

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF DOTY
OCONTO COUNTY, WISCONSIN**

CHAPTER 5: FEES, PERMITS, AND LICENSES

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CHAPTER 5: FEES, PERMITS, AND LICENSES

5.0100 COLLECTION OF FEES AND TAXES

The town clerk-treasurer of the town will accept payment of the following by mail or in person at the office (town hall) of the town clerk-treasurer:

- A. Permit fees.
- B. License fees.
- C. Special assessment fees.
- D. Real estate tax.
- E. Personal property tax.
- F. Insufficient fund fee.
- G. All other revenue.

5.0200 DELINQUENCY FEE ORDINANCE

5.0201 Delinquency

As a condition of obtaining, renewing, or keeping a license, all local taxes, assessments, special charges, or other fees, including but not limited to municipal forfeitures, shall be paid on a current basis. Any fees unpaid within a time limit set by the town or a court, as the case may be, place the licensee in a state of delinquency and subject to disciplinary action by the town board, including reprimand, suspension for a set time period not exceeding 90 days, or revocation.

5.0202 Revocation

Any license revoked shall not be reinstated within the following six (6) months or license time period, whichever is longer. There shall be no refund of any license fee paid to a party whose license is revoked.

5.0203 Procedure

Upon complaint by any person, or a town board direction, and following town board review and approval, written notice shall be given to the licensee of the complaint basis, and the date and time the town board will hear the matter. For non-alcohol licenses where no statutory procedure is set, service may be by first class mail to the licensee's last known address, or personal service, at the town chairperson's option. For alcohol licenses, Wis. Stats. §125.12, or its successor, will be followed. At present, that statute requires personal service of the hearing notice (summons) and complaint, and a hearing within 3-10 days thereafter. A record of service will be kept by the town clerk-treasurer.

5.0204 Hearing

Evidence and testimony at the hearing shall be done in open session. Pursuant to Wis. Stats. §19.85(1)(a), the town board may go into closed session to deliberate with regard to its decision, where this has been listed on the hearing notice. The town clerk-treasurer shall see that the hearing notice is posted or published, in a format acceptable to the town chairperson or the town chairperson's designated representative.

5.0205 Penalty

In lieu of a hearing, the town board may accept license surrender, and then determine the time period before another application for the same type of license will be accepted from the former licensee for review. In the event that the complaint allegation(s) are proved at hearing, the town board shall decide which penalty for violation is appropriate. Multiple offenses may be considered at any hearing involving the same licensee.

5.0300 WORTHLESS CHECKS ORDINANCE

- A. Whoever issues any check or other order for payment of money, which at the time of issuance, the person intends shall not be paid is guilty of violation of this section.
- B. Any of the following is prima facie evidence that the person at the time he or she issued the check or other order of payment of money, intended that it should not be paid.
 - 1. Proof that, at the time of issuance, the person did not have an account with drawee; or
 - 2. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order; or
 - 3. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order
- C. This section does not apply to a postdated or a check given in past consideration, except a payroll check.
- D. Whoever violates this section may be required to make restitution as provided in Wis. Stats. §800.093, and, in addition be subject to a forfeiture of not less than \$50.00 and not more than \$500.00 together with the costs of prosecution. Refer to the Town of Doty Bond Schedule.
- E. This section is intended to be in conformity with Wis. Stats. §943.24 and shall be interpreted consistent with that intent.

5.0400 Short Term Rental Property

5.0401 Purpose

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Doty are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

5.0402 Authority

The Town Board of Doty has been authorized to exercise village powers pursuant to §60.10(2)(c) and §60.22(3), Wis. Stat. and in accordance with this village power and §66.1014, the Town Board adopts this ordinance.

5.0403 Definitions

“Property Owner” means the person who owns the residential dwelling that is being rented.

“Property Manager” means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to function as the agent of the property owner for the receipt of service of notices of municipal ordinance violations and for service of process pursuant to this ordinance.

