

Chapter 10

LICENSES AND PERMITS

[HISTORY: Adopted by the Town Board of the Town of Linn 11-13-1995 (Ch. 10 of the 1995 Code). Amendments noted where applicable.]

§ 10-1. Intoxicating liquor and fermented malt beverages. ¹

- A. State statutes adopted. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§ 125.04(11)(b), 125.09(6), 125.14, 125.60, 125.61, 125.62, 125.66, and 125.69, Wis. Stats., exclusive of any provisions thereof relating to the penalty to be imposed as the punishment for violation of said statutes, are adopted and made part of this section by reference. A violation of any such provision shall constitute a violation of this section.
- B. License fees. The following fees shall be chargeable for licenses issued by the Town Board hereunder: [Amended 12-8-1997; 3-12-2007²]
- (1) "Class A" intoxicating liquor: \$200 per year.
 - (2) "Class B" intoxicating liquor: \$500 per year.
 - (3) Reserve "Class B" intoxicating liquor: one-time fee of \$10,000.
 - (4) Class "A" fermented malt beverage: \$100 per year.
 - (5) Class "B" fermented malt beverage: \$100 per year.
 - (6) Fermented malt beverage wholesaler: \$25 per year.
 - (7) Class "B" picnic license under § 125.26(6), Wis. Stats.: \$10 each.
 - (8) Operator's license: \$50 per two-year period.
 - (9) Provisional operator's license: \$15.
- C. Definitions.
- (1) As used in this section, the terms "alcohol beverages," "brewer," "club," "Department," "fermented malt beverages," "hotel," "intoxicating liquor" and "license" shall have the meaning given them by Ch. 125, Wis. Stats.
 - (2) Licenses.
 - (a) Class "A" fermented malt beverage license. Authorizes retail sales of

1. Editor's Note: See also § 6-10, Alcohol beverages.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

fermented malt beverages in original packages, containers and bottles for consumption off the premises where sold.

- (b) Class "B" fermented malt beverage license. Authorizes retail sales of fermented malt beverages to be consumed whether on or off the premises where sold.
- (c) Special event license. A fermented malt beverage license issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application, and to posts of veterans' organizations authorizing them to sell fermented malt beverages at a particular picnic or similar gathering or at a meeting of any of such post or during a fair conducted by such fair association or agricultural society.³
- (d) Wholesaler's fermented malt beverage license. Authorizes sales of fermented malt beverages, only in original packages or containers, to retailers or wholesalers, not to be consumed in or about the premises where sold.
- (e) Retail "Class A" intoxicating liquor license. Authorizes the retail sale of intoxicating liquor in original packages, containers and bottles for consumption off the premises where sold.
- (f) Retail "Class B" intoxicating liquor license. Authorizes retail sales of intoxicating liquor for consumption on the premises where sold by the glass only and also in the original package or container, in multiples not to exceed four liters at any one time, to be consumed off the premises where sold. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity.⁴
- (g) Operator's license. A license which authorizes a person 18 years of age or older, who is neither the licensee nor the agent of the licensee, to serve or sell alcohol beverages in any place operated under a Class A or Class B license or permit without the immediate supervision of the licensee or agent or a person holding an operator's license on the premises at the time.⁵
- (h) Provisional operator's license. A license issued in accordance with § 125.17(5), Wis. Stats., only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the Town Board. A provisional license expires 60 days after its issuance or when a regular operator's license is issued to

3. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

4. Editor's Note: Original § 10.01(g), Pharmacist's license, and (h), Manager's license, which immediately followed this subsection, were deleted at time of adoption of Code (see Code Adoption Ordinance).

5. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

the holder, whichever is sooner.⁶

(3) As used in this section, the following terms shall have the meanings indicated:

MANUFACTURER — A person, other than a rectifier, who ferments, manufactures or distills intoxicating liquor.

PEACE OFFICER — A sheriff, undersheriff, deputy sheriff, police officer, marshal, deputy marshal or any employee of the Department of Revenue or the Department of Justice authorized to act under Ch. 125, Wis. Stats.

PERMIT — Any permit issued by the Department of Revenue under Ch. 125, Wis. Stats.

PERSON — A natural person, sole proprietorship, partnership, corporation or association.

PREMISES — Area described in a license or permit.

REGULATION — Any rule or ordinance adopted by the Town Board.

RESTAURANT — Any building, room or place where meals or lunches are prepared, served or sold to transients or the general public and all places used in connection therewith.

