

Pavement Markings

Pavement markings have important functions in providing guidance and information to drivers. In some cases they supplement regulations or warnings given by other devices. In other cases they are used alone and produce results that cannot be obtained by any other device.

Pavement markings can also enhance safety. Centerlines have been shown to cut crash frequency by 29% compared to roads without them. Marking types include not only pavement and curb marking but also object markers, delineators, colored pavements, barricades, channelizing devices, and islands.

Pavement markings have limitations. They are obliterated by snow, may not be clearly visible when wet, and may not be very durable under heavy traffic. It may be necessary to refresh them every year or more often. Despite these limitations, pavement markings are still used because of their unique advantage: they convey information to drivers without diverting their attention from the road.

This bulletin introduces basic concepts for pavement markings. It should also help in applying the standards of the *Manual on Uniform Traffic Control Devices (MUTCD)* and the *Wisconsin DOT Supplement*. The *Traffic Control Devices Handbook* will also help. Refer to the MUTCD for details.

Materials

Many materials can be used for pavement marking. The choice depends on cost, durability, retroreflectivity, pavement surface, and drying time.

Paint Water-based paint, applied either cold or hot, is the most commonly used pavement marking. It is low cost with a short drying time, but its visibility on wet nights is just moderate. Traffic and snow plowing wear it away in about a year. Oil-based (alkyd) paint, when used, must meet environmental air quality restrictions on volatile organic compound (VOC) emissions.



Pavement markings convey important information to drivers without diverting their attention from the road.

Thermoplastics These pavement-marking materials are made of thermoplastic heated to about 400° F and spread onto the pavement surface. Glass beads to increase reflections can be spread on top, mixed in, or both. Thermoplastics have a long service life, good visibility, and good retroreflectivity. The no-track time is short, and cost is mid-range. Special application equipment is required.

Epoxy Also applied as a liquid with special equipment, epoxy has good visibility and retroreflectivity, and cost is moderate. No-track time is 5-20 minutes. Markings last 3 to 4 years.

Tapes Pre-formed tape can be either inlaid as part of new construction, or overlaid. It has excellent visibility and retroreflectivity and lasts 7-8 years, but is higher cost. Wet reflective tape has excellent wet night retroreflectivity with about a 4-year life. Cost is medium and durability is poor. Modifications are being made to produce a tape with both durability and wet night retroreflective quality.

Conventional paints are most cost effective for low-volume roads. In higher traffic areas, where conventional paints must be renewed in less than one year, thermoplastics or other durable marking products may be more economical. Using them also reduces the frequency of travel delays and hazards of construction zones during application. Whichever material you use, it should remain the correct color and adequately reflectorized throughout its useful life.

Markings that must be visible at night shall be retroreflective. In general this applies to all pavement markings except parking lines and curb markings. For paint, glass beads are mixed in or dropped on the markings while still wet. Durable products are made with reflecting materials. In pedestrian areas, marking materials should not create slipping or tripping hazards. Raised pavement markers can be useful to supplement pavement marking, but cost is a factor, and they must be correctly installed. Wet reflective tape is another supplement option.

General principles

Pavement markings should conform to the following general principles:

Color

Pavement markings must be yellow or white. Red and blue are used in special cases:

- Yellow longitudinal lines separate traffic flowing in opposite directions, or mark the left edge of the pavement on one-way roadways.
- White longitudinal lines separate traffic flowing in the same direction, or mark the right edge of the pavement.
- Contrasting black marking placed next to a white marking may be used to make the white line stand out on light-colored pavements.
- Words and symbols, crosswalk and stop lines are white.
- Red and blue are used in special cases. Blue is for parking spaces for persons with disabilities; red for raised pavement markings for roadways that shall not be entered such as one-way streets or alleys.

Width

- Line width indicates the degree of emphasis. Normal centerlines and edgelines are 4"-6" wide. A wide line is at least twice the width of a normal line.

Number

- Double lines—two normal width lines separated by a discernible space—indicate maximum restriction: driving across them is prohibited.

Solid vs. broken

- Solid lines discourage crossing and should not be crossed. Broken lines may be crossed.
- A broken line is formed of segments and gaps, usually in the ratio of 1:3. For example, on rural roads a 10' segment would be followed by a 30' gap.
- Dotted lines provide guidance and are generally used as line extensions. They have noticeably shorter segments: for example, a 2' line and a 2' to 6' gap. A dotted line where a lane is dropped or added may consist of a 3' line and a 9' or 12' gap. The marking shall be the same color and width as the line it extends. A normal-width line may be used to extend a wide line through an intersection.

Centerlines

A centerline separates traffic traveling in opposite directions and is usually at the geometrical center of the pavement. Centerlines give drivers important guidance and can significantly enhance safety. They have been shown to cut crash frequency by 29%. Use is as follows:

Required (shall)

- Paved urban arterials or collectors 20' or more in traveled-way width and 6000 vehicles per day or more.
- All paved two-way streets or highways with three or more traffic lanes.

Recommended (should)

- Paved urban arterials and collectors that are 20' or more in traveled way width with 4000 vehicles per day or more.
- Rural paved roads that have a traveled width of 18' or more and 3000 vehicles per day or more.

Optional (may)

- Paved 2-way traveled ways 16' or more in width. Use engineering judgment for traveled ways less than 16' wide due to the potential for vehicles to encroach on pavement edges or opposing traffic.

The centerline markings on two-lane, two-way highways shall be one of the following:

- A normal broken yellow line with passing permitted.
- A double line, one normal broken yellow line and one normal solid yellow line where passing is permitted in one direction.
- A double line of two normal solid yellow lines where passing is prohibited in both directions.



When a centerline is used, no passing zone markings shall be used at horizontal and vertical curves.

No-passing zones

A no-passing zone at hills and curves shall be used where the sight distance is less than the minimum necessary for safe passing at the prevailing or posted speed based on a documented engineering study.

