

CODE OF ORDINANCES

Town of Willard, Rusk County, Wisconsin

CHAPTER 7 LICENSE AND PERMIT ORDINANCE

7.01 GENERAL LICENSE AND PERMIT ORDINANCE

- (1) PURPOSE.** The purpose of this ordinance is to regulate certain activities in the Town of Willard that, in the public interest, shall be conducted on a license, or permit basis. The further purpose of this ordinance is to assure clarity and uniformity for obtaining a license, or permit in the Town of Willard.
- (2) AUTHORITY.** The Town Board has the specific authority, under Wisconsin Statutes and the Town's Village Powers, to adopt and enforce this ordinance.
- (3) ADOPTION OF ORDINANCE.** By adoption of this ordinance, the Town Board confirms the specific statutory authority, powers, and duties to regulate certain uses, activities, businesses, and operations in the Town through the issuance of licenses, registrations, and permits.
- (4) DEFINITIONS.**
- Applicant** means any person as defined below who applies for issue, or re-issue, of a license or permit.
- License, registration, and permit.** The terms 'license', 'registration', or 'permit' may be used interchangeably in these Town ordinances by the Town of Willard, its officers, its employees, and its agents.
- Licensee** means the holder of a license, registration, or permit issued by the Town of Willard.
- Person** means a natural person, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal commercial entity.
- Town** means the Town of Willard, Rusk County, Wisconsin.
- Town Board** means the board of supervisors for the Town, and designees that are duly authorized to act for the board.
- Town Clerk** means the clerk of the Town of Willard, Rusk County, Wisconsin.
- (5) GENERAL PROVISIONS.** No person shall engage, or allow, on land owned, used, or leased by that person in the Town of Willard any regulated use, activity, business, or operation, until that person has obtained the required license, or permit, as established by the Town in this Code of Ordinances.
- (a) Non-Exclusive.** Any license, or permit, issued by the Town of Willard is to be deemed non-exclusive, unless otherwise so stated. No special privileges, franchises, or agreements, are intended, or to be inferred, by the issuance of any license, or permit, by the Town other than those specifically prescribed privileges noted in the license, or permit.
- (b) Restriction of Trade.** Any license, registration, or permit issued by the Town will not be issued for the purpose of any restraint of trade or commerce, nor issued, for establishing any type or form of monopoly.
- (c) Quota.** No Town official, employee, or agent shall refuse to issue, or reissue, a license or permit because that person believes there are sufficient licenses or permits in the Town. Exception: where State law, Town Board, or Town meeting has established a quota, or fixed amount, of licenses or permits.
- (6) FEES AND PENALTIES.** The Town Board has established the fees to be paid to the Town for licenses and permits. Fees are set forth in this Code of Ordinances, and as outlined in Appendix A.
- (7) APPLICATION.** The application shall be filed with the Town Clerk. The application for the license, or permit, shall be in writing to the Town of Willard on a Town-approved form.
- (a) Approved Forms.** The Town Clerk shall prepare an application form as soon as practicable after any new license, or permit, ordinance has been enacted by the Town. The Town Clerk shall cooperate fully with the Town Board to prepare the application form. The application form shall contain appropriate requests for relevant information required by State or Federal statute, any Town of Willard ordinance, or order of the Town Board. The Town Board shall approve the application form.
- (b) The application** shall, at minimum, request:
1. Applicant's:
 - a. Name, address, and telephone number, or business telephone if applicable
 - b. Age and state, or national residence, of the applicant.
 - c. The application shall be signed and sworn to by the applicant
 2. If applicant is a partnership:
 - a. Name, address, and telephone number, or business telephone number, of every partner
 - b. Age and state, or national residence, of every partner.
 - c. Copy of the partnership agreement
 - d. The application shall be signed and sworn to by a general partner
 3. If applicant is a corporation:
 - a. The state of incorporation. If not the State of Wisconsin a proof of authorization from the State of Wisconsin to do business in the State of Wisconsin.
 - b. Name, address, and business telephone number of every officer of the corporation
 - c. The age and state, or national residence, of every officer of the corporation.
 - d. The name, address, and business telephone number of registered corporate agent.
 - e. The application shall be signed and sworn to by a principal officer

4. If applicant is an LLC:

- a. The state where the LLC was formed. If not the State of Wisconsin, proof of authorization from the State of Wisconsin to do business in the State of Wisconsin.
- b. The member, or members, as appropriate
- c. Name, address, and business telephone number of every member of the LLC
- d. The age and state, or national residence, of every member
- e. Copy of the partnership agreement, if there is more than one member of the LLC
- f. The member who is the registered agent for the LLC
- g. The application shall be signed and sworn to by the member who is the registered agent for the LLC

- (c) Current Contact.** The applicant agrees to inform the Town Clerk promptly of any changes to the above contact information, including changes to any partnership agreement, the registered corporate agent for a corporation, or the managing member of an LLC. Inability to contact the applicant may delay the processing of an application.
- (d) Application Fee.** The appropriate fee shall be attached to the application when submitted to the Town Clerk. All application fees are to be made payable to the Town Treasurer.
- (e) Receipt.** A receipt for payment of the fee shall be issued by the Town Treasurer when a license or permit is issued.
- (f) Refund.** If the license or permit is not issued then the Town Clerk will return the fee with the written denial letter. No refunds, unless expressly noted in any Town of Willard ordinance, or by order of the Town Board, shall be refunded by the Town Treasurer unless the license, registration, or permit is denied by the Town Board.

(8) APPLICATION DETERMINATION.

- (a) Hearing Prior to Decision of The Board.** Any applicant may request a hearing by the Town Board before the Town Board's determination. The request for a hearing shall be filed with the Town Clerk. The Town Board shall be required to provide a hearing if requested by the applicant in writing.
- (b) Timely Determination.** Within thirty (30) days after the Town Clerk receives a copy of a fully completed application, the license or permit shall be issued, or referred for issuance, by the Town Board unless otherwise noted in the specific license or permit section herein.
- (c) Town Board Approval.** All licenses and permits shall be issued by the Town Clerk upon approval by the Town Board unless expressly provided herein, by this ordinance, by other Town of Willard ordinance provisions, or as specifically noted in 'Waiver of Town Board Approval'.
- (d) Waiver of Town Board Approval.** The following specific licenses and permits may be issued by the Town Clerk, without formal Town Board approval, if the application is completed, and submitted to the Town Clerk, the Town Board does not desire to formally approve, or deny, the license or permit, and if the proper application fee amount is attached.
- a. On behalf of the Town Clerk, The Town Treasurer may issue dog licenses.
 - b. Cigarette License
 - c. Operator's License
 - d. Provisional Operator's License
- (e) Referral for Investigation.** The Town Clerk, upon receipt of any application for any license, registration, or permit, shall, if he or she has reason to believe the person is not eligible for the license or permit, is not fit for a license or permit, or the premises are not suitable for the uses, activities, businesses, or operations contemplated by the applicant, refer the matter to the Town of Willard Board Member, or other law enforcement officer for investigation or inspection. At minimum, specific reasons that may be considered by the Town Board in determining whether to initially issue, or not issue, a license or permit, are as follows:
1. A false statement is made by the applicant in the application filed with the Town of Willard, or a false statement is included in the material attached to the application by the applicant.
 2. The applicant is not of a good moral character.
 3. The applicant is not a citizen of the United States of America, or is not a legal alien.
 4. The use, activity, business, or operation as proposed by the applicant in the application filed with the Town of Willard, or in the material attached to the application, will be detrimental to the peace, health, safety, and general welfare of the public in the Town of Willard.
 5. The use, activity, business, or operation as proposed by the applicant in the application filed with the Town, or in the material attached to the application, will likely cause a public nuisance in the Town.
 6. The use, activity, business, or operation as proposed by the applicant in the application, or in the material attached to the application, will not likely conform, or meet the conditions of, this ordinance or any specific State or Federal law or regulations.
 7. The applicant, if a corporation, is not authorized to do business in the State of Wisconsin.
 8. The applicant is not of legal age.
 9. The applicant is not legally competent.
 10. The applicant does not meet the specific conditions for issuance of a specific license or permit.

(f) Deny or Delay. If, because of an investigation, the Town Clerk believes the license, or permit, should be denied or delayed, he or she shall forward these recommendations to the Town Board. The investigation report shall be in writing and shall be filed with the Town Clerk. In each case where a license, or permit, is refused, the Town Board shall do so based upon rational reasons, which shall be conveyed by the Town Clerk to the applicant.

1. No license, or permit, shall be issued, or reissued, for any use, activity, business, or operation if the use, activity, business, or operation would be a nuisance in fact, or if the use, activity, business, or operation would violate any Federal laws or regulations, or any State laws or regulations.

2. The Town Board may, subject to the limitations of Chapter 111, Wisconsin Statutes, consider any criminal convictions for violation of Federal and State laws, Federal and State regulations, County of Rusk ordinances, or Town of Willard ordinances, in its determination to issue, reissue, suspend, or revoke, any license or permit. Specifically, criminal convictions, pursuant to Chapter 111, Wisconsin Statutes, shall be sufficient grounds for failure to issue, or reissue, a license or permit, or sufficient grounds for revocation, or suspension, of a license or permit.

