

MEETING	DATE	TIME	LOCATION
Town Board	Tuesday, October 18, 2016	Immediately Follows Sanitary District Meeting	Grand Chute Town Hall Board Room 1900 Grand Chute Blvd

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF AGENDA/ORDER OF THE DAY

C. PUBLIC INPUT

Members of the public are welcome to address the Commission and Town Board. Individuals wishing to speak on an item (whether on the agenda or not) must sign in prior to the start of the meeting and may speak during the Public Input segment of the meeting. This segment is placed early in the agenda so that the public may make their comments prior to any discussion or action by the Commission or Town Board. Individual comments are limited to no more than three minutes each. The Public Input section is limited to a total of 15 minutes. The Commission/Town Board may suspend this rule if deemed necessary. Once the public input segment ends there will be no additional discussion from the audience. Note regarding non-agendized Town related matters: Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters; however, they cannot be discussed or acted upon until specific notice of the subject matter of the proposed action can be given

D. CONSENT AGENDA

(Items on the Consent Agenda are routine in nature and require one motion to approve all items listed. Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Supervisor and addressed immediately following the motion to approve the other items on the Consent Agenda.)

1. Approval of Regular Meeting minutes October 4, 2016
2. Licensing: *(applications on file in the clerk's office)(License Committee recommends approval)*
  - a. Operator Licenses: Applications to expire: 2018 dated 9/30/2016
  - b. Change of Agent, Kwik Trip #887, 4735 Converters Drive, appoints Christopher Rukamp, agent.
3. Special Event Permit:
  - a. CORRECTION from 10/4/16 agenda: Appleton Baseball Club, wedding fireworks on 12/31/16. Requested time: 11:59 p.m. – 12:07 a.m. CONDITIONS: Display to comply with NFPA 1123 standards.
4. Accept Monthly Reports: Police Department, Fire Department, Public Works, and Parks Commission.

E. FINANCIAL REPORTS

1. Approval of Voucher List – October 18, 2016

F. NEW BUSINESS

1. Plan Commission Recommendations:
  - a. Z-07-16 Rezoning requested by Fox Communities Credit Union, on behalf of Wayne and Marlene Wilcox, to rezone the property at 2605 W. Highway Drive from RSF Single-Family Residential District to CL Local Commercial District. PC recommends approval. *Ordinance No. O-11-2016.*
2. Park Commission Recommendations:
  - a. Approve Park Commission recommendation for the Town Center Park Master Plan Request for Proposals.
3. Discuss City of Appleton request for funding of railroad crossing improvements for Quiet Zone designation.
4. Vehicle claim from Colleen Moynihan. Town insurance carrier, EMC, has denied claim.
5. Intergovernmental agreement with the DOT for STH 125 (College Avenue) for a concrete pavement repair project in the amount of \$1,100.
6. Neighborhood Policing Initiative Proposal.

G. ORDINANCES

1. Ordinance O-12-2016 amending Chapter 456 Special Events.
2. Ordinance O-13-2016 amending Chapter 335 Intoxicating Liquor and Fermented Malt Beverages.

H. ADJOURNMENT

Accommodation Notice:

Any person requiring special accommodation who wishes to attend this meeting should contact [Administration at 832-1573](#) at least 48 hours in advance

TOWN BOARD MEETING – TOWN OF GRAND CHUTE - 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – OCTOBER 4, 2016

CALL TO ORDER/ROLL CALL

Meeting called to order at 7:01 p.m. by Dave Schowalter, presiding officer.

PRESENT: Dave Schowalter, Jeff Nooyen, Travis Thyssen, Bruce Sherman, Jim Pleuss, and Karen L. Weinschrott, Town Clerk

STAFF: Jim March, Town Administrator; Bob Buckingham, Community Development Director; Tim Bantes, Fire Chief; Julie Wahlen, Finance Director; Greg Peterson, Police Chief; Karen Heyrman, Deputy Director of Public Works; Mike Patza, Town Planner; Mary Baxter, Administration; Carl Sutter, McMahon Associates; Attorney Rossmeissl, Herrling Clark Law Offices

OTHERS: 1 signed attendance

APPROVAL OF AGENDA/ORDER OF THE DAY

**Motion (Nooyen/Pleuss) to approve. Motion carried.**

SPECIAL PRESENTATIONS

Police and Fire Departments – Citizen Award

Chief Bantes presented a Citizen Lifesaving Award to Brian Shafranski for saving the life of Scott Skinner by performing CPR while waiting for paramedics to arrive.

Mayor Timothy Hanna – Exhibition Center Update

Mayor Hanna provided background of the Exhibition Center dating back to 2006. He explained the Radisson Paper Valley went into receivership in 2012. An investment company ended up with the hotel after it went through the courts. They continued to move forward with plans and negotiated with Outagamie County for acquisition of land for the exhibition site. The feasibility study was updated in 2014, which stated the City of Appleton needed to own the exhibition center and it should be a city project. The hotel was sold to Intercircle in June 2015. In 2015, they visited the municipalities in the Fox Cities in order to come to an intergovernmental agreement on the funding of the facility. They also came to a management agreement with the new owners of the hotel. They closed on the property in November 2015.

Mayor Hanna explained the following items that took place since November 2015:

- RFP's were issued for construction managers, construction management at risk, and architectural services.
- Contracts were awarded in June 2016.
- Miron Construction was chosen for the construction management.
- Zimmerman Architects was chosen for the architectural services.
- The architect used the bluff and took advantage of the park when designing the exhibition center.
- Appleton City Council is set to approve the first bid package to begin construction.

Mayor Hanna played a video that showed the design of the exhibition center.

Mayor Hanna explained concerns with the hotel that included:

- The hotelier is committed to do renovations and was waiting for the plans to come out so they could mirror the renovations with the exhibition center.
- The escalator has been out of commission for quite a while. Parts are not available, it does not meet the current building code, and the escalator needs to be replaced. It would cost about one million dollars to replace.

TOWN BOARD MEETING – TOWN OF GRAND CHUTE – 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – OCTOBER 4, 2016

- They received a commitment from the hotel that they will begin their renovations no later than January 2017 and will renovate all the rooms and the lobby that will be designed after the exhibition center.
- After the renovations, the hotel will look like it will need to be attached to the exhibition center.
- The hotel might not be a Radisson in the future. The brand Radisson has been sold to a company in China, which will close in a couple weeks. The hotelier is concerned with the quality of the brand and is uncertain if they will remain a Radisson or deflag.

Chairman Schowalter stated he was concerned with the deflagging of the hotel and the ownership of the hotel. The hotel recently had a WMCA conference and received negative feedback on the quality of the hotel. He also recently attended a meeting at the hotel and said the food was not edible. The quality of the hotel has depreciated.

Mayor Hanna responded that they have forwarded these concerns on to the owners and the hotel remains to be one of the best in the area according to Tripadvisor.com.

Supv. Nooyen stated he was concerned with the hotel finding a new brand or being independent and questioned if they owned any hotels that were a Hilton or Marriott.

Mayor Hanna responded that he knew they owned some Crowne Plaza's but was not sure about the other brands of hotels that were owned.

Supv. Nooyen liked the design of the exhibition center, but was concerned that if people do not like the hotel, they will not book the exhibition center in the future.

Supv. Thyssen praised the design of the exhibition center. He stated that he is not only a Town Supervisor but is also a business man. He operates his business, not on talk, but on escrow and guarantees. He only hears talk and does not see any guarantees.

Mayor Hanna stated he was confident because this hotelier owns over 200 other hotels and has done this in other communities. You go with the reputation of a company to know if they will go through with it. He talks to them fairly often and connects them with the architectures and designers. The hotel owners only saw the exhibition center design a month ago. It will take the hotel 90 days to source their materials. They do not have storage for 300 beds and dressers so they have to work with their suppliers.

Supv. Pleuss stated it is difficult to trust the hotel owner based on other meetings he has attended. He asked if the agreement that City of Appleton has with the hotel owner is in writing. He questioned if they are in default of a previous agreement.

Mayor Hanna explained that if they default on the agreement then he has to find a new management company for the exhibition center. The hotel was waiting for plans before starting renovations to make sure the décor and construction matched the exhibition center. He should have put that they need to begin improvement "X" number of days after the design has been received. It will take some time after the exhibition center opens to get business. The hotel agreed to absorb the operating loss during the beginning stages. He does not believe they would receive those same terms on a new agreement with another management company.

Supv. Pleuss questioned if the renovations for January 2017 was in a written agreement or if it was verbal.

Mayor Hanna stated it was a verbal agreement. The Exhibition Center Advisory Committee asked the hotel for a written schedule by the end of November.

Supv. Pleuss asked when they would have an updated management agreement since they did not start renovations on time.

TOWN BOARD MEETING – TOWN OF GRAND CHUTE – 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – OCTOBER 4, 2016

Mayor Hanna stated the management agreement was 30 pages long and they were not going to update the management agreement for one sentence. Both parties are continuing as if the management agreement is still in place. They will receive something in writing by the end of November, but it will not be an escrow account or a surety bond.

PUBLIC INPUT – There was no public input.

CONSENT AGENDA

Approval of Regular Meeting minutes – September 20, 2016

Licensing: *(applications on file in the clerk's office)(License Committee recommends approval)*

Operator Licenses:

Applications to expire: 2018 dated 9/23/16

Liquor Licenses:

Change of Agent, Kwik Trip #359, 650 W. Northland Avenue, appoints Todd J. Richardson.

Change of Agent, The Bar of Appleton, 2435 W. Nordale Drive, appoints Brock J. Frye.

Special Event Permits:

Appleton Baseball Club, wedding fireworks on 12/31/16. CONDITIONS: No fireworks display may begin after 10:00 p.m.; Display to comply with NFPA 1123 standards.