RETAILER — Any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or license under this section.

UNDERAGE PERSON — A person who has not attained the legal drinking age.

WHOLESALE — A person, other than a brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit or license to sell alcohol beverages at wholesale.

D. License required.

- (1) When required. No person, except as provided by § 125.06, Wis. Stats., shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in or, for the purpose of evading any law or ordinance, give away any alcohol beverages, or cause the same to be done, without having procured a license as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the state and Town applicable thereto. The Town Clerk/Treasurer shall have the authority to issue all operators' licenses defined in Subsection C(2)(g) of this section.
- (2) Separate license required for each place of sale. 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 with each other where alcohol beverages are kept, sold or offered for sale.

E. License application.

⁶. Editor's Note: Added at time of adoption of Code (see Code Adoption Ordinance).

- (1) Form. Application for a license to sell or deal in alcohol beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Town Clerk/Treasurer. The fee prescribed for such license in Subsection B of this section shall accompany the application. 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.
 - (2) Application to be notarized. Applications shall be signed and sworn to by the applicant as provided by § 887.01, Wis. Stats.
 - (3) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk/Treasurer to the State Department of Revenue.
 - (4) Subsequent changes. Within 10 days of a change of any fact given in an application, the licensee shall file a notice in writing of such change with the Clerk/Treasurer.
- F. 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, date of issuance, fee paid and name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided.⁷
- G. Transfer of licenses.
- (1) As to person. No license shall be transferable as to licensee except as provided by § 125.04(12), Wis. Stats.
 - (2) As to place. Licenses issued pursuant to this section may be transferred as provided in § 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.
- H. Posting and care of licenses. Every license issue under this section shall be posted and at all times displayed as provided in § 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.
- I. Revocation and suspension of licenses.
- (1) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by § 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.
 - (2) Violation by agent. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee.

⁷. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- (3) Automatic revocation. If a licensee or his agent or employee is convicted of a second offense under this section, the Board, in addition to the penalties provided for violation of this section, after a public hearing, may forfeit any license issued to him without further notice.
- (4) Grant of new license after revocation. No license shall be granted to a person whose license has been revoked hereunder for a period of one year from the date of revocation.

J. Regulation of licensed premises and licensees.

- (1) Gambling and disorderly conduct 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.
- (2) Sales by clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- (3) Sales to intoxicated persons. No licensee or permittee shall sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (4) Sales to underage persons. No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any person under the legal drinking age not accompanied by his parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any person under the legal drinking age.

K. Closing hours. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of alcohol beverages between the following hours:

- (1) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
- (2) If a retail Class A license, the premises shall be permitted to be open for the sale of intoxicating liquor and/or fermented malt beverages between the hours commencing at 8:00 a.m. and ending at 9:00 p.m. daily.
- (3) If a retail Class B license:
 - (a) Between 2:00 a.m. and 8:00 a.m. on January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 8:00 a.m.
 - (b) Sales of intoxicating liquor and fermented malt beverages intended for off premises consumption and carryout are prohibited between the hours of 12:00 a.m. and 8:00 a.m. daily.

L. Restrictions as to underaged persons.

- (1) Sales of alcohol beverages to. No person shall procure for, sell, dispense or

give away any alcohol beverages to any underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age.

- (2) Presence in places of sale. No underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may enter or be on the 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. This section does not apply to:
 - (a) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
 - (b) An underage person who enters or is on a "Class A" intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. Any underage person so entering the premises may not remain on the premises after the purchase.
 - (c) Hotels, drugstores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in § 125.51(5)(b)1d, Wis. Stats., which are owned by a county or municipality.
 - (d) Concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
 - (e) Ski chalets and golf clubhouses.
 - (f) Premises operated under both a Class "B" fermented malt beverage or a "Class B" intoxicating liquor license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" fermented malt beverage or a "Class B" intoxicating liquor license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
 - (g) An underage person who enters or remains on a Class B premises for the purpose of transacting business at an auction or market if the person does not enter or remain in a room where alcohol beverages are sold or furnished.⁸
- (3) Misrepresentation of age.