Table 1 shows traffic speeds and the corresponding minimum sight distance required for passing. These must be measured and marked by a trained person with an assistant.

No-passing zones are also warranted before particularly hazardous areas such as narrow bridges, railroad crossings, in advance of divided highways, and at certain intersections.

Table 1: Traffic speeds and minimum sight distances

Speed (MPH) ¹	Min. sight distance (ft) ²
25	450
30	500
35	550
40	600
45	700
50	800
55	900

¹ generally posted or statutory ² from MUTCD 2003 edition

Mark no-passing zones with a 4"-6"-wide solid yellow line placed on the right of the centerline. To mark no-passing in either direction, use two solid yellow, 4"-6"-wide lines separated by a discernable space, usually 4"-6".

In a rural area a no-passing zone should be at least 500' long. If the minimum sight distance (Table 1) is less than 500', add the extra marking at the beginning.

When the distance between the end of one no-passing zone and the beginning of the next no-passing zone

Table 2: Minimum distance between No-Passing zones¹

Speed limit	Minimum distance
25-30 MPH	.10 miles
35-40 MPH	.13 miles
45-50 MPH	.16 miles
55 MPH	.21 miles

¹ from WisDOT Traffic Guidelines Manual

is less than 400', the zones should be extended through the intervening distance per the MUTCD. Table 2 gives the minimum distances used by WisDOT on state highways between zones at various speeds. WisDOT distances are more conservative than the MUTCD.

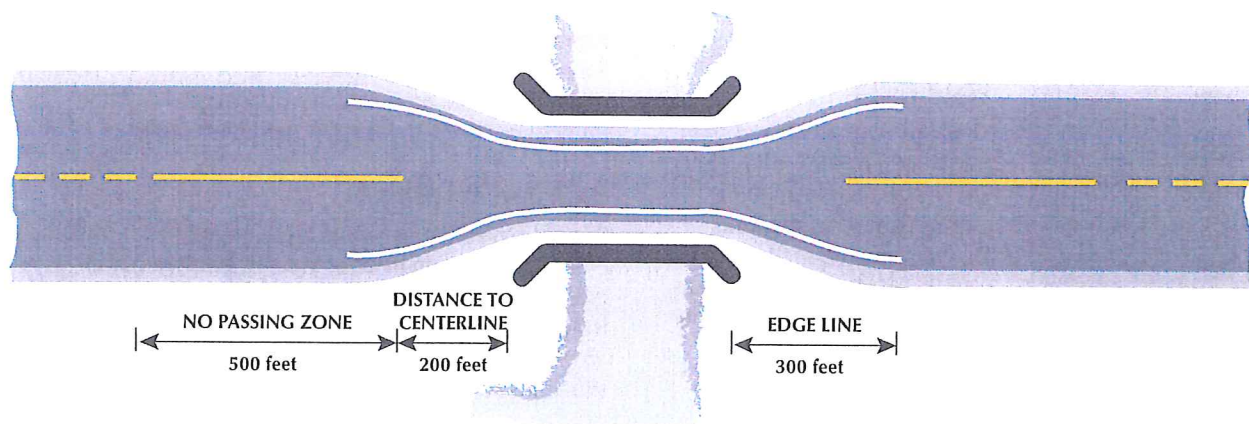
A no-passing zone begins at the point where the sight distance first shrinks below the minimum (Table 1). The zone ends where the sight distance becomes longer than the minimum. It requires two people to determine no-passing zones.

Pavement markings for one-lane bridges (less than 18' wide) deserve special attention. Do not carry the centerline over the bridge. The illustration below shows one way to use pavement markings to call attention to a one-lane bridge. Warning signs are also required in accordance with the MUTCD. See TIC publication No. 7, **Signing for Local Roads**.

Lanelines

Broken lines, called lanelines, separate lanes of traffic in the same direction. They are usually a normal broken white line which permits lane changing.

Use a normal solid white line as the lane line in critical areas where you wish to discourage lane changing such as an approach to a busy intersection. Wide solid lane markings may be used for greater emphasis.



Pavement markings call attention to a one-lane bridge.



Edgelines

Pavement edgeline markings give drivers a guide to the edge of the pavement and also enhance safety. A study of rural highways in Kansas showed that edgelines will yield benefits exceeding their costs if an average of one non-intersection crash occurs annually every 15.5 miles of roadway. Edgelines are a particularly valuable visual reference during bad weather and poor visibility, especially along curves. They can also be used to mark the pavement edge to reduce driving on paved or unpaved shoulders. Break edgelines for intersections, major driveways or interchanges. Continue edgelines through minor driveways unless a full width turn lane has been provided. Wide solid edgeline markings may be used for greater emphasis.

Required (shall)

- Rural arterials 20' or more in width and 6000 vehicles per day or more.
- Freeways and expressways.

Recommended (should)

- Rural arterials and collectors 20' or more in width and 3000 vehicles per day or more.

Optional (may)

- Other paved streets based on engineering study.



May be placed on streets and highways that do not have centerlines.

Channelizing lines

Channelizing lines can be used to form channelizing islands where traffic is going in the same direction on either side of the island. They shall be a wide or double wide solid white line. White diagonals or chevron marking can be placed between the channelizing lines for greater emphasis.



Yield lines

Yield lines are white and shall consist of a row of solid white isosceles triangles pointing toward approaching traffic. They are not required, but may be helpful at roundabouts, mid-block crosswalks, or other locations with yield signs.

Stop lines

Stop lines are solid white lines and should be 12"-24" wide. Stop lines emphasize the stop condition and indicate where to stop. They are not required, but are helpful in many situations. For example, visibility may be better at a point closer to the intersection than the stop sign can be placed. The stop line can be used to show this to drivers. Stop lines should be a minimum of 4' in advance of a marked crosswalk. Do not use stop lines with yield signs. Place no closer than 4' from the nearest edge of the intersecting travel way and no more than 30'.

