

General Code of Ordinances
Chapter 4 - Licenses and Permits

CHAPTER 4 LICENSES AND PERMITS

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4.01 TITLE/PURPOSE/DEFINITIONS. This Ordinance is entitled the "Town of Centerville Licenses/Permits Ordinance". The purpose of this Ordinance is to regulate the issuance of licenses/permits in the Town of Centerville according to State Statutes. Definitions as used in this chapter:

A. NON-METALLIC MINING -- means operations or activities for the extraction from the earth for sale or use by the operator or mineral aggregates such as stone, sand and gravel, and non-metallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.

4.02 AUTHORITY. The Town Board of the Town of Centerville has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, license, register or permit in the Town of Centerville persons engaged in certain uses, activities, businesses and operations at certain locations in the Town of Centerville, to assess these persons with appropriate fees for the licenses or permits as noted herein and to enforce, by revocation or penalty, the provisions of these Ordinances and the provisions of the licenses and permits.

4.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Centerville has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance licenses and permits to regulate, control, assess appropriate fees (by revocation or penalty) persons engaged in certain uses, activities, businesses and operations in the Town of Centerville.

4.04 GENERAL PROVISIONS. The Town Board of the Town of Centerville has, by this ordinance, required and confirmed the following licenses or permits and established the following fees. No person shall engage or allow on land owned, used or leased by that person in the Town of Centerville any particular use, activity, business or operation until that person has obtained the

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required license or permit as established in this ordinance. All application fees are to be made payable to the Town of Centerville. The application for license or permit, when submitted by the applicant, shall contain the appropriate fee amount attached and the completed applicable form. If the license or permit is for a particular premise, use, activity, business or operation, this shall be clearly described in the license or permit. No license or permit is transferable, unless specifically provided herein or by other ordinance provisions, to another person without consent of the Town Board. If specific conditions are established in the license or permit, those conditions shall be expressly noted in writing on the license or permit and shall be accepted by the applicant by signature prior to issuance. A record is to be kept of all licenses and permits issued. The license or permit must be exhibited for public view in a conspicuous location by the applicant. Failure to fully comply with the conditions of the license or permit or failure to fully comply with any Town of Centerville Ordinance 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 and state law. Any license or permit may be suspended or revoked for cause after a proper hearing as described in Section 4.04 A&B. Any person subject to suspension or revocation under this Chapter shall receive a notice which includes a statement that the person may make a written request for a hearing before the Town Board within thirty (30) days (unless emergency conditions require immediate and temporary suspension). Prior to any action for suspension or revocation, the Town Board must receive a written and signed complaint concerning the licensee or permittee. The person issued a license or permit shall comply with all applicable federal and state laws and regulations, and Town of Centerville Ordinances. As a condition of obtaining a license or permit, all local taxes, assessments, special charges or other fees, including but not limited to municipal forfeitures, shall be paid on a current basis. As a condition of obtaining a license or permit, the applicant shall be obligated to continue the use, operation, business or establishment for which the person is licensed or permitted.

A. VIOLATIONS. Any person subject to charges for violation of a condition of any license or permit shall be provided a copy of the verified complaint and notice of hearing. The hearing shall be required to be not less than three (3) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board and the person aggrieved. All alcohol license hearings, pursuant to Section 125.12 Wisconsin Statutes, must be held not less than three (3) days and not more than ten (10) days from the date of issuance of a summons. The person subject to charges shall be entitled 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.

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The final decision of the Town Board to revoke or suspend a license or permit shall be subject to appeal pursuant to Chapter 68 Wisconsin Statutes.

B. MINIMUM CONSIDERATIONS FOR NONISSUANCE, REVOCATION OR SUSPENSION OF A LICENSE:

1. A false statement was made in the application.
2. The applicant was not of good moral character.
3. The applicant was not a citizen of the United States of America or was not a legal alien.
4. The use, activity, business or operation as proposed by the applicant will be detrimental to the peace, health, safety and general welfare of the public.
5. The use, activity, business or operation as proposed by the applicant will likely cause a public nuisance.
6. The use, activity, business or operation as proposed by the applicant will not likely conform or meet the conditions of this ordinance or any specific state or federal law or regulation.
7. The applicant, if a corporation, was not authorized to do business in the State of Wisconsin.
8. The applicant was not of age.
9. The applicant was not legally competent.
10. The applicant did not meet the specific conditions for issuance of a specific license or permit.
11. Subject to the provisions of Section 111.335 Wisconsin Statutes, the applicant has been convicted of a crime.