Accept petition from residents regarding heavy traffic and speeding from 409 W. Seneca Drive to 650 W. Seneca Drive.

**Motion (Thyssen/Sherman) to approve the consent agenda.**

Supv. Nooyen wanted to make note that the petition was accepted but no discussion or action was taken on the petition.

**Motion carried.**

FINANCIAL REPORTS

Approval of Voucher List – October 4, 2016

\$296,582.49 (90694-90730); Payroll \$270,153.78 ACH \$291,997.39

**Motion (Thyssen/Sherman) to approve the voucher list. Motion carried.**

UNFINISHED BUSINESS

Approve Appleton West Baseball Club's Master Plan for Carter Woods Park.

Deputy Dir. Heyrman explained the Appleton West Baseball Club would like the Town Board to approve the master plan of the park so they can begin fundraising efforts. They would like to make Carter Woods the home of the Appleton West Baseball Club. They would sponsor four age levels to help transition into high school baseball and would like to host four tournaments a year. The improvements are shown over a three-year period and would be dependent on fundraising efforts. Staff recommendation is to approve the master plan for Carter Woods Park.

**Motion (Thyssen/Sherman) to approve.**

Supv. Sherman stated they are only approving the plan at this time.

**Motion carried.**

TOWN BOARD MEETING – TOWN OF GRAND CHUTE – 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – OCTOBER 4, 2016

Approve the concept of donor recognition proposed by Appleton West Baseball Club with recognition plaque approved at the discretion of the Park Commission.

**Motion (Thyssen/Sherman) to approve.**

Supv. Thyssen explained that there would be a smaller space dedicated for a plaque to recognize those that made donations for the park. The Parks Commission voted unanimously to pass the recognition plaque. They are not asking for large banners.

Supv. Sherman stated that he assumed the club would want something like Bergstrom Field at Carter Woods Park. He would like some clauses with the naming rights and would like the Town Board to approve any name.

**Motion (Thyssen/Sherman) to suspend the rules and allow the Baseball Club representative to address the Board. Motion carried.**

Patrick Collar, Appleton West Baseball Club, stated that they do not want to get into naming rights. They would like to go to a donor and be able to thank them with a plaque or a board. They do not want to name a field after a donor. According to the club's bylaws, they do not affiliate with alcohol, bars, or tobacco.

Supv. Nooyen stated that the plaque should say "Appleton West Baseball Club Thanks" and not the Town of Grand Chute.

Patrick Collar stated they would work with the Park Commission on the sign.

**Motion carried.**

NEW BUSINESS

Approval of an amendment to RVT's geotechnical contract with WisDOT for project 4657-625-00 on Spencer Street for rock cores.

**Motion (Thyssen/Sherman) to approve. Motion carried.**

ADJOURNMENT

**Motion (Nooyen/Sherman) to adjourn. Motion carried.**

Meeting adjourned at 8:07 p.m.

These minutes were taken at a regular meeting held on October 4, 2016 and entered in this record book, October 5, 2016 by:

*Karen L. Weinschrott*

Karen L. Weinschrott, Town Clerk  
Town of Grand Chute

**INITIAL DRAFT**

Please Provide Operator's Licenses checks on the following applicants for New and Renewal Operator License, (the license will expire in 2018). Amended applications where background check already complete and now resubmitted

**NEW**

Approve Deny

Koch, Mary T	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lockstein, Jesse R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marquardt, Jeannine M	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rohloff, Allison J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todtenhagen, Michael B	<input checked="" type="checkbox"/>	<input type="checkbox"/>

  
Capt. Jaeger or Chief Peterson

Date: 10/12/16

**RENEW**

Approve Deny

Pitt, Elizabeth A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------	-------------------------------------	--------------------------

  
Capt. Jaeger or Chief Peterson

Date: 10/12/16

**Karen Weinschrott - Operator License applications - 09-30-16**

---

**From:** Colette Jaeger  
**To:** Licensing Committee  
**Date:** 10/12/2016 3:52 PM  
**Subject:** Operator License applications - 09-30-16

---

I have reviewed the applications for operator licenses, dated 09-30-16.  
I recommend approval of all six.  
Thanks.

Captain Colette Jaeger, #7704  
Technical Operations Division Commander  
Grand Chute Police Department  
1900 W. Grand Chute Blvd  
Grand Chute, WI 54913  
Admin: [920-832-1575](tel:920-832-1575)  
Office: [920-380-2938](tel:920-380-2938)  
Fax: [920-832-1749](tel:920-832-1749)

This message and attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, and contain information intended for the specified individual(s) only. This information is confidential. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by replying to the message and deleting it from your computer. Thank You.

# MONTHLY PUBLIC WORKS REPORT FOR MONTH OF SEPTEMBER 2016

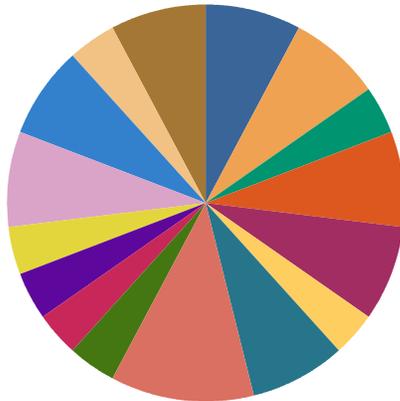


- Work Order Report
- Labor Hours Report

Service Request Distribution By Request Type

Request Type	Request Count	Average Duration (days)	Average Duration (hours)	Percentage
<b>Total Service Requests</b>	<b>26</b>	<b>1.80</b>	<b>43.25</b>	

Service Request Distribution By Request Type



Building Maintenance	7.7%
Customer Service	7.7%
Ditch Issue	3.8%
Drainage Issue	7.7%
Garbage & Recycling Issues	7.7%
Hydrant Damage	3.8%
Landscaping	7.7%
Long Grass/Weeds	11.5%
Manhole Issue	3.8%
Sewer Back Up	3.8%
Sign Damage	3.8%
Sign Maintenance/Repair	3.8%
Stop Box Repair	7.7%
Street Issues	7.7%
Water Valve Repair	3.8%
Watermain Break	7.7%
<b>Total:</b>	<b>100.0%</b>

