

**LICENSES, PERMITS, AND FEES**

**9.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES**

- (1) **State Statutes Adopted.** The provisions of the Wis. Stats., Chapter 125 relating to the sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this chapter by reference.
- (2) **Licenses When Required.** No person, except as provided by Subsection 9.01(1) above, shall distribute, vend, sell, offer, or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or section, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this Section, nor without complying with all the provisions of this Section and all applicable statutes, ordinances, and regulation of the State and Town.
- (3) **Classes of Licenses.** There shall be the following classes of licenses which, when issued by the Town Clerk under the authority of the Town Board, require payment of a fee. Class "A" fermented malt beverage retailer's license, Class "B" fermented malt beverage retailer's license, Class "A" intoxicating liquor retailer's license, and Class "B" intoxicating liquor retailer's license. Chap. 125 Wis. Stats.

**Prorating of Fees.** Licenses shall be granted annually and expire on June 30 each year, except when a new license is issued, prorating of the annual license fee is required on the basis of the number of months or fractions thereof remaining in the licensing year. Wis. Stats. Chapter 125.

- (a) **Class "A" fermented malt beverage retailer's license.** Licensees may sell fermented malt beverages to consumers in original packages or containers for off-premises consumption only. Wis. Stats., Chapter 125.
- (b) **Class "B" fermented malt beverage retailer's license.** Licensees may sell fermented malt beverages to consumers for on-premises or off-premises consumption. The annual license fee shall be determined by the municipality, but may not exceed the fee established in Wis. Stats, Chapter 125.

A six-month Class "B" license may be issued for a period of six (6) months in any calendar year which runs from January 1 to December 31, and is thus different from a license year which runs from July 1 to June 30. The fee for a six-month license is half ( $\frac{1}{2}$ ) of the annual license fee – Wis. Stats., Chapter 125. Such licenses are not renewable during the calendar year in which issued. A six-month license issued from January 1 through June 30 or for the balance of the year would not prohibit the applicant from obtaining an annual license as of July 1 of that same year.

- (c) **Temporary Class "B" retailer's license to sell fermented malt beverages at picnics or gatherings.** The amount of the fee shall be determined by the municipality, but may not exceed the fee established in Wis. Stats., Chapter 125.

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The applicant is required to file an application with Town Clerk at least fifteen (15) days prior to granting of each temporary license, and the organization must have been in existence six (6) months prior to date of application – Wis. Stats. Chapter 125.

**Temporary "Class B" retailer's license to sell wine containing not more than 6% alcohol by volume at picnics or gatherings.** The amount of the fee shall be determined by the municipality, but may not exceed ten dollars (\$10.00) per application except that no fee may be charged to a person who at the same time applies for a temporary Class "B" fermented malt beverage license (above) for the same event – Wis. Stats. Chapter 125. The applicant is required file an application with the Town Clerk at least fifteen (15) days prior to granting of each temporary license, and the applicant to have been in existence six months prior to date of application – Wis. Stats. Chapter 125. Not more than two (2) licenses may be issued under this subsection in any twelve (12) month period.

- (d) **"Class A" intoxicating liquor retailer's license.** Licensees may sell intoxicating liquor to consumers only in original packages or containers for off-premises consumption. Wine taste samples are allowed of not more than three (3) fl. oz. each, free of charge, to customers and visitors for consumption on the premises only between the hours of 10 a.m. and 6 p.m. No licensee may provide more than two (2) taste samples per day to any one person – Wis. Stats. Chapter 125. The fee may not exceed the fee established in Wis. Stats., Chapter 125.
- (e) **"Class B" intoxicating liquor retailer's license.** Licensees may sell intoxicating liquor to consumer by the glass for on-premises consumption. However, wine may be sold for consumption off-premises in the original package or container in quantities not to exceed four (4) liters – Wis. Stats. Chapter 125.
- (f) **Class A beer/liquor license.** Restrictions on dispensing. Class "A" premises may remain open for the conduct of their regular business but may not sell, dispense, or give away fermented malt beverages between 12:00 midnight and 8 a.m. No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.
- (g) **Class B beer/liquor license.** Restrictions on dispensing. Between 12:00 midnight and 6 a.m. no person may sell, dispense, or give away fermented malt beverages or intoxicating liquor on a Class "B" licensed premises in an original, unopened package, container, or bottle for consumption away from the premises.
- (h) **Reserve "Class B" license.** Licenses available under the quota system that existed before December 1, 1997, and were not granted or issued by the municipality as of December 1, 1997. The number of reserve "Class B" licenses available to a municipality is determined by a series of calculations described in Wis. Stats. Chapter 125.

