

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

**ORDINANCE #10-03-02
JUNE 14, 2010
TO AMMEND THE CODE OF ORDINANCES
CHAPTER 12 LICENSES AND PERMITS**

Pursuant to its authority to exercise village powers under Section 60.10 (2) (c) Wis. Stats. and the town meeting resolution adopted at the annual town meeting on April 2, 1974, Chapter 12 Licenses and Permits Ordinance and does ordain as follows:

12.01 LICENSE FEES.

Unless otherwise indicated, fees for licenses issued under this chapter shall be as follows:

ALCOHOL BEVERAGES.

Retail Class "A" Fermented Malt Beverage License.	\$100
Retail Class "B" Fermented Malt Beverage License	\$100
Part Time	¾ Annual Fee
Special Event (picnic)	\$ 10
Retail "Class A" Intoxicating Liquor License	\$500
Retail "Class B" Intoxicating Liquor License	\$500
Retail "Class C" Wine License (Am. 10-03-02)	\$100
Operator's License (Am. '94)	\$ 10
Provisional License (Am. 10-03-02)	\$ 5
Background Check (Am. 10-03-02)	\$ 7

DOG IMPOUNDMENT FEE. (Am. #6-93) \$7/day

MOBILE HOMES AND MOBILE HOME PARKS. (Am. 1993)

Mobile Homes	
Parking Fee. See §66.058, Wis. Stats. Late fee*	\$ 5
Outside Parks	\$ 25
Mobile Home Parks	\$100

WASTE MANAGEMENT PERMIT FEE (Cr. 10/19/94) \$100

*Charged for each 30 day period.

12.02 GENERAL PROVISIONS AS TO LICENSES.

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

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

(3) PAYMENT OF FEE. The fees required for any license or permit shall be paid at the office of the Town Clerk/Treasurer before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied.

(4) BOND AND INSURANCE. All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the Town Board. Where policies of insurance are required, such policies shall be approved as to substance and form by the Town Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Town before the license or permit is issued.

(5) APPROVAL OR DENIAL OF LICENSES. Where the approval of any Town or State officer is required prior to the issuance of any license or permit, such approval shall be presented to the Town before any license or permit is issued.

(6) CERTIFICATE. Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit and shall be signed in the name of the Town by the Chairman and Town Clerk and be impressed with the Town Seal. The Clerk shall keep a record of all licenses and permits issued.

(7) TERMS.

- (a) Unless otherwise provided, the license year shall end on June 30 of each year.
- (b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.
- (c) Permits shall be issued for the term set forth in the permit.

(8) EXHIBITION OF CERTIFICATE. Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of

business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

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

(10) DETERMINATIONS OF THE TOWN BOARD. All determinations made by the Town Board shall be subject to the provisions of Ch. 68, Wis. Stats.

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

(12) REVOCATION AND SUSPENSION OF LICENSES.

(a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the Town Board. No license shall be revoked except upon written verified complaint filed with the Town Board by the Chairman, a member of the Town Board, the Constable or a resident of the Town. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Town Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Chairman or presiding officer of the Board to compel the attendance of witnesses.

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

(d) The Constable shall repossess any license revoked hereunder.

(e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Town Board.

12.03 ALCOHOL BEVERAGES.

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

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.