# Grand Chute Public Works

Reporting Dates September 2016

## Cost Summary By Task

Task	Activities	Labor Hours	Labor Cost	Eqp Cost	Mat Cost	Con Cost	Overhead	Total Cost
Booster Station Maintenance	3	7.00	\$273.28	\$56.48	\$0.00	\$0.00	\$0.00	\$329.76
Booster Telemetry	8	16.00	\$697.00	\$26.84	\$0.00	\$0.00	\$0.00	\$723.84
Bridge-Maintenance/Repair	1	0.50	\$13.73	\$24.33	\$0.00	\$0.00	\$0.00	\$38.06
Building Maintenance-Location Specific	20	55.25	\$2,180.06	\$109.20	\$0.00	\$0.00	\$0.00	\$2,289.26
Chipping	18	124.00	\$3,590.46	\$5,401.25	\$0.00	\$0.00	\$0.00	\$8,991.71
Curb Damage Repair	12	51.75	\$1,784.50	\$1,292.02	\$0.00	\$0.00	\$0.00	\$3,076.52
Curb Inlet Maintenance	16	73.25	\$2,558.52	\$875.06	\$0.00	\$0.00	\$0.00	\$3,433.58
Ditch-Maintenance	1	1.50	\$58.56	\$19.80	\$0.00	\$0.00	\$0.00	\$78.36
Drainage	2	3.50	\$136.64	\$46.20	\$0.00	\$0.00	\$0.00	\$182.84
Dri Zorb Collection	1	1.50	\$58.56	\$503.73	\$0.00	\$0.00	\$0.00	\$562.29
Election	2	9.50	\$388.97	\$27.60	\$0.00	\$0.00	\$0.00	\$416.57
Equipment Clean Up	5	9.50	\$288.57	\$0.00	\$0.00	\$0.00	\$0.00	\$288.57
Equipment Prep	2	6.00	\$218.50	\$52.80	\$0.00	\$0.00	\$0.00	\$271.30
Ground Maintenance-Location Specific	7	32.00	\$964.14	\$679.07	\$0.00	\$0.00	\$0.00	\$1,643.21
Haul Sweepings	1	2.00	\$78.08	\$165.23	\$0.00	\$0.00	\$0.00	\$243.31
Highway Maintenance Miscellaneous	4	4.00	\$174.25	\$112.65	\$0.00	\$0.00	\$0.00	\$286.90
Hydrant Flushing-Town	43	308.50	\$8,609.82	\$4,452.04	\$0.00	\$0.00	\$0.00	\$13,061.86
Hydrant Repair	9	29.50	\$830.03	\$266.76	\$0.00	\$0.00	\$0.00	\$1,096.79
Inspection	7	4.00	\$156.16	\$52.80	\$0.00	\$0.00	\$0.00	\$208.96
Install New Meter	11	19.00	\$741.76	\$215.30	\$0.00	\$0.00	\$0.00	\$957.06
Landscaping-Ground Maintenance	1	0.50	\$7.29	\$7.41	\$0.00	\$0.00	\$0.00	\$14.70
Landscaping-Maintenance	7	33.50	\$963.14	\$941.18	\$0.00	\$0.00	\$0.00	\$1,904.32
Leave	9	72.00	\$2,836.56	\$0.00	\$0.00	\$0.00	\$0.00	\$2,836.56
LEAVE HWY	12	75.50	\$2,570.33	\$0.00	\$0.00	\$0.00	\$0.00	\$2,570.33
LEAVE PARK	2	11.00	\$449.90	\$0.00	\$0.00	\$0.00	\$0.00	\$449.90
LEAVE SHOP	3	12.50	\$614.38	\$0.00	\$0.00	\$0.00	\$0.00	\$614.38
LEAVE WATER AND SEWER	28	115.50	\$4,233.52	\$0.00	\$0.00	\$0.00	\$0.00	\$4,233.52
Lift Station Repair	2	8.00	\$269.08	\$26.84	\$0.00	\$0.00	\$0.00	\$295.92
Locating-Sewer	26	63.75	\$2,456.31	\$819.22	\$0.00	\$0.00	\$0.00	\$3,275.53
Locating-Water	32	85.00	\$3,307.01	\$1,060.86	\$0.00	\$0.00	\$0.00	\$4,367.87
Meeting	2	3.00	\$146.12	\$13.20	\$0.00	\$0.00	\$0.00	\$159.32
Mowing	27	159.50	\$4,225.35	\$3,403.54	\$0.00	\$0.00	\$0.00	\$7,628.89
Office	20	38.25	\$1,787.86	\$0.00	\$0.00	\$0.00	\$0.00	\$1,787.86
Park Building Maintenance-Location Specific	47	116.25	\$3,497.86	\$882.96	\$0.00	\$0.00	\$0.00	\$4,380.82
Park Ground Maintenance-Location Specific	51	126.00	\$2,761.34	\$3,922.66	\$0.00	\$0.00	\$0.00	\$6,684.00
Pavement Markings & Line Striping	1	1.00	\$39.04	\$13.20	\$0.00	\$0.00	\$0.00	\$52.24
Paving	1	7.00	\$273.28	\$399.42	\$0.00	\$0.00	\$0.00	\$672.70
Pesticide Application	7	40.00	\$1,648.64	\$564.40	\$0.00	\$0.00	\$0.00	\$2,213.04
Pocket Parks	1	3.00	\$72.60	\$9.87	\$0.00	\$0.00	\$0.00	\$82.47
Pot Hole Patching	8	20.00	\$757.78	\$132.00	\$0.00	\$0.00	\$0.00	\$889.78
Read Meters	6	12.00	\$468.48	\$146.80	\$0.00	\$0.00	\$0.00	\$615.28
Refuse and Recycling Maintenance	8	31.50	\$1,229.76	\$348.00	\$0.00	\$0.00	\$0.00	\$1,577.76
Remove/Replace Meter	29	91.25	\$3,549.83	\$673.46	\$0.00	\$0.00	\$0.00	\$4,223.29
Service Repair	4	8.00	\$290.70	\$72.70	\$0.00	\$0.00	\$0.00	\$363.40
Services-Maintenance	1	5.00	\$195.20	\$74.10	\$0.00	\$0.00	\$0.00	\$269.30
Sewer Main-Maintenance	1	8.00	\$312.32	\$118.56	\$0.00	\$0.00	\$0.00	\$430.88
Sewer Manhole-Inspection	1	1.00	\$39.04	\$13.42	\$0.00	\$0.00	\$0.00	\$52.46
Sewer Manhole-Repair	2	4.00	\$134.54	\$13.42	\$0.00	\$0.00	\$0.00	\$147.96
Shop Work	30	224.00	\$8,635.84	\$0.00	\$0.00	\$0.00	\$0.00	\$8,635.84
Shop Work - Office	13	85.50	\$4,664.37	\$0.00	\$0.00	\$0.00	\$0.00	\$4,664.37
Sign Repair/Maintenance	9	20.50	\$800.32	\$126.00	\$0.00	\$0.00	\$0.00	\$926.32
Stop Box Repair	14	37.00	\$1,194.26	\$1,752.84	\$0.00	\$0.00	\$0.00	\$2,947.10
Stop Box-Maintenance	4	32.00	\$1,076.32	\$355.68	\$0.00	\$0.00	\$0.00	\$1,432.00
Storm Sewer M.H. Maintenance	1	1.00	\$39.04	\$14.82	\$0.00	\$0.00	\$0.00	\$53.86
Stormwater Maintenance	3	18.00	\$702.72	\$266.76	\$0.00	\$0.00	\$0.00	\$969.48

# Grand Chute Public Works

Reporting Dates September 2016

## Cost Summary By Task

Task	Activities	Labor Hours	Labor Cost	Eqp Cost	Mat Cost	Con Cost	Overhead	Total Cost
Surface/Base	4	22.00	\$674.72	\$575.86	\$0.00	\$0.00	\$0.00	\$1,250.58
Tire Pick Up	5	25.00	\$976.00	\$316.80	\$0.00	\$0.00	\$0.00	\$1,292.80
Town Mowing for State	1	8.00	\$312.32	\$97.48	\$0.00	\$0.00	\$0.00	\$409.80
Trail-Maintenance-Location Specific	5	12.00	\$397.52	\$34.60	\$0.00	\$0.00	\$0.00	\$432.12
Training	26	102.50	\$3,891.93	\$142.04	\$0.00	\$0.00	\$0.00	\$4,033.97
Tree Inspection	5	10.00	\$421.64	\$140.00	\$0.00	\$0.00	\$0.00	\$561.64
Vactoring	4	32.00	\$880.96	\$1,440.00	\$0.00	\$0.00	\$0.00	\$2,320.96
Wash Vehicles	2	2.50	\$97.60	\$0.00	\$0.00	\$0.00	\$0.00	\$97.60
Water Sample Collection	3	19.00	\$741.76	\$281.58	\$0.00	\$0.00	\$0.00	\$1,023.34
Water Shop Work	3	6.00	\$211.06	\$0.00	\$0.00	\$0.00	\$0.00	\$211.06
Watermain Repair	15	51.00	\$1,976.20	\$1,640.44	\$0.00	\$0.00	\$0.00	\$3,616.64
Watermains-Inspection	2	8.00	\$312.32	\$87.52	\$0.00	\$0.00	\$0.00	\$399.84
<b>Tasks:</b>	<b>67</b>	<b>661</b>	<b>2,626.25</b>	<b>\$35,308.80</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$126,254.47</b>
			<b>\$90,945.67</b>		<b>\$0.00</b>		<b>\$0.00</b>	

# Grand Chute Public Works

Reporting Dates September 2016

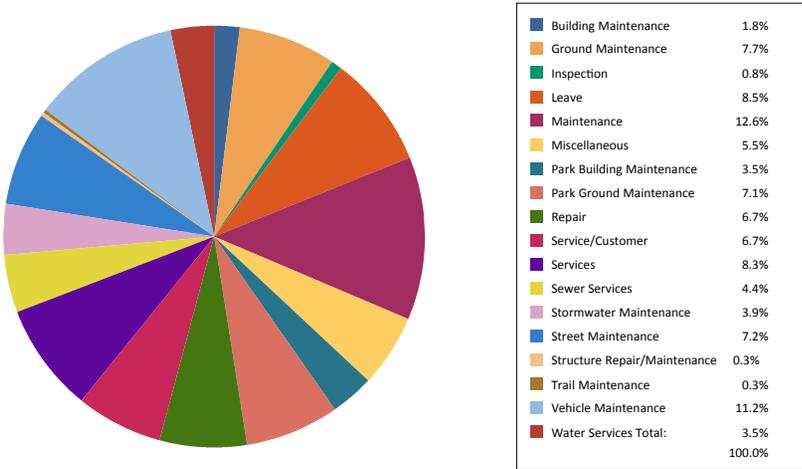
## Cost Summary by Task Type

Task Type	Labor Hours	Labor Cost	Eqp Cost	Mat Cost	Con Cost	Overhead	Total Cost	%
002 Building Maintenance	55.3	\$2,180.06	\$109.20	\$0.00	\$0.00	\$0.00	\$2,289.26	1.8%
003 Ground Maintenance	200.0	\$5,509.09	\$4,187.50	\$0.00	\$0.00	\$0.00	\$9,696.59	7.7%
004 Inspection	19.0	\$773.00	\$240.94	\$0.00	\$0.00	\$0.00	\$1,013.94	0.8%
017 Leave	286.5	\$10,704.69	\$0.00	\$0.00	\$0.00	\$0.00	\$10,704.69	8.5%
005 Maintenance	369.5	\$10,890.66	\$5,027.22	\$0.00	\$0.00	\$0.00	\$15,917.88	12.6%
006 Miscellaneous	154.8	\$6,273.44	\$686.57	\$0.00	\$0.00	\$0.00	\$6,960.00	5.5%
007 Park Building Maintenance	116.3	\$3,497.86	\$882.96	\$0.00	\$0.00	\$0.00	\$4,380.82	3.5%
008 Park Ground Maintenance	169.0	\$4,482.58	\$4,496.93	\$0.00	\$0.00	\$0.00	\$8,979.51	7.1%
009 Repair	137.5	\$4,694.80	\$3,773.00	\$0.00	\$0.00	\$0.00	\$8,467.80	6.7%
010 Service/Customer	172.8	\$6,731.59	\$1,665.14	\$0.00	\$0.00	\$0.00	\$8,396.73	6.7%
011 Services	153.0	\$4,722.62	\$5,770.85	\$0.00	\$0.00	\$0.00	\$10,493.47	8.3%
027 Sewer Services	95.8	\$3,337.27	\$2,259.22	\$0.00	\$0.00	\$0.00	\$5,596.49	4.4%
024 Stormwater Maintenance	99.3	\$3,573.56	\$1,387.87	\$0.00	\$0.00	\$0.00	\$4,961.43	3.9%
012 Street Maintenance	160.3	\$5,480.75	\$3,616.66	\$0.00	\$0.00	\$0.00	\$9,097.41	7.2%
013 Structure Repair/Maintenance	7.0	\$273.28	\$56.48	\$0.00	\$0.00	\$0.00	\$329.76	0.3%
015 Trail Maintenance	12.0	\$397.52	\$34.60	\$0.00	\$0.00	\$0.00	\$432.12	0.3%
016 Vehicle Maintenance	333.5	\$14,115.94	\$52.80	\$0.00	\$0.00	\$0.00	\$14,168.74	11.2%
022 Water Services	85.0	\$3,307.01	\$1,060.86	\$0.00	\$0.00	\$0.00	\$4,367.87	3.5%
<b>Task Types: 18</b>	<b>2,626.3</b>	<b>\$90,945.67</b>	<b>\$35,308.80</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$126,254.47</b>	