(9) ISSUANCE OF LICENSE OR PERMIT. The license, or permit, shall contain the date of issuance, and the date of expiration. All licenses and permits when issued, renewed, or reissued, by the Town Clerk shall have the signature of the Town Clerk, and the signature of the Town Chair.

(a) Non-Transferable.

1. Person to Person. Unless specifically provided herein, or by other Town ordinance provisions, no license, or permit, is transferable to another person without consent of the Town Board.

2. Location to Location. Unless stated elsewhere in this ordinance, no license, or permit, is transferable to another location.

(b) Effective Date. Unless expressly provided herein, or by other Town ordinance provisions, all licenses and permits shall be issued to commence on July 1, and expire on the next June 30, or upon the date specifically noted in the license, registration, or permit, and in either case the license, or permit, expires after midnight on the last effective date.

(c) Scope. If the license, registration, or permit is for specified premises, a particular use, activity, business, or operation, the specified premises, particular use, activity, business, or operation, must be clearly described in the license or permit.

(d) Conditions. If specific conditions are established in the license, or permit, by the Town Board, those conditions shall be expressly noted in writing on the license or permit, and shall be accepted by the applicant, by signature, prior to issue by the Town Clerk of the license or permit, and prior to approval by the Town Board.

(e) Compliance. Prior to the issuance by the Town Clerk of any license or permit, the applicant must agree that the licensee will fully comply with any, and all, conditions established with the issuance of the license or permit, and the licensee will comply with all applicable Town ordinances.

1. Moreover, the licensee further agrees to obey all reasonable orders, and reasonable directives, of any Town Board Member, or law enforcement officer, related to the compliance with applicable ordinances, and compliance with conditions in the licenses or permits.

2. Unless expressly provided herein, or by other Town ordinance provisions, upon issuance of the license, or permit, by the Town Clerk, acceptance of the license, or permit, by the licensee, and acceptance of any conditions attached thereto:

a. The licensee consents to the entry of the Town Board, or any designee of the Town Board, upon the licensed or permitted premises at reasonable hours, upon hours noted within this ordinance, or upon hours noted by the license or permit, for regulatory inspection.

b. Further, the licensee consents to allow the Town Board or any designee to remove from the premises, and to introduce into evidence in court for violations of this ordinance, all relevant items, and relevant products found therein by the Town Board, or its designee. The licensee shall comply with all applicable Federal and State laws, applicable Federal and State regulations, and applicable Town of Willard ordinances.

(f) Inducement. The applicant, upon acceptance of the written license or permit, acknowledges that the applicant, or licensee, has not been induced by any promise or statement, whether verbal or written, made by any Town official, employee, or agent concerning the license, or permit, of any written conditions attached to, and made part of, the license or permit. If any applicant or licensee, upon receipt of the license or permit, has any questions or concerns regarding the license or permit, the applicant or licensee should, in a timely manner, contact the Town Clerk.

(g) Records. The Town Clerk shall keep a record of the licenses and permits issued by him or her, and the amount of the fees collected for each license or permit.

(h) Display. Unless stated elsewhere in this ordinance, the licensee must exhibit the license, or permit, for public view in a conspicuous location, wherever the licensed or permitted use, activity, business, or operation will occur. An alcohol and beverage license has additional display requirements per Wisconsin Statutes.

- (10) FAILURE TO COMPLY.** Failure to comply with the conditions of the license or permit, or failure to fully comply with Town of Willard ordinances, will allow the Town Board to suspend, or revoke, the license or permit, and to take whatever other necessary legal action provided by these ordinances, State Law, and Federal law.
- (a)** All suspension, or revocation, of any license, or permit, will be after hearing, unless emergency conditions require immediate, and temporary, suspension by the Town Board.
 - (b)** Following any temporary suspension, written notice of same shall be served on, or mailed to, the last known address of the licensee, or permittee.
 - (c)** Such notice shall include a statement that the party may make a written request for a hearing before the Town Board within thirty (30) days, by mailing, or delivering, to the Town Clerk a request for hearing.
- (11) ANNUAL PERFORMANCE REVIEW.** The Town Board may require an annual performance review to determine if the Town will, upon application, reissue the license or permit. This review will be held at least thirty (30) days prior to the expiration date for the license or permit. The review will be completed under the supervision of the Town Chair. The results of the review will be forwarded in writing to the applicant within ten (10) days of expiration. The following licenses will require a performance review:
- (a)** Class A (liquor) License regular and provisional
 - (b)** Class A (beer) License regular and provisional
 - (c)** Class B (liquor) License, regular and provisional
 - (d)** Class B (beer) License regular and provisional
 - (e)** Operator's License regular, temporary, or provisional
 - (f)** Managers License
- (12) APPLICATION TO REISSUE OR RENEW.**
- (a)** Unless expressly provided herein, or by other Town of Willard ordinance provisions, all applications for reissuance, and renewal, of any Town license, or Town permit, will be filed by the licensee, or permittee, with the Town Clerk within sixty (60) days before the expiration date of the previous license or permit. The Town Board may waive this sixty (60) day provision at its sole discretion.
 - (b)** Unless otherwise noted in the specific license or permit, upon application, all licenses and permits shall be reissued, or referred for reissue, or renewal, by the Town Board within thirty (30) days of the Town Clerk receiving a copy of a fully completed application form. All licenses and permits when reissued, or renewed, by the Town Clerk shall have the signature of the Town Clerk and the signature of the Town Chair.
- (13) SUSPENSION OR REVOCATION.**
- (a)** The Town Board shall, prior to revoking, or suspending, any license or permit, or prior to refusing to issue, or reissue, a license or permit, make on the record specific written findings as to the reason, or reasons, the Town Board took such action. The Town Board, in lieu of refusing to issue, or reissue, a license or permit, may delay determination action pending further investigation upon its own motion for sixty (60) days beyond the original required determination date.
 - (b)** Unless expressly provided herein, or by other Town ordinance provisions, any license, or permit, may be suspended, or revoked, for cause after the proper Town of Willard hearing noted below, unless in an emergency condition determined by the Town Board wherein the license, or permit, can be suspended temporarily, for a date certain not to exceed sixty (60) days. Prior to any action for suspension or revocation, the Town Board must receive a certified complaint concerning the licensee or permittee. The following persons may file a certified complaint with the Town Board:
 1. The Town Chair
 2. The Town Clerk
 3. The Town Supervisors
 4. The Town Administrator
 5. The Town Constable
 6. Any Town of Willard resident
 7. Law enforcement officials
 - (c)** The person subject to charges for violation of any Town ordinance, or any violation of a condition of any license or permit, shall be provided a copy of the verified complaint, and notice of hearing, before the Town Board. The hearing shall be required to be not less than fifteen (15) days nor more than forty-five (45) days after receipt of notice unless stipulated in writing by the Town Board, and the person subject to charges. All alcohol license hearings must be held not less than three (3) days, and not more than ten (10) days, from the date of issuance of a summons.
 - (d)** The person subject to charges for violation of any Town of Willard ordinance, or any violation of a condition of any license or permit, shall be entitled to the following:
 1. Representation by legal counsel
 2. Right to present and cross-examine witnesses
 3. Right to subpoena witnesses by the Town Chair issuing subpoenas to compel attendance of witnesses
 - (e)** The Town Board may, after the hearing for any person previously issued a license, registration or permit by the Town Board act as follows:
 1. Revoke the license, or permit as a final decision
 2. Suspend the license, or permit for a date certain as a final decision
 3. Request additional information, prior to taking future action
 4. Take no action on the license, or permit, as a final decision.

- (f) The final decision of the Town Board, to revoke or suspend a license or permit, shall be subject to appeal as provided by State law.
- (g) The Chair of the Town of Willard, or the Clerk of the Town of Willard, by order of the Town Board, shall repossess any license, or permit, that has been revoked or suspended by the Town Board.
- (h) If no hearing is requested within the time herein noted, the license, or permit, shall be revoked at the discretion of the Town Board at its next or subsequent meeting.

(14) ADMINISTRATION AND ENFORCEMENT OF LICENSE OR PERMIT VIOLATIONS.

- (a) Unless otherwise noted by order of the Town Board, the Town Clerk shall be the officer of the Town responsible for administration of the Town of Willard licenses and permits.
- (b) The Town Board Members shall be the officials of the Town of Willard responsible to investigate matters related to licenses and permits and to file any complaints with the Town Board regarding licenses and permits.
- (c) Unless otherwise noted by order of the Town Board, the Town Chair shall be the official of the Town of Willard responsible to enforce the conditions established in the licenses and permits issued by the Town and to enforce the ordinances of the Town against any licensee, permittee, and other person
- (d) Unless otherwise noted by order of the Town Board, the Town Clerk shall, in a timely fashion, inform the Town Board of any alleged or real violation of the conditions established in the licenses or permits issued by the Town and any alleged or real violations of Town ordinances.
- (e) Unless otherwise noted by order of the Town Board, the Town Clerk shall be responsible to inform the Town Board of the refusal of any person to obtain a required license or permit.