Crosswalks

On roads where traffic is not controlled by signals or stop signs, crosswalk markings warn the motorist of a pedestrian crossing point. On controlled intersections, crosswalk markings primarily guide pedestrians in the proper paths. Do not use crosswalk markings indiscriminately. Only an engineering study should recommend installing crosswalks where there are no traffic signals or stop signs.

Crosswalk lines are two parallel solid white lines normally spaced 6' (minimum) apart. They shall be a minimum of 6" and maximum of 24" in width. Wider lines may be considered when, for example:

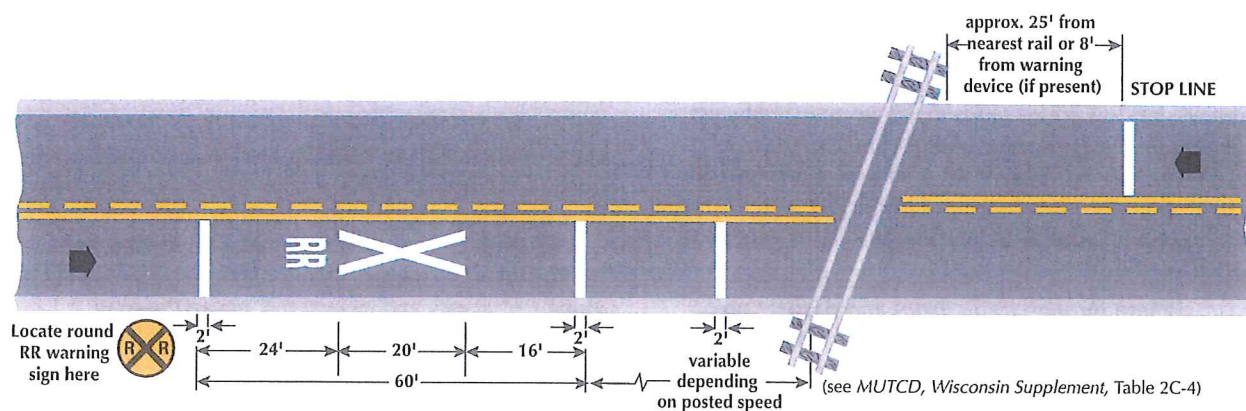
- Traffic speeds are above 35 MPH.
- There is no advance stop line.
- Drivers don't expect crosswalks.

Colored pavements alone are not considered a traffic control device. Crosswalk lines must outline them.

For added visibility, mark the area inside the crosswalk with white diagonal lines at a 45-degree angle. These lines should be about 12"-24" wide and spaced 12"-60" apart. Use these diagonal lines on crosswalks at unexpected areas, where many pedestrians are crossing without any other traffic control device, and where physical conditions make added visibility desirable. Pedestrian crossing signs are also useful. Zebra stripes (lines longitudinal to traffic flow) provide added visibility and target value especially at roundabouts. See the roundabout photo on page 6, for an example.

Railroad crossings

Special pavement markings are required before railroad crossings with signals or automatic gates and at all crossings where the prevailing speed of highway traffic is 40 MPH or higher (see W-MUTCD, Part 8). Railroad crossing pavement markings may be omitted in special situations such as:



Markings for a highway-rail grade crossing.

- highway speed limit or prevailing speed is 35 MPH or less and there are no active RR warning devices, or
- track is a minor spur where trains operate at 15 MPH or less, or
- approach distance is less than 250' rural or 100' urban.

Pavement markings before a grade crossing are an "X" with an "RR" behind them. A wide line is placed above and below the "X". Identical markings must be placed on each approach lane. All markings should be white and reflectorized. Stop bars must extend from the centerline to the edge of the pavement at 90 degrees to the direction of travel. Place the W10-1 round RR warning sign at the first cross line. A stop bar at railroad tracks should be no closer than 25' from the nearest rail.

Words and symbols

Word and symbol markings may guide, warn or regulate traffic. They should not have more than three lines of information and must not be used where a movement that would otherwise be legal is prohibited, unless they accompany standard signs. Letters or numerals should be 6' or more in height. Repeat signs or markings in advance of where they actually take effect to help drivers select the appropriate lane. The word "ONLY" may be used to supplement lane use arrow markings.


All letters and symbols should conform to the standard alphabet for highway signs and pavement markings contained in *Standard Alphabets for Highway Signs and Pavement Markings* (Wisconsin DOT Region offices should have a copy available for you to use.) Use large



Arrow symbols channelize traffic at intersections where turns are mandatory.

letters, symbols and numerals. Messages of more than one word should read "up" (the first word is nearest the driver). For low speed roads make the space between lines at least four times the height of the character.

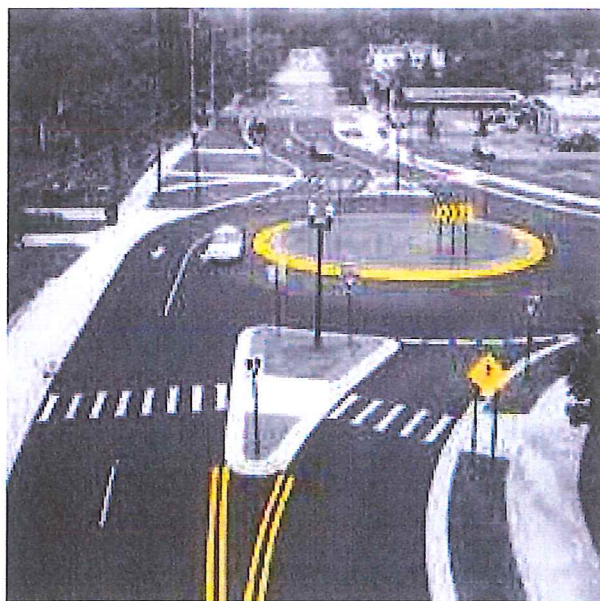
Since uncontrolled use of pavement markings can confuse drivers, minimize the number of different word and symbol markings. Symbol messages are generally preferable to word messages.