Cost Summary by Task Type

Task Type	Labor Hours	Labor Cost	Eqp Cost	Mat Cost	Con Cost	Overhead	Total Cost	%
-----------	-------------	------------	----------	----------	----------	----------	------------	---

Cost Summary by Task Type



# *GRAND CHUTE FIRE DEPARTMENT*

## **SEPTEMBER 2016 ACTIVITY REPORT**



*2250 Grand Chute Boulevard  
Grand Chute, Wisconsin 54913  
(920) 832-6050*

*"Protecting the lives, property, and environment for the community we serve."*

### INCIDENT STATISTICS

<u>CATEGORY</u>	<u>SEPT</u>	<u>YTD</u>
Station #1 Incidents	64	589
Station #2 Incidents	90	980
Simultaneous Incidents	12	137
Multi-Company Incidents	18	202
Day (6A-6P) Incidents	103	1073
Night (6P-6A) Incidents	51	496
Total Incidents	154	1569

<u>CATEGORY</u>	<u>2016 YTD</u>	<u>2015 YTD</u>
Total Incidents	1569	1556

### FRACTILE RESPONSE PERFORMANCE

*(Percent Compliant)*

<u>TIME</u>	<u>BENCHMARK</u>	<u>SEPT</u>	<u>YTD</u>
Processing	60 Seconds	82%	89%
Turnout	60 Seconds	58%	59%
Travel	240 Seconds	56%	57%

<u>FIRE LOSS DATA</u>	<u>SEPT</u>	<u>YTD</u>
Property Value	\$5,000	\$35,426,200
Property Lost	\$0	\$593,075
Property Saved	\$5,000	\$34,833,125

<u>MUTUAL/AUTOMATIC AID</u>	<u>SEPT</u>	<u>YTD</u>
Appleton (Given)	2	19
Appleton (Received)	2	19
Town of Menasha (Given)	0	8
Town of Menasha (Received)	0	12
Town of Center (Given)	0	1
Town of Center (Received)	0	0
Town of Greenville (Given)	0	2
Town of Greenville (Received)	0	2
MABAS Responses	0	2



GCFD at 9/11 Memorial in Greenville

## OPERATIONS DIVISION

### INCIDENT TYPE SUMMARY

<u>INCIDENT TYPE</u>	<u>SEPT</u>	<u>YTD</u>
Fire	4	61
Overpressure	0	1
Rescue and EMS	83	906
Hazardous Condition	7	100
Service Call	17	106
Good Intent Call	28	266
False Alarm / Call	15	124
Severe Weather	0	1
Special Incident	0	4

<u>EMS REASON FOR CALL</u>	<u>SEPT</u>	<u>YTD</u>
Abdominal Pain	0	23
Allergies	2	9
Animal Bite	0	0
Assault	0	9
Back Pain	3	15
Breathing Problem	5	89
Burns	0	1
Cardiac Arrest	1	21
Chest Pain	6	52
Choking	0	2
Convulsions / Seizure	6	55
Diabetic Problem	0	22
Drowning	0	2
Fall Victim	18	161
Headache	1	7
Heart Problems	0	15
Heat / Cold Exposure	0	3
Hemorrhage / Laceration	2	13
Ingestion / Poisoning	3	21
Pregnancy / Childbirth	2	3
Psychiatric Problems	3	7
Sick Person	13	108
Stab / Gunshot Wound	0	1
Stroke / CVA	4	26
Traffic Accident	7	74
Traumatic Injury	4	55
Unconscious / Fainting	5	70
Unknown Problem / Man Down	1	35
Not Applicable	0	3



## FIRE PREVENTION DIVISION

### GCFD Hosts Seventh Annual Safety Day

On Saturday September 10<sup>th</sup>, the Grand Chute Fire Department hosted the Seventh Annual “Jesse Pickett” Family Safety Day. This event, which aims to educate the public on a broad scope of safety-related topics is held in honor of Fire Prevention Specialist Jesse Pickett, who tragically lost his life in a car accident in December of 2013. It serves to memorialize his diligent efforts to reduce the loss of life from fires in our community.



## TRAINING DIVISION

### Firefighters Tour Tech Village Apartments

In September GCFD Personnel had the opportunity to tour the new Tech Village Apartment Complex on Tri Park Way. During the tour, crews were able to familiarize themselves with the layout of the structure, while reviewing tactical considerations for firefighting operations in standpipe-equipped multi-story buildings.

<u>TRAINING CATEGORY</u>	<u>SEPT HOURS</u>
Administrative	48.0
Apparatus Operations	12.5
Emergency Medical	22.6
Fire Suppression	53.8
Hazardous Materials	1.5
Technical Rescue	3.0
Officer Development	0.0
Risk Reduction	20.0
<b>Total Training Hours</b>	<b>161.4</b>

## RISK REDUCTION SUMMARY

<u>CODE ENFORCEMENT</u>	<u>SEPT</u>	<u>YTD</u>
Routine Inspections	294	2495
Pre-Occupancy	0	17
System Acceptance	2	18
Membrane Structure	3	19
Violations	176	1422
<u>PUBLIC EDUCATION</u>	<u>SEPT</u>	<u>YTD</u>
Events	4	65
Citizen Contacts	1604	4463
<u>FIRE PERMITS</u>	<u>SEPT</u>	<u>YTD</u>
Recreational	13	547
Agricultural	1	8
<u>SOCIAL MEDIA</u>	<u>SEPT</u>	<u>TOTAL</u>
Facebook “Likes”	97	3319
Twitter “Followers”	23	1234

### TOP SOCIAL MEDIA POST

A [live video](#) of our Side-by-Side Live Fire Residential Sprinkler Demonstration at the Seventh Annual “Jesse Pickett” Family Safety Day Event held on September 10<sup>th</sup> was viewed by over 700 Facebook users and received 53 “likes”.



To: Dave Schowalter, Town Chairman  
Members of the Town Board

From: Karen Heyrman, P.E. *Kmh*  
Deputy Director of Public Works

Re: Grand Chute Park Commission Monthly Report

Date: October 18, 2016

Discussion: We were notified that we were not selected for the 2016 Wisconsin RPCs and DNR EAB Impact Mitigation Grant. The American Transmission Company Tree Grant was submitted in September for planting trees at Maple Edge and the Town Center Parks. Recipients will be selected by the end of the year.

In October the Park Commission directed staff to look for locations for 6-10 pickle ball courts. The Park Commission tabled a decision to maintain the open space at Maple Edge Park for field sports and will discuss additional playground equipment again in April of 2017.

The park subcommittee recommendation for the Town Center Park Master Plan was approved. This work includes a Park Master Plan along with a seven-year Capital Improvement Action Plan and construction documents for improvements in 2017. The Town Board will act on the recommendation of the Park Commission on October 18.

The Commission discussed the meetings scheduled for review and approvals in order to submit the Master Plan to the Town Board on December 20, 2016. Town Board members will receive an update in the November monthly report and can also attend any of the Subcommittee and Park Commission meetings as follows:

- Park Commission meeting November 14, 2016.
- Park Subcommittee meeting November 30, 2016.
- Park Commission meeting December 12, 2016.

Meeting with Town staff will be held in October once the contract is awarded and January to discuss bidding.

# Grand Chute Police Department

## Monthly Report



### September 2016

	This Month	This Month Last Year	% Change	Year to Date	Last Year to Date	% Change
Total # of Incidents	1773	1725	3%	15883	15017	6%
Citizen Generated	1160	1045	11%	9812	9165	7%
Officer Initiated	613	680	-10%	6071	5852	4%
Citizen Contacts	188	211	-11%	1856	2008	-8%
Traffic Citations	259	213	22%	2197	2030	8%
Speeding	47	52	-10%	467	468	0%
Seatbelt	28	7	300%	217	90	141%
OWI	9	9	0%	87	80	9%
Ordinance Summons	75	84	-11%	705	843	-16%
Retail Theft	35	48	-27%	349	400	-13%
UA Drinking	2	4	-50%	126	49	157%
Parking Tickets	5	41	-88%	261	404	-35%
Handicapped	2	17	-88%	49	129	-62%
Warrant Pick Ups	41	37	11%	261	192	36%

	This Month	This Month Last Year	% Change	Year to Date	Last Year to Date	% Change
Adult Criminal Referrals	49	52	-6%	493	478	3%
Juvenile Criminal Referrals	1	6	-83%	14	31	-55%
Offense Reports	336	313	7%	3111	2832	10%
Narratives	364	413	-12%	2952	2703	9%

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 90772:						9,275.54
90773	10/18/2016	SUBURBAN WILDLIFE SOLUTI	268	REMOVE SKUNK FROM TOWN HALL GROUNDS	10-18-51600-290	140.00
Total 90773:						140.00
90774	10/18/2016	TIMMERMAN, JOHN	100216	SPECIAL ASSESSMENT OVERPAYMENT 103-00280	25-00-26201	94.46
Total 90774:						94.46
90775	10/18/2016	TYLER TECHNOLOGIES INC	060-6047	ANNUAL ASSMT SVCS	10-10-51502-290	6,650.00
Total 90775:						6,650.00
90776	10/18/2016	UNION SECURITY INSURANC	092316	LIFE INSURANCE	11-18-59200-511	3,747.75
Total 90776:						3,747.75
90777	10/18/2016	WITTHUHN PRINTING CO. INC	6270	BUSINESS CARDS FOR KAREN HEYRMAN	10-14-53311-320	60.00
Total 90777:						60.00
Grand Totals:						188,929.95