- (a) When Required. Except as provided by §125.06, Wis. Stats., rectify, brew or engage in any other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See §125.04(1), Wis. Stats.
- (b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See §125.04 (9). Wis. Stats.
- (3) **CLASSES OF LICENSES AND FEES.** The following classes and denominations of licenses may be issued by the Town Clerk under the authority of the Town Board upon compliance with law and payment of the fee herein specified which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced State statute.
- (a) Class “A” Fermented Malt Beverage Retailer’s License. See §125.25, Wis. Stats.
- (b) Class “B” Fermented Malt Beverage Retailer’s License. See §125.26, Wis. Stats.
- (1) Six Months. A Class “B” license may be issued at any time for 6 months in any calendar year, for $\frac{3}{4}$ of the applicable license fee. Such license shall not be renewable during the calendar year in which issued. See §125.26 (5), Wis. Stats.
- (2) Special Event (Picnic). See §125.26 (6), Wis. Stats.
- (c) Wholesaler’s Fermented Malt Beverage License. May not exceed \$25 per year or fraction thereof. See §125.28, Wis. Stats.
- (d) Retail “Class A” Intoxicating Liquor License. See §125.51 (2), Wis. Stats.
- (e) Retail “Class B” Intoxicating Liquor License. A retail “Class B” liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed 4 liters at any one time to be consumed off the licensed premises. See §125.51 (3), Wis. Stats.
- (1) A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.
- (2) The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued. See §125.51 (9), Wis. Stats.
- (f) Operator’s License. See §125.17, Wis. Stats.
- (1) Operator’s licenses may be granted to individuals by the Town Board for the purposes of complying with the provisions of §§125.32 (2) and 125.68 (2), Wis. Stats.
- (2) Operator’s licenses may be issued only on written application on forms provided by the Town.
- (3) Operator’s Licenses shall be valid for one year and shall expire on June 30 of each year.
- (4) No operator’s license shall issue unless the applicant has successfully completed a responsible beverage server training course or otherwise fulfilled the requirements as provided in §125.17 (6), Wis. Stats.

(5) The Town Board may issue an operator's license to applicants who have met the following requirements:

- (a) Have attained the age of 18.
- (b) Are a citizen of the United States and have established State residency.
- (c) Have fully completed the information requirements of the application form.
- (d) Have fulfilled the requirements of §125.17 (6), Wis. Stats.
- (e) Have paid the fee for an annual license.
- (f) Have successfully completed a background check.

(g) Provisional License. See §125.17, Wis. Stats.

(1) Designated official. The Town Clerk/Treasurer is designated as the municipal official having the authority to issue a provisional license.

(2) Procedures. The following procedures will be used:

- (a) The applicant shall submit an operator's (bartender's) written license application and pay the fee for a provisional license.
- (b) The applicant will be advised, in writing, that he or she needs to complete the beverage server's training course within 60 days, unless the applicant fulfills one of the following requirements:
 - (1) The person is renewing an operator's license.
 - (2) Within the past two years the person held a Class "A," Class "B," "Class A" or "Class B" license or permit or a manager's or operator's license.
 - (3) Within the past two years the person has completed a beverage server's training course.
- (c) The application will be subject to a background check before a license is issued. The Clerk will be notified by the WI Criminal History Background Check within 48 hours, excluding holidays and weekends regarding the issuance of the provisional license.
- (d) The applicant may be issued a provisional (temporary) license for 60 days.
- (e) Following completion of the beverage server's training course and notification from the school, the license application, the background check and fee shall be presented to the Town Board for the issuance of a regular operator's license.
- (f) A provisional license may not be issued to any person who has previously been denied an operator's permit, had an operator's permit revoked or had a provisional (temporary) permit within the previous twelve month period.
- (g) After approval by the Town Board, the operator's license shall be issued and shall expire on June 30 of each year.

(h) Retail "Class C" Wine License. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. See §125.51 (3m), Wis. Stats.

(4) LICENSE APPLICATION.

- (a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue and filed with the Town Clerk at least 15 days prior to issuance. The premises shall be physically described, including every room and rooms joined by connecting entrances or not separated by a solid wall.
- (b) Application to be Notarized. The application shall be signed and sworn to by the applicant as provided by §887.01, Wis. Stats.
- (c) Publication. Prior to issuance of a license under this section, the Town Clerk shall publish notice of the application in the official Town newspaper.
- (d) List of Licensees. (Am. MSC '93) By July 15 of each year, the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each person holding a license issued under this section, except a picnic, manager's or operator's license.

(5) LICENSE RESTRICTIONS.