“Residential dwelling” means any building, structure or part of the building or structure that is used or intended to be used as a home, residence, or sleeping places by one or more persons maintaining a common household, to the exclusion of all others.

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than twenty-nine (29) consecutive days.

5.0404 Short-Term License

- A) No person may maintain, manage, or operate a short-term rental more than ten (10) nights each year without a town short-term rental license issued pursuant to this ordinance.
- B) Licenses shall be issued using the following procedures:
 - 1) All applications for a short-term rental license shall be filed with the Town Clerk or Designee on forms provided. Applications must be filed by the Property Owner. No license shall be issued unless the complete application form is accompanied by the payment of the required application fee.
 - 2) Each application shall include the following information and documentation:
 - i. The name of the Property Owner with mailing address, email address and telephone number.
 - ii. The name of the Property Manager (if applicable) with mailing address, email address and telephone number.
 - iii. Copy of State of Wisconsin Tourist Rooming House License.
 - iv. Most recent copy of the lodging inspection report for the property.
 - v. Copy of Wisconsin Department of Revenue issued seller’s permit.
 - vi. Proof of insurance.
 - 3) The Town Clerk or Designee shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Town Board approval of the application.
 - 4) A short-term rental license shall be effective for up to one year from the date of issuance until the end of year renewal date and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the Town at least 45 days prior to license expiration so that the Town Board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and new application is required any time the ownership of the residential dwelling license for short-term rentals changes.
 - 5) The Town Board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the Board determines that the licensee:
 - i. Failed to comply with any of the requirements of this ordinance;
 - ii. Violated the local, county or state laws or regulations which, based on the number, frequency and/or severity and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhoods;

- iii. Has been convicted of engaging in illegal activity while on the short-term rental premises on two (2) or more separate occasions within the past twelve (12) months; or
 - iv. Has outstanding fees, taxes, or forfeitures owed to the town.
- 6) Any resident of or owner of property within the Town may file a written complaint with the Town Clerk alleging one or more of the reasons set for in this ordinance as grounds for revocation or suspension of a short-term rental license issued under this chapter. Upon receiving such complaint, the Town Clerk will notify the Property Owner of the short-term rental by mail and place the complaint before the Town Board during a publicly noticed meeting not less than 10 days and not more than 45 days from the date that the complaint was received.
- C) Short-Term Rental License
- 1) The Town Clerk shall issue a rental license, upon Town Board approval, if an applicant demonstrates compliance with the provisions of this ordinance. The license shall contain the following information:
 - i. Name of the Property Owner and their contact information, including telephone number.
 - ii. Name of the Property Manager and their contact information, including telephone number.
 - iii. The expiration date of the short-term rental license.
 - iv. The short-term rental license number.
 - 2) Short-term Rental licenses shall be displayed in the main entrance of the property.
 - 3) A rate card for the short-term rental shall be displayed in the main entrance of the property.

5.0405 Operation of a Short-Term Rental

Each short-term rental shall comply with all the following requirements:

- A) If a residential dwelling is rented for periods of fewer than twenty-nine (29) consecutive days, the total number of days with any consecutive 365-day period that the dwelling may be rented shall not exceed one hundred eighty (180) days.
- B) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for guests or other invitees.
- C) Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 am and 10:00 pm. At minimum, a seven consecutive day interval must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with the other applicable noise regulations and nuisance ordinance as stated in Section 4.04 of the Town of Doty's Code of Ordinances.
- D) The Property Owner and/or Property Manager must provide the Town Clerk or Designee with current contact information and must be available 24 hours a day, 7 days a week by telephone. The Town Clerk or Designee must be notified within 72 hours of any change in contact information.
- E) Each short-term rental Property Owner and/or Property Manager shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept by the Property Owner or Property Manager for at least one year and made available upon the request of the Town Clerk or Town Board. The register shall also include the time period for the rental and monetary amount or consideration paid for the rental.