**Two exceptions.** If a municipality has granted or issued a number of licenses equal to or exceeding its quota, the municipal governing body may issue a license for any of the following: A full-service restaurant that has a seating

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capacity of 300 or more persons; A hotel that has 50 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons, or a banquet room in which banquets attended by 400 or more persons may be held.

1. On December 1, 1997, pursuant to Wis. Stats. Chapter 125, the Town of Neenah consisted of 2,875 residents, thus allowing the Town Clerk to issue six (6) regular nonreserve "Class B" liquor licenses.
  2. **Initial Retail Reserve "Class B" License Fee.** There shall be an initial fee of \$10,000.00, to be paid in addition to the regular liquor license fee.
- (i) **Temporary Operator's License.** The Town Clerk or designee may issue a temporary operator's license subject to the following conditions:
1. A written application shall be filed with the Town Clerk giving the name, residence, age, and gender of the applicant, together with other such pertinent information to determine whether the applicant has a satisfactory background check.
  2. At the time of application, the applicant shall pay to the Town Treasurer a fee.
  3. A temporary operator's license shall be valid for fourteen (14) days and shall be issued only to operators employed by, or donating their services to, holders of Special Class "B" license pursuant to Subsection 9.01(3)(c) of this Code.
  4. No person may hold more than one (1) temporary license per calendar year. Completion of a mandatory alcohol server training program is not required to obtain a temporary license.
- (j) **Retail "Class C" wine license.** Retail "Class C" wine license authorizes retail sale of wine by the glass or in an opened original container for consumption on premises. A license may be issued to a person qualified for a restaurant in which the sale of alcohol beverages accounts for less than half (50%) of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than half (50%) of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. Wis. Stats. Chapter 125.
- (k) **Provisional Retail Licenses.** There shall be an initial fee determined by the municipality, to be paid in addition to the regular liquor license fee, and may not exceed fifteen dollars (\$15.00).
1. A provisional retail license may be issued by the Town Clerk only to a person who has applied for a Class "A", Class "B", "Class A", "Class B", or "Class C" license and a provisional retail license shall authorize only those activities that the type of retail license applied for authorizes.

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2. A provisional retail license expires sixty (60) days after its issuance or when the Class "A", Class "B", "Class A", "Class B", or "Class C" license is issued to the holder, whichever is sooner.
  3. A provisional "Class B" license may not be issued if the municipality's quota under Wis. Stats. Chapter 125 prohibits the municipality from issuing a "Class B" license.
  4. No person may hold more than one (1) provisional retail license for each type of license applied for by the holder per year.
- (l) **Wholesaler's fermented malt beverage license.** The amount of the license fee shall be determined by the municipality, but may not exceed the fee established in Wis. Stats, Chapter 125, or fraction thereof.
- (m) **Operator's license.** An operator's license is issued for a two (2) year term and is prorated for new licenses, per the Appendix B Fee Schedule, reference this Section. Wis. Stats. Chapter 125. Included in the license fee is the current cost of obtaining a background check. It shall be at the discretion of the Town Clerk as to whether the remainder of the fee shall be refunded.

1. **Application.** An operator's license may not be issued unless the applicant fulfills one of the following requirements: the person who is renewing an operator's license, within the past two (2) years, held a current manager's, retailer's, or operator's license, or, within the past two (2) years has completed a State mandated Server's Training Course and has shown proof thereof. New applicants must at least be registered for the course and shall present a schedule at the time of application.

A written application shall be filed with the Town Clerk which shall include the name, residence, age, and gender of the applicant and the prescribed fee shall be paid according to the fees incorporated herein. A background check shall be performed to determine whether the applicant has a satisfactory history. All applications shall be accompanied by a recommendation for approval/denial by the Town Clerk or his/her designee.