 **Where through traffic lanes approaching an intersection are "captured" and a turn becomes mandatory, a pavement marking turn arrow shall be used accompanied by standard signs.**

Markings for roundabouts

A roundabout has a yield entry and a central island; and the approach is flared or widened.

- Yellow edgelines may be placed around the inner (left) edge of a circular roadway.
- A white line should be used on the outer (right) side of the circular roadway.
- Dotted lines should be used across the lane(s) entering the roundabout.
- Do not extend edgelines across exits from the circular roadway.
- Strongly consider crosswalk marking for pedestrians. Zebra markings can be especially useful.
- Yield line (isosceles triangles) may be used on approach roadways.
- Bicycle lane markings shall not be used on the circular roadway of the roundabout intersection.



Delineators

Delineators are retroreflective devices mounted above the roadway surface and along the side of the roadway showing the alignment of the road. They are particularly beneficial where roadway alignment might be confusing or unexpected, such as lane reduction transitions and curves, or to provide effective guidance at night and during adverse weather. Retroreflective elements shall be at least 3" across and mounted 4' above the road.

The color of a delineator shall match the edgeline it is next to. On a one-way road, for example, delineators on the left side must be yellow and white on the right. According to a Wisconsin statute delineators used to mark driveways must be blue.



Delineators on the left side of a one-way road are yellow.



Culvert delineators are white with black at the top.

Use white delineators with black at the top to mark culverts. Delineators on horizontal curves should be spaced so that several are always simultaneously visible to the road user.

Curb markings and islands

Curb marking is optional and does not have to be reflectorized. Where curbs are marked, colors shall conform to the general principles of markings.

- **White** — separates traffic flow in the same direction, i.e. right turn pork chop islands can be painted white or left unpainted. Consider type 2 or 3 object markers, delineators, or a W12-1 double down arrow sign to mark the end of longer islands.
- **Yellow** — separates traffic flow in the opposite direction. However, it also may be used on curbs to designate no parking zones as part of a local policy on marking colors.



Right turn islands can be painted white.

Object markers

Object markers are used to mark the end of roadways (red color), islands (generally yellow), bridges (clearance stripers, yellow/black), or other objects. Line the object marker up with the inner edge of the obstruction. Mounting height should be 2' minimum to the bottom of the object marker (W12-1 double down arrow sign) at islands. Clearance stripers shall be 4' minimum mounting height.

Planning and maintenance

Pavement markings deteriorate. Paint, the most common material, needs to be reapplied at least every year. Since it is a costly addition to the maintenance budget, it should be started with the understanding that it must be continued. If striping is discontinued, don't just quit painting and let the markings fade away. The decision should be made as a policy decision with reasons documented. If there is a lawsuit you will need to document the decision.

Plan ahead for annual marking work. You may prefer to schedule it for fall, waiting until after all roads have been resurfaced or seal coated. However this places a demand on the striping crew, trying to finish all the work before weather ends the season. Breaking the program into two operations, one in the spring and a final round in the fall, may result in better prices from striping contractors; they are looking for work in the spring.

Markings should be applied quickly on newly paved or sealed roads, as soon as possible. This requires coordination and planning. Long delays with no lines are a problem and should be avoided. On new asphalt roads, striping may require two coats.

Remove pavement markings that are no longer required. For example, if a stop bar is no longer needed, paint it over or remove it.

Markings have a very important function in guiding and informing the road user. Section 3A.02 of the MUTCD says you shall remove markings that are no longer applicable because they may cause confusion to the road user.

Summary

The *Manual on Uniform Traffic Control Devices*, 2003 ed., with the 2005 *Wisconsin Supplement*, are the Wisconsin standard. Using these, or the latest approved revisions, will ensure statewide consistency in signing and marking.

- Pavement markings effectively convey information without diverting attention from the road, but are of limited value if covered by snow, water or traffic.
- A centerline is normally used on higher volume roads or on hazardous stretches. Segments and gaps in the ratio of 1:3 form a broken line.
- Pavement markings must be reflectorized.
- No-passing zones must be marked if a centerline is used. A qualified person must survey them.
Remember: you need two people to do this right.
- Yellow pavement marking lines separate traffic flowing in opposite directions or mark the left edge of the pavement on one-way roadways.
- White lines separate traffic flowing in the same direction or mark the right edge of the pavement.
- Line width indicates the degree of emphasis. Normal centerlines and edgelines are 4"-6" wide.
- Curb marking colors shall conform to the general principles of markings, and as determined by locally adopted policy.

Resources

Manual on Uniform Traffic Control Devices, 2003 Edition. Ordering information at <http://mutcd.fhwa.dot.gov>

Low Cost Safety Improvements, FHWA, March 2004 (workshop material) available at: www.fhwa.dot.gov/resource-center/teams/safety, or call FHWA at 708/283-3545.

Signing for Local Roads, Wisconsin Transportation Bulletin, No. 7, Wisconsin Transportation Information Center, revised 2005.

The Standard Alphabet for Highway Signs and Pavement Markings is available from WisDOT at 608/266-2375 or contact your nearest WisDOT Region office.

The Traffic Control Devices Handbook, ITE, 2003. Available at www.ite.org or 202/289-0222.

Traffic Guidelines Manual, WisDOT. Available from WisDOT by calling 608/266-2375.