- F) Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
- G) Each Property Owner of a short-term rental shall hold and keep current a seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirements per state regulations.
- H) All rentals shall be subject to the Town of Doty's Accommodations Tax Ordinance.
- I) Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less."
- J) "Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72."
- K) Special Refuse Authorization Cards must be presented to the attendants disposing of garbage and recyclables at the town waste facility. New cards will be issued with renewal permits.
- L) Parking on the street in front and around the short-term rental is prohibited.

5.0406 Penalties

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100 or more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues, constitutes a separate offense under this ordinance. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs, whether existing under this ordinance or otherwise.

5.0407 Fees

Any person applying for an initial short-term rental license or renewing a license pursuant to this chapter shall be subject to the fees as established by the Town Board.

5.0408 Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction such as a decision shall not affect the validity of any other provision of this ordinance.

5.0409 Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under §60.80 Wis. Stat.

5.0500	RESERVED
5.0600	RESERVED
5.0700	RESERVED
5.0800	RESERVED
5.0900	RESERVED
5.1000	RESERVED
5.1100	RESERVED
5.1200	RESERVED

5.1300 DRIVEWAY PERMIT

5.1301 Purpose

The purpose of this section is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the town, and to limit and regulate highway/road access by motor vehicles to any town highway/road in the town.

5.1302 Definitions

- A. “Driveway” means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway/road, and will provide vehicular access from the highway/road to a residence, business, recreational site, or other similarly appropriate use.
- B. “Emergency vehicle” means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- C. “Impacted landowner” means an owner of real estate that is provided vehicular access to a public highway/road by a driveway determined to be unsafe.
- D. “Prime or productive agricultural or forestry land” means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in government sponsored agricultural or forestry program.

5.1303 Coverage

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any town or other highway/road or highway/road right-of-way in the town in relation to the connection of the highway/road or highway/road right-of-way to a driveway, whether new or previously existing, without first obtaining a town driveway permit to be issued by the town board.
- B. Any person prior to and at the time of seeking a town driveway permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

5.1304 Application and Permit Provisions

- A. The town board shall approve a form for application for the town driveway permit, which shall be available from the town clerk-treasurer or from the town’s website.
- B. The applicant for a town driveway permit shall submit to the town clerk-treasurer a completed application for each with the appropriate fee and with

the following attachments:

1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a town driveway permit will not be granted without the submission of complete supporting documents.
 2. Plat Map. A plat map indicating the location and dimensions of the desired driveway and highway/road access locations, if any, as well as the parcels immediately adjacent to the applicant's property. Once the town board has reviewed the sketch map, the applicant may be asked to submit preliminary plat or final plat.
 3. Slope Analysis
 4. Aerial Photo/Site Analysis (optional)
 5. Driveway construction plan (optional)
- C. Procedures for the evaluation of the town driveway permit application by the town board, including any required/necessary site inspections of the proposed driveway shall be determined by the town board. Slope and culvert needs will be included in the evaluation.
- D. The town board shall approve or deny every town driveway permit application and may as a condition of issuance place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denial may include by are not limited to:
1. The inconsistency or nonconformance of the proposed driveway
 2. The driveway, culvert or highway/road access or any combination, when constructed, rerouted, reconstructed or altered as proposed would be dangerous or unsafe for use by persons in the town.
 3. The driveway will not provide adequate ingress and egress for emergency vehicles.
 4. The application as filed and submitted is found incomplete or contains false material as determined by the town board.
 5. An alternative driveway location will preserve or better protect more prime or productive agricultural or forestry land in the town.
 6. Alternative driveway location or alternative access to highway/road locations will have less negative land use impact on community, public, or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.
- E. Minimum Requirements
1. On open land (undeveloped) without improvements, a new driveway