- (a) Statutory Requirements. Licenses shall be issued only to persons eligible therefore under §125.04, Wis. Stats.
- (b) Location.
 - (1) No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300' from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.
 - (2) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300' thereof by any school, hospital or church building.
- (c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or State liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under §125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- (d) Health and Sanitation Requirements. No retail Class A or B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town Board.
- (e) License Quota. The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in §125.51(4), Wis. Stats.
- (f) Age Requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

(g) Effect of Revocation of License. Twelve months shall elapse before another license shall be granted to the person whose license was revoked.

(h) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the Town.

(i) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(j) Operator's License Required. No person other than the licensee or persons having an operator's license issued by the Town shall be behind the bar in the licensed premises for the purpose of serving, dispensing or mixing alcohol beverages.

(k) Special Events.

(1) Holders of picnic licenses and holders of licenses for occasions when beer is to be dispensed by a number of vendors passing among participants in events shall provide for a licensed operator to be present at all times at the central facility for dispensing beer during the time the premises are open. There shall also be at least one additional operator supervising all persons dispensing beer in the outer area serviced by the central facility.

(2) This rule shall not apply to golf courses for occasions such as stag nights and ladies nights when events are participated in only by members and their few invited guests.

(6) FORM AND EXPIRATION OF LICENSES. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law. The Town Clerk shall affix his affidavit as required by §125.04(4), Wis. Stats.

(7) TRANSFER OF LICENSES.

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

(b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in §125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be \$10.

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

(9) REGULATION OF LICENSED PREMISES AND LICENSEES.

(a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling (except as provided by State law) shall be allowed at any time on any such premises.

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

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

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

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

(a) If a retail Class A fermented malt beverage license, between midnight and 8 a.m.

(b) If a retail Class B license, between 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturdays and Sundays. On January 1 premises operating under a Class B license are not required to close. No package, container or bottle sales may be made after midnight.

(c) Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business, but no intoxicating liquor or fermented malt beverages shall be sold during prohibited hours.

(11) REVOCATION AND SUSPENSION OF LICENSES.

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

(b) Effect of Revocation. See par. (5) (h) of this section.

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

(13) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(14) SELLING OR GIVING BEER TO UNDERAGE PERSONS PROHIBITED. No person shall sell, dispense, give or furnish any fermented malt beverage to any underage person when not accompanied by parent, guardian or spouse of legal drinking age.

(15) PURCHASE OR POSSESSION OF INTOXICATING LIQUOR OR FERMENTED MALT BEVERAGES BY UNDERAGE PERSONS PROHIBITED. No underage person shall purchase or receive from any person, or have in his possession, any intoxicating liquor or wine. No underage person shall purchase or receive from any person, or have in his possession, any fermented malt beverages unless accompanied by his parent, guardian or spouse of legal drinking age.

(16) UNDERAGE PERSONS' PRESENCE IN PLACES OF SALE.

(a) Underage persons may enter or remain in a room on a Class B licensed premises separate from any room where alcohol beverages are sold or served, provided no alcohol beverages are furnished or consumed by any person in the room where the underage persons are present. Before underage persons may so enter upon a licensed premises as provided in the preceding sentence, the licensee shall obtain from the law enforcement agency responsible for enforcing local ordinances (Polk County Sheriff's Department) a written authorization permitting underage persons to be present under this sub-section on the dates specified in the authorization. Before issuing the authorization, the law enforcement agency 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.

(b) An underage person may enter or remain on a Class B licensed premises on a date specified by the licensee during times when no alcohol beverages are consumed, sold or given away. During such times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises, unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency in advance of the times underage persons will be allowed on the premises under this subsection.

12.04 CONTROL OF DOGS.

(1) **LICENSE REQUIREMENT.** Every person, pursuant to Chapter 174, Wisconsin Statutes, and this ordinance, residing in the Town of Osceola, who owns a dog that on January 1 is at least five (5) months old, or will be five (5) months old within the license year, shall annually seek and obtain a dog license.

(2) LICENSE FEE.

(a) The dog license fee for dogs in the Town of Osceola shall be as follows: \$5.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$10.00 for an un-neutered male dog or un-spayed female dog.

(b) Kennel Licenses. The fee for any person who keeps or operates a kennel may, instead of the license fee, apply to the collecting official for a kennel license for the keeping or operating of a kennel. Such person shall pay for the license year a license fee of \$40.00 for a kennel of twelve (12) or fewer dogs.