4.05 BUILDING PERMIT.

A. BUILDING PERMITS REQUIRED. Any one- or two-family dwelling being built, enlarged, altered or repaired will require the owner or his agent to obtain a building permit before such work is started from the Town's Zoning Administrator. Application for a building permit on a new dwelling shall be made in writing upon a form designated as the Wisconsin Administrative Building Permit Application furnished by the Department of Commerce as per Wisconsin Statutes 101.63(7) and 101.65(3). No building permit shall be issued for any new one- or two-family dwelling, or any repairs, alterations or additions exceeding \$50,000, until a site inspection has been completed and approved by the Town or State certified building inspector.

B. REPAIRS, ALTERATIONS AND ADDITIONS REQUIRING PERMIT. Any dwelling, building, or structure being erected, moved, structurally altered or removed will require the owner or his agent to obtain a building permit before such work is started from the Town's Zoning Administrator. Any repairs or alterations in excess of \$800.00 made to any dwelling,

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building or structure will require a building permit be obtained as noted above. Building inspection required for all new buildings and structures held out for public use and all existing structures proposed to be converted to public use.

C. FEES. At the time application for a building permit is filed, the applicant shall pay the fees established by the Town Board and on file with the Town Zoning Administrator as follows:

1. Town Building Permit - \$20.00 for work under \$5,000 and an additional \$4.00 per thousand above the \$5,000 limit; no fee will be charged for a demolition permit only.
2. Estimated costs involved in the hiring of any professional/consultant required by the Town for the building permit.
3. If building inspections are required, additional fees will be assessed to cover the cost of these inspections.

D. Statements made in this application shall be made as if made under oath and any willfully false statement shall subject the person making it to the penalties of this ordinance.

E. If no work has been initiated after 12 months from issue of building permit, the applicant must reapply for a building permit. If no change to the permit is required, no additional fee will be assessed. Any additions to the original plans would require the application fee to be assessed again, minus the fee that was paid previously. If greater than 24 months from issue of the building permit has passed with no construction, the applicant shall reapply and resubmit fees to continue with the project.

F. FAILURE TO OBTAIN PERMIT. If any construction or work governed by the provisions of this section is commenced prior to obtaining a building permit, a late fee shall be charged doubling the permit fee. The late fee shall not apply to permits for demolition and razing, and shall be waived in the case of emergency installation of replacement plumbing, heating or electrical equipment, provided the required permits are obtained within 10 (ten) business days of the installation.

4.06 BURNING PERMIT. No person shall set a fire within the Town unless such person shall first obtain a burning permit from the Town Board or its designee and certify to the Town Board or its designee that any open burning shall be contained in a fire pit or container. The Town Board shall specify the information to be included in a burning permit.

A. EXCEPTIONS TO BURNING PERMIT. Notwithstanding the above provisions, no permit shall be required in the following circumstances:

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1. Burning of allowable materials in a barrel, trash can or other enclosed burning container, provided such container is adequately covered to prevent burning material or embers from escaping the burning container.
2. Setting a fire for purposes of warming the person or cooking food under life threatening circumstances.
3. Setting a recreational bonfire in a fire pit or container primarily for entertainment purposes.

4.07 CIGARETTE LICENSE. Every person, pursuant to Section 134.65 Wisconsin Statutes and this Ordinance, who sells cigarettes in the Town of Centerville to a person who does not hold a Town of Centerville Cigarette License or who does not hold a permit under Section 139.34 Wisconsin Statutes, shall seek and obtain a cigarette sales license from the Town of Centerville.

- A. FEE. The fee for such license shall be Fifty dollars (\$50.00) per premises per year.
- B. LICENSE. The license shall be issued from July 1 of one year to June 30 of the next year. The license shall be issued by the Town Clerk prior to any person selling any cigarettes without the proper license. The cigarette application form and license shall designate the premises. Such licenses are not transferable from one person to another or are not to be amended from one premise to another. The application form shall be furnished by the Town Clerk and include:
 1. The name of the applicant.
 2. The address of the applicant.
 3. The address of the premises.
 4. The business and residential telephone number of the applicant (if any).
 5. The age of the applicant and the birth date.
- C. ISSUANCE. No person shall be issued or reissued a cigarette retail sales license who has failed to properly and fully complete and submit to the Town Clerk the application form as developed and provided by the Town of Centerville as well as paying the appropriate fee. No person shall cause, allow or permit any person to sell or provide cigarettes or tobacco products in the Town of Centerville to a person under the age of eighteen (18) years. This provision shall be subject to any defenses set forth under Section 134.66 Wisconsin Statutes. No person shall cause, allow or permit any cigarette vending machines in the Town of Centerville within five hundred (500) feet of a school.

