being affected with any communicable disease. (Ord. #970 3/16/04)

(5) Post copies of their rules and regulations in one or more conspicuous places in the mobile home park where they can be easily seen by the mobile park residents and visitors.

(6) Obtain signed application form, stating year in which mobile home was new, together with size and make, last prior address and current employer, plus name and ages of children in family.

(16) REVOCATION OF LICENSE OR SPECIAL PERMIT: The permit issuing authority may revoke any license to maintain and operate a park when the licensee has been found by the issuing authority, after a hearing, of violating any provisions of this ordinance. After such revocation, the license may be re-issued if the circumstances leading to revocation have been remedied and the park is being maintained and operated in full compliance with this ordinance.

(17) POSTING OF LICENSE AND PERMIT: The license certificate or special permit shall be conspicuously posted in the office of, or on the premises of the mobile home park at all times.

(a) A permittee and/or licensee shall be permitted to sell, transfer, or convey a mobile home lot or site and/or a mobile home to a transferee and such transferee shall be assessed and be liable for payment of real estate taxes on the lot and the improvements thereon being the mobile home and garage and

accessory buildings. These assessments shall be in lieu of the monthly parking permit fee per (d) 3 of such ordinance. In addition, such transferee shall be liable for sewerage and water services and charges to such lot. (Ord. #631 5/21/85)

- (18) SEPARABILITY OR PROVISION: Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

6.06 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Sec. 20.04 of this Code, provided the maximum forfeiture for a violation of Sec. 6.05(12)(b) shall be \$25.00.

6.07 DOG LICENSE TAX. (Ord #548 1/3/81)

- (1) REQUIREMENT. The owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, on or before the date the dog becomes five months of age, pay the dog license tax provided in Sec. 174.05, Wisconsin Stats., and obtain a license from the Treasurer.
- (2) TAX. The dog license tax shall be \$3.00 for a neutered male dog, or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$8.00 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog become five months of age after July 1 of the license year. (#747 11/19/91)
- (3) LICENSE YEAR. The license year commences January 1 and ends on the following December 31.
- (4) LATE FEES. The Treasurer shall assess and collect a late fee of \$5.00 from any owner of a dog five months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensed dog, or if the owner fails to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be retained by the Treasurer as revenue of the City.
- (5) IMMUNIZATION REQUIREMENT. In addition to payment of the required dog license tax, the Treasurer shall require the owner to present evidence that the dog is currently immunized against rabies before issuing to the owner a license for the dog.

6.08 BED AND BREAKFAST ESTABLISHMENT. (Ord. #643 5/6/86)

No person shall operate or carry on a Bed and Breakfast Establishment without obtaining a permit therefor from the Building Inspector after approval by the City Council.

- (1) DEFINITIONS. (a) Bed and Breakfast Establishment. Bed and Breakfast establishment shall mean a place of lodging that provides a maximum of two (2) rooms for rent in a personal residence occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (2) REGULATIONS. All bed and breakfast establishments and licensees shall be subject to and comply with Wisconsin Administrative Code HSS 197, Sections HSS 197.01 through HSS 197.11, excepting HSS 197.03(3), which are hereby adopted by reference and incorporated herein. Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before being assigned sleeping quarters. The Building Inspector shall keep the register intact and available for inspection for at least one year.