- or any driveway alleged to be existing, shall comply with all requirements of this section. The applicant who may be the owner, agent or contractor shall submit a location construction plan showing specifications including grade, slope, width and length of the driveway and erosion control procedures.
2. An inspection fee (per fee schedule) to be paid to the town prior to the start of any construction. No building permit will be issued until an approved driveway is in place.
 3. For property with existing structures, if there is no clear evidence, as determined by the Oconto County Zoning Administrator that the driveway has been used during the last 12 months, the town board review process is required. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the town board will be the deciding factor.
 4. The following specifications shall apply:

(a)	Minimum road surface width	12 feet
(b)	Minimum width clearance	24 feet
(c)	Minimum height clearance free of trees, wires, etc.	18 feet
(d)	Maximum grade	10 %
 5. The portion of the driveway that resides within the town right of way shall NOT be concrete or other permanent material. Asphalt (blacktop) is NOT considered to be permanent. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% slope and a maximum of 5% to prevent erosion onto the public road. An adequate roadbed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the town in considering an application for driveway approval. If culverts are required, the minimum diameter shall be 15" galvanized steel or 12: dual wall PVC covered with a minimum of 12" of gravel.
 6. At least one 25 feet in length and 18 feet wide segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting emergency vehicles.
 7. At the end of all new driveways, a turnaround of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the town board. Illegal culverts will be removed at the landowners' expense.
- F. In the event of a denial of a town driveway permit, the town board shall recite the particular facts upon which it bases its denial of the permit. The town board shall also afford the applicant an opportunity to review the town board's decision and present evidence refuting the determination. The town board may affirm, reverse, or modify its decision. The town board shall recite

findings for any decision to modify or reverse its initial determination.

- G. An application fee that is nonrefundable in an amount determined by a resolution of the town board will be charged for each town driveway permit application. Refer to the Town of Doty Fee Schedule.

5.1400 RESERVED

5.1500 RESERVED

5.1600 RESERVED

5.1700 RAZE ORDINANCE

5.1700 Regulation and Permit for Razing Buildings.

5.1701 Purpose

The purpose of this section is to regulate, for public health and safety reasons, the removal of buildings is properly completed, and to assure that the methods removal will protect properly the public health, safety, and general welfare of persons in the town.

5.1702 Coverage

A. No building within the Town of Doty shall be razed without a permit from the Town.

B. Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as electric, gas, water, sewer and any other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

C. A snow fence or other approved barricade and lights shall be provided as soon as any portion of the building is removed and shall remain during razing operations.

D. After all razing operations have been completed, excavations shall be filled with solid fill to match lot grade within forty-eight (48) hours of removal of the structure, the property raked clean, and all debris hauled away. If new construction is to occur immediately following razing, it is not necessary to fill to grade.

E. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within

thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Town.

F. Debris Disposal. All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

G. The property owner or agent is responsible for notifying the town assessor of building removal upon completion.

5.1703 Application and Permit Provisions

- A. The town board shall approve a form for the building razing permit, which shall be available from the town clerk-treasurer or from the town's website.
- B. The applicant for a razing permit shall submit to the town clerk-treasurer a completed application with the appropriate fee and with a Sketch Map. A rough sketch showing the location of the building, access from public roadway, any water features and distances to lot lines, barricade/fence locations, other non-affected buildings, and any other item of interest.
- C. No permit or notification to the town is necessary for small outbuildings, such as a shed provided:
 - 1. It would not require a building permit to construct/install
 - 2. No utilities, such as electric have ever been connected to the building
- D. No permit or notification to the town is necessary for temporary structures such as tents or similar items
- E. If a building is being partially razed for remodeling and a significant portion (>50%) of the above ground structure will remain, no razing fee is required, but all other portions of this ordinance remain in effect.

5.1800 RESERVED

5.1900 RESERVED

5.2000 RESERVED

5.2100 RESERVED

5.2200 ALCOHOL, BEVERAGE LICENSES

5.2201 Incorporation of State Statutes

The provisions of Wis. Stats. Ch. 125 and Wis. Stats. §§ 938.344 and 778.25, relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.