Dave Schowalter, Chairman: \_\_\_\_\_

Jeff Nooyen, Supervisor: \_\_\_\_\_

Travis Thyssen, Supervisor: \_\_\_\_\_

Bruce Sherman, Supervisor: \_\_\_\_\_

Jim Pleuss, Supervisor: \_\_\_\_\_

Karen L. Weinschrott, Clerk: \_\_\_\_\_

Julie M. Wahlen, Treasurer: \_\_\_\_\_

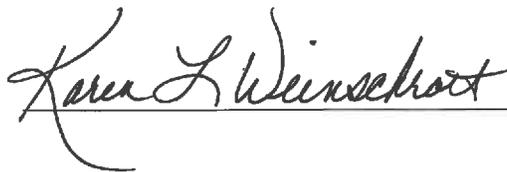
Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
90734	10/10/2016	WE ENERGIES	INTEGRITY W	STREET LIGHTING INTEGRITY WAY	55-14-57331-000	56,957.71
Total 90734:						56,957.71
90736	10/18/2016	AUTOMOTIVE COMPUTER MO	16-234	POWER CABLE REPLACEMENT	10-17-52100-350	22.00
90736	10/18/2016	AUTOMOTIVE COMPUTER MO	16-247	SQUAD 23 SET UP	10-17-52100-811	3,836.50
Total 90736:						3,858.50
90737	10/18/2016	BAYCARE HEALTH SYSTEMS	1641110	MEDICAL DIRECTOR SERVICE	10-13-52200-210	250.00
Total 90737:						250.00
90738	10/18/2016	BENOTCH, JAMES & MARY	100216	SPECIAL ASSESSMENT OVERPAYMENT 103-00290	25-00-26201	93.00
Total 90738:						93.00
90739	10/18/2016	BEST STUMP GRINDING	20160925	REMOVE TREE STUMP BETWEEN 3210 AND 3218	10-14-53311-340	180.00
Total 90739:						180.00
90740	10/18/2016	BOB'S TOWING	090716	ABANDONED VEHICLE- 16-014125	10-17-52120-290	150.00
Total 90740:						150.00
90741	10/18/2016	CITY OF APPLETON	233142	USE OF CITY OF APPLETON YARD- WASTE SITE-A	10-14-53635-290	4,166.66
90741	10/18/2016	CITY OF APPLETON	233144	SIGNAL MAINTENANCE PROGRAM WITH CITY OF	10-14-53311-348	158.93
Total 90741:						4,325.59
90742	10/18/2016	COMMAND CENTRAL	20422	RENTAL EXTRA INSIGHTS	10-12-51440-320	100.00
Total 90742:						100.00
90743	10/18/2016	CUSTOM PRINTING INC	15183	CRIME PREVENTION POSTER	10-17-52100-325	99.00
Total 90743:						99.00
90744	10/18/2016	DON WYDEVAN & JANET POR	100216	SPECIAL ASSESSMENT OVERPAYMENT 103-00040	25-00-26201	113.87
Total 90744:						113.87
90745	10/18/2016	DORNER INC	PAY CERT #2	CAPITOL DRIVE ROAD AND UTILITY CONSTRUCTI	55-14-57331-000	25,143.25
Total 90745:						25,143.25
90746	10/18/2016	FIRE APPARATUS & EQUIPME	15586	PUMP TEST 2652	10-13-52200-290	331.00
90746	10/18/2016	FIRE APPARATUS & EQUIPME	15589	PUMP TEST 2622	10-13-52200-290	331.00
Total 90746:						662.00
90747	10/18/2016	FIRST AMERICAN TITLE CO	100216	SPECIAL ASSESSMENT OVERPAYMENT 103-00320	25-00-26201	90.57
Total 90747:						90.57
90748	10/18/2016	GOLD STRIPE CONSULTING	093016	CIT TRAINING - SHEPHERD	10-17-52100-330	400.00

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 90748:						400.00
90750	10/18/2016	GRAND CHUTE UTILITIES	10/04/16	ST.1 WATER	10-13-52200-220	128.20
90750	10/18/2016	GRAND CHUTE UTILITIES	10/04/2016	STATION 1 UTILITIES	10-13-52200-220	1,523.44
90750	10/18/2016	GRAND CHUTE UTILITIES	100416-30322	UTILITY BILL LIONS PARK	10-16-55200-220	409.26
90750	10/18/2016	GRAND CHUTE UTILITIES	100416-33064	UTILITY BILL TOWN HALL	10-18-51600-220	3,398.99
90750	10/18/2016	GRAND CHUTE UTILITIES	100416-33072	UTILITY BILL VEHICLE STORAGE BUILDING	10-14-53311-220	303.60
90750	10/18/2016	GRAND CHUTE UTILITIES	100416-33093	UTILITY BILL PRAIRIE HILL PARK	10-16-55200-220	437.16
90750	10/18/2016	GRAND CHUTE UTILITIES	100416-60676	STORMWATER BILL FOR OLD LANDFILL	10-14-53631-290	185.45
Total 90750:						6,386.10
90751	10/18/2016	HALL, ELAINE	100416	OVERPAYMENT OF FINAL BILL	64-00-23201	89.19
Total 90751:						89.19
90752	10/18/2016	HEARTLAND BUSINESS SYST	534301	VCR PROGRAM COMPUTER EQUIPMENT	10-17-52120-340	4,280.32
Total 90752:						4,280.32
90753	10/18/2016	INLAND RESIDENTIAL REAL E	100316	UTILITY CUSTOMER REFUND	64-00-23201	141.00
Total 90753:						141.00
90754	10/18/2016	JUST CALL ME LLC	2626	CUT GRASS AT VACANT LOT WHITE HAWK DR	10-14-53640-290	60.00
Total 90754:						60.00
90755	10/18/2016	KLEENMARK	51758	SWEEP AND WASH PD GARAGE	10-18-51600-290	81.50
90755	10/18/2016	KLEENMARK	51929	JANITORIAL SERVICE OCTOBER 2016	10-18-51600-290	2,074.00
Total 90755:						2,155.50
90756	10/18/2016	KRAUSE, DAN	100216	SPECIAL ASSESSMENT OVERPAYMENT 102-02770	25-00-26201	382.67
Total 90756:						382.67
90757	10/18/2016	LOWNEYS LANDSCAPE CENT	5455	TOWN HALL LANDSCAPING SERVICES FOR SEPT	10-18-51600-290	815.00
Total 90757:						815.00
90758	10/18/2016	MARCO INC NW7128	INV3646189	ADMIN AND MAIL ROOM COPIERS	10-18-51400-290	1,040.90
90758	10/18/2016	MARCO INC NW7128	INV3652997	3 COPIERS DOWNSTAIRS	10-18-51400-290	128.97
Total 90758:						1,169.87
90759	10/18/2016	MCMAHON	0903714	WETLAND DELINEATION-LAKESHORE CLEANERS	10-09-56900-211	800.00
90759	10/18/2016	MCMAHON	903678	BLUEMOUND DR URBANIZATION CONSTRUCTION	55-14-57331-000	1,530.10
90759	10/18/2016	MCMAHON	903679	CASALOMA DR/NEW HORIZON CONSTRUCTION A	55-14-57331-000	3,360.40
90759	10/18/2016	MCMAHON	903680	WHITE HAWK MEADOWS NORTH CONSTRUCTION	55-14-57331-000	61.30
90759	10/18/2016	MCMAHON	903681	INTEGRITY WAY CONSTRUCTION ADMN SERVICE	55-14-57331-000	385.00
90759	10/18/2016	MCMAHON	903683	FOREST VIEW ESTATES STREET CONSTRUCTION	55-14-57331-000	386.00
90759	10/18/2016	MCMAHON	903685	WHITE HAWK MEADOWS NORTH II STREET CONS	55-14-57331-000	405.30
90759	10/18/2016	MCMAHON	903686	SPENCER STREET SIDEWALK CONSTRUCTION A	55-14-57331-000	30.80
90759	10/18/2016	MCMAHON	903687	EDGEWOOD ACRES 1ST ADDITION STREET CONS	55-14-57331-000	15.40