7.02 BUILDING PERMITS AND REGULATIONS

- (1) PURPOSE.** This Code provides certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and use of materials in buildings, or structures, hereafter constructed, enlarged, altered, moved, converted to other uses, or demolished, and regulates the equipment, maintenance, use and occupancy of all building, or structures, not covered by the State Residential or Commercial Code.
- (2) SCOPE.**
- (a)** No building or structure shall be constructed, installed, altered, repaired, or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired, or removed, except in conformity with this Code, and with orders of the Inspector, or Town issued thereunder.
 - (b)** Every person, pursuant to Wisconsin Statutes, and this ordinance, in the Town of Willard who constructs a new single-family, or multiple-family dwelling, installs a manufactured building, or provides electrical construction in public buildings and places of employment shall seek and obtain a building permit from the Town of Willard.
 - (c)** When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to comply with the requirements for the new use as provided in this Code.
- (3) APPLICABILITY OF BUILDING REGULATIONS.**
- (a) Public Buildings, Public Structures, and Places of Employment.** For public buildings, public structures and places of employment, a local permit is required. Pursuant to Section 101.12(h) Wisconsin Statutes. A local permit cannot be granted until the applicant shows that required drawings and calculations have been examined by the Department of Workforce Development.
 - (b) State Building Code.** The Wisconsin Administrative Code, Chapters COMM 20- 25, 50-57, 60-65 and 84, are hereby adopted by reference and made part hereof. Any future amendments, modifications, revisions, additions, or deletions to the above-noted regulations shall be incorporated herein, and made part of this Ordinance.
- (4) EFFECTIVE DATE.** This ordinance shall take effect and be in full force and effect after its passage and posting or publication.
- (5) PERMITS REQUIRED.**
- (a) No building or structure,** or any part thereof, being used or to be used for residential, agricultural, commercial, or industrial purposes, shall hereafter be built, enlarged, altered, converted to other uses, demolished, or moved into or within the Town of Willard unless a permit shall be first obtained by the owner or his agent from the Town.
 - (b) No permit will be issued** by the Town until all appropriate zoning, building site, variance, or conditional use permits are approved in compliance with the Town of Willard Zoning Ordinance.
 - (c) No permit will be issued** by the Town Board, or Town, if the location of a residence is not located on a State, County, or Town road or street, that is approved or adopted by the Town.
 - (d) No building, or structure,** of any type can be parked or temporarily stored in the Town for a period of more than 72 hours, without the issuance of a permit hereunder before the building, or structure, is moved within, or into, the Town. All Buildings or structures that are moved within, or into, the Town must be made ready for occupancy within one year of the issuance of the permit.
 - (e) Extensive Alterations or Repairs.**
 - 1. Entire Building to Comply. When an existing building is damaged by fire or other cause, or if alterations and repairs are made to an extent of 50% of more of the equalized value of the building before such damage or alteration, the entire building or structure shall be made to comply with the requirements of this Code for new buildings. If the cost of such alterations or repairs is less than 50% of the equalized value of the buildings, the Town Board shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this code.
 - 2. Roofed Passageways. When construction or repair work may endanger the traveling public, the owner or contractor shall erect roofed passageways extending over public thoroughfares at least six (6) feet high, the roof of which shall not be less than a double thickness of 2-inch-thick lumber.
 - (f) Minor Repairs.** No building permit shall be required for any minor repair or alterations, which do not change the occupancy, area, structural strength, fire protection, exits, or ventilation of the building and which costs less than \$3,000.00.
- (6) APPLICATION FOR PERMITS.**
- (a) Forms.** All applications for building permits shall be in writing and filed with the Town Clerk on forms furnished by him/her. Each application shall contain the following information as well as such other information as may be required by the Town Board.
 - (b) Building Permit Applications.** Each application for a building permit shall state the name and address of the applicant, the name and address of the owner of the land on which the building is situated or is to be constructed, the name and address of the owner of the building, if different from that of the land owner, the legal description of the land and the name and address of the designer. Plans required under Section 7.12 (2) (E) shall be submitted with each application.
 - (c) Plans to be Submitted.** With each application for a building permit, there shall be submitted to the Town Board, a complete set of plans and specifications furnished by the owner, including a situation plan showing the location of the proposed building. Drawings that do not show all necessary details to enable the Town Board to intelligently inspect

the same shall be rejected. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Workforce Development. Prior to submission of an application for a building permit, each lot or site on which the proposed building is to be erected shall be properly surveyed and staked by a certified surveyor, if a survey is specifically demanded by the Town Board or its designated representative.

- (d) **Waiver of Plans.** If in the opinion of the Town Board, the character of the work is sufficiently described in the application, he/she may waive the filing of plans, provided the cost of such work does not exceed \$5,000.00.
- (e) **Approval of Plans.** If the Town Board finds that the proposed building will comply in every respect with all ordinances of the Town and all laws and lawful orders of the State (except 101.65 and code provisions relating thereto) and the applicant has any required permits for private domestic sewage treatment and disposal systems from the pertinent county zoning office (145.195 Wisconsin Statutes), he/she shall officially approve and stamp one set of the plans and return them to the owner and shall issue a building permit therefore, which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect, which involves the safety of the building, except with a written consent of the Town Board. In case adequate plans are presented, the Town Board may at his/her discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued.

- (f) **Variance or Conditional Use Permit.** Documentation of any required and approved, variance, or conditional use permit, shall be included with the application.

(7) **PERMIT FEES.** Before receiving a building permit, the owner or his agent shall pay to the Town of Willard the fees listed in Appendix A. Double fees will be charged for anyone failing to take out the necessary permits as required by this Code. The Town Board or Town shall issue a statement of required fees, which shall be filed with the Town Treasurer for payment thereof made by the applicant. The applicant shall present to the Town Board or Town the receipt of the Town Treasurer showing the payment of all required fees, and shall thereupon be issued the permit.

(8) ISSUANCE OF PERMITS.

- (a) **Issuance.** Upon approval by the Town Board of the application, upon compliance by the applicant with all requirements, and payment of the required fee, a permit shall be issued by the Town Board to the owner or his agent for the work set forth in the application.
- (b) **Mobile Home, or Manufactured Home.** The Town Board may issue a building permit for the remodeling, replacement, or reconstruction of a mobile home, or manufactured home, such that the mobile home, or manufactured home, will become a permanent residence Board shall determine whether such permit shall be issued. If the Town Board decides to issue such permit, it may issue the permit subject to conditions, which will ensure the safety, permanence, and residential character of the proposed reconstruction.
- (c) **Compliance.** A permit shall be issued in the name of the owner, when plans and specifications comply with all applicable laws and regulations, including zoning and subdivision control. If plans and specifications do not comply with all applicable laws and regulations, the Town Board or Town shall refuse to issue the permit, or has discretion to issue a conditional permit, subject to any written orders necessary to bring the proposed construction within compliance.
- (d) **Posting.** Issuance of a permit shall include delivery of a permit placard, which shall be posted in a conspicuous place on the building, or premises, where the work is being done, and easily accessible for notation of inspections.

(9) **LAPSE OF PERMIT.** A building permit shall have lapsed and be void unless operations under the permit are commenced within one year from the date the permit was issued unless an extension of time shall be granted by the Town Board.

(10) **REVOCAION OF PERMIT.** If the Town Board shall find at any time that the sections of this code are not being complied with, they shall revoke the building permit by written notice posted at the site of work. When any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is reissued, excepting work as the Town Board shall order to be done as a condition precedent to the reissuance of the permit, or as they may require for the preservation of human life and safety.

(11) **REPORT OF VIOLATIONS.** It shall be the duty of any Town Employee to report at once to the Town Board any building work being carried on without a permit as required by this chapter.

(12) **NON-LIABILITY OF THE TOWN.** This chapter shall not be construed as assuming any liability on the part of the Town for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any gas appliance or installation, or by reason of any inspections made or not made, or permits issued.

(13) BOARD OF BUILDING APPEALS.

- (a) **Board of Appeals.** The Board of Building Appeals shall consist of the Town Board.
- (b) **Meetings.** Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. Three members shall constitute a quorum. The Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses.
- (c) **Procedure.** The Board shall adopt its own rules of procedure, other than those established by this ordinance, and shall keep a record of its proceedings, showing the action of said Board, and the vote of each member upon each question considered. The concurring vote of three (3) members shall be necessary to reverse a decision of the Town Board. Appeal from any action, or decision, of the Town Board concerning this Code may be made to the Board of Building Appeals within the time limits established by the Board of Building Appeals. The appellant shall file with the Town Board a notice of appeal, specifying the grounds thereof. The Town Board shall transmit to the Board of Building Appeals all papers involved in the appeal. The Board may reverse, affirm, or modify the decision or action appealed

from. The decision shall be in writing specifically stating the reasons for the decision, and a copy given to the appellant. The Board may also order necessary tests of new or alternate materials, or types of construction, at the expense of the appellant, before rendering a decision thereon. The Board shall have the power to hear, and decide appeals where it is alleged that there is an error in any action, or decision, of the Town Board concerning this Code, to authorize such variance from the terms of the Ordinance, as will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in practical difficulty, or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. An appeal shall stay all proceedings in furtherance of the matter appealed from, unless the Town Board shall certify to the Board of Building Appeals that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, except by order of the Board of Building Appeals after hearing, or by a court of competent jurisdiction after hearing.