Wisconsin Supplement to the MUTCD (W-MUTCD), WisDOT 2005. Available from WisDOT, 608/266-2375 or at <http://www.dot.wisconsin.gov/business/engrserv/wmutcd.htm>

Videotapes

Free loans are available through county Extension offices. See the TIC's current *Videotape Lending Library Catalog* at <http://tic.engr.wisc.edu>. Some examples that relate to marking are:

Markings and Islands, IRF, 19 min., #17749

Right Before Your Eyes, ATSSA, 10 min., #17439

Sign Maintenance and Installation, FHWA, 27 min., #17821

Signs, Marking and Delineation, FHWA, 43 min., #16860

Traffic Control Devices, FHWA, 24 min., #16861

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TOWN OF OSCEOLA
POLK COUNTY WISCONSIN

CODE OF ORDINANCES

CHAPTER 5
FIRE PROTECTION AND FIRE INSPECTIONS

Chapter 5 Fire Protection of the Town of Osceola Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~striethrough~~ text/

The Town Board of Supervisors of the Town of Osceola, Polk County, Wisconsin, hereby ordains as follows:

5.01 FIRE ASSOCIATION.

Fire protection in the Town shall be provided by ~~the Dresser, Osceola and Garfield Fire Association~~ Allied Emergency Services.

5.02 FIRE PROTECTION CHARGES.

(1) STATE AUTHORITY. Pursuant to §§60.555 and 60.557, Wis. Stats., the Town hereby establishes the policy and procedures in this section for the payment of fire costs incurred by the Town.

(2) LIABILITY FOR FIRE PROTECTION COSTS. Owners of real estate within the Town for which fire protection is provided shall be responsible for the cost of the fire call made to their property in the amount of \$500, provided that the fire call is made for a structure fire.

Commented [C1]: Is amount still applicable?

(3) LIABILITY FOR FIRE CALLS FROM DEPARTMENTS OTHER THAN AUTHORIZED FIRE DEPARTMENTS. The Town shall provide fire protection services through ~~the Dresser, Osceola and Garfield Fire Association~~ Allied Emergency Services. Any property owner requesting fire protection directly from a fire department other than the ~~Dresser, Osceola and Garfield Fire Association~~ Allied Emergency Services shall be responsible for the full cost billed to the Town from the fire call from any authorized fire department. This section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.

(4) COSTS, WHEN DUE. The costs of fire calls as outlined above shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at a rate not to exceed one- and one-half percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year shall

become a lien against the real estate from which the fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to §66.~~600627(4)~~, Wis. Stats.

5.03 FIRE INSPECTIONS.

(1) The Fire Chief and Assistant Chiefs of the Fire Department serving the Town or applicable portion thereof shall serve as the Fire Inspectors for the Town of Osceola. The Fire Inspectors shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws and rules of Wisconsin, particularly Wis. Stat. § 101.14.

(2) While acting as Fire Inspector pursuant to Wis. Stat. § 101.14, the Fire Chief, or any officers of their Fire Department designated by the Fire Chief, shall have the right and authority to enter any public building or place of employment or upon any premises in the Town of Osceola at all reasonable hours for the purpose of making inspections or investigations which, under the Town's Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of the Town's Ordinance or any applicable law relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions are not complied with, to report such noncompliance to his/her Fire Chief and to the Town Board for further action.

(3) The owner of any property in which a fire hazard exists or which is in violation of any law relating to fire hazards and prevention of fires shall be solely responsible for the costs and expenses incurred to remove the fire hazard and/or bring their property in compliance with such laws.

(4) The Fire Inspector shall reinspect a property if it fails its initial inspection. There shall be no cost for the second inspection, but if the property owner fails this second inspection as well, the property owner may be charged a fee up to \$100.00 for each additional inspection thereafter.

Commented [C2]: Is this fee acceptable?

(5) It shall be the duty of the Fire Chief or his or her designee to inspect all public buildings and places of employment at least once per calendar year pursuant to Wis. Admin. Code § SPS 314.01(13)(6)7, except the interior of private dwelling units, or as often as may be necessary for the purpose of ascertaining and causing to be corrected any fire hazards or conditions found to be contrary to the Town's Ordinances or any other applicable law relating to such hazards or the prevention of fires. In no case shall the interval between each inspection exceed fifteen (15) months.

(6) Written reports of inspections shall be made and kept on file in the office of the Fire Chief in the manner and form required by the Wisconsin Department Safety and Professional Services.

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

Passed this 1st Day of August, 2022.

By the Town Board of the Town of Osceola:

Dale Lindh, Chair

Jon Cronick, Supervisor

Bernie Desmarais, Supervisor

Jo Everson, Supervisor

Debbie Thompson, Supervisor

ATTEST:

Denise Skjerven

____ Voice Vote
____ Roll Call Vote
____ Yeas; ____ Nays; ____ Absent/Abstain

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(3) LIABILITY FOR FIRE CALLS FROM DEPARTMENTS OTHER THAN AUTHORIZED FIRE DEPARTMENTS. The Town shall provide fire protection services through Allied Emergency Services. Any property owner requesting fire protection directly from a fire department other than the Allied Emergency Services shall be responsible for the full cost billed to the Town from the fire call from any authorized fire department. This section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.

(4) COSTS, WHEN DUE. The costs of fire calls as outlined above shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at a rate not to exceed one- and one-half percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year shall become a lien against the real estate from which the fire protection was provided

and shall be placed on the tax roll as a delinquent special charge pursuant to §66.0627(4), Wis. Stats.

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(2) While acting as Fire Inspector pursuant to Wis. Stat. § 101.14, the Fire Chief, or any officers of their Fire Department designated by the Fire Chief, shall have the right and authority to enter any public building or place of employment or upon any premises in the Town of Osceola at all reasonable hours for the purpose of making inspections or investigations which, under the Town's Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of the Town's Ordinance or any applicable law relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions are not complied with, to report such noncompliance to his/her Fire Chief and to the Town Board for further action.

(3) The owner of any property in which a fire hazard exists or which is in violation of any law relating to fire hazards and prevention of fires shall be solely responsible for the costs and expenses incurred to remove the fire hazard and/or bring their property in compliance with such laws.