5.2202 License Required

A. License Required

No person, firm, business or corporation shall vend, sell, deal or traffic in or have in his/her possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, wine or fermented malt beverage, including wine cooler products, in any quantity whatever, or cause the same to be done, without having procured a license as provided in this section nor without complying with all the provisions of this section, and all statutes and regulations applicable thereto, except as provided by Wis. Stats. §§ 125.06, 125.25, 125.26, 125.27, 125.28 and 125.51.

B. License Application

Applications for intoxicating liquor or fermented malt beverage licenses under this section shall be obtained from the town clerk-treasurer.

C. Fees

1. Application Fees

Applicants for license under this section shall also pay all actual publication and notice expenses and such administrative and processing charges as the town may, from time to time, establish by resolution. (Refer to Town of Doty Fee Schedule)

2. License Issuance Fees

The fees for the issuance of intoxicating liquor or fermented malt beverage licenses under this section shall be set by the town board by resolution. (Refer to Town of Doty Fee Schedule)

3. License Issuance Fees

The fees for the issuance of operator licenses under this section shall be set by the town board by resolution. (Refer to Town of Doty Fee Schedule)

5.2203 Approval and Issuance of Licenses

A. License Approval

The approval of any license authorized under this section shall be subject to the conditions and requirements of the applicable Wisconsin Statutes and to approval by majority vote of the town board.

B. Issuance of Licenses

The issuance of any license authorized under this section shall be subject to the provisions of this section and to the following:

1. Delinquent taxes, Fees or Assessments

No license shall be granted for operation hereunder on any premises for which any taxes or assessments or other financial claims of the town are delinquent and unpaid. (Refer to Section 5.0200 of this Chapter)

2. Code of Compliance

No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and Fire Department-Department of Commerce. Each applicant's proposed licenses premises shall be subject to an inspection prior to issuance of the license by the designees of the town board.

5.2204 Posting Licenses; Defacement

A. Licenses to be Posted

All licenses issued under this section shall be posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

B. License Defacement Prohibited

It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

5.2205 List of Licensees

By July 15 annually the town clerk-treasurer shall mail to the Wisconsin Department of Revenue a list containing the name, address, and trade name of each person holding a license issued by the town, other than a manager's or operator's license or a license issued under Wis. Stats. § 125.26(6), the type of license held, and if the person holding the license is a corporation or limited liability company, the name of the agent appointed under Wis. Stats. § 125.04(6).

5.2206 Limit on Class B Licenses

A. An unlimited number of Class B licenses being issued would be against the public health, safety and welfare.

B. In furtherance of the public good, the town board does hereby limit the

number of Class B licenses to be issued now and in the future as follows:

1. Number of Class B fermented malt beverage licenses 4
2. Number of Class B intoxicating liquor licenses 4

5.2207 Conditions of License

All licensees hereunder do, by virtue of acceptance of the license issued under this section, consent to the following:

A. Consent to Entry

Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

B. No Employment of Minors

With the exceptions of hotel and restaurant operations, no retail Class "B" or Class "C" licensee shall employ any person under eighteen (18) years of age. Notwithstanding the foregoing, a member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.

C. Disorderly Conduct Prohibited

Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

D. Licensed Operator on Premises

There shall be upon premises operated under a Class "B" or Class "C" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner serving, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of eighteen (18) years shall serve as a waiter for, or in any other manner serve, any fermented malt beverages to customers unless an operator eighteen (18) years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he or she possesses an operator's license, who is at the time of such service upon said premises.

E. Compliance with Health and Sanitation Regulations

The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses and Class "C" licenses issued under this section. No Class "B" or Class "C" license shall be issued unless the premises to be licensed conform to such rules and regulations.

- F. All personal property taxes must be paid in full before any liquor license will be issued by the town.