2. **Issuance of Operator's License**

- a. An operator's license shall be granted by the Town Board of Supervisors only to persons who have attained the legal age established by State law and have met the requirements defined by Chapter 125 of the Wis. Stats., and for all new applicants on or after January 1, 1990, who have successfully completed a mandatory Responsible Beverage Server Training Course, at which time license shall be issued by the Town Clerk. The operator's license shall be issued for two (2) years, expiring on June 30 of even years, or prorated depending upon the month of issuance within the two (2) year period, unless otherwise revoked.

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- b. **Mandatory Schooling Required.** Operator license applicants in the Town of Neenah shall be required, prior to the issuance, to provide the Town Clerk with proof of successful completion of a server's training course offered at any location by a technical college district and that conforms to curriculum guidelines specified by the college system board, or a comparable training course which may include computer-based training and testing that is approved by the State of Wisconsin under Wis. Stats. Chapter 125. However, an applicant who fails to timely renew their operator's license shall be granted a thirty (30) day grace period without mandatory schooling being required. It is the responsibility of the applicant to pay the tuition fee for the Server's Training Course. There is an exception to this requirement for temporary operators (bartenders) who may only hold a single fourteen (14) day license in a calendar year.

**Operator's (Bartender) Instructions.** The following Bartender's Awareness Certification Program Procedure Policy, as it relates to the issuance of Operator's Licenses, is effective January 1, 1996:

- A. Applicant applies for Operator's License with the Town Clerk.
- B. The Town requires new applicants and expired licensees to successfully complete the four (4) hour Bartender's Awareness Course through the Fox Valley Technical College prior to issuance of the license.
- C. The applicant must score eighty percent (80%) or above on the post-test to receive the Certificate of Completion. Applicants who score below eighty percent (80%) may take the course over at any time.
- D. The Certificate must be presented to the Town Clerk upon completion of the Bartender's Awareness Course.
- E. If the applicant wishes to take the course before they apply for the Operator's (Bartender's) License, they may do so.
- F. The Town Clerk will have a background check performed and recommend approval or denial of the license.
- G. It is the policy of the Town of Neenah that any Operator's (Bartender's) License application may be denied for up to two (2) years following a conviction of an alcohol/drug related offense.
- H. Upon approval by the Town Board, the Clerk will issue licenses during two-year periods, provided the applicant

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has successfully completed an approved Bartender's Awareness Course.

- I. Bartender Awareness Course Fee is the responsibility of the applicant.
- J. License fee is for a two (2) year period. Included in the license fee is the current cost of obtaining a criminal investigation check through the Department of Justice.

**Payment Schedule.** Applying on or before the 15<sup>th</sup> of the month, the applicant will be charged for a full month. For applications on or after the 16<sup>th</sup> of the month, the applicant will not be charged for the month. An operator license is for a two (2) year period, and thereafter the applicant pays the prorated license fee which includes the fee for a background check by the Town Clerk.

The two (2) year term commences on July 1 of even numbered years.

(n) **Provisional Operator's License.** The Town Clerk may only issue a provisional operator's license to a person who has applied for a regular operator's license under Subsection 9.01(3)(m)3.

- 1. Fees shall be paid upon application.
- 2. A provisional operator's license may not be issued to any person who has been denied a beverage operator's license.
- 3. The provisional operator's license expires sixty (60) days after its issuance or when a license under Subsection 9.01(3)(m)3 herein is issued to the applicant, whichever is sooner.
- 4. Persons are limited to one (1) provisional license per calendar year.
- 5. **Revocation.** The provisional operator's license shall be revoked by the Town Clerk if it is discovered that the holder of the provisional operator's license made a false statement on the application, the holder fails to complete the Responsible Beverage Server Training Course, if required, or the holder is in non-compliance with Wis. Stats.

(4) **Replacements of License.** A fee shall be charged for a duplicate license or permit.