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____ Yeas; ____ Nays; ____ Absent/Abstain

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

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, (Am. 2022)

Retail Class "A" Fermented Malt Beverage License.	\$100	
Retail Class "B" Fermented Malt Beverage License	\$100	
Part Time	3/4 50% of Annual Fee	
Special Event (picnic)	\$ 10	
Retail "Class A" Intoxicating Liquor License	\$500	
Retail "Class B" Intoxicating Liquor License	\$500	
Retail Reserve "Class B" Initial Issuance Fee	\$10.000	
Retail "Class C" Wine License (Am. 10-03-02)	\$100	
Operator's License (Am. 9401-01-2022)	\$ 4020	
Provisional License (Am. 10-03-0201-01-2022)	\$ 15	
Background Check (Am. 10-03-0201-01-2022)	\$ 710	

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

MOBILE HOMES AND MOBILE HOME PARKS. (Am. 1993, 2022)

Mobile Homes	
Parking Fee. See §66.058, Wis. Stats. Late fee*	\$ <u>510</u>
Outside Parks	\$ <u>2540</u>
Mobile Home Parks	\$ 100 <u>150</u>

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. (Am. 2022)

(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. (Am. 2022)
- (a) When Required. Except as provided by §125.06, Wis. Stats., no person or entity shall 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 or Ch. 125. 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. (Am. 2022)
- 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 34-50 percent 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)(c) Retail "Class A" Intoxicating Liquor License. See §125.51 (2), Wis. Stats.~~
- ~~(e)(d) Retail "Class B" Intoxicating Liquor License. A retail "Class B" liquor license shall permit its holder to sell intoxicating liquor by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. In addition, wine may be sold in the original packages or containers in multiples not to exceed 4 liters at any one time any quantity to be consumed off the licensed premises where sold. See §125.51 (3), Wis. Stats.~~
- ~~(+)(e) All licenses 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. with the exception that the Retail Reserve "Class B" License Initial Issuance Fee cannot be prorated.~~
- ~~(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) An Initial Issuance Fee will apply of \$10,000.00 for a Retail Reserve "Class B" License, as defined in §125.51(4)(a)4. Wis. Stats.,~~
- ~~(+)(g) Operator's License. See §125.17, Wis. Stats.~~

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- (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)~~(h) 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, the 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)~~(i) 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. (Am. 2022)

(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 unless the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(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~~ Safety and Professional Services 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. (Am. 2022)

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~~ an 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. (Am. 2022)

(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 ~~quests~~ 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. (Am 5/1/12 as a result of Wisconsin Act 97. See Ordinance 12-06-03)

(a) Class A Establishments

- 1) "Class A" Liquor Licenses. No establishment holding a "Class A" Liquor license shall remain open for the sale of alcohol beverages between 9:00 p.m. and 6:00 a.m.
- 2) Class "A" Fermented Malt Beverage Licenses. No establishment holding a Class "A" Fermented Malt Beverage license shall remain open for the sale of alcohol beverages between 9:00 p.m. and 6:00 a.m.

(b) Class B Establishments

- 1) "Class B": Liquor Licenses. No establishment holding a "Class" B Liquor license shall remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
- 2) Class "B" Fermented Malt Beverage Licenses. No establishment holding a Class "B" Fermented Malt Beverage license shall remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.

(c) Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling ~~alleys~~centers, ~~movie theaters~~, ~~painting studios~~, ~~indoor golf and baseball facilities~~, ~~racetrack grounds~~, as defined in Wis. Stat. § 125.27(5)(a), indoor horseshoe, ~~pitching facilities~~, curling clubs, golf courses and golf clubhouses may remain open after permitted hours for the conduct of their regular business, but ~~may not sell no intoxicating liquor or~~ fermented malt beverages or intoxicating liquor ~~shall be sold~~ during prohibited hours.

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(11) REVOCATION AND SUSPENSION OF LICENSES. (Am. 2022)

(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) (hg) of this section.

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(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.

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(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. (Am. 2022)

(a) Underage persons not accompanied by their parent, guardian, or spouse who have attained the legal drinking age 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 underaged persons are present. Before underaged 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 underaged

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 underaged 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 underaged persons will be present on the premises.

(b) An underaged person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age 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 underaged 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. (Am. 2022)

(a) The dog license fee for dogs in the Town of Osceola shall be as follows: ~~\$510.00~~ for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and ~~\$4015.00~~ for an un-neutered male dog or unspayed 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 ~~\$4042.00~~ 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.

12.1006 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.

12.1407 EFFECTIVE DATE

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

Passed this 1st Day of August, 2022.

By the Town Board of the Town of Osceola:

Dale Lindh, Chair

Jon Cronick, Supervisor

Bernie Desmarais, Supervisor

Jo Everson, Supervisor

Debbie Thompson, Supervisor

ATTEST:
Denise Skjerven

	Roll	Call	Voice Vote
Yeas:	Nays:	Absent/Abstain	Vote

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

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. (Am. 2022)

Retail Class "A" Fermented Malt Beverage License.	\$100
Retail Class "B" Fermented Malt Beverage License	\$100
Part Time	50% of Annual Fee
Special Event (picnic)	\$ 10
Retail "Class A" Intoxicating Liquor License	\$500
Retail "Class B" Intoxicating Liquor License	\$500
Retail Reserve "Class B" Initial Issuance Fee	\$10,000
Retail "Class C" Wine License (Am. 10-03-02)	\$100
Operator's License (Am. 01-01-2022)	\$ 20
Provisional License (Am. 01-01-2022)	\$ 15
Background Check (Am. 01-01-2022)	\$ 10

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

MOBILE HOMES AND MOBILE HOME PARKS. (Am. 1993, 2022)

Mobile Homes	
Parking Fee. See §66.058, Wis. Stats. Late fee*	\$ 10
Outside Parks	\$ 40
Mobile Home Parks	\$ 150

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. (Am. 2022)

(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.