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
90759	10/18/2016	MCPMAHON	903689	2016 CURB REPLACEMENT PROGRAM PROFESSI	55-14-57331-000	1,250.73
90759	10/18/2016	MCPMAHON	903723	EDGEWOOD ACRES 3RD ADDITION STREET CON	55-14-57331-000	570.05
90759	10/18/2016	MCPMAHON	903755	COLLEGE AVE NORTH FRONTAGE RD-LILAS TO B	55-14-57331-000	15,841.18
90759	10/18/2016	MCPMAHON	903756	WESTHILL BLVD RECLAIMING PROFESSIONAL SE	55-14-57331-000	4,214.86
90759	10/18/2016	MCPMAHON	903757	CAPITOL DR URBANIZATION CONSTRUCTION ON-	55-14-57331-000	18,487.73
90759	10/18/2016	MCPMAHON	903758	CASALOMA DR URBANIZATION CONVERTERS TO	55-14-57331-000	4,995.63
90759	10/18/2016	MCPMAHON	903759	MORRISON STREET RECONSTRUCTION PROFES	55-14-57331-000	3,194.80
Total 90759:						55,529.28
90760	10/18/2016	MIDWEST DESIGN HOMES	100416	OVERPAYMENT OF FINAL	64-00-23201	77.64
Total 90760:						77.64
90761	10/18/2016	MILWAUKEE COUNTY SHERIF	092816	WARRANT OCTAVIA C RHODMAN	10-15-45100	100.00
Total 90761:						100.00
90762	10/18/2016	MOBIL	092916	RESTITUTION 5G8103P3F9	10-15-45100	37.00
Total 90762:						37.00
90763	10/18/2016	MOERICKE, STEVEN	100216	SPECIAL ASSESSMENT OVERPAYMENT 102-02710	25-00-26201	240.51
Total 90763:						240.51
90764	10/18/2016	NORTHERN MANAGEMENT	093016	UTILITY CUSTOMER REFUND	64-00-23201	233.22
Total 90764:						233.22
90765	10/18/2016	OUTAGAMIE COUNTY TREAS	10032016	SEPTEMBER COURT	10-15-45100	2,949.40
Total 90765:						2,949.40
90766	10/18/2016	PARKER, JOEL & JANA	100216	SPECIAL ASSESSMENT OVERPAYMENT 103-04800	25-00-26201	93.00
Total 90766:						93.00
90768	10/18/2016	RED WINGS STORE	000000003-47	SAFETY BOOTS FOR BRIAN WALL	10-14-53311-391	125.00
Total 90768:						125.00
90769	10/18/2016	RICK STEFFENS ELECTRIC	6275	REPLACE BALLASTS	10-18-51600-360	185.55
90769	10/18/2016	RICK STEFFENS ELECTRIC	6277	REPLACE BALLASTS AT LIONS PARK	10-18-55200-290	133.96
Total 90769:						319.51
90770	10/18/2016	ROCK RIVER ARMS	760908	NEW SQUAD RIFLE	10-17-52100-811	1,014.50
Total 90770:						1,014.50
90771	10/18/2016	ROTARY CLUB OF APPLETON	OCT 1 2016	DUES	10-18-51400-321	340.00
Total 90771:						340.00
90772	10/18/2016	STATE OF WISCONSIN COUR	100316	SEPTEMBER COURT	10-15-45100	9,275.54

Check Issue Date	Payee	Invoice Number	Description	invoice GL Acct	Check Amount
09/29/2016	NICOLET NATIONAL BANK	092916	E-CORP TRANSFER 2009 DEBT PRINCIPAL	30-19-58100-009	380,000.00
Total 160929001:					380,000.00
09/29/2016	PITNEY BOWES GLOBAL FINA	092916	POSTAGE	10-18-51400-311	500.00
Total 160929002:					500.00
09/29/2016	RETURNED ITEM FEE	092916	RETURNED ITEM FEE	10-19-48110	10.00
Total 160929003:					10.00
09/30/2016	NICOLET NATIONAL BANK	093016	BANK CHARGES	10-19-48110	122.40
09/30/2016	NICOLET NATIONAL BANK	09302016	BANK CHARGES	10-19-48110	723.65
Total 160930001:					846.05
09/30/2016	WISCONSIN ETF	163768	WRS REMITTANCE	10-00-21521	70,291.26
Total 160930002:					70,291.26
10/03/2016	DTCC	100316	2009 DEBT INTEREST	30-19-58290-009	24,006.25
Total 161003001:					24,006.25
10/04/2016	REDEPOSITED ITEM FEE	100416	REDEPOSITED FEE	10-19-48110	5.00
Total 161004002:					5.00
10/05/2016	DELTA DENTAL	62765	TOWN DENTAL CLAIMS GROUP 1	11-18-59200-513	996.67
Total 161005001:					996.67
10/06/2016	PITNEY BOWES GLOBAL FINA	100616	POSTAGE	10-18-51400-311	500.00
Total 161006001:					500.00
10/07/2016	REDEPOSITED ITEM FEE	100716	REDEPOSITED FEE	10-19-48110	5.00
Total 161007001:					5.00
10/11/2016	CITY OF APPLETON	101116	PETERSON INSURANCE	10-17-52110-134	1,102.31
Total 161011001:					1,102.31
Grand Totals:					478,262.54

Karen L. Weinschrott, Clerk:



Dated:

10/12/16

Check Issue Date	Check Number	Payee ID	Payee	Amount
10/04/2016	90731	9	United States Treasury	100.00-
10/04/2016	90732	4	WISCONSIN PROFESSIONAL P	996.00-
10/04/2016	90733	5	WISCONSIN SCTF	138.46-
10/07/2016	161007001	1003	VELIE, DUANE A	1,685.87-
10/07/2016	161007002	1005	PRAHL, TODD W	2,061.91-
10/07/2016	161007003	1007	ERTL, MICHAEL T	1,343.52-
10/07/2016	161007004	1008	GRODE, ROBERT W	1,339.68-
10/07/2016	161007005	1010	DAANEN, TODD M	474.99-
10/07/2016	161007006	1011	URBAN, JOHN J	1,295.47-
10/07/2016	161007007	1015	HARTFIEL, BRIAN M	636.99-
10/07/2016	161007008	1024	ARFT, MICHAEL J	1,886.09-
10/07/2016	161007009	1025	STINGLE, GREGORY A	1,232.49-
10/07/2016	161007010	1027	COENEN, RANDY N	1,500.49-
10/07/2016	161007011	1030	FULCER, SAMUEL R	993.28-
10/07/2016	161007012	1036	WINKLER, JOHN C	399.94-
10/07/2016	161007013	1043	BUCKINGHAM, ROBERT L	1,081.10-
10/07/2016	161007014	1049	BUTTERIS, JERROD B.	1,052.84-
10/07/2016	161007015	1050	MARQUARDT, THOMAS J	2,493.22-
10/07/2016	161007016	1052	WALL, BRIAN P	994.38-
10/07/2016	161007017	1053	KIPPENHAN, JEFF C	671.36-
10/07/2016	161007018	1055	VELIE, ADAM P	932.56-
10/07/2016	161007019	1056	MALSZYCKI, TYLER L	1,036.03-
10/07/2016	161007020	1057	HEYRMAN, KAREN M	1,125.88-
10/07/2016	161007021	2021	PLEUSS, JAMES R	294.34-
10/07/2016	161007022	2022	SCHOWALTER, DAVID A	450.84-
10/07/2016	161007023	2024	NOOYEN, JEFFREY T	380.21-
10/07/2016	161007024	2026	THYSSEN, TRAVIS J	379.36-
10/07/2016	161007025	2031	KLASEN, CHARLES W	518.10-
10/07/2016	161007026	3003	MAUTHE, ANGELA M	1,218.48-
10/07/2016	161007027	3004	WEINSCHROTT, KAREN L	1,621.53-
10/07/2016	161007028	3007	MARCH, JAMES V	3,121.72-
10/07/2016	161007029	3008	NATE, CARY J	2,239.42-
10/07/2016	161007030	3009	KOPECKY, JEFFRY D	1,849.59-
10/07/2016	161007031	3012	ST JULIANA, LENO J	1,459.54-
10/07/2016	161007032	3014	OLEJNICZAK, TRACY L	1,033.23-
10/07/2016	161007033	3016	BAXTER, MARY J	1,300.38-
10/07/2016	161007034	3017	TIMM, BARBARA M	900.72-
10/07/2016	161007035	3020	RIEMER, NANCY L	1,147.20-
10/07/2016	161007036	3022	PEETERS, CARRIE L	691.79-
10/07/2016	161007037	3027	SCHUH, LISA J	1,037.32-
10/07/2016	161007038	3033	THIEL, ERIC J	1,499.70-
10/07/2016	161007039	3034	CAIN, ANGIE M	1,180.48-
10/07/2016	161007040	3041	MROCZKOWSKI, LISA M	1,251.40-
10/07/2016	161007041	3045	WAHLEN, JULIE M	2,071.42-
10/07/2016	161007042	3046	MILLER, ELIZABETH A.	907.40-
10/07/2016	161007043	3047	HEIMANN, ROBERT J	2,712.97-
10/07/2016	161007044	3048	BERKERS, SANDRA J	338.81-
10/07/2016	161007045	3050	WALLENFANG, DAVID J	1,064.20-
10/07/2016	161007046	3053	SOK, SAM A	1,758.45-
10/07/2016	161007047	3054	PATZA, MICHAEL D	1,798.01-
10/07/2016	161007048	3055	VAN EPEREN, ALISSA R	1,508.23-
10/07/2016	161007049	4015	SHERMAN, BRUCE D	230.04-
10/07/2016	161007050	4056	PRUSINSKI, TREVOR W	250.17-
10/07/2016	161007051	4057	GRETZINGER, LOGAN W	93.88-
10/07/2016	161007052	5005	TIEDT, DAVID L	46.17-
10/07/2016	161007053	5014	HAGEN, JON K	36.94-
10/07/2016	161007054	5025	DREIER, THOMAS J	83.11-