5.2208 Hours of Operation/Restriction

Establishments with Class "A", Class "B" or Class "C" licenses are either prohibited for selling alcohol or cannot be open for business during the specified hours in Wis. Stats. §§ 125.32(3), 125.68(4) and 125.68(4)(c) 1 and 3.

5.2209 Transfer of License; Lapse of License

A. Transfer of License

Subject to and in accordance with the provision of s. Wis. Stats. § 125.04(12), a premises license issued hereunder shall be transferable from one premises to another if such transfer is first approved by the town board. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$10.00. Whenever a license is transferred the town clerk-treasurer shall forthwith notify the state of such transfer.

B. Transfer of Corporate Agent

Whenever the agent of a corporate holder of a license is, for any reason, replaced, the licensee shall give the town clerk-treasurer written notice of said replacement, the reasons therefore and the new name of the agent. Until the next regular meeting or special meeting of the town board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the town clerk-treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue, which notice shall be served on the licensee. The corporation's license shall cease to be valid after receipt of such notice and the corporation shall suspend all operations otherwise permitted by such license until the successor agent or another qualified agent is appointed and approved by the town and Wisconsin Department of Revenue.

C. Lapse

Whenever any licensee under this section shall not conduct his or her licensed business at the authorized location for a period of six (6) consecutive months, the license issued to him or her shall lapse and become void, unless such six (6) months period shall be extended by the town board.

5.2210 Special Class "B" Fermented Malt Beverage Picnic or Special Event License Restrictions

The grant of a special Class "B" fermented malt beverage license or a special event license hereunder to groups or organizations shall be subject to the following conditions of license:

A. Licensed Operator on Premises

There shall be at least one person properly licensed as an operator under the provisions of this section on the premises at all times to supervise the service of beverages.

B. Code of Compliance

Holders of the license hereunder shall fully comply with the provisions of this Code and Wisconsin Statutes.

C. Indoor Event Conditions

For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. The venue shall contain adequate sanitary facilities to accommodate the size of the group.

5.2211 Operator's Licenses

A. Operator's License Required

The licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers shall be on the premises operated under a Class "A" or Class "B" intoxicating liquor license, Class "B" fermented malt beverage license, or Class "C" wine license, at all times. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses or Class "C" wine license unless he or she shall possess an operator's license issued by the town hereunder or unless he or she shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.

B. Application Procedure

Operator's licenses may be issued only upon written application. The town board may issue an operator's license to qualified individuals eighteen (18) years of age or older, on application forms to be obtained, from the town clerk-treasurer.

C. Validity

Operator's licenses issued hereunder are only valid within the boundaries of the town.

D. Term of License

The term of an operator's license issued under the provisions of this section shall be for a period of no more than one (1) year from the date of issuance and shall expire on the 30th day of June of the next subsequent calendar year after the year of issuance.

E. License Fee

Refer to the Town of Doty Fee Schedule. License fee may be prepaid at time of the filing of the application and shall be non-refundable.

F. Issuance of License

Upon approval of the operator's license application by the town board the license shall be issued by the town clerk-treasurer. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

G. Display of License

Operator's license issued under the provisions of this section shall be posted on the premises whenever the operator dispenses alcoholic beverages.

H. Training Course

Except as provided in Section 5.2412, neither the town board or the town clerk-treasurer shall issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to the curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the Wisconsin Department of Revenue or the Wisconsin Department of Safety and Professional Services, or unless that applicant fulfills one of the following requirements:

1. The person is renewing an operator's license.
2. Within the past 2 years, the person held a Class A, Class B or Class C license or operator's license.
3. Within the past 2 years, the person has completed such a training course.