4.08 DOG LICENSING AND REGULATION.

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- A. LICENSE REQUIRED. Every person residing in the Town who owns a dog which is more than five (5) months of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor at the following rates:

	<u>Fee</u>
1. Neutered Male/Female	\$5.00
2. Unneutered Male/Female	10.00
3. Multiple Dog License Option	35.00 + \$3 Excess of
12	

Pursuant to Wisconsin Statutes 174.053, any person who keeps more than one dog may, instead of paying the dog license tax for each dog, apply for a multiple dog license. The multiple dog license tax is \$35 for 12 or fewer dogs, plus an additional \$3 for each dog in excess of 12. An applicant shall complete Application for Manitowoc County Multiple Dog License Tag.

- B. PENALTY. The penalty for violation of above will be a \$25.00 late fee after April 1 of the licensing year.
- C. ISSUANCE OF LICENSE. Upon receipt of the required fee and exhibition of the certificate required by sub. G below, the Treasurer shall issue to such person a license to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the Town Treasurer.
- D. STATE REGULATIONS. Ch. 174, Wisconsin Statutes, shall apply so far as applicable.
- E. DOGS NOT TO RUN AT LARGE. No owner or other person in control or having custody of a dog shall allow the same to run at large within the Town unless accompanied by and under the control of the owner or keeper.
- F. HARBORING CERTAIN DOGS PROHIBITED. No person shall own, harbor or keep any dog which:
1. Habitually pursues any vehicle upon any public street, alley or highway.
 2. Assaults or attacks any person.
 3. Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.
 4. Habitually barks or howls to the annoyance of any two (2) or more persons.
 5. Is required to be licensed but is not.
- G. CERTIFICATE OF INOCULATION REQUIRED. No license shall be issued hereunder for any dog unless the applicant exhibits a certificate of a qualified veterinarian showing that the dog has been inoculated for rabies within three (3) years prior to application.

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H. CONFINEMENT AND DISPOSITION.

1. Confinement of Dogs. The Town Law Enforcement Officer or any officer appointed by the Town Board shall apprehend any dog running at large within the Town which does any of the things prohibited under subsection F above and confine such dog in a suitable place. 2.

Disposition of Unclaimed Dogs. The Law Enforcement Officer or the keeper of a pound shall keep all licensed dogs with tags apprehended for seven (7) days (unless sooner claimed by the owner or keeper). If any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in apprehending, keeping and caring for the dog, or it may be destroyed in a proper and humane manner. Any unlicensed/untagged dog(s) will be directly taken to the Manitowoc County Humane Society.

3. Owner or Keeper to Pay Costs. The owner or keeper of any dog so confined may reclaim such a dog at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping and caring for the dog. Such costs and charges may include expenses for inoculations or other medical treatment of the dog.

I. ENFORCEMENT. The Law Enforcement Officer or his qualified assistants shall be responsible for the apprehension and confinement of dogs as herein provided, and such officer shall apprehend and confine dogs as provided in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the Town. Such officer shall be paid such compensation as the Board shall determine.

4.09 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSE. A.

LICENSE REQUIRED. Every person, pursuant to Chapter 125 Wisconsin Statutes and this Ordinance, in the Town of Centerville who sells alcohol beverages with one-half of one percent (1/2 of 1%) of alcohol by volume or more and manufacturers, wholesalers, retailers and distributors of such beverages shall seek and obtain the following applicable license:

	<u>Fee</u>
1. Class A Fermented Malt Beverage	\$100.00
2. Class B Fermented Malt Beverage	25.00
3. Class A Liquor	150.00
4. Class B Liquor	150.00
5. Operators License	10.00
6. Special Class B Fermented Malt Beverage Picnic License	10.00
7. Special Class B Wine of 6% or Less Alcohol Picnic License	10.00