(d) Appeal to Court. The procedures established by Section 62.23(7)(e) 10 through 15, Wisconsin Statutes, for appeals of decisions of Board of Zoning Appeals is hereby established as the exclusive remedy from a decision of the Board of Building Appeals.

(14) GENERAL BUILDING RESTRICTIONS.

(a) Zoning Restrictions. Restrictions of the Town of Willard Zoning Ordinance shall apply.

(b) Drainage of Roof Water. It shall be unlawful to deposit roof water, or water of any kind, directly upon any public street, alley or sidewalk or any public land, or to construct or maintain any device which will deposit such water directly upon public land as designed for the purpose of drainage.

(c) Maintenance of Building and Structures.

1. Every building or structure heretofore, or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end, the Inspection Department, or Town Board, may require repair or removal of any building or structure or part thereof which constitutes a fire hazard, or is required by this Code and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Code.
2. In case there shall be, in the opinion of the Town Board, actual and immediate! Danger of failure or collapse of a building or structure or portion thereof, to endanger life or property, Town Board may cause the necessary work to be done to render said building, structure, or portion thereof, temporarily safe. The expense thereof shall be recovered from the owner, and may be applied as a special charge on the owner's real estate tax bill.
3. When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Inspection Department, or Town Board, may order the occupants to vacate the same forthwith, and may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures, and places adjacent to such building or structure, and prohibit the same from being used.

(d) Moving Buildings.

1. Permit Requirements. Before the issuance of any permit for the moving of a building, or structure, into or within the Town, the Town Board shall inspect the building or structure to determine its structural fitness for the move, and any additions, alterations, or improvements, necessary. Approvals must be obtained before a permit is issued.
2. Deteriorated or Damaged Buildings. No permits shall be issued for the moving of a building, or structure, that has deteriorated, or been damaged, to greater extent than 50% of its equalized value.
3. Bond. As a condition of issuance of any permit to move any building or structure, within the Town of Willard, the applicant shall give a bond, with good and sufficient securities, as approved by the Town, in the sum of not less than ten-thousand dollars (\$10,000.00). The conditions of the bond shall be:
 - a. The applicant shall save, and hold harmless, the Town against any claim, and all claims, and liabilities, for damages and expenses arising by virtue of the granting of the permit.
 - b. The applicant shall cause to be repaired or pay the expenses of repair of any damage to the streets and roads of the Town, arising as a result of the move of the building or structure on public streets, highways, or roadways.

(e) Unsafe Buildings.

1. Whenever the Town Board finds any building, or part thereof, within the Town to be in their judgment so old, dilapidated, or so out-of-repair to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, and:
 - a. If it can be made safe by repair; they shall order the owner to repair, and make safe and sanitary, or to raze and remove at the owner's option.
 - b. If it would be unreasonable to repair the same; they shall order the owner to raze, or remove such building or part thereof.
2. Such order, and proceeding, shall be as provided in Section 66.0413, Wisconsin Statutes, or as otherwise permitted by law.
3. Demolishing, razing, or removing such building, or part thereof, may require a permit per the 'Demolition of Buildings and Structures' section of this ordinance.

(f) Fences.

1. **Height.** No person shall, in any residential zoning district, construct or maintain any fence, wall, hedge or shrubbery along any lot line or along any front or corner side yard, more than 6' in height.
2. **Barbed Wire.** No person shall erect, maintain, or continue any fence or structure utilizing barbed wire as a component in any area zoned residential. All barbed wire fences or structures in a residential area shall be removed within 30 days of the effective date of this ordinance. In the event of a violation of this section, the Town Board shall notify the occupant or owner of the land upon which the structure containing barbed wire is located, of the violation. Within 24 hours after receipt of the written notice, the Town shall be entitled to a Judgment ordering the occupant or owner to remove the structure of fence within the time period as fixed by the Court. Upon failure to obey the Order, the Town Board may remove the structure or fence and recover from the occupant or owner the cost of removal. This remedy is in addition to, and not in place, of any other remedies allowable for violation of this ordinance.
3. **Right-of-Way.** No fences may be erected, maintained, or continued within the right-of-way of any public street, road, or highway.

(15) ENFORCEMENT AND PENALTIES.

(a) Penalties. Any person violating any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, State Building Code, and other rules or laws which are incorporated by reference, shall upon conviction thereof, forfeit not less than \$25.00 and not more than \$500.00 and the cost of prosecution, including reasonable attorney's fees, and in default of payment of such forfeiture and the cost of prosecution, shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. However, in no case shall a forfeiture be imposed under these ordinances, where there is a forfeiture imposed under State Law for a violation of State Statutes, i.e., State action. Each day that a violation continues shall constitute a separate offense.

(b) Other Enforcement Methods.

1. Whenever any building work is being done contrary to the provisions of this Code, or in an unsafe or dangerous manner, the Town Board may order the work stopped by posting on the job site a placard to that effect and such work shall not be recommenced until authorized.
2. Whenever any building is being used or occupied contrary to the provisions of this Code, the Town Board shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use, and such person shall comply with the notice.

7.03 DEMOLITION OF BUILDINGS AND STRUCTURES.

(1) PERMIT REQUIRED. A Demolition Permit is required before a building, or structure, may be demolished or removed.

(2) FEES. Fees are outlined in Appendix A.

(3) GENERAL.

- (a)** 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 water, electricity, gas, sewer, and other connections. The Demolition Permit shall not be issued until a release is obtained from the utilities, stating that their respective service connections, and equipment such as meters and regulators, have been removed or sealed and plugged in a safe manner.
- (b)** Whenever a building can be demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun; no material shall be placed in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber and structural parts of each story shall be lowered to the ground immediately upon displacement; all dry mortar, lime, brick dust, plaster or other flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property; and all sidewalks shall be protected by fences and scaffolds as required by this Code for the protection of sidewalks during the erection of buildings.
- (c)** The building site, of any building hereafter demolished, shall be properly cleared of debris, and rubbish, and shall, at the discretion of the Town Board, be properly graded, and leveled off, to conform with the adjoining grade of the neighborhood.

7.04 FIREWORKS PERMIT ORDINANCE

- (1) PERMIT REQUIRED.** Every person, pursuant to Chapter 167, Wisconsin Statutes, and this ordinance, in the Town of Willard who sells, possesses, or uses fireworks in the Town shall seek and obtain a Fireworks Permit from the Town, except if exempt under this ordinance. Certain persons are exempt from this permit requirement in the Town. The permit requirement does not apply to:
- (a)** The Town of Willard. Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance
 - (b)** The possession of or use of explosives in accordance with rules or general orders of the State Department of Workforce Development
 - (c)** The disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources
 - (d)** The possession of or use of explosives or combustible materials in any manufacturing process
 - (e)** The possession of or use of explosives or combustible materials in connection with classes conducted by educational institutions
 - (f)** The possession of or use of explosives in possession of a license, or permit, under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit
- (2) FEE.** Fees are as outlined in Appendix A.
- (3) APPLICATION.** The application shall be made to the Town Chair, and the Town Chair shall issue, or deny issue of, the fireworks permit.
- (a)** The application shall include:
 - 1. The name of the applicant
 - 2. The address of the applicant
 - 3. The residential and business telephone number of the applicant, if any
 - 4. The age of the applicant
 - 5. The date requested for purchase of fireworks and the date requested for the fireworks use
 - 6. The time and location for the required use
 - 7. The classification of the applicant as noted in Chapter 167, Wisconsin Statutes
 - 8. The proposed location for the storage of the fireworks in the Town
 - (b)** No person shall be issued, or reissued, a fireworks permit in the Town:
 - 1. Until the appropriate fee has been paid to the Town Clerk
 - 2. If the applicant has failed to properly and fully complete and submit to the Town Clerk the application form as developed and provided by the Town.
- (4) ORDINANCE AND PERMIT.**
- (a)** The person subject to this ordinance shall comply with Chapter 167, Wisconsin Statutes, and this ordinance.
 - (b)** The permit shall be issued for the date established for the permitted use.
 - (c)** The Town Chair shall issue the permit and a copy of the issued permit shall be given to the Rusk County Sheriff's Department at least two (2) days before the date of authorized use in the Town of Willard.
 - (d)** The Town Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