⁸. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- (a) No person shall represent that he is of legal drinking age for the purpose of receiving alcohol beverages from a licensee or permittee.
 - (b) Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:
 - [1] That the purchaser falsely represented in writing and supported with other documentary proof that he was of legal drinking age.
 - [2] That the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal drinking age.
 - [3] That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser and the belief that the purchaser was of legal drinking age.
 - (c) Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purposes of this section. The licensee or permittee or his employee shall require any person who has shown documentary proof which substantiates that the person is of legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.
- (4) Possession or consumption in public places. No underage person not accompanied by his parent, guardian or spouse of legal drinking age shall knowingly possess or consume in public any intoxicating liquor or fermented malt beverage. This section shall not prevent an underage person in the employ of a licensee or permittee from possessing fermented malt beverages for sale or delivery to customers.
- (5) Possession on school grounds.
- (a) Prohibited. Except as provided in Subsection L(5)(b) of this section, no person shall possess or consume alcohol beverages:
 - [1] On school premises.
 - [2] In a motor vehicle, if a pupil attending the school is in the motor vehicle.
 - [3] While participating in school-sponsored activities.
 - (b) Exceptions. Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

M. Penalty.

- (1) Any person who commits a violation of this section shall be subject to a forfeiture as provided in Chapter 1, § 1-4 of this Code.⁹
- (2) Any underage person who commits a violation of this section shall be subject to a forfeiture not to exceed the maximum forfeiture provided in Ch. 125, Wis. Stats., except that disposition in proceedings against a person under 18 years of age on the date of disposition may be as provided by § 938.344, Wis. Stats.
- (3) A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

N. Continuing business. [Added 8-12-1996]

- (1) It shall be a condition of maintaining and keeping a liquor license in the Town of Linn that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business is hereby declared to be against public policy and lacking in usefulness.
- (2) "Business continuation" is hereby defined to be open at least one calendar week in at least six months each year. "Open" means conducting business publicly.
- (3) In the event that any licensed party violates this subsection, disciplinary action may be taken by the Town Board, including reprimand, suspension of the license for a specified number of days (up to 90 days), or revocation of the license. Any license that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will include the reason for the hearing, and the decision of the Board will be sent by first-class mail to the last known address of the licensee or personally served, at the option of the Town Chairman.¹⁰
- (4) In the event that disciplinary action is taken against an alcohol licensee, the state procedure mandated under present § 125.12, Wis. Stats., or its successor, will be followed. At present, said procedure requires personal service of the hearing notice (summons) and complaint and a hearing within three to 10 days thereafter.
- (5) There shall be no refund of any license fee paid to a party whose license is revoked.
- (6) In lieu of a hearing, the Town Board may accept surrender of the license, and the Board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
- (7) Evidence and testimony at the hearing shall be done in open session. Pursuant to § 19.85(1)(a), Wis. Stats., the Board may go into closed session to

9. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

10. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

deliberate with regard to its decision, where that possibility has been listed on the hearing notice posted or published. The Clerk/Treasurer shall see that the hearing notice is posted or published, in a format acceptable to the Chairman.

§ 10-2. Public amusements.

- A. No person shall hold, conduct or manage a public dance, concert, carnival, or street fair, skating rink or other like amusement in the Town without a written permit to be issued by the Clerk/Treasurer by authority of the Town Board. Application for said permit shall be filed with the Clerk/Treasurer at least 14 days prior to the date of holding such amusement and shall be accompanied by a fee as set by the Town Board, which fee shall cover such amusement for a continuous period of four days or less.¹¹
 - (1) When such application is received, the Town Board may order a public hearing within 10 days of the application, and following such hearing the Town Board shall determine whether such application will be approved.
 - (2) The Chief of Police may recommend to the Town Board that the safety and health of the community are threatened by the application, and the Town Board shall determine if additional police security or additional security in the form of a bond is needed.
- B. No such amusement shall be conducted in the Town unless it is in the presence and under the direct supervision of the Chief of Police or other Town official or other person designated for that purpose by the Chairman.
- C. The term "public amusement" shall not be construed to apply to a form of amusement conducted with any church or school function or parent-teacher association otherwise conducted in compliance with law.
- D. No such form of amusement shall be conducted in said Town between 1:00 a.m. and 9:00 a.m.

§ 10-3. Peddlers, hawkers, canvassers, solicitors and transient merchants.

- A. The practice of going in or upon private or public property in the Town by solicitors, peddlers, canvassers, itinerant merchants or transient merchants, not having been requested or invited to do so by the owner or occupant of private premises, business establishments or offices or by the occupants of public buildings or places, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and peddling of the same or soliciting subscriptions for magazines, periodicals, books or other publications, or to solicit contributions, unless licensed or permitted to do so under other ordinances of the Town as exempted from requiring a license or permit by state law is unlawful.
- B. This section shall not regulate the following transactions:

¹¹. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- (1) Solicitations for charitable, patriotic or philanthropic purposes licensed under the Community Chest or for benefit of local churches.
- (2) Any sale required by statute or by the order of any court.
- (3) Any bona fide auction sale conducted in the manner provided by law.