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The license shall be from July 1 of one year to June 30 of the next year. Operator license may be issued for either a one-year or two-year period with the fee being double for the two-year license. All applications for the above licenses are to be on forms provided by the Town. Licenses are transferable only as under Chapter 125 Wisconsin Statutes. The person subject to this ordinance shall comply with Chapter 125 Wisconsin Statutes and this ordinance. No person, pursuant to Sections 111.32, 111.321, 111.335 and 125.04 Wisconsin Statutes, shall be issued or reissued any of the noted alcohol beverage licenses in the Town if that person has been a habitual law offender or charged and convicted of a felony unless the person has been duly pardoned.

B. QUOTA. The Town of Centerville shall, at maximum, issue and reissue no more than two (2) Class B liquor licenses.

C. CRIMINAL RECORD CHECK. Prior to issuance of a license, the Town Clerk shall obtain a criminal record check for each applicant for a license under Section A (1-7) above through the Wisconsin Department of Justice web site. The fee assessed by the Department of Justice shall be charged back to the licensee to cover costs incurred by the Town.

4.10 NON-METALLIC MINING PERMIT. Every person, pursuant to Sections 60.10 and 295.14 Wisconsin Statutes and this Ordinance, doing business in the Town of Centerville who engages in a non-metallic mining operation at a non-metallic mining site in the Town of Centerville shall seek and obtain a non-metallic mining permit from the Zoning Administrator prior to conducting and maintaining a mining operation. The fee for such a permit shall be \$50.00 per 3-year period of time.

(See also Chapter 9, Section 9.19 B. 4.)

A. APPLICATION/PERMIT. The application and permit shall designate the premises to be used by the permitted person for the operation. The permit may not be amended if the person changes premises in the Town. The application for permit shall contain:

1. The name of the applicant.
2. The address of applicant.
3. The business and residential telephone number.
4. The age of the applicant and the birth date.
5. Description of quantity and manner of the non-metallic mining operation.

B. EXCEPTIONS: Persons will be exempt from this permit requirement if they conduct the following activities:

1. Excavations or grading by a person solely for domestic use at their residence.
2. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
3. Excavations for building construction purposes.

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4. Any mining operation, the reclamation of which is required in a permit obtained under Section 295.12 Wisconsin Statutes.

C. ORDINANCE/PERMIT. The persons subject to this ordinance shall comply with Section 295.14 Wisconsin Statutes.

4.11 PEDDLERS/DIRECT SELLERS.

A. REGISTRATION REQUIRED. No direct seller shall engage in direct sales within the Town without being registered for that purpose as provided herein.

B. DEFINITIONS. As used in this section, the following words and phrases mean:

1. Direct Seller. Any individual who, for himself/herself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
2. Permanent Merchant. A direct seller who, for at least one year prior to the consideration of the application of this section to such merchant, has continuously operated an established place of business in the Town or has continuously resided in the Town and now does business from his residence.
3. Goods. Includes personal property of any kind and shall include goods provided incidental to services offered or sold.
4. Charitable Organization shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.
5. Clerk. The Town Clerk.

C. EXEMPTIONS. The following shall be exempt from all provisions of this section:

1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
2. Any person selling goods at wholesale to dealers in such goods.
3. Any person selling agricultural products which such person has grown.

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4. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in their regular course of business.
5. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requested a home visit by such person.
6. Any person who has had, or one who represents a company which has had,
a
prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
7. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
8. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Section 440.42 Wisconsin Statutes. Any charitable organization not registered under Section 440.42 Wisconsin Statutes, or which is exempt from that statute's registration requirements, shall be required to register under this section.
9. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in the Town for at least one year prior to the date complaint was made.

D. REGISTRATION.

1. Applicants for registration shall complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
 - a. Name, permanent address, telephone number and temporary address, if any, social security number and date of birth.
 - b. Age, height, weight, color of hair and eyes.
 - c. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
 - d. Temporary address and telephone number from which business shall be conducted, if any.