5.2212 Provisional Operator's License

A. A provisional operator's license may only be issued to

1. Those persons that have not completed a responsible beverage service course. At the time of application, the applicant for a provisional operator's license must present proof that the applicant is enrolled in a training course under Wis. Stats. § 125.17(6).
2. Those persons, who, at the time of application and payment for an operator's license, present a certified copy of a valid operator's license issued by another Wisconsin municipality.
3. Those persons who, at the time of application and payment for an operator's license, meet the requisite training requirement and wish to commence work as an operator before the town board will be able to meet to decide their application.

B. Each applicant must be at least 18 years of age and have completed an application form supplied by the town clerk-treasurer. All arrests and convictions of the applicant must be disclosed on the application or an attached sheet.

C. The provisional operator's license shall be effective for 60 days from the date

of issue, or until a regular operator's license is issued, whichever is sooner.

- D. Upon written application for an operator's license, the town clerk-treasurer shall conduct a record check for past crimes or arrests. If the applicant has no past crimes or arrests, the town clerk-treasurer is authorized to issue a provisional operator's license to the applicant. The town board shall review the issuance of any such provisional operator's license at the next regularly scheduled town board meeting, reserving final approval authority. If the applicant does have an arrest or conviction record, the town board must determine whether the provisional operator's license will be issued.
- E. The fee for a provisional operator's license is per the town fee schedule
- F. The town clerk-treasurer may revoke a provisional operator's license if:
 - 1. The holder of the license made a false statement on the application for the license.
 - 2. The operator's license issued by the other state municipality is not valid.
 - 3. The town board denies the persons application for a regular operator's license.
- G. Upon making the decision to revoke, the town clerk-treasurer shall mail or have a written notice delivered to the license holder, notifying the person of the action taken, the reason(s) for such action, and the right to have a license review hearing before the town board, upon the applicant's request. When a request for a hearing is made, the town board shall follow the general procedures as set forth in Wis. Stats. § 125.12, although no complaint is required. The town clerk-treasurer shall notify the licensee of the time scheduled for hearing the matter, by mail or hand delivery. Any mail notice under this section is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the town clerk-treasurer. No request for a license review hearing is valid when received past the final day the provisional operator's license would have been effective.

5.2213 Suspension, Revocation and Non-Renewal

- A. Notice and Hearing

No license issued hereunder shall be suspended, revoked or not renewed without first affording the license holder an opportunity for a public evidentiary hearing.
- B. Hearing Forum

Any hearing for suspension, revocation or non-renewal of a license under this section shall be held and conducted by and before the town board.
- C. Compliant

Any resident of the town may file a sworn written complaint with the town

clerk-treasurer alleging that a person holding a license issued under this section has violated the provisions of this section or the regulations adopted under Wis. Stats. §§ 125.10 and 125.12.

D. Summons

Upon the filing of complaint, the town board shall, within thirty (30) days of the receipt thereof set a hearing date and issue a summons, signed by the town clerk-treasurer. The summons shall command the licensee to appear before the town board on a day and place named in the summons.

E. Hearing Process

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the town board finds the allegations sufficient, the license shall be revoked. The town clerk-treasurer shall give notice of the revocation to the person whose license is revoked.
2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at the licensee's expense. If the complaint is found to be true, the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.
3. The provisions of Wis. Stats. § 125.12, shall govern the conduct of the hearing hereunder.

F. Effect of Revocation

When a license is revoked under this subsection, the revocation shall be recorded by the town clerk-treasurer and no other license issued under this section may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

G. Non-Renewal

The town board may refuse to renew a license under this section for the causes provided in 5.2413(C) hereof. Prior to the time for the renewal of the license, the town board shall notify the licensee, in writing, of the town board's intention not to renew the license and provide the licensee with an opportunity for a hearing. A hearing shall be conducted per Section 5.2413(E).

5.2214 Penalty

Any person serving alcoholic beverages without an operator's (bartender) license issued by the town board will be in violation and subject to a forfeiture (refer to the Town of Doty Bond Schedule).

5.2300 RESERVED

5.2400 RESERVED

5.2500 RESERVED