§ 10-4. Mobile homes and mobile home parks.

A. State law adopted. Section 66.0435, Wis. Stats., is adopted by reference and made a part of this chapter.

B. Location outside parks.¹²

- (1) Except as provided in this section, no person shall park any mobile home within the Town.
- (2) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions or limitations imposed by traffic regulations on such street, alley or highway.
- (3) No person shall park or occupy any mobile home on any premises which is situated outside an approved mobile home park. The parking of only one unoccupied mobile home in an accessory private garage building, provided that the same is completely enclosed and out of sight when in such building, is permitted, provided that no living quarters shall be maintained nor any business practiced in said mobile home while it is stored.

C. Permanent occupancy.

- (1) Mobile homes shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time, except as provided in Subsection K of this section, provided that any nondependent mobile home properly connected with the public water supply and sanitary sewer systems may be permitted in a mobile home park if such mobile home shall be constructed and located in compliance with all requirements of the building, plumbing, health, sanitary, electrical and county zoning ordinances.¹³
- (2) Any action toward the removal of wheels, except for temporary purposes of repair, or other action to attach the mobile home to the ground by means of posts, piers or foundation shall subject the mobile home to the requirements of the Building Code as well as this section.¹⁴

D. License for mobile home park; application and issuance.

- (1) No person shall establish, operate, maintain or permit to be established,

12. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

13. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

14. Editor's Note: See Ch. 12, Building Code.

operated or maintained upon any property owned, leased or controlled by him a mobile home park within the limits of the Town without having first secured a license for each such park from the Town Board pursuant to this section. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this section for additional periods of one year.

- (2) The application for such license or the renewal thereof shall be filed with the Clerk/Treasurer and shall be accompanied by a fee as set by the Town Board for each space in the existing or proposed park and a surety bond in the sum of \$5,000. This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Subsection N of this section, payment of such fees to the Clerk/Treasurer, and payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of said Town, pursuant to which said license is granted, and shall be also for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this section. A fee as set by the Town Board shall be paid for each transfer of a license.¹⁵
- (3) The application for a license or a renewal thereof shall be made on forms furnished by the Clerk/Treasurer and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application) and such a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:
 - (a) The extent and area used for park purposes.
 - (b) Roadways and driveways.
 - (c) Location of units for mobile homes.
 - (d) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms, to be used by occupants of units.
 - (e) Method and plan of sewage disposal.
 - (f) Method and plan of garbage removal.
 - (g) Plan for water supply.
 - (h) Plan for electrical lighting of units.

E. Inspection and enforcement. No mobile home park license shall be issued until the

15. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

Clerk/Treasurer shall notify the Chief of Police, Health Inspector, and Building Inspector, or their authorized agents, of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Town Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials, or their authorized agents, shall have the right to enter any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.¹⁶

F. Location of mobile home park.

- (1) No mobile home park shall be located in any area not approved for the same by the Town Board.
- (2) No occupied mobile home within the limits of the Town shall be located between the recognized setback line for the zoning district in which such mobile home is located and the street or highway or less than 10 feet from any building or other mobile home or from the boundary line of the premises on which located.

G. Park plan.

- (1) Every mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of stormwater or other waters. No mobile home park shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.
- (2) Mobile home spaces shall be clearly defined and shall consist of a minimum of 1,000 square feet and a width of not less than 20 feet. The park shall be so arranged that all spaces shall face or abut on a driveway of not less than 20 feet in width giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall be unobstructed.¹⁷
- (3) The park shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.
- (4) Every mobile home space shall be furnished with an electric service outlet.

16. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

17. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 amperes' capacity and a heavy outlet receptacle. Electrical outlets shall be weatherproof, and no power lines shall be less than 15 feet above ground.

- (5) Off-street parking areas for mobile vehicles shall be provided in the ratio of one lot for each mobile home unit.
- (6) No mobile home unit shall be parked in a park outside of a designated space.