(5) **License Restrictions.** In addition to the requirements imposed by provisions of the Wis. Stats. adopted by reference in Subsection 9.01(1) above, the following restrictions shall apply to the issuance of licenses or permits pursuant to this Section:

(a) **Requirement for Licenses.** No license or permit shall be issued to any person who is not 21 years of age or over, of good moral character, a citizen of the United States, and a citizen of the State of Wisconsin. No license shall be issued

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to any person who has been convicted of any offense, misdemeanor or felony, relating to the sale of intoxicating liquor or fermented malt beverages, or for sale or delivery of any controlled substance, within the previous five (5) years. No license shall be issued to any person who has been convicted of operating a motor vehicle while under the influence of an intoxicant within the previous two (2) years. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this State punishable by imprisonment in the state prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporation.

As of January 1, 1990, where new application is made for a Class "A" or Class "B" license, or any combination thereof, on behalf of an individual, the individual shall successfully complete the program within sixty (60) days from the filing of the application with the Town Clerk. The same shall be required for each partner of an application filed by a partnership, and for an agent of an application filed by a corporation, and for an agent of a Special Class "B" license.

- (b) **Effect of Revocation of License.** No license shall be issued for any premises if a license covering such premises has been revoked within six (6) months prior to application. No license shall be issued to any person who has had a license issued pursuant to this Section revoked within twelve (12) months prior to the application.
- (c) **Inspection of Application and Premises.** The Town Clerk shall notify the Fire Department Inspector of all licenses and permit applications, and these officials shall inspect each application and premise to determine whether the applicant and the premises comply with the applicable regulations, ordinances, and laws and the applicant's fitness for the trust to be imposed. No license or permit provided for in this Section shall be issued without the approval of a majority of the Town Board.
- (d) **Health and Sanitation.** No license shall be issued for any premises which do not conform to the sanitary, safety, and health requirements of the State Industrial Commission and the State Board of Health, and to all such ordinances and regulations adopted by the Town.
- (e) **Tax Delinquencies.** No license shall be granted for operation on any premises upon which taxes, assessments, or other financial claims of the Town are delinquent.
  - 1. **Premises.** No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments, or other claims of the Town are delinquent.
  - 2. **Persons.** No initial or renewal alcohol license shall be granted to any person:
    - a. Delinquent in payment of any taxes, assessments, or other claims owed to the Town.

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- b. Delinquent in payment of a forfeiture resulting from a violation of any ordinance in the Town.
  - c. Delinquent in payment to the State of any state taxes owed.
- (f) **Non Renewals.** Renewal of a license may be denied where any of the following has occurred:
- 1. Providing false information on an application;
  - 2. Violation of the provisions of Chap. 125 Wis. Stats. or Section 9.01 herein; or
  - 3. Failure to pay suppliers of liquor or beer as required by Chapters 125.33(7) and 125.69(4), Wis. Stats.
- (g) **Surrender of License Due to Non-use**
- 1. A licensee may hold a license until its expiration date or request approval of the Town Board to transfer the license to another qualified location in the municipality. The license may also be surrendered to the Town Clerk. (NOTE: An alcohol beverage license is not "tied" to a particular location. The license is issued to a particular person for a specific premise, but it is the person that holds the license, not the place.)
  - 2. If a licensed premise is leased or sold, the new owner or tenant may receive an available retail license for the premises if, prior to granting the license, control of the premises can be shown by purchase or lease agreement.
  - 3. An agreement between a landowner and tenant regarding the premises is not binding on the Town Board. The Town Board decides whether licenses are granted and to whom they are granted. A landowner or previous licensee cannot force the Town Board to grant a license to the applicant of the landowner's choice or force revocation of the license at a later date.
  - 4. The Town Board requires that no licensee shall close down an establishment for more than ninety (90) days. To do so may result in a revocation or suspension of the license.
- (6) **Search of Licensed Premises.** It shall be a condition of any license issued that the licensed premises may be entered and inspected at any reasonable hour by any representative of the Town of Neenah without any warrant and the application for a license shall be deemed a consent to this provision. Any refusal to permit such inspection shall be grounds for revocation of any license issued and shall be deemed a violation of this Section.