Check Issue Date	Check Number	Payee ID	Payee	Amount
10/07/2016	161007055	5031	BURICH, DON	36.94-
10/07/2016	161007056	5032	BONGERS, CHARLES J	36.94-
10/07/2016	161007057	6001	KASRIEL, MATTHEW E	1,997.42-
10/07/2016	161007058	6006	WOODFORD, ALEXANDER J	303.55-
10/07/2016	161007059	6009	BUETTNER, ROBERT L	1,680.86-
10/07/2016	161007060	6018	DEBRULER, MICHAEL L	1,852.24-
10/07/2016	161007061	6021	GEISSLER, MICHAEL L	1,647.45-
10/07/2016	161007062	6026	OLSON, ROBERT C	1,543.08-
10/07/2016	161007063	6027	BERGLUND, ERIC S	1,486.91-
10/07/2016	161007064	6028	THORSON, WADE J	1,581.69-
10/07/2016	161007065	6031	CZECHANSKI, ANDREW P	1,839.23-
10/07/2016	161007066	6039	JAPE, CHRISTOPHER E	1,355.43-
10/07/2016	161007067	6040	SIEGMANN, CHAD E	1,776.42-
10/07/2016	161007068	6043	SCHIPPER, ROBERT J	1,556.95-
10/07/2016	161007069	6050	PAVASARIS, RAIMONDS P	1,525.55-
10/07/2016	161007070	6051	LAZCANO, RAUL M	1,639.18-
10/07/2016	161007071	6054	MARTIN, CHAD R	1,766.99-
10/07/2016	161007072	6066	PALTZER, BRAD L	1,608.63-
10/07/2016	161007073	6074	STARK, AARON W	1,544.93-
10/07/2016	161007074	6082	CAHAK, JACOB D	1,378.37-
10/07/2016	161007075	6085	SCHOMMER, BRIAN P	1,912.56-
10/07/2016	161007076	6092	BANTES, TIMOTHY A	2,355.61-
10/07/2016	161007077	6105	HEIMAN, JACOB M	314.82-
10/07/2016	161007078	6109	SISEL, JARROD C	172.11-
10/07/2016	161007079	6113	FELCKOWSKI, BENEDICT J	314.82-
10/07/2016	161007080	6115	EHLERT, COLIN M	154.14-
10/07/2016	161007081	7001	PETERSON, GREG I	2,637.51-
10/07/2016	161007082	7003	STEINKE, SCOTT M	2,046.08-
10/07/2016	161007083	7008	REIFSTECK, RANDY W	1,997.85-
10/07/2016	161007084	7013	ZOLKOWSKI, TODD A	2,441.30-
10/07/2016	161007085	7018	KONS, BENJAMIN J	2,045.62-
10/07/2016	161007086	7024	GOLLNER, AMANDA M	1,559.71-
10/07/2016	161007087	7025	PROFANT, KATIE J	1,674.14-
10/07/2016	161007088	7027	VELIE, MICHAEL G	2,085.57-
10/07/2016	161007089	7030	CALLAWAY, SCOTT M	1,976.85-
10/07/2016	161007090	7035	CLEMENT, JENNIFER L	2,128.17-
10/07/2016	161007091	7036	GOLLNER, IAN M	1,670.36-
10/07/2016	161007092	7040	BLAHNIK, RUSSELL D	2,001.06-
10/07/2016	161007093	7041	ENNEPER, SHAWN R	1,926.68-
10/07/2016	161007094	7047	BOHLEN, JOSHUA D	1,708.62-
10/07/2016	161007095	7053	JAEGER, COLETTE R	2,128.82-
10/07/2016	161007096	7055	VANDEN BERG, TED M	1,733.03-
10/07/2016	161007097	7056	MAAS, MARK H	2,103.94-
10/07/2016	161007098	7059	SCHULTZ, HOLLY J	1,118.68-
10/07/2016	161007099	7061	DIEDRICK, AMANDA M	1,089.79-
10/07/2016	161007100	7065	OTTO, MICHAELA L	427.79-
10/07/2016	161007101	7073	TEIGEN, JOSEPH D	2,241.15-
10/07/2016	161007102	7076	GRIESBACH, PATRICK E	1,584.83-
10/07/2016	161007103	7084	FEUCHT, DANIEL A	384.18-
10/07/2016	161007104	7086	KEEN, SUSAN M	30.67-
10/07/2016	161007105	7088	PETERS, PHYLLIS J	1,251.53-
10/07/2016	161007106	7093	PERZ, KARI L	1,150.77-
10/07/2016	161007107	7097	BERG, JANET H	305.19-
10/07/2016	161007108	7098	LATZA, CHERYL A	325.58-
10/07/2016	161007109	7101	VUE, LIA	1,909.91-
10/07/2016	161007110	7103	SCHUH, JULIANNE M	827.58-
10/07/2016	161007111	7104	HANSON, BENJAMIN G	1,982.82-

Check Issue Date	Check Number	Payee ID	Payee	Amount
10/07/2016	161007112	7105	KUNDINGER, JENNI L.	1,120.53-
10/07/2016	161007113	7108	GRIER-WELCH, DYLAN F	1,726.53-
10/07/2016	161007114	7109	WAAS, TRAVIS J	1,568.00-
10/07/2016	161007115	7110	POUPORE, LOGAN T	1,781.64-
10/07/2016	161007116	7111	HANNIGAN, MEGAN E	1,683.49-
10/07/2016	161007117	7112	REHBERG, ETHAN C	260.32-
10/07/2016	161007118	7114	MCFAUL, WENDY S	641.05-
10/07/2016	161007119	7115	DOWNEY, DANIELLE	1,863.02-
10/07/2016	161007120	7116	FENRICH, ALEC J	403.39-
10/07/2016	161007121	7118	MENKE, CALEB D	1,485.16-
10/07/2016	161007122	7119	SHEPHERD, JAMES M	1,504.31-
10/07/2016	161007123	7121	QUELLA, JACOB J	351.32-
10/07/2016	161007124	7122	ZITEK, CALEB M	168.86-
10/07/2016	161007125	7123	WEINKAUF, SAMUEL T	348.42-
10/07/2016	161007126	7124	PASTERSKI, TAYLOR J	1,512.64-
10/07/2016	161007127	7125	NOTHEM II, STEVEN R	1,946.04-
10/07/2016	161007128	7126	JIMENEZ, ALLEN A	312.07-
10/07/2016	161007129	7127	FREVILLE, ERIC M	2,707.49-
10/07/2016	161007130	7128	NEUBERT, JULIE A	893.72-
10/07/2016	161007131	8021	CROSBY, PAMELA A	32.32-
10/07/2016	161007132	8036	HIDDE, JULIA P	32.32-
10/07/2016	161007133	8040	WEBER, JOHN C	32.32-
10/07/2016	161007134	8045	STADEL, ROBERT W	32.32-
10/07/2016	161007135	8056	HUTH, VIVIAN R	31.32-
10/07/2016	161007136	8062	BOECKERS, DUANE J	32.32-
10/04/2016	161007137	7	DEFERRED COMP	8,516.15-
10/04/2016	161007137	7	DEFERRED COMP	1,723.15-
10/04/2016	161007138	1	EFTPS	15,368.77-
10/04/2016	161007138	1	EFTPS	15,368.77-
10/04/2016	161007138	1	EFTPS	3,594.32-
10/04/2016	161007138	1	EFTPS	3,594.32-
10/04/2016	161007138	1	EFTPS	28,084.71-
10/04/2016	161007139	8	FLEX SPENDING	1,892.59-
10/04/2016	161007139	8	FLEX SPENDING	769.20-
10/04/2016	161007140	2	WISCONSIN DEPT OF REVENU	12,237.01-
Grand Totals:				
				149
				257,044.21-

TOWN OF GRAND CHUTE

ORDINANCE, SERIES OF O-11-2016

AN ORDINANCE AMENDING EXISTING CHAPTER 535 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 2605 W. HIGHWAY DRIVE FROM RSF SINGLE-FAMILY RESIDENTIAL DISTRICT TO CL LOCAL COMMERCIAL DISTRICT.

WHEREAS, Chapter 535 of the Town of Grand Chute Municipal Code provides for establishment of the Official Town Zoning Atlas, upon which all zoning district classifications are mapped; and,

WHEREAS, The Town of Grand Chute has determined the need to amend said Official Zoning Atlas for purposes of changing the zoning classification for property located within the Town.

NOW THEREFORE BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 535 of the Code of General Ordinances for the Town of Grand Chute is hereby amended by changing the zoning classification of the property located at 2605 W. Highway Drive from RSF Single-Family Residential District to CL Local Commercial district, the property is further described as follows:

Lot 6, Block 2 of the recorded plat of "Kell Brenn Plat", (Volume 14 of Plats on page 20, as recorded on January 29, 1948), being part of the Northeast ¼ of the Northwest ¼ of Section 21, T21N-R17E, Town of Grand Chute, Outagamie County, Wisconsin. Tax Key Parcel #102-036900.

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Town of Grand Chute

Number Voted For \_\_\_\_\_

Number Voted Against \_\_\_\_\_

\_\_\_\_\_  
David A. Schowalter  
Town Chairman

\_\_\_\_\_  
Karen L. Weinschrott  
Town Clerk

Approved as to form:

\_\_\_\_\_  
Charles Koehler, Attorney  
Herring Clark Law Offices  
800 N. Lynndale Drive  
Grand Chute, WI 54914

7/8.

**Town of Grand Chute  
Rezoning Request  
Fox Communities Credit Union, on behalf of Wayne & Marlene Wilcox**

---

**To: Plan Commission**

**From: Michael Patza, Town Planner**

**Date: September 29, 2016**

**Address: 2605 W. Highway Drive**

**App. #: Z-07-16**

---

**REQUEST**

Rezoning from **RSF Single-Family Residential to CL Local Commercial District** to allow future expansion of the credit union facility.