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- e. Nature of business to be conducted and a brief description of the goods offered and any services offered.
 - f. Proposed method of delivery of goods, if applicable.
 - g. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
 - h. Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business.
 - i. Place where applicant can be contacted for at least seven (7) days after leaving the Town.
 - j. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years; the nature of the offense and the place of conviction.
2. Applicants shall present to the Clerk for examination:
- a. A driver's license or some other proof of identity as may be reasonably required.
 - b. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.
 - c. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall state the applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
3. At the time the registration is returned, a fee of \$40.00 shall be paid to the Clerk to cover the cost of processing such registration.
4. The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales

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activities of the applicant, if the applicant cannot, after reasonable effort, be served personally.

5. Upon payment of the fee and the signing of the statement, the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. E.2. below.

E. INVESTIGATION.

1. Upon receipt of each application, the Clerk shall request a criminal record check through the Wisconsin Department of Justice web site (<http://wi-recordcheck.org/>).

2. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of subsection 2.b. above.

F. APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by Chapter 68 of the Wisconsin Statutes.

G. REGULATION OF DIRECT SELLERS.

1. Prohibited Practices.

a. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

b. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of

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the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

c. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

d. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred foot (100') radius of the source.

e. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

2. Disclosure Requirements.

a. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

b. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Section 423.203 Wisconsin Statutes, the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a), (b) and (c), (2) and (3) Wisconsin Statutes.

c. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

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H. RECORDS. The Clerk shall report all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

I. REVOCATION OF REGISTRATION.

1. Registration may be revoked by the Town Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application of registration or made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales or violated any provision of this section or was convicted of any crime or ordinance/statutory violation which is directly related to the registrant's fitness to engage in direct selling.

2. Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

4.12 TOWN ROAD PERMITS.

A. ROAD OPENING PERMIT -- PERMIT REQUIRED. Every person, pursuant to Sections 66.0425 and 86.07 Wisconsin Statutes and this Ordinance, in the Town of Centerville who desires to make any obstruction or excavation; or fill, make any alteration, disturb in any manner any road, road right of way, or bridge on any private property or public property beyond his or her lot line, shall seek and obtain a Road Opening Permit from the Town Zoning Administrator. Applications for permits shall contain a description of the property involved, the location of such opening and the purpose for which the opening will be made. Such application shall be signed by the owner unless the work will not be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name.

1. TWO-YEAR MAINTENANCE. Before a permit shall be issued under this section, the applicant shall agree, in writing, to maintain any excavation across a Town Road for a two-year period after completion of said excavation.

2. EXCAVATIONS. In the opening of any public highway, all paving and excavated material shall be removed with the least possible damage to the surrounding area and so placed as not to interfere with traffic or drainage. Such openings shall be closed with barricades and lanterns or flares, and shall be maintained upon the location during hours of darkness at the cost of the owner.

3. FEE. The fee for a Road Opening Permit is set at \$30.00 for each half mile of project with a \$50.00 minimum.

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B. DRIVEWAY/CULVERT PERMIT -- PERMIT REQUIRED. Every person, pursuant to Section 66.0425 and 86.07 Wisconsin Statutes and this Ordinance in the Town of Centerville, who desires to install any driveway/culvert, shall seek and obtain a Driveway/Culvert Permit from the Town Zoning Administrator.

1. The owner of lands adjacent to the right of way of a town road may not construct, maintain and use a driveway for access to the road unless the owner procures and abides by a permit from the Town Board.
2. Permit applications shall be available from the Zoning Administrator.

Applications for permits shall contain a description of the property involved, the location of such driveway/culvert and the purpose for which the installation will be made. Such application shall be signed by the owner unless the work will not be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name.

3. A landowner seeking a permit for a driveway shall complete an application on a form prescribed by the Town. If the proposed driveway meets the requirements of Subsection a. below, the Town Board shall issue a permit for construction and use of the driveway. A permit is valid for construction of a driveway within 90 days from issuance.

a. Driveway Requirements:

- 1) Driveways shall be constructed of solid, load-bearing material. A culvert shall be installed to allow proper drainage through the driveway, and shall be installed at least five (5) feet from the applicant's property line.
- 2) Every driveway shall have sloped sides constructed of earth materials only. The sides shall be sloped at no more than a grade ratio of 2:1.
- 3) The driveway shall be no wider than is necessary to accommodate the ordinary traffic of the property to be served. The minimum driveway width is 14 feet unless otherwise approved by the Town Chairperson or designee. Each application shall specify the proposed width of the driving surface. The Town Board may approve, reject or modify the width allowed for driving surfaces.