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. (Am. 2022)

(a) When Required. Except as provided by §125.06, Wis. Stats., no person or entity shall 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 or Ch. 125. 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. (Am. 2022)

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 50 percent 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) Retail “Class A” Intoxicating Liquor License. See §125.51 (2), Wis. Stats.
- (d) Retail “Class B” Intoxicating Liquor License. A retail “Class B” liquor license shall permit its holder to sell intoxicating liquor by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. See §125.51 (3), Wis. Stats.
- (e) All licenses 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, with the exception that the Retail Reserve “Class B” License Initial Issuance Fee cannot be prorated.
- (f) An Initial Issuance Fee will apply of \$10,000.00 for a Retail Reserve “Class B” License, as defined in §125.51(4)(a)4, Wis. Stats.
- (g) 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.

(h) 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.

- (i) 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. (Am. 2022)

- (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 unless the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

- (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 Safety and Professional Services pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health 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. (Am. 2022)

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 an affidavit.

(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. (Am. 2022)

(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. (Am 5/1/12 as a result of Wisconsin Act 97. See Ordinance 12-06-03)

(a) Class A Establishments

- 1) "Class A" Liquor Licenses. No establishment holding a "Class A" Liquor license shall remain open for the sale of alcohol beverages between 9:00 p.m. and 6:00 a.m.
- 2) Class "A" Fermented Malt Beverage Licenses. No establishment holding a Class "A" Fermented Malt Beverage license shall remain open for the sale of alcohol beverages between 9:00 p.m. and 6:00 a.m.

(b) Class B Establishments

- 1) "Class B": Liquor Licenses. No establishment holding a "Class" B Liquor license shall remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
- 2) Class "B" Fermented Malt Beverage Licenses. No establishment holding a Class "B" Fermented Malt Beverage license shall remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.

(c) Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, racetrack grounds, as defined in Wis. Stat. § 125.27(5)(a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open after permitted hours for the conduct of their regular business, but

may not sell fermented malt beverages or intoxicating liquor during prohibited hours.

(11) REVOCATION AND SUSPENSION OF LICENSES. (Am. 2022)

(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) (g) 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. (Am. 2022)

(a) Underage persons not accompanied by their parent, guardian, or spouse who have attained the legal drinking age 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 underaged persons are present. Before underaged 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 underaged 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 underaged 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 underaged persons will be present on the premises.

(b) An underaged person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age 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 underaged 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.** (Am. 2022)

(a) The dog license fee for dogs in the Town of Osceola shall be as follows: \$10.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$15.00 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 \$42.00 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 reasonably 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.

12.06 PENALTY.

Am. Res. #15-94) Except as other wise 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.

12.07 EFFECTIVE DATE

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

Passed this 1st Day of August, 2022.

By the Town Board of the Town of Osceola:

Dale Lindh, Chair

Jon Cronick, Supervisor

Bernie Desmarais, Supervisor

Jo Everson, Supervisor

Debbie Thompson, Supervisor

ATTEST: _____
Denise Skjerven

____ Voice Vote
____ Roll Call Vote
____ Yeas; ____ Nays; ____ Absent/Abstain

**RESOLUTION ~~2122-1208-013~~ AMENDMENT OF FEE SCHEDULE
FOR THE TOWN OF OSCEOLA**

WHEREAS, the Town Board of Supervisors for the Town of Osceola has determined that it is prudent to create a Fee Schedule to provide efficiency, economy and uniformity in establishing and adjusting the fees charged by the Town of Osceola as enumerated throughout the Town of Osceola Code of Ordinances into one abbreviated schedule; and,

WHEREAS, the fees set forth in the Fee Schedule append the fees in the Town of Osceola Code of Ordinance; and,

WHEREAS, the fees set forth in the Fee Schedule may be added to or amended from time to time by adoption of a Resolution; and,

WHEREAS, the Town Board shall review the Fee Schedule on an annual basis for the purpose of adjusting and updating the fees charged by the Town, and any amendments or additions thereto may be made by Resolution; and,

WHEREAS, the fees set forth in the Fee Schedule shall supersede any fee established elsewhere in the Town's Code of Ordinance or Resolutions for the same charge, and if a fee is set forth elsewhere in the Town of Osceola's Code of Ordinance or via a Resolution, and there is no corresponding fee set forth in the attached Fee Schedule, the fee set forth elsewhere in the Code of Ordinance or the Resolution shall control until such time as a fee for the same charge is established in the Fee Schedule; and,

SO THEREFORE BE IT RESOLVED that the Town Board of Supervisors for the Town of Osceola approves the following Fee Schedule as defined in the attached schedule; and

BE IT FURTHER RESOLVED that this schedule shall become effective upon passage and posting thereof.

Adopted this ~~6th-1st~~ day of ~~December-August~~ 2022~~+~~, at a Town Board of Supervisors Regular Board Meeting.
Effective 1st ~~January-August~~, 2022.

Dale Lindh, Chair

Jon Cronick, Supervisor

Bernie Desmarais, Supervisor

Jo Everson, Supervisor

Debbie Thompson, Supervisor

ATTEST:

Denise Skjerven, Clerk

**RESOLUTION 22-08-01 AMENDMENT OF FEE SCHEDULE
FOR THE TOWN OF OSCEOLA**

WHEREAS, the Town Board of Supervisors for the Town of Osceola has determined that it is prudent to create a Fee Schedule to provide efficiency, economy and uniformity in establishing and adjusting the fees charged by the Town of Osceola as enumerated throughout the Town of Osceola Code of Ordinances into one abbreviated schedule; and,

WHEREAS, the fees set forth in the Fee Schedule append the fees in the Town of Osceola Code of Ordinance; and,

WHEREAS, the fees set forth in the Fee Schedule may be added to or amended from time to time by adoption of a Resolution; and,

WHEREAS, the Town Board shall review the Fee Schedule on an annual basis for the purpose of adjusting and updating the fees charged by the Town, and any amendments or additions thereto may be made by Resolution; and,

WHEREAS, the fees set forth in the Fee Schedule shall supersede any fee established elsewhere in the Town's Code of Ordinance or Resolutions for the same charge, and if a fee is set forth elsewhere in the Town of Osceola's Code of Ordinance or via a Resolution, and there is no corresponding fee set forth in the attached Fee Schedule, the fee set forth elsewhere in the Code of Ordinance or the Resolution shall control until such time as a fee for the same charge is established in the Fee Schedule; and,

SO THEREFORE BE IT RESOLVED that the Town Board of Supervisors for the Town of Osceola approves the following Fee Schedule as defined in the attached schedule; and

BE IT FURTHER RESOLVED that this schedule shall become effective upon passage and posting thereof.