(3) **LATE FEES.** Late fees shall be charged by the Town of Osceola in the amount of \$5.00 if the license is not purchased by April 1 or if not purchased within thirty (30) days of acquiring the ownership of the dog.

(4) **COUNTY/STATE FEES.** Fees set by Polk County Ordinance, and/or State of Wisconsin shall be payable to the Polk County Treasurer for each license issued by the Town of Osceola.

(5) **LICENSE YEAR.** The license year commences on January 1 and ends on the following December 31.

(6) COLLECTING/ISSUING OFFICIAL. The Town of Osceola Clerk/Treasurer and the Town of Osceola Animal Warden are hereby designated as the collecting/issuing official of the Town of Osceola for all dog licenses.

(7) FAILURE TO LICENSE DOG. Failure to license a dog determined to be owned by a resident is subject to the fine as provided in Chapter 25.04 of this Code of Ordinances.

(8) CONTROL OF DOGS. It is the intent of this section to protect citizens from the ravages and damages caused by dogs, particularly those owned by people who fail to respect the rights of others. It is not the intent of this section to penalize farmers or others whose dog may for the first time and without their knowledge cause a disturbance.

(9) DOGS NOT TO RUN AT LARGE. No owner of any dog shall permit such a dog to run at large within the Town.

(10) ENFORCEMENT. Enforcement of this section shall be carried out by the Town Animal Warden, or the Town Constable if the Animal Warden is not available. If the identity and the ownership of the dog offending private property can be readily ascertained, the Animal Warden may advise such owner of the dog's transgressions. This shall not limit the authority of the Animal Warden to immediately impound the dog or to prosecute such owner as provided in this section.

(11) NOTIFICATION OF IMPOUNDMENT.

(a) If the person who owns or harbors the offending dog, contrary to the provisions of this section, can be reasonable ascertained, such individual shall be notified in person or by mail that such dog is impounded.

(b) If the person who owns or harbors the offending dog cannot be ascertained, the Animal Warden, shall post written notice within 24 hours after seizure and these notices shall be posted in three (3) conspicuous places in the Town, one of which shall be on the bulletin board at the Town Hall. Such notice shall be dated and if the owner does not reclaim the dog within seven (7) days, Sunday excepted, the dog shall be disposed of in the proper manner.

(12) IMPOUND FEES. Any dog impounded under this section shall be charged the impound fee in Sec. 12.01 of this Chapter, plus the penalty as provided in Chapter 25.04 of this Code of Ordinances.

(13) RECORDS. The Animal Warden or Town Constable, and the Town Clerk/Treasurer shall keep complete and accurate records of all dogs licensed. They shall also keep records of all dogs picked up together with monies received through payment of forfeitures and fees. An annual report shall be provided to the Town Board at the end of each calendar year.

12.05 MOBILE HOMES AND MOBILE HOME PARKS. (Am. 1993)

(1) STATUTES ADOPTED. The provisions of §66.058, Wis. Stats., and the definitions in that section are hereby adopted by reference.

(2) PARKING FEE. There is hereby imposed on each occupied, nonexempt mobile home located in the Town a parking fee as determined under §66.058, Wis. Stats. Such fees shall be paid to the Town Clerk biannually. A late payment fee as provided in §12.01 of this chapter will be charged for any overdue balance.

(3) MOBILE HOME PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the Town a mobile home park without first having secured a license therefore from the Town Clerk.

(a) Application and Fee. The application for such license shall be accompanied by the fee set forth in §66.058(3), Wis. Stats., as provided in §12.01 of this chapter, and must be renewed yearly. Payment of such fee shall be made to the Town Treasurer.

(b) Health Rules Adopted. Mobile home parks shall comply with the provisions of Ch. HSS 177, Wis. Adm. Code, which is hereby adopted by reference.