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- (7) **Posting Licenses.** Licenses and permits issued under this Section shall be posted and displayed as proved in Chap. 125, Wis. Stats., and any licensee or permittee who fails to post his/her license(s) or permit as required shall be presumed to be operating without a license.
- (8) **Safety and Sanitation Requirements.** Each licensed premise shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- (9) **Revocation and Suspension of Licenses**
- (a) **Procedure.** Except as provided, the provisions of Chap. 125, Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this Section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.
- (b) **Suspension of Licenses.** The Town Chairperson, upon obtaining reasonable information that any licensee has violated any provision of this section or/and State or Federal Liquor or fermented malt beverage law, or committed any felony, may suspend the license or permit of such person for a period not to exceed ten (10) days pending hearing by the Town Board pursuant to Subsection 9.01(9)(a).
- (c) **Automatic Revocation.** Any license or permit issued under the provisions of this Section shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his/her employee, agent, or representative of a second offense under Section 9.01 herein, Chap 125, Wis. Stats., any other State or Federal liquor or fermented malt beverage law, or any felony.
- (d) **Repossession of License or Permit.** Whenever any license or permit under this Section shall be revoked or suspended by the Town Board, Town Chairman, action of any court, or Subsection 9.01(9)(c), it shall be the duty of the Town Clerk to notify the licensee or permittee of such suspension or revocation and to take physical possession of the license or permit, wherever it may be found, and file it in the Town Clerk's office.
- (10) **Transfer of Premises.** Any person desiring to transfer his or her license from any building in the Town to any other building in the Town shall file a written application with the Town Clerk stating:
- (a) The place he/she desires to move to;
- (b) Whether he/she is to be the owner or lessee;
- (c) The nature of any other business carried on concurrently at the location proposed to be licensed; and
- (d) Such other information as may be required time to time by the Town Board.

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Such applications shall be filed for at least fifteen (15) days with the Town Clerk before acted upon by the Board. The Town Clerk shall promptly notify the Chief Officer, Health Inspector, and Fire Inspector of such application and these officers shall inspect or cause to be inspected the premises sought to be licensed. They shall make such other investigation as the Town Board or an Administrative Commission shall order to determine whether the application complies with the applicable regulations, orders, and laws, and that the premises are in a proper physical condition and a suitable location. The aforesaid officers shall apprise the Administrative Commission in writing of the information derived from such investigation.

As far as applicable, provisions of Subsection 9.01(3) herein shall apply to further proceedings in regard to the granting or refusal by the Board of the applicant's request to transfer the license.

- (11) **Publication of Licenses.** The fee for transfer of premises will be no greater than established in Wis. Stats, Chapter 125.
- (12) **Change of Agent.** The corporation or limited liability company shall, following the approval of each successor agent or another qualified agent by the licensing authority, pay a fee no greater than established in Wis. Stats, Chapter 125.
- (13) **Beer Gardens Regulated.**
  - (a) **Required for Outdoor Consumption.** No permit shall be given for the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the Town Board of Supervisors. The permits are a privilege in which no rights vest and, therefore, may be revoked by the Town Board of Supervisors at its pleasure at any time, or shall expire on June 30 of each year. No person shall consume or have in his/her possession alcohol beverages on any unenclosed part of licensed premises which is not described in a valid Beer Garden Permit. It is the purpose of proper fencing in the beer garden area to prohibit or significantly restrict the ease in which alcoholic beverages may be passed from within the beer garden area to anyone outside the beer garden.
  - (b) **Limitations on Issuance of Beer Garden Permits**
    - 1. No permit shall be issued for a beer garden if any part of the beer garden is within fifty (50) feet of any property used for residential purposes, measured from the property line.
    - 2. There shall be a licensed operator within the beer garden when alcohol beverages are dispensed in the beer garden.
    - 3. No open flames may be displayed unless approved by the Town of Neenah Fire Chief or his designee.
    - 4. Outdoor premises shall be completely surrounded by an attractive wall, fence, or barrier at least four (4) feet in height. The outdoor premises

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shall be attached to the main business premises and access to the outdoor premises shall only be allowed through the main building.