H. Water supply.

- (1) An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than 200 feet from any dependent mobile home, shall be furnished for drinking and domestic purposes in all parks.
- (2) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide 20 pounds of pressure per square inch and capable of furnishing a minimum of 125 gallons per day per space.
- (3) No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet room.
- (4) Every mobile home park serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

I. Service buildings and accommodations.

- (1) Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, showers and laundry facilities as required by this section, such buildings to be known as "service buildings." Such service buildings shall be located not more than 200 feet from any dependent unit space nor closer than 15 feet to any mobile home space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.
- (2) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight dependent units or fractions thereof and shall have separate compartments. Every male toilet room shall also contain one urinal for each 16 dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or fewer water closets.
- (3) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square for each eight dependent units or fraction thereof. Each shower compartment shall be supplemented by

an individual dressing compartment of at least 12 square feet.

- (4) Laundry facilities shall be provided in the ratio of one double-tray unit, one conventional-type washing machine or one automatic washing machine with electric outlet for each eight units. Sufficient drying facilities shall be available.
- (5) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each 16 dependent sinks.
- (6) The above accommodations shall be based on the total park capacity according to accepted plans.
- (7) Floors of toilets, showers and the laundry shall be of concrete, tile or similar materials impervious to water, easily cleaned and pitched to a floor drain.

J. Waste and garbage disposal.

- (1) All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public sewer system.
- (2) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the State Plumbing Code. The sewer connection shall be provided with suitable fittings so that watertight connection can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
- (3) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (4) Each faucet shall be equipped with facilities for drainage of waste and excess water.
- (5) Every mobile home unit shall be provided with a substantial flytight, watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner at least weekly.

K. Limitation on length of stay and on number of occupants. No person shall occupy any mobile home within the Town for more than 90 days in each twelve-month period, except that upon a showing and proof that there exists in the community a shortage of adequate housing facilities additional stays of 60 days may be granted as an emergency provision, provided that this time limitation shall not apply to the licensee of a mobile home park or his bona fide employees so as to prevent their remaining on the park premises at all times.

L. Management.

- (1) In every mobile home park there shall be located the office of the attendant or

person in charge of said park. A copy of the park license and of this section shall be posted therein, and the park register shall at all times be kept in said office.¹⁸

- (2) The attendant or person in charge, together with the licensee, shall:
 - (a) Keep a register of all guests, to be open at all times to inspection by state and federal officers and the Town Board, which shall show for all guests:
 - [1] Names and addresses.
 - [2] Number of children of school age.
 - [3] State of legal residence.
 - [4] Dates of entrance and departure.
 - [5] License numbers of all mobile homes and towing or other vehicles.
 - [6] States issuing said licenses.
 - [7] Purpose of stay in park.
 - [8] Place of last location and length of stay.
 - [9] Place of employment of each occupant.
 - (b) Maintain the park in clean, orderly and sanitary condition at all times.
 - (c) Ensure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his attention.
 - (d) Report to the Health Inspector all cases of persons or animals affected or suspected of being affected with any communicable disease.¹⁹
 - (e) Maintain in convenient places hand fire extinguishers in the ratio of one to each eight units.
 - (f) Collect the monthly parking permit fee provided for in Subsection N of this section. A book shall be kept showing the names of the persons paying said service charges and amounts.
 - (g) Prohibit the lighting of open fires on the premises.

M. Applicability of plumbing, electrical and building ordinances. All plumbing, electrical, building and other work on or at any park licensed under this section shall be subject to the Town ordinances, the requirements of state plumbing, electrical and lighting codes and the regulations of the State Department of Commerce and all requirements as set forth in the Wisconsin Statutes. Licenses and

18. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

19. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

permits granted under this section grant no right to erect or repair any structure or to do plumbing or electrical work.²⁰

- N. Monthly parking fee. There is imposed on each owner and operator of a licensed mobile home park a monthly parking permit fee in the amount as determined after hearing as provided by law on every occupied mobile home in the park. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home and pay the full amount to the Town Clerk/Treasurer on or before the 10th day of the month for which such fees are due.²¹
- O. Revocation or suspension. The Town Board may revoke or suspend any license or permit issued pursuant to the terms of this section.

§ 10-5. Cleaning dry wells and septic tanks.