7.05 DOG LICENSE ORDINANCE

- (1) LICENSE REQUIRED.** The owner of any dog in the Town shall comply with Chapter 174, Wisconsin Statutes, and this ordinance. Every person residing in the Town of Willard who owns a dog, that on January 1 is at least five (5) months old, shall obtain a license for that dog. No person shall own, or keep, any dog in the Town unless the dog is wearing a valid license tag attached to its collar.
- (2) FEE.** Fees, and penalties, are determined by Rusk County, Wisconsin. License fees shall not be required for seeing-eye dogs, dogs for blind, deaf, mobility-impaired persons, or government police dogs. The County may impose late charges for any dog license not obtained before April 1st each year. Fees are outlined in Appendix A.
- (3) LICENSE.** The license shall be effective from January 1 through December 31. Dog licenses may be obtained year-round from the Rusk County Clerk. The Town Treasurer is designated as the collecting officer for the Town of Willard.
- (a)** The Town Treasurer may issue the dog license through January 31st of each year in the time, and manner, as prescribed by law for the payment of personal property taxes. Proof of rabies vaccination is required. No person shall be issued any dog license in the Town of Willard until the appropriate fee has been paid to the Town Treasurer. After January 31st, licenses shall be obtained from the Rusk County Clerk.
- (b)** Kennel licenses may be required, and issued, by the Rusk County Clerk. Kennel renewal fees may be paid to the Town Treasurer, or the Rusk County Clerk, during their respective times stated above.
- (4) CARE AND CONTROL.**
- (a) Animal Control Officer.** Dogs may be apprehended, and confined, by an officer appointed by the Town Board. Such official shall be designated the Animal Control Officer.
- (b) Dogs will be surrendered** by any person in the Town upon demand by the Animal Control Officer.
- (c) No person shall own, or keep, any dog in the Town of Willard that:**
1. Is allowed to run at large in the Town beyond the property owned, or leased, by that person
 2. Habitually pursues vehicles on highways, roads, streets, and alleys in the Town
 3. Habitually barks, or habitually howls, to the disturbance, and annoyance, of at least two (2) persons residing in the Town
 4. Remains unlicensed after warning from the Town
- (d) Dogs that are apprehended,** and confined, shall be kept by the Town of Willard for at least seven (7) days at the local animal shelter, unless claimed by the owner, and subsequently released to the owner. After the time period noted herein, the dog will be sold for inoculation, apprehension, confinement, and care costs, or it will be destroyed in a careful, proper, and humane manner. If the owner claims the dog, the owner shall pay to the Town Clerk the above-noted costs incurred by the Town. If the dog is unlicensed at time of apprehension, the owner shall pay a penalty of ten dollars (\$10.00). The owner shall post bail in the below-noted amounts when reclaiming a dog:
1. Five dollars (\$5.00) for first offense within one (1) calendar year.
 2. Ten dollars (\$10.00) for second offense within one (1) calendar year.
 3. Twenty dollars (\$20.00) for third offense within one (1) calendar year.
- (e) Biting or Attacking Dogs.**
1. No person shall own, or keep, any dog in the Town of Willard that:
 - a. Bites persons in the Town
 - b. Physically assaults, or attacks, persons in the Town
 2. Dogs will be reported by the owner, or any other person, when they know that a dog has bitten, assaulted, or attacked, any person in the Town of Willard. Such report made to the Animal Control Officer shall be referred to the County sheriff's department, humane officer, or health department for further action.

7.06 CIGARETTE LICENSE ORDINANCE

- (1) PERMIT REQUIRED.** Every person, pursuant to Chapter 134, Wisconsin Statutes, and this ordinance, who sells cigarettes, nicotine products, or tobacco products, in the Town of Willard shall obtain a Cigarette Retail Sales License from the Town of Willard. Exceptions:
- (a)** A person who holds a current Cigarette Retail Sales License
 - (b)** A person who holds a permit under Chapter 139, Wisconsin Statutes
- (2) DEFINITIONS.**
- School** for the purpose of this section, has the meaning given in Chapter 118, Wisconsin Statutes.
- Cigarette** means any roll of tobacco wrapped in paper, or any substance other than tobacco.
- Nicotine Product** means a product that contains nicotine, and is not any of the following:
- A tobacco product
 - A cigarette
 - A product that has been approved by the U.S. Food and Drug Administration for sale as a smoking cessation product, or for another medical purpose, and is being marketed, and sold, solely for such an approved purpose
- Sale, or sell**, singular or plural, for this ordinance, means to sell, exchange, barter, provide, dispose of, or give away.
- (3) GENERAL.**
- (a)** No person shall cause, allow, or permit any person to sell cigarettes, nicotine products, or tobacco products in the Town of Willard, to a person under the age of eighteen (18) years. This provision shall be subject to any defenses for persons established under Chapter 134, Wisconsin Statutes.
[Note: The minimum age is currently twenty-one (21) per Wisconsin Statutes]
 - (b)** No person shall cause, allow, or permit, any cigarette vending machines within five hundred (500) feet of a school in the Town of Willard.
- (4) FEES.** The fees are as noted in Appendix A.
- (5) APPLICATION.** The application form shall be developed by the Town of Willard, and shall include:
- (a)** Complete contact information as outlined above in the General License and Permit Ordinance
 - (b)** The premises where sales of cigarettes, nicotine products, or tobacco products, in the Town of Willard
 - (c)** Whether the applicant will sell cigarette, nicotine, or tobacco products, over the counter, in a vending machine, or both
- (6) LICENSE.**
- (a) No person shall** be issued, or reissued, a Cigarette Retail Sales License in the Town:
 - 1. Until the appropriate fee has been paid to the Town Clerk
 - 2. If the application is not properly, and fully complete upon submission to the Town Clerk
 - 3. Until the person owns, or has leased, a premises in the Town of Willard
 - (b) Issuance and Expiration Dates.** The license shall be issued from July 1 of one year to June 30 of the next year. The Town Clerk shall issue the license prior to any person selling any cigarettes, nicotine products, or tobacco products, in the Town.
 - (c) Compliance.** The licensee shall comply with Chapter 134, Wisconsin Statutes, and this ordinance.
 - (d) Copies.** The Town Clerk shall provide copies of this ordinance, at no cost, to any applicant requesting copies.

7.07 ALCOHOL BEVERAGES ORDINANCE

- (1) STATE STATUTES ADOPTED.** The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, but exclusive of any statutory penalty of imprisonment (no penalty of imprisonment may be imposed for ordinance violations; forfeitures only may be imposed) are adopted and made a part of this ordinance by reference. A violation of any of such provisions shall constitute a violation of this section. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions, or modifications of the statutory regulations in Chapter 125 incorporated herein are intended to be made part of this Code.
- (2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.** No person, except as provided by Chapter 125, Wisconsin Statutes, shall within the Town of Willard, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this ordinance or Chapter 125, Wisconsin Statutes, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this ordinance.
- (3) SEPARATE LICENSE REQUIRED FOR EACH PLACE OF SALE.** Except for licensed public warehouse, a license shall be required for each location, or premises, which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold, or offered for sale.
- (4) CLASSES OF LICENSES AND FEES.** The following classes and denominations of licenses may be issued by the Town Clerk under authority of the Town Board after payment of the fee herein specified in Appendix A, which when so issued shall permit the holder to sell, deal, or traffic in alcoholic beverages as provided in Chapter 125, Wisconsin Statutes. Except as otherwise provided in this ordinance, the full license fee shall be charged for the whole or fraction of any year.
- (a)** Class A Fermented Malt Beverage Retailer's License
- (b)** Class B Fermented Malt Beverage Retailer's License
1. Picnic (Temporary)
 2. The Town authorizes the Town Clerk to issue temporary Class B licenses under Chapter 125, Wisconsin Statutes.
- (c)** Wholesaler's Fermented Malt Beverage License
- (d)** Retail Class A Liquor License
- (e)** Retail Class B Liquor License
1. A retail Class B liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises.
 2. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
 3. Licenses valid for six (6) months may be issued at any time. The fee for the license shall be fifty percent (50%) of the annual license fee. The license may not be renewed during the calendar year in which issued.
 4. Clubs shall be subject to a \$50.00 per year fee for a restricted license, and a fee of two hundred and fifty dollars (\$250.00) if non-restricted (sales to the general public).
- (f)** Retail Class C Wine Licenses
- (g)** Operators' licenses
1. Operators' licenses may be granted to individuals by the Town Board for the purposes of complying with Chapter 125, Wisconsin Statutes.
 2. Operators' licenses may be issued only on written application on forms provided by the Town Clerk.
 3. Operators' licenses shall be valid for one (1) year. All such licenses shall expire on June 30 of each year regardless of whether the license was issued on July 1 of the preceding year.
 4. Provisional Operator's License may be issued by the Town Clerk who is designated as the municipal officer with authority to issue provisional operator's license. Said licenses may be issued upon the following conditions:
 - a. A provisional operator's license may be issued only to a person who has applied for an operator's license and may not be issued to any person who has been denied a license by the Town of Willard.
 - b. A provisional operator's license expires 60 days after its issuance or when an operator's license is issued or denied to the holder, whichever is sooner.
 - c. The Town Clerk may revoke the provisional operator's license if the holder of the license is discovered to have made a false statement on the application. If the provisional operator's license is revoked, the Town Clerk shall mail or have a written notice delivered to the license holder notifying the person of the action taken, the reasons for such action and the right to have a license review hearing before the Town Board upon the applicant's written request. The request for hearings and procedures shall be as set forth in Chapter 125, Wisconsin Statutes,
 - d. The fee for a provisional license may not exceed \$15.
 5. This ordinance shall not be interpreted as requiring additional regulations not permitted pursuant to Chapter 125, Wisconsin Statutes.