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- 4) Culverts may be corrugated galvanized steel or plastic. Culvert shall be installed in such a manner as to allow free flow or ground water through it. The culvert size shall be determined at the time of the site inspection. The minimum diameter shall be no less than fifteen (15) inches or less than thirty (30) feet in length unless otherwise approved by the Town Chairperson or designee. The pipe ends shall be cut on a 2 to 1 taper and aligned with the side slopes or apron endwalls may be substituted in lieu of cutting.
- 5) The opening for vehicular ingress and egress may not be less than 20 feet wide at the right of way line.
- 6) Any culvert or bridge associated with the driveway must be capable of handling a 30-ton vehicle.
- 7) A driveway must be located within a clear space that is free of any trees or other obstructions. The clear space must be at least 20 feet wide and 14 feet high.
- 8) Any light used to illuminate a driveway; parking; or loading, standing, and unloading area must be directed away from any adjacent public street and away from any residence on an adjacent parcel.
- 9) FEE. The fee for a Driveway/Culvert Permit is set at \$30.00 per permit

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4.13 SHORT TERM RENTAL

A. DEFINITIONS.

1. License means the Short-Term License issued under this ordinance.
2. Property Manager means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.
3. Property Owner means the person who owns the residential dwelling that is being rented.
4. Residential dwelling means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
5. Short-term rental means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.
6. Zoning Administrator means the Town of Centerville Zoning Administrator or designee.

B. SHORT-TERM RENTAL LICENSE.

1. No person may maintain, manage, or operate a short-term rental more than 10 nights each **year** without a town short-term rental license issued pursuant to this ordinance. Every short-term rental shall be operated by a Property Owner or Property Manager.
2. Licenses shall be issued using the following procedures:
 - a. All applications for a short-term rental license shall be filed with the Zoning Administrator on forms provided. Applications must be filed by the Property Owner or Property Manager. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
 - b. Each short-term rental is required to have the following licenses and permits:
 - A State of Wisconsin Tourist Rooming House License.
 - A seller's permit issued by the Wisconsin Department of Revenue.
 - A license from the Town of Centerville issued pursuant to this chapter.
 - A license from the Manitowoc County Health Department.
 - c. The Zoning Administrator shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and town board approval of the application.

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- d. A short-term rental license shall be effective for one-year January 1 - December 31 and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the Zoning Administrator at least 90 days prior to license expiration so that the town board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes.
- e. The town board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the board determines that the licensee:
- a) failed to comply with any of the requirements in any Town of Centerville ordinance;
 - b) has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the short-term rental premises on 2 or more separate occasions within the past 12 months; or
 - c) has outstanding fees, taxes, or forfeitures owed to the town.
- C. OPERATION OF A SHORT-TERM RENTAL. Each short-term rental shall comply with all of the following requirements:
1. No residential dwelling unit may be rented for a period of six (6) or fewer consecutive days. However, after a short-term rental license has been issued for a residential dwelling under this ordinance, then any subsequent rental of that dwelling during the license term may be for a period of six (6) or fewer consecutive days.
 2. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
 3. No vehicular traffic shall be generated that is greater than normally expected in the residential dwelling area.
 4. Name plates or other signage related to the short-term rental property shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site.
 5. The Property Owner or Property Manager shall notify the Zoning Administrator in writing when the first rental within a 365-day period begins.
 6. The number of occupants in any unit shall not exceed the limits set forth in the Wisconsin state regulation ATCP-72.14 for Hotels, Motels, and Tourist Rooming Houses.

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7. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted beyond 14 days per year on site as a means of providing additional accommodations for paying guests or other invitees.

8. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00am and 10:00pm. At minimum, a seven consecutive day interval must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with other applicable noise regulations.

9. A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the town at all times and must be located within 35 miles of the short-term rental. The Property Owner and/or Property Manager must provide the town with current contact information and must be available 24 hours a day, 7 days a week by telephone. The town must be notified within 24 hours of any change in contact information.

10. The Property Owner for each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period before beginning each occupancy of the short-term rental. The register shall be kept intact and available for inspection by representatives of the Town for at least one year from the most recent rental date.

11. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.

12. Each license shall be displayed on the inside of the main entrance door of each short-term rental.

D. FEES.

Initial Short-term Rental License Application fee: \$150

Renewal Short-term Rental License Application fee: \$150

4.14 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Section 13.09 of this General Code.