Adopted this 1st day of August 2022, at a Town Board of Supervisors Regular Board Meeting.
Effective 1st August, 2022.

Dale Lindh, Chair

Jon Cronick, Supervisor

Bernie Desmarais, Supervisor

Jo Everson, Supervisor

Debbie Thompson, Supervisor

ATTEST:

Denise Skjerven, Clerk

516 East Avenue North
P. O. Box 216
Dresser, WI 54009-0216
Office: 715-755-3060

TOWN OF OSCEOLA

Polk County, Wisconsin

www.townofosceola.com

FEE SCHEDULE Effective August 1, 2022

Ordinance Title or Category	Permit Application or Procedure	Fee
Chapter 8 Public Works	Driveway Permit	\$50.00
	House Moving Permit	\$100.00
Chapter 9 Animals	<u>Dog License</u> (adopted 11/1/21, Res. 21-11-05)	
	Spayed or Neutered	\$10.00
	Unspayed/Neutered	\$15.00
	Kennel License (5 - 12 dogs)	\$42.00
	Additional Dog tags over 12	\$6.00 Ea.
	Late Fee after March 31	\$5.00
Chapter 11 Public Health	Building Permits	WWIA Town Admin: \$100 (new construction) \$50 (all others)
	Fireworks Permit	\$50.00
Chapter 12 Licenses & Permits	<u>Beverage (Liquor) License</u>	
	Class "A" Intoxicating Liquor License	\$500.00
	Class "A" Fermented Malt Beverage License	\$100.00
	"Class B" Intoxicating Liquor License	\$500.00
	Reserve "Class B" Initial Issuance Fee	\$10,000.00
	Class "B" Fermented Malt Beverage License	\$100.00
	Operator (Bartender) License	\$20.00
	Provisional License	\$15 for 60 days
	Cigarette License	\$100.00
	Background Check	Dept of Justice fee; Town Admin: \$10.00
	Mobile Home parking fee	\$10.00
	Mobile Homes outside of parks	\$40.00
	Mobile Homes inside of parks	\$150.00

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TOWN OF OSCEOLA

Polk County, Wisconsin

www.townofosceola.com

FEE SCHEDULE
Effective August 1, 2022

<i>Ordinance Title or Category</i>	<i>Permit Application or Procedure</i>	<i>Fee</i>
Chapter 14 Non-metallic Mineral Extraction & Permit Regulation	Non-Metallic Mineral Extraction Permit Conditional Permit Renewal Permit New Permit	No Fee \$700/5 yrs \$700/5 yrs
Chapter 18 Subdivision & Platting	Certified Survey Map Review by Town Board	\$100 (residential) \$150 (nonresidential) \$20/acre (lots less than 19 acres)
Other License	Secondhand Article Dealer License Secondhand Jewelry Dealer License	\$40.00 \$45.00
Miscellaneous Fees	Copy Charge	\$0.25 per page

Attest:
Denise Skjerven
Clerk

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TOWN OF OSCEOLA

Polk County, Wisconsin

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FEE SCHEDULE

Effective August 1, 2022

Ordinance Title or Category	Permit Application or Procedure	Fee
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	Spayed or Neutered	\$10.00
	Unspayed/Neutered	\$15.00
	Kennel License (5 - 12 dogs)	\$42.00
	Additional Dog tags over 12	\$6.00 Ea.
	Late Fee after March 31	\$5.00
Chapter 11 Public Health	Building Permits	WWIA Town Admin: \$100 (new construction) \$50 (all others)
	Fireworks Permit	\$50.00
Chapter 12 Licenses & Permits	<u>Beverage (Liquor) License</u>	
	Class "A" Intoxicating Liquor License	\$500.00
	Class "A" Fermented Malt Beverage License	\$100.00
	"Class B" Intoxicating Liquor License	\$500.00
	Reserve "Class B" Initial Issuance Fee	\$10,000.00
	Class "B" Fermented Malt Beverage License	\$100.00
	Operator (Bartender) License	\$20.00
	Provisional License	\$15 for 60 days
	Cigarette License	\$100.00
	Background Check	Dept of Justice fee; Town Admin: \$10.00
	Mobile Home parking fee	\$10.00
	Mobile Homes outside of parks	\$40.00
	Mobile Homes inside of parks	\$150.00

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FEE SCHEDULE

Effective August 1, 2022

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Other License	Secondhand Article Dealer License Secondhand Jewelry Dealer License	\$40.00 \$45.00
Miscellaneous Fees	Copy Charge	\$0.25 per page

Attest:
Denise Skjerven
Clerk

TOWN OF OSCEOLA LIQUOR AND TOBACCO APPLICATIONS RECEIVED

Provisional Licenses

22-50 Rachael Tandberg, Dollar General Store
22-51 Marissa Libersky, Woodhill Bar & Grill
22-53 Angela Fink, Dollar General Store
22-56 Amanda Steffen, Krooked Kreek Golf Course

Operators' Licenses

22-52 Marissa Libersky, Woodhill Bar & Grill

The above stated liquor license(s) seek approval by the Town Board on Monday, Aug 1, 2022, at the regular monthly meeting held at the Town Hall at 6:30 p.m.