(5) 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 State Department of Revenue, or governing body for operators' licenses and filed with the Town Clerk. The premises must be described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- (b) Application to be Notarized.** Applications must be signed and sworn to by the applicant as provided in Chapter 887, Wisconsin Statutes.
- (c) Publishing.** Class A and Class B applications shall be published according to Chapter 125, Wisconsin Statutes.

(6) LICENSE RESTRICTIONS

- (a) Statutory Requirements.** Licenses shall be issued only to persons eligible therefore, under Chapter 125, and other provisions of the Wisconsin Statutes.
- (b) License Quota.** The number of persons and places that may be granted a retail Class B liquor license, a Class A intoxicating liquor, a Class A fermented malt beverage license, a Class B intoxicating liquor and/or Class B fermented malt beverage licenses under this section shall be limited to that number of licenses lawfully in force within the Town as of December 1, 1997.
- (c) Over-Quota License.** This municipality does not issue discretionary over-quota license to qualified full-service hotels and restaurants as provided in Chapter 125, Wisconsin Statutes.
- (d) Form and Expiration of Licenses.** All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee, and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Town Clerk shall affix his or her affidavit.

(7) REGULATION OF LICENSED PREMISES AND LICENSES.

- (a) Gambling and Disorderly Conduct Prohibited.** At all times, each licensed and permitted premises shall be conducted in an orderly manner; no disorderly, riotous, indecent conduct, or illegal gambling, shall be allowed on any such premises. Dice, slot machines, or any device of chance are prohibited, and shall not be kept upon the premises.
- (b) Employment of Underage Persons.** No retail Class B or Class B licensee shall employ any underage person to serve, sell, dispense, or give away any alcoholic beverage, except hotels, restaurants, combination grocery stores taverns, where not to exceed twenty percent (20%) of the gross revenues are derived from the sale of alcoholic beverages. For purposes of this section, 'underage person' shall be defined under Wisconsin Statute.
- (c) Dancing and Entertainment Allowed.** Dancing and entertainment, including music, singing, and related forms of musical entertainment, shall be permitted upon the licensed premises during such hours, and under such conditions, as the Town Board may determine.
- (d) Search of Licensed Premises.** It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer or the Town Chairman, without any warrant, and the application for a license hereunder shall be deemed a consent to this provision.

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

- (a)** If a wholesale license, between 5 p.m. and 8 a.m. except on Saturday when the closing hour shall be 9 p.m., as provided by Section 125.68(4) (a), Wisconsin Statutes.
- (b)** If a retail Class A (fermented malt beverage) license, between 12 midnight and 8 a.m. as provided by Section 125.32(3) (b), Wisconsin Statutes.
- (c)** If a retail Class A (intoxicating liquor) license, between 9 p.m. and 8 a.m. as provided by Section 125.68(4)(b), Wisconsin Statutes.
- (d)** If a retail Class B (fermented malt beverage) or Class B (intoxicating liquor) or Class C (retail wine license) license, between 2 a.m. and 6 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. On January 1, premises operating under a Class B or Class B license, or permit, are not required to close. No package, container, or bottle sales may be made between 12 midnight and 6 a.m.

(9) REVOCATION AND SUSPENSION OF LICENSES.

- (a) Procedure.** Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Chapter 125, Wisconsin Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.
- (b) Automatic Revocation.** Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Chapters 125 or 139, Wisconsin Statutes, or any other State or Federal liquor or fermented malt beverage laws.
- (c) Revocation for Non-Use.** Any license, or permit, issued hereunder may be revoked, if not used within thirty (30) days after issuance, or if its use is discontinued for thirty (30) days or more.
- (d) Effect of Revocation of License.** Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.

(10) NONRENEWAL OF LICENSES.

(a) Written Notice. 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.

(b) Violations by Agents or Employees. A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(11) PENALTIES. The penalty provisions of Chapter 125, Wisconsin Statutes, are hereby adopted, exclusive of any term of imprisonment. If a specific fine or range of fines is set forth in the Wisconsin Statutes for a violation, that specific amount or range shall be the amount or range of the forfeiture for violation of the municipal ordinance counterpart of the Statutes. If a specific penalty is not provided, a forfeiture of not more than five-hundred dollars (\$500.00) may be imposed and the Court may suspend or revoke any license, or permit, issued to the person.

(12) DEPOSIT SCHEDULE. The Uniform State Deposit Schedule is hereby adopted as the deposit schedule for the Town of Willard.

7.08 NUDE DANCING IN LICENSED ESTABLISHMENTS

(1) PURPOSE. The purpose of this ordinance is to regulate activities within the Town of Willard, in the public interest, that are detrimental to the public health, safety and welfare of the citizens of the Town of Willard.

(2) AUTHORITY. The Town Board has the specific authority under Wisconsin Statutes, and the Town's Village Powers, to adopt and enforce this ordinance.

(3) ADOPTION OF ORDINANCE. The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers, and duties, noted in the specific sections of this ordinance, has established by these sections to regulate, and control, by ordinance, persons engaged in certain uses, activities, businesses, and operations, in the Town.

(4) DEFINITIONS.

Licensed establishment means, for purposes of this ordinance, any establishment licensed by the Town Board of the Town of Willard to sell alcohol beverages pursuant to Chapter 125, Wisconsin Statutes.

Licensee means the holder of a retail Class A, Class B, Class B, Class A, or Class C, license granted by the Town Board of the Town of Willard pursuant to Chapter 125, Wisconsin Statutes.

(5) NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED. It is unlawful for any person to perform or engage in, or for any licensee, manager, or agent of the licensee, to permit any person, employee, entertainer, or patron, to perform, or engage in, any live act, demonstration, dance, or exhibition, on the premises of a licensed establishment which:

(a) Shows his or her genitals, pubic area, vulva, anus, anal clef, or cleavage with less than a fully opaque covering

(b) Shows any portion of the female breast below a point immediately above the top of the areola

(c) Shows the covered male genitals in a discernibly turgid state

(6) EXEMPTIONS. The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, dinner theaters where live dance, ballet, music, and dramatic performances of serious artistic merit, are offered on a regular basis, and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation, or sexual gratification to such customers, and where the establishment is not distinguished by an emphasis on, the advertising of, or promotion of, employees engaging in nude erotic dancing.

(7) PENALTIES. Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$200.00, and no more than \$500.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking, or non-renewing an alcohol beverage license under Chapter 125, Wisconsin Statutes.

(8) SEVERABILITY. If any section of this ordinance is found to be unconstitutional, or otherwise invalid, the validity of the remaining sections shall not be affected.