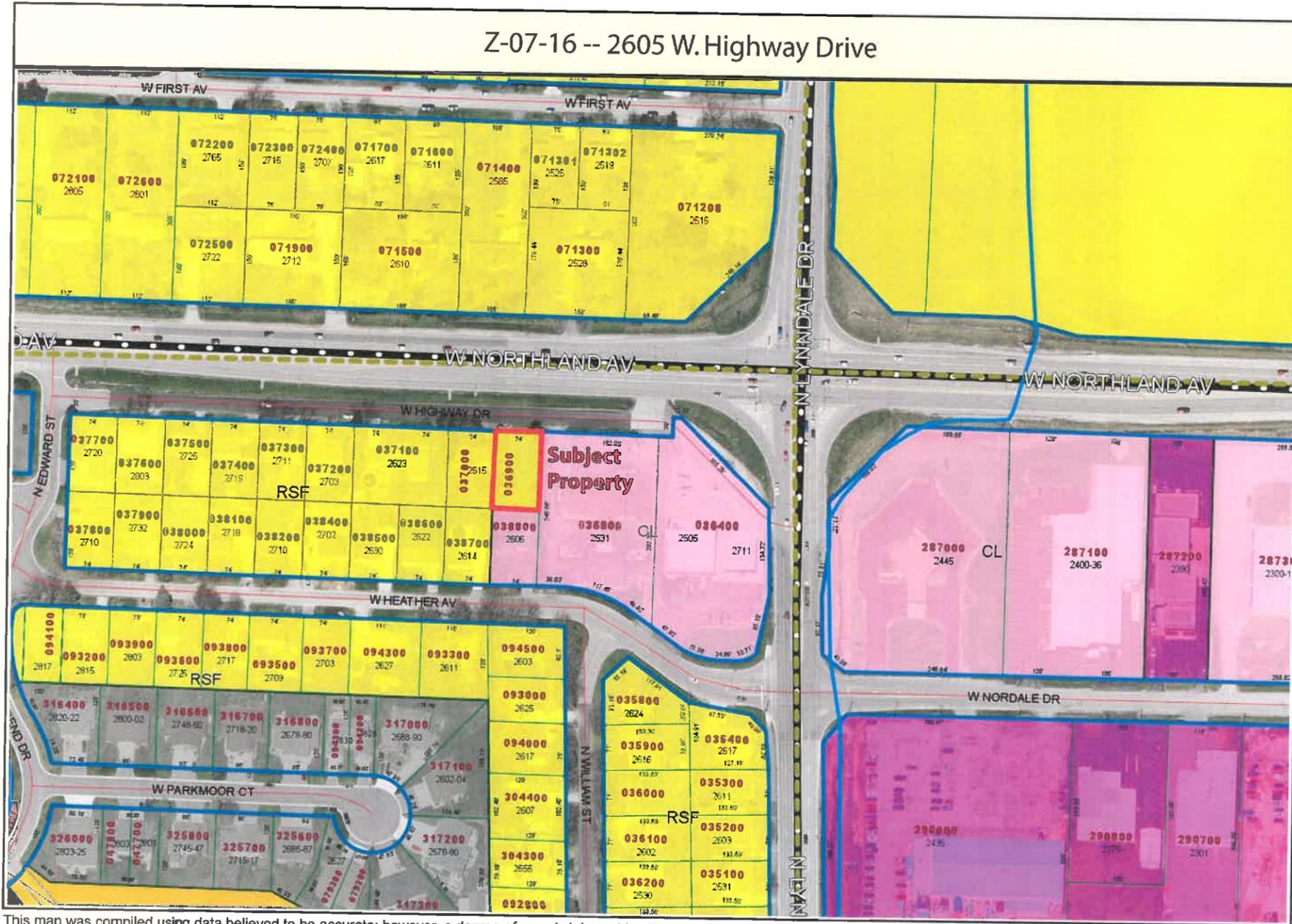
**ANALYSIS**

This vacant parcel is located directly west of Fox Communities Credit Union on W. Highway Drive. The vacant parcel to the south is also owned by the credit union, and is zoned CL Local Commercial District. Both of the parcels would be used for additional parking pending an expansion of the credit union facility. If these properties are used for parking in the future, landscaping requirements would create a buffer between the parking lot and the residential properties to the west. As part of the rezoning action, it will be necessary to amend the Comprehensive Plan to reflect a change to Urban-Commercial Use for this property.

**RECOMMENDATION**

Staff has reviewed and supports a Plan Commission recommendation to amend the Comprehensive Plan to reflect Urban-Commercial Use for the property at 2605 W. Highway Drive, and to rezone the property from RSF Single-Family Residential District to CL Local Commercial District (Ordinance O-11-2016).

Z-07-16 -- 2605 W. Highway Drive



This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-ground surveys





**AGENDA REQUEST**  
**10/10/2016**

TOPIC: Approve quote Town Center Park Master Plan.

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Park Commission
Department Reporting: Public Works	Submitted By: Karen Heyrman, P.E., <i>Kmh</i> Deputy Director of Public Works

**ISSUE:** The Town recently dedicated two parcels directly north of the Town Hall, identified on the attached, which together make up 23.8 acres. A design plan is needed for the development of the park so improvements can be completed over multiple construction seasons in an orderly manner.

**BACKGROUND/ANALYSIS:** The Town received proposals for the Town Center Park Master Plan on September 27, 2017. This work includes a Master Plan that will serve as a comprehensive document to assist the Town with development of the open space. Additionally, design and construction documents for construction of a park shelter with restrooms and a parking lot along with permitting for the fully developed site will be provided.

Staff performed an initial ranking and conducted telephone interviews with the consultants on October 6, 2016. Reference checks were completed for the two most favorable consultants. The top candidate brought a good team, and had experience with wetland enhancements. Additionally, this was the only proposal that included an “individual permit” which is needed when more than 10,000 sq. ft. of wetland is impacted.

The five quotes received are as follows:

	Town Center Master Plan	Construction Plans Specifications and Bidding Documents	Total Cost
Robert E. Lee & Associate, Inc.	\$35,000	\$49,600	\$ 84,600
Rettler Corporation	\$18,850	\$55,925	\$ 74,775
Graef.	\$42,500	\$84,700	\$127,200
McMahon	\$17,800	\$57,000	\$ 74,800
Ayres Associates	\$35,560	\$53,623	\$ 89,183

**RECOMMENDATION:** The staff's recommendation is to accept the quote from Robert E. Lee & Associates, Inc. in the amount of \$84,600.

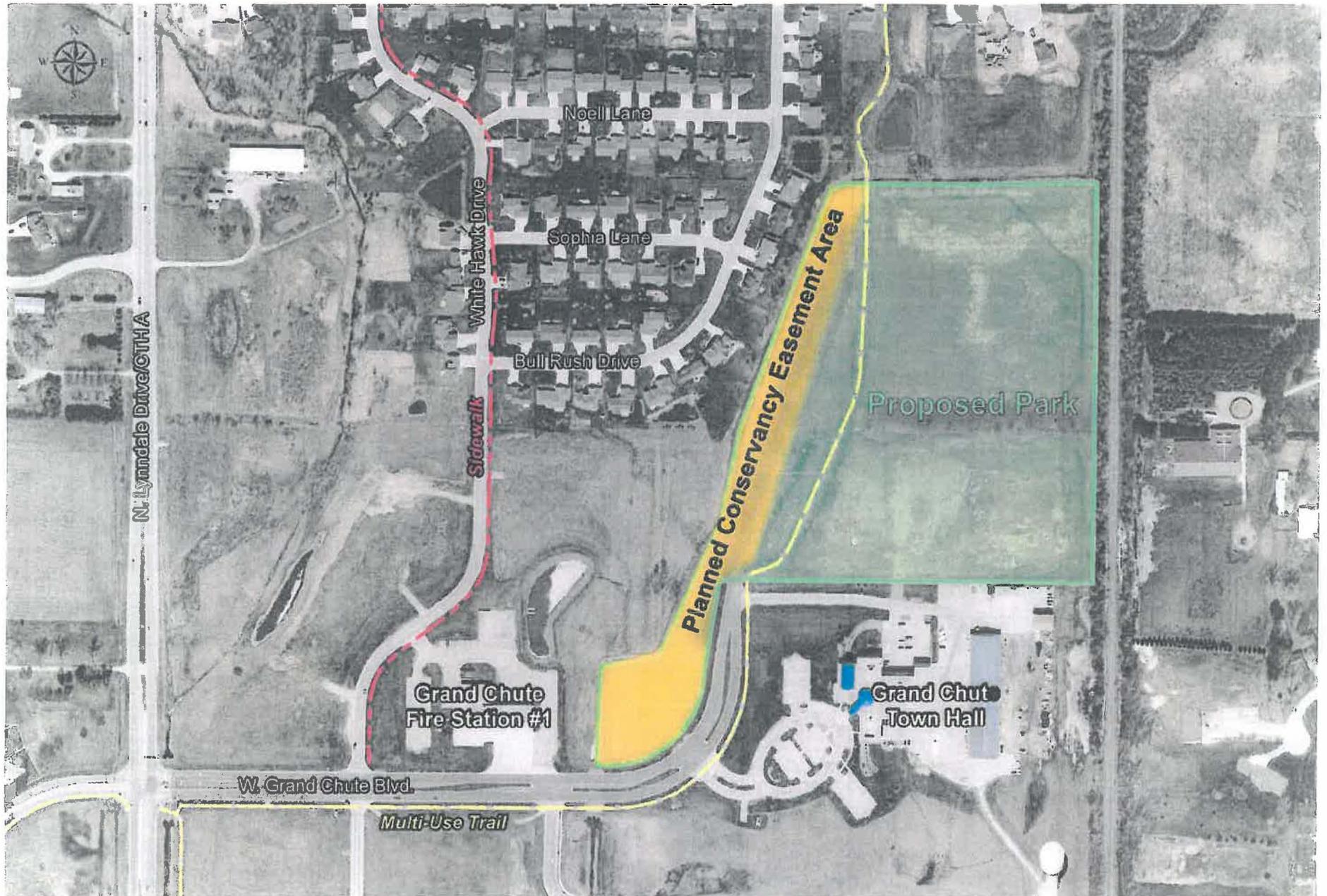
**FISCAL IMPACT:** BUDGET

The budget includes \$35,000 in 2016 for the Master Plan. The remaining funds are budgeted in 2017.

**ATTACHMENTS:**

Attachment No. 1 – Project Location Map

# Exhibit A - Proposed Park Location





**AGENDA REQUEST**  
**October 18, 2016**

TOPIC: Approve funding for improvements for City of Appleton Quiet Zone.

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