5. The outdoor premises shall only be used for serving food and alcohol beverages and no part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball.
6. Noise from any source that is emitted from the outdoor area and measured at any border of the real property on which licensed premises is located shall not exceed eighty-five (85) db from 8:00 a.m. to 10:00 p.m. and seventy-five (75) db from 10:00 p.m. to close of the outdoor premises.
7. Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.
8. Service in the outdoor premises shall be limited to persons seated at tables and/or a bar unless the premises is located on a parcel that is a distance of 100 feet or greater from a parcel zoned or used for residential purposes within the Town or an adjacent municipality.
9. The outdoor premises shall be allowed to be open during the following hours unless the premises is located on a parcel that is a distance of 100 feet or greater from a parcel zoned or used for residential purposes within the Town or an adjacent municipality. In such case, the premises may remain open for the same hours allowed for the principal liquor license.
  - a. Sunday through Thursday, 8:00 a.m. to 11:00 p.m.
  - b. Friday and Saturday, 8:00 a.m. to 12:00 midnight.
  - c. **Site Plan.** All applicable permits shall be obtained and submitted along with a site plan that complies with Chapter 6 herein, Subdivision Ordinance of the Town of Neenah.
  - d. **State Statutes Enforced Within Beer Gardens.** Every permittee under this Section shall comply with and enforce all provisions of Chap. 125, Wis. Stats., applicable to Class "B" licensed premises, except where such provisions are clearly inapplicable. Violation of the provisions of Chap. 125, Wis. Stats., shall be grounds for immediate revocation of the Beer Garden Permit by the Town Board of Supervisors.
  - e. **Inspections.** The Beer Garden shall be inspected annually by the Town of Neenah Building Inspector and the Fire Chief or his designee.

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- f. **Permit Fee.** A fee for a beer garden permit is required at the time of application, as set forth in Appendix B Fee Schedule, referencing this Section, and the permit shall have a term of one (1) year commencing on July 1 and expiring June 30 of each year. If granted subsequent to July 1 in any given year, the permit shall expire on June 30 after issuance. The fee is non-refundable.

**9.02 SALE OF MALT BEVERAGES TO MINORS PROHIBITED**

- (1) **Authority.** This Section is enacted pursuant to Wis. Stats. Chapter 125.
- (2) Prohibitions
- (a) No person shall sell, dispense, give, or furnish any fermented malt beverage in the Town to any natural person under the age of twenty-one years unless such minor is accompanied by his or her parent, guardian, or spouse.
- (b) No person under the age of twenty-one years shall purchase or accept from any person, firm, or corporation, or have in his or her possession, any fermented malt beverage unless accompanied by his or her parent, guardian, or spouse. This Subsection shall not apply to minors handling fermented malt beverages in unopened containers in the course of their employment.
- (c) No minor shall misrepresent his or her age for the purpose of obtaining a fermented malt beverage.
- (4) **Penalty.** Any person violating the provisions of this Section will be subject to forfeiture not less than one hundred dollars (\$100.00) and not more than \$500.00. Any person subject to forfeiture under this Section must also pay the costs of prosecution.

### 9.03 DOG LICENSING REGULATIONS

- (1) **State Laws Adopted.** The provisions of Chap. 174, Wis. Stats., exclusive of any penalties, are adopted by reference and made a part of this code, so far as applicable.
- (2) **License Required**
  - (a) Any person or entity owning, keeping, harboring, or having custody of any dog in the Town that is over five (5) months of age as of January 1 shall annually pay the Town the appropriate dog license fee and obtain a license. For dogs which are not five (5) months of age as of January 1, the license fee must be paid and the license must be obtained within thirty (30) days after the dog reaches five (5) months of age.
  - (b) Any owner with a valid kennel operating license shall be excluded from this licensing procedure.
- (3) **License Fees.** Any owner applying for a license shall pay the Town Treasurer prior to April 1 of each year the appropriate license fee. If an owner does not pay this fee prior to April 1, an additional late fee as established by the State or County shall be collected.
- (4) **Dogs Not to Run at Large.** No person shall permit any dog to run at large within the Town at any time. Running at large includes anywhere which is not within the limits of the owner's premises. A dog shall not be considered running at large when it is consubject to forfeiture within the limits of the owner's premises or is accompanied by a person and restrained by a leash. See Chapter 7.06(3)(j) herein.
  - (a) The Dog Lister or any Town Board Member or town peace officer, finding any dog running at large, shall impound such dog. All dogs picked up shall be taken to the Animal Shelter designated by the Town.
- (5) **Biting Dogs.** Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Sheriff or Town officer and shall keep such dog confined and quarantined for not less than ten (10) days, either on his property or with a licensed veterinarian. The owner or keeper of any such dog shall surrender the dog to the Sheriff upon demand and shall not conceal or remove the dog without consent from the Sheriff.
- (6) **Howling Dogs Prohibited.** No person shall keep or harbor a dog that makes frequent or prolonged noises that will disturb the peace of any person in the vicinity. See Chapter 7.06(5)(j) herein.
- (7) **Animal Excreta.** The owner or person having immediate control of any dog shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property.
- (8) **Inhumane Treatment Prohibited.** No person shall be cruel or inhumane to any dog by beating, torturing, mutilating, cruelly killing, failing to provide food, failing to provide drink, failing to provide shelter, or abandoning such dog.