7.09 JUNKYARD PERMIT ORDINANCE

- (1) PURPOSE.** The purpose of this ordinance is for the Town of Willard to regulate, by permit, the storing of certain junked vehicles.
- (2) AUTHORITY.** The Town Board of the Town of Willard has the specific authority under Wisconsin Statutes, and general authority under its Village Powers, to adopt this ordinance.
- (3) EFFECTIVE DATE.** This ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance as required under Wisconsin Statutes.
- (4) DEFINITIONS.**
Junked vehicle means any inoperable, ruined, dismantled, or wrecked vehicle, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling, or dismantling purposes. For purposes of this ordinance, a motor vehicle is reputedly presumed to be inoperable if it is not moved for a period of 15 consecutive days. Demonstrating to the Town Board or its representative that the motor vehicle can be moved from its location under its own power conclusively rebuts the presumption.
Vehicle means every device in, upon, or by which any person or property is or may be transported as defined in Wisconsin Statutes.
- (5) PERMIT REQUIRED.** Every person in the Town of Willard who shall accumulate, or store, junked vehicles, or parts thereof within five hundred (500) feet of the center line of any Town road in the Town of Willard shall seek and obtain a Junkyard permit from Town of Willard.
- (6) EXEMPTIONS.** Certain persons will be exempt from this permit requirement if they meet the requirements of Chapter 175, Wisconsin Statutes. Moreover, any person with less than three (3) unlicensed vehicles stored on premises shall be exempt from this ordinance.
- (7) FEES.**
(a) The fees shall be established annually by the Town Board prior to adopting the annual budget.
(b) The fee for such permit shall be established by the Town Board at not less than twenty-five dollars (\$25.00) per permit. The fees shall be established annually by the Town Board prior to July 1. Fees are as noted in Appendix A.
- (8) ISSUANCE AND EXPIRATION.** The term of the permit shall be from the date of the year of issue to June 30 of the next year. The Town Clerk shall issue the permit, upon approval of the Town Board, prior to any person accumulating or storing such auto materials in the Town.
- (9) GENERAL.**
(a) No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, not more than 1 junked vehicles or junked vehicle parts outside of any building on any real estate located within the Town without obtaining a Junkyard Permit from the Town Board.
(b) No person may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the centerline of any Town highway, or within 750 feet of the centerline of any County trunk, State or Federal highway without obtaining a Junkyard Permit from the Town Board.
(c) The persons subject to this ordinance shall comply with Sections 84.31 and 175.25, Wisconsin Statutes, and this ordinance.
(d) The Town Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- (10) APPLICATION.** The application and permit shall designate the premises to be permitted. The permit may be amended if the permittee changes premises in the Town of Willard. However, the permit is not transferable from one person to another. The application and permit shall contain the following:
(a) The name of the applicant.
(b) The address of the commercial premises.
(c) The commercial premises telephone number, if any, and the residential telephone number of the applicant, if any.
(d) The age of the applicant.
(e) A description of the commercial premises.
(f) The quantity and manner of storing such junk.
(g) The projected number of years for accumulation, storage, and removal of these vehicles.
(h) Any other items requested by the Town Board in writing.
- (11) PERMIT PROVISIONS.**
(a) Persons subject to this ordinance shall comply with ss. 84.31 and 175.25, Wisconsin Statutes.
(b) Each junk vehicle permit issued by the Town Board shall include conditions regarding all the following, which shall be established on a case-by-case basis by the Town Board acting in its discretion:
1. Installation and maintenance of fences on the premises.
2. Provision and maintenance of adequate fire safety equipment on the premises.
3. Removal or draining of all vehicle tanks and engines on the premises.
4. Installation and maintenance of adequate sanitary facilities on the premise:
5. Operational hours at the premises.
6. Installation and maintenance of adequate and necessary physical structures and equipment and provision of necessary personnel.

7. Rules and safeguards to prevent public nuisances and to protect the public health and safety of persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
8. Prohibition of open fires or open burning of solid waste at the premises.
9. Prohibition of any hazardous waste being stored, kept, or disposed of at the premises.
10. Installation and maintenance of adequate landscaping upon and surrounding the premises
11. Provision and maintenance of adequate security and operational personnel to prevent trespassing onto the premises.
12. The number of junked vehicles and junked vehicle parts authorized to be kept on the premises.
13. Installation and maintenance of adequate physical structures and operational controls to prevent trespassing, littering, and private nuisances on private and public lands adjacent to the premises.
14. Any other condition determined by the Town Board to be necessary and appropriate.

(12) DENIAL TO ISSUE OR REISSUE. The applicant, and any other person, subject to this ordinance are subject to all the following:

- (a)** No person shall be issued or reissued a Junkyard Permit in the Town until the appropriate application fee has been paid to the Town clerk.
- (b)** No person shall be issued or reissued a Junkyard Permit in the Town who has failed to properly and fully complete and submit to the Town Clerk the application form as developed and provided by the Town.
- (c)** No person shall be issued, or reissued a Junkyard Permit in the Town of Willard, if the applicant for the junkyard permit:
 1. Fails to install and maintain fences as determined by the Town Board.
 2. Fails to install and maintain adequate fire safety equipment as determined by the Fire Inspector.
 3. Fails to install, provide, and maintain adequate and necessary physical structures and equipment as determined by the Town Board and fails to comply with conditions, rules and safeguards as determined by the Town Board to prevent public nuisances and to protect the public health and safety to persons residing near the junkyard premises or persons entering the junkyard premises including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
 4. Fails to comply as determined by the Town Board.
 5. Fails to prevent open fires or the burning of solid waste or hazardous waste at the junkyard premises. This includes the burning of junked vehicle.
- (d)** No person shall be issued or reissued a Junkyard Permit, and a permittee may have the permit revoked after a public hearing by the Town Board, if the applicant for the Junkyard Permit, or permittee, has done any of the following:
 1. Violated any condition stated in the Junkyard permit.
 2. Failed to comply, as determined by the Town Board, with any Town or County zoning ordinances.
 3. Failed to allow physical access to the premises by the Town Board, or its designee, for inspection purposes upon 48 hours' notice to the applicant, or permittee.

(13) 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 \$50 nor more than \$250, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

(14) SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions, or applications, of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

7.10 WASTE MANAGEMENT ORDINANCE

- (1) TITLE AND PURPOSE.** This ordinance is entitled the 'Town of Willard Waste Management Ordinance'. The purpose of this ordinance is to document and provide to the public, the Town Board, members of the public, and persons engaged in waste collection, recycling, and solid waste enterprises, the provisions of the waste management system for the Town of Willard.
- (2) AUTHORITY.** The Town Board of the Town of Willard has the specific authority under Wisconsin Statutes, and general authority under its Village Powers, to adopt this ordinance.
- (3) ADOPTION OF ORDINANCE.** By adoption of this ordinance, the Town Board confirms the specific statutory authority, powers, and duties to regulate certain uses, activities, businesses, and operations in the Town through the issuance of licenses, registrations, and permits.
- (4) GENERAL PROVISIONS.**
- (a)** The Town of Willard prohibits, unless specifically exempted by this ordinance, or by order of the Town Board, any person from collecting solid waste, or hazardous waste, in the Town of Willard where the waste is intended to be ultimately disposed, stored, treated, or recycled, at a waste facility or recycling operation in the Town, or where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility, or recycling operation, outside the Town unless that entity is on the Wisconsin Department of Natural Resources (DNR) lists of currently licensed waste transporters, and facilities.
 - (b)** The Town of Willard prohibits any person not authorized by the Wisconsin DNR from collecting, scavenging, or removing any solid waste, or hazardous waste, from the property owned, or leased, by a third party, or from lands owned, or leased, by the Town or from other public lands where the solid waste or hazardous waste has been deposited temporarily near, or at, the curbside, street, highway, or road, in the Town for the intent, and purpose, of collection, and removal of the waste by permitted waste transporters, or other persons, authorized by the Town.
 - (c)** The Town of Willard prohibits, unless specifically exempted by this ordinance, or by order of the Town Board, any person, or permit another, to place any waste in the waste containers, or receptacles, at any waste collection location in the Town, unless the waste placed in the waste container or receptacle was from the premises in the Town of Willard served by the waste container or receptacle. Moreover, the Town prohibits any person from placing any recyclable materials in the recycling containers or receptacles at any recycling collection location in the Town unless the recyclable material placed in the recycling containers or receptacles was from the premises in the Town serviced by the recycling container or receptacle.
 - (d)** The Town of Willard prohibits, unless specifically exempted by this ordinance or by order of the Town Board, any yard waste, trees, shrub, brush, weeds, and other vegetation from being intentionally discharged or intentionally deposited by any person upon any sidewalks, roadways, streets, alleys, highways, or other public lands, in the Town of Willard.
 - (e)** The Town of Willard requires, unless specifically exempted by this ordinance, or by order of the Town Board, that any persons owning, or leasing, real property in the Town shall be responsible in a timely manner to collect, and remove litter, and recyclable materials. In addition, to remove in a timely manner any discharges of solid waste, hazardous waste, or recyclable material, from their residential, commercial, or industrial, establishments in the Town. These persons shall be responsible to keep the property in a clean and orderly condition, and to avoid causing any private or public nuisance in the Town.
 - (f)** The Town of Willard prohibits, unless specifically exempted by this ordinance, or by order of the Town Board:
 - 1. Any person from intentionally discharging, or depositing, any solid waste, hazardous waste, recyclable materials, or any other waste material, on or along any sidewalk, roadway, street, alley, or highway, in the Town.
 - 2. Any person from intentionally discharging, or depositing, any solid waste, hazardous waste, recyclable materials, or any other waste material, in any water in the Town, on the ice of any water in the Town, or on any public property in the Town, unless the premises is permitted for deposit or discharge of the specified waste by the Town Board.
 - 3. The Town prohibits any person from failing to remove; within thirty (30) days, any abandoned any automobile, boat, or other vehicle in any waters in the Town of Willard.
 - (g)** The above prohibitions against discharging waste do not apply to any person who places solid waste or recyclable materials in a waste container, or receptacle as authorized by order of the Town Board and by this ordinance for solid waste collection and removal along any sidewalk, roadway, street, alley, highway, or other public or private property in the Town nor does it apply to any person who stores, disposes, treats, deposits or discharges solid waste or recyclable material in conformity with Chapters 287 or 289, Wisconsin Statutes, or in conformity with any permit, license or other approval by the Wisconsin Department of Natural Resources or the Waste Facility Sitting Board, in conformity with this ordinance or in conformity with a permit issued by the Town of Willard.
 - (h)** The Town of Willard requires, unless specifically exempted by this ordinance or by order of the Town Board, any person storing, treating, disposing, discharging, or depositing any type of waste in the Town of Willard to dispose, store, treat, discharge, or deposit such waste in a proper manner to not lead to or constitute a private or public nuisance in the Town. This provision shall apply regardless if the person disposing, storing, treating, discharging, or depositing the waste has a permit to discharge issued by the Wisconsin Department of Natural Resources.
 - (i)** The Town Board of the Town of Willard has designated Rusk County as the responsible unit for recycling as defined in Wisconsin Statutes, and pursuant thereto adopts the provisions set forth for recycling.