- A. License required. Any person engaging in the business of cleaning dry wells and septic tanks in the Town shall obtain a license from the Sanitary District.
- B. Application. In the application for such license, the applicant shall state his name and address or, if a corporation, the names and addresses of the directors and officers and shall describe the equipment and shall accompany such application with the annual license fee and surety bond hereinafter mentioned and also file a list of the charges made for service.
- C. License fee. Each license fee shall be set by the Sanitary District, and the license shall terminate on July 31 of each year with no proration for the amount to be paid.
- D. Surety bond. Each applicant for such license shall obtain a surety bond from a reputable company in the amount of \$1,000 under which the company shall agree to pay damages to the Town and customer for any damages, nuisance, or pollution resulting from the operation of its equipment or from negligence of its personnel.

§ 10-6. Grass fires. ²²

- A. Regulation of setting of field and grass fires. No person shall set fire to grass, field, brush or similar combustible materials in their natural state without having first secured a permit therefor from the Linn Volunteer Fire Department Fire Chief. Such permit shall state the name of the person applying for the same and the location in which the fire is to be set and shall limit the right to setting a fire upon such premises to a period of 10 days from the date of the permit. The Fire Chief, as a condition precedent to issuing of the permit, shall require the applicant to deposit with him a sum as set by the Town Board in cash and shall issue to the person applying for the permit a receipt for the same. The sum shall be returned to the person applying for the permit and to whom the permit was issued on and after 10 days from the date of the permit upon presentation to the Fire Chief of the receipt

20. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

21. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

22. Editor's Note: See also § 6-13, Outdoor fires.

for the sum and a proper showing that no fire run was made by any Fire Department as a result of setting any fire under the terms of the permit. In the event, however, that a fire run by any Fire Department is required by reason of any fire set in accordance with the terms of the permit, the sum shall be paid by the Fire Chief into the Town treasury to apply upon the cost of such fire run. Permits will not be issued when the Fire Chief has been notified by the Town Board that in its opinion a fire hazard exists, and no permit shall be issued until the Town Board notifies the Fire Chief that he may issue the permit.²³

- B. Location of fire. No fire shall be set within 100 feet of a building or where there is immediate danger to such building of destruction by fire.
- C. Service by Fire Department. In the event that any fire has been set either under a permit issued or without a permit which requires service of the Town Fire Department to control the same, the person causing such fire to be set shall be liable to the Town for all costs and expenses incurred in connection with the fire run by the Town and shall pay the same upon written notice from the Town Clerk/Treasurer as to the amount thereof. In the event that such payment is not made within 60 days after notice from the Town Clerk/Treasurer, the amount thereof shall be placed upon the tax roll and assessed against the real estate upon which the fire was set and collected by the Town at the next succeeding tax collection.²⁴

§ 10-7. Refusal to renew license.

- A. Delinquent personal property taxes. No renewal of any license granted by the Town, including liquor licenses, will be granted for any premises or persons for which personal property taxes are delinquent and unpaid.
- B. Notice. Prior to the time for the renewal of the license, the Clerk/Treasurer of the Town shall notify the licensee in writing of the Town's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action.
- C. Hearing. The hearing on the Town's intention not to renew a license shall be held in front of the Town Board not less than three days and not more than 10 days from the date of the notice referred to in Subsection B of this section. If the licensee does not appear at the hearing and the Town Board finds that the licensee has failed to pay personal property taxes, the Town Board shall refuse to renew the license. If the Town Board, after considering arguments presented by the licensee, finds that the licensee has failed to pay personal property taxes, the Town Board shall deny the license renewal.
- D. Judicial review. The action of the Town Board in failing to renew any license may be reviewed by the Circuit Court of Walworth County. The procedure for initiating

23. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

24. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

a review shall be conducted in accordance with § 125.12(2)(d), Wis. Stats.

§ 10-8. Sale of cigarettes. [Added 2-14-2005]

- A. License required. Every person, pursuant to § 134.65, Wis. Stats., and this section, who sells in the Town of Linn cigarettes to a person who does not hold a Town of Linn cigarette license shall seek and obtain a cigarette sales license from the Town of Linn. The fee for such license shall be \$50 per premises. The license shall be issued from July 1 of one year to June 30 of the next year. The license shall be issued by the Town Clerk/Treasurer of the Town of Linn prior to any person selling any cigarettes without the proper license or permit in the Town of Linn. Such licenses are not transferable from one person to another and are not to be amended from one premises to another.
- B. Application. Every person who sells cigarettes in the Town of Linn shall be required to complete an application for such license. Each application shall include the name of the applicant, the address of the applicant, the address of the premises where the cigarettes are to be sold, the age of the applicant, and the business and residential phone numbers of the applicant.