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- (9) **Penalties.** Any person violating the provisions above will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than \$200.00, except that for any person violating Subsections (4) or (6) of this Section shall be subject to forfeiture fifty dollars (\$50.00) for the first offense, seventy five dollars (\$75.00) for the second offense, \$100.00 for the third offense, and \$200.00 for the fourth and any subsequent offense within a twelve (12) month period. Any person subject to forfeiture under this Section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense.

**9.04 HOTEL AND MOTEL ROOM TAX – PERMIT AND REGULATIONS**

(2) **Room Tax**

- (a) Pursuant to Wis. Stats. Chapter 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the percentage rate of five percent (5%) of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wis. Stats., Chapter 77.52(2). The proceeds of such tax shall be remitted quarterly to the Town Treasurer (hereafter referred to as "Treasurer"). The Treasurer shall direct the current tax rate to the general fund, with the balance of the proceeds directed to the Fox Cities Convention and Tourist Bureau, to be used for the promotion of the Fox Cities as a convention location and tourist area.
- (b) This Section shall be administered by the Town Treasurer. The tax shall be payable quarterly and shall be due on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the Treasurer by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable. Such return shall show the gross room receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the Treasurer deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the Treasurer requires. Such annual returns shall be signed by the person required to file a return or his/her duly authorized agent. The Treasurer may, for good cause, extend the time of filing any return, but in no event longer than one (1) month from the filing date.

**9.05 BURIAL AND CEMETERY LICENSE**

(1) **Definitions**

- (a) "Bury" means entombment, inurnment, or interment.
- (b) "Cemetery" means any location for burial of human remains in the town.
- (c) "Human remains" means the body of a deceased individual that is in any stage of decomposition or has been cremated.

- (2) No person shall bury human remains in any part of the Town without a license from the Town Board, except that this Section shall not interfere with the burial of human remains within a cemetery properly established pursuant to Wis. Stats. Chapter 157.065 and all other applicable laws, regulations, and ordinances.
- (3) The Town Board may grant a license at a Board Meeting if the Town Board decides in its sole discretion that granting the license is in the best interest of the residents of the Town.
- (4) There shall be no fee for applying for a burial license from the Town Board.
- (5) **Penalty.** Any person who buries human remains in the Town, except as authorized by this Section, shall be subject to forfeiture not less than \$500.00 and not more than \$10,000.00, plus the cost to exhume the human remains and bury them in a legal cemetery, plus the costs of prosecution.

**9.06 CIGARETTE AND TOBACCO PRODUCTS**

- (1) **License Required.** No person shall in any manner, directly or indirectly, manufacture, sell exchange, dispose of or give away or keep for sale any cigarettes, cigars, and pip, tobacco products without first obtaining a license from the Town Clerk I the manner provided in Wis. Stats 134.65. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside of Wisconsin.
- (2) **Fee.** The fee for cigarette and tobacco product licenses shall be set forth in the Town of Neenah fee schedule. The fee shall be paid at the time of application. Fees are non-refundable.
- (3) **Form of License.** Expiration: All cigarette licenses shall be signed by the Town Clerk and indicate the mane of the licensee and the place where he/she is authorized to conduct the licensed business and shall expire on June 30<sup>th</sup> next succeeding the date of issue.

MUNICIPAL CODE OF THE TOWN OF NEENAH, WINNEBAGO COUNTY, WI  
CHAPTER 9

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