7.11 RECYCLING ORDINANCE

- (1) PURPOSE.** The purpose of this ordinance is to establish rules for the implementation of recycling in the Town of Willard responsible unit areas. Administration of an effective recycling program will extend the useful life of landfills, conserve natural resources, salvage materials for reprocessing, conserve energy, and improve the environment by lessening landfill deposits as provided in Wisconsin Statutes.
- (2) AUTHORITY.** The authority for this ordinance is set forth in Chapter 287, Wisconsin Statutes.
- (3) APPLICABILITY.**
- (a)** This municipality has heretofore, pursuant to Chapter 287, Wisconsin Statutes, designated Rusk County as the responsible unit of government. The Rusk County Board of Supervisors adopted the ordinance titled 'Recycling Ordinance for Rusk County' of the General Code to establish rules for the implementation of recycling in the Rusk County responsible unit areas.
 - (b)** The Rusk County ordinance allows local municipalities, to establish, and adopt, a companion ordinance, which shall include rules, and procedures, for the preparation, and collection, of separated materials. The purpose of this ordinance is to set forth the rules, and procedures for this municipality.
- (4) INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted considering the Wisconsin Statutes and Wisconsin Administrative Code. Where the ordinance provision is unclear, the provisions shall be interpreted considering the Wisconsin Statutes, and the standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent amendment to this ordinance.
- (5) SEVERABILITY.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (6) DEFINITIONS.**
- Recyclable Items.** For the purpose of this ordinance, the definitions of recyclable items shall be those as set forth in the Rusk County Recycling Ordinance, and Wisconsin Statutes.
 - DNR.** The acronym DNR shall mean the State of Wisconsin Department of Natural Resources.
 - Refuse.** Refuse means discarded matter resulting from commercial, industrial, residential and community life which is subject to decomposition not defined as sewage or garbage and includes materials and debris resulting from construction or demolition.
 - Residence and Residential.** Residence and residential means a real property improvement containing one through four residential household units.
 - Solid waste.** Solid waste has the meaning specified in Wisconsin Statutes.
 - Solid waste Facility.** Solid waste facility has the meaning specified in Wisconsin Statutes.
 - Solid waste treatment.** Solid waste treatment means any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. Treatment includes incineration.
 - Waste tire.** Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
 - Yard waste.** Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.
- (7) MANDATORY SEPARATION OF RECYCLABLES.**
- (a) Mandatory Separation of Recyclables.** All persons generating or possessing recyclable materials, including occupants of single-family unit residences, multi-family dwellings, and non-residential facilities and properties, shall separate recyclable materials from garbage, and refuse.
 - (b) Disposal of Recyclable Material.**
 - 1. All recyclable materials, except yard waste, shall be transported by the owner, or the owner's designee, or hauler, to the Town of Willard Recycling Center which is designed to receive and collect same.
 - 2. Yard waste may be delivered to the Town of Willard Recycling Center, or land spread at approved location in accordance with Wisconsin Administrative Code.
 - 3. All persons, and haulers, shall place, and deposit, all recyclable material in the appropriate, and designated containers at the Town of Willard Recycling Center, as directed by the authorizing officer, or employee of the Town of Willard. Comingled recyclable material, and garbage, will not be accepted for disposal.
 - (c) Fees and Payment.** the Town of Willard Recycling Center may charge a fee, or pay, for receiving recyclable materials as market conditions may direct.
 - (d) Scavenging.** No person, except as authorized by the owner thereof, may enter the container of another, and take possession of any recyclable materials.

- (e) Separation Requirements Exempted.** The separation requirements do not apply to the following:
1. Occupants of single family, multiple-family dwellings, and non-residential facilities and properties, that send their postconsumer waste to a processing facility that is licensed by the Wisconsin DNR that recovers the recyclable materials from solid waste in as pure a form as is technically feasible.
 2. Solid waste which is burned as a supplemental fuel in a facility if less than 30% of the heat input is derived from the solid waste burned as supplemental fuel.
 3. A recyclable material for which a variance has been issued by Wisconsin Statutes, or Wisconsin Administrative Code.

(8) SPECIAL MULTI-FAMILY AND NONRESIDENTIAL PROVISIONS.

(a) Owners Responsibility. The owner or determined agents of all multi-family dwellings and non-residential facilities are required to do the following:

1. Provide containers for each of the listed recyclable materials
2. Containers shall be adequate size to receive the recyclable materials
3. Provide for periodic collection of all recyclable materials and permit no excessive accumulation thereof
4. Permit no recyclable materials to be accumulated outside of the specified containers
5. Provide for the collection of materials separated and arrange delivery of materials to a recycling facility

(b) Notice to Tenants. At the time of leasing, and at least semiannually thereafter, the owner shall, in writing, advise all tenants and occupants of the recycling obligations, the reasons to recycle, and how to prepare the materials. If recycling containers are not available at all hours, the owner shall advise the hours of operation, provide the name of a contact person with address, and telephone number.

(c) Tenants and Occupants Obligations.

1. The tenants and occupants of multi-family residences and tenants of non-residential facilities shall separate all recyclable materials in accordance with this ordinance and place same in containers so designated by the owner, landlord or designated agent.
2. No tenant or occupant shall place recyclables in any garbage or refuse container or garbage or refuse in any recycling container.
3. Tenants are responsible to deliver all batteries, appliances, waste oil, waste tires and yard waste directly to Town of Willard Recycling Center.

(d) Nonresidential Tenants. The owners of nonresidential property shall have the duties as set forth above provided that if said property is leased, the owner may, by lease provisions or other agreement, require the tenant to perform the duties and responsibilities of persons and/or owners as herein provided. Where required by lease or other facilities and services herein required.

(e) Third Party Use. No persons other than tenants in multi-family residences or nonresidential properties, or persons expressly permitted by an owner, shall deposit any material in the recycling containers or garbage or refuse containers provided for tenant use.

(9) LARGE OUTDOOR EVENTS.

- (a)** Organizers and sponsors of outdoor events and owners of real estate where outdoor events are held, with 20 or more persons attending, including but not limited to fairs, concerts, contests, sport events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food and beverage is served shall provide an adequate number of clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste, and waste tires.
- (b)** Within 7 days after the event is completed, all recyclable materials shall be delivered by the organizer, sponsor or real estate owner or his designee, to the Town of Willard Recycling Center.
- (c)** Attendees of all such events shall deposit said recyclable materials in the provided containers. No such recyclable materials shall be placed, or disposed of, in a garbage, or refuse container. All deposited recyclable materials shall be reasonably clean, and free of food particles.

(10) PARKS, WAYSIDES, BALLFIELDS AND RECREATIONAL AREAS.

- (a)** All Town-owned or Town-operated, parks, waysides, ballfields, and recreational areas, shall have clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste, and waste tires. These products shall be regularly removed, and delivered to the Town of Willard Recycling Center.
- (b)** No person shall deposit into such container any other material except allowed materials that are reasonably clean, and free of food particles.

(11) ENFORCEMENT.

(a) Administration. The provisions of this ordinance shall be administered by the Town of Willard.

(b) Inspection. Any authorized officer, employee, or representative, of the Town of Willard may inspect recyclable materials separated for recycling, waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings, collection areas of non-residential facilities and properties, solid waste disposal facilities, solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer, employee, or authorized representative, of the Town of Willard who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with, such an inspection.

(12) PENALTIES. Any person convicted of violating any provision of this ordinance is subject to a forfeiture of not less than \$20.00, nor more than \$200.00, and shall be required to pay all court costs and assessments. Each day a violation exists shall be a separate offense.

(13) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

7.12 CAMPGROUND

(1) PERMIT REQUIRED. Campground permit requirements are outlined in Chapter 18 Campgrounds, Lodging, and Recreational Facility Ordinance.

(2) FEES. Fees are listed in Appendix A.

7.13 TOURIST ROOMING HOUSE

(1) PERMIT REQUIRED. Annual permit requirements are outlined in Chapter 18 Campgrounds, Lodging, and Recreational Facility Ordinance.

(2) FEES. Fees are listed in Appendix A.

7.14 HOTEL, MOTEL

Refer to Chapter 18 Campgrounds, Lodging, and Recreational Facility Ordinance.

7.15 BED AND BREAKFAST

Refer to Chapter 18 Campgrounds, Lodging, and Recreational Facility Ordinance.

Ordinance Chapter 7

Adopted this 9th day of May, 2022

Robert Nelson Yea X Nay _____

Mark Taft Yea X Nay _____

Linda Bentley Yea X Nay _____

Attest: Mary Jane Nelson, Town Clerk