(c) Duties of Park Operator. In every mobile home park there shall be located the office of the person in charge of the park. Such owner or operator and any attendants or persons in charge shall:

(1) Keep a register of all occupants of mobile homes to be opened at all times to inspection by Town officials. This register shall contain the names and addresses of the occupants of each mobile home, the number of school age children residing therein, place of legal residence, date of arrival and departure and place of employment of each occupant. The owner shall also be required to send a copy of this list to the Town Clerk at the beginning of each year for the purpose of collecting the parking fees in sub. (2).

(3) Report to the Town Chairman all cases of persons or animals infected or suspected of being infected with any communicable disease.

(4) Post copies of this section and a copy of the park license in a conspicuous place where it can be easily seen by all mobile home park personnel and visitors.

(4) MOBILE HOMES OUTSIDE PARKS.

(a) Permit Required. Except as provided in this subsection, no person shall occupy any mobile home within the Town outside an approved mobile home park unless a written permit shall first be obtained from the Town Board after written application. Any permit granted shall expire one year from date of issuance.

(b) Permit Restrictions.

(1) Persons under this subsection may be granted to park one mobile home outside an approved mobile home park on a farmstead. A farmstead is defined as an area of not less than 40 acres on which is presently located a residence and at least one other outbuilding not including a garage.

(a) Parking Fee. Occupants of nonexempt mobile homes parked outside a mobile home park under this subsection shall remit the parking fee in sub. (2) directly to the Town Clerk biannually.

(b) Septic system required. Every mobile home parked outside a mobile home park under this subsection shall discharge its liquid waste into a septic tank system approved by the appropriate state agency.

(2) Permit under this subsection may be granted to park one mobile home outside an approved mobile home park for the purpose of a permanent dwelling in a residential area. A mobile home permit issued under this subsection will ultimately be assessed as real estate and will be included on the tax roll as such.

(a) Application and fee. The application for such a permit shall be in writing, shall be accompanied by a fee as provided in §12.01 of this chapter and shall be nonrenewable.

(b) Septic system required. Every mobile home parked outside a mobile home park under this subsection shall discharge its liquid waste into a septic tank system approved by the appropriate State agency.

(c) Parcel restrictions. The applicant of such a mobile home shall own the parcel on which the home is to be located and the parcel shall be directly accessible to a Town road or any other public road and be at least 1-1/2 acres in size.

(d) Size restrictions. The minimum size of mobile home unit shall be 980 sq. ft. of living space. The hitch area is not to be considered in computing this minimum size requirement.

(e) Foundation restriction. Every mobile home parked outside a mobile home park under this subsection shall be set upon and attached to a permanent concrete foundation, wall or basement at a 42" frost depth. If closing of the lower area below the floor area is necessary, skirting shall be required. The type of skirting shall be of such material and color that blend with the original color, material, fabric and/or design of the original color mobile home itself.

(f) Appearance of home. Every mobile home parked outside a mobile home park under this subsection shall not unreasonably and negatively affect the property value of the area at or near wherein such mobile home is located.

(g) Exemptions from parking fee. Mobile homes parked under this subsection are exempt from the parking fee as stated in sub. (27).

(h) Notification of compliance. Every mobile home parked outside a mobile home park under this subsection shall notify the Town Board when the home has complied with every restriction in this section prior to the expiration of the permit granted in this subparagraph.

(5) INSPECTION. For the purpose of inspection and enforcement of this section, the Town Board or anyone designated by it shall have the right to enter on the premises on which any mobile home is located or about to be located and inspect the same and all accommodations connected with such mobile home at any reasonable time.

(6) EXEMPTION. The occupation of any mobile home on the effective date of this section, March 21, 1980, may be continued although such occupation does not conform to these provisions. If such nonconforming occupation is discontinued for a period of 6 months, any future parking of such mobile home shall conform to this section.

12.10 PENALTY.

Am. Res. #15-94) Except as otherwise provided, in addition to the revocation or suspension of any license or permit issued under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty of \$50 per violation and as provided in §25.04 of this Code of Ordinances.

12.11 EFFECTIVE DATE

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

Amended this 14th Day of June, 2010

By the Town Board of the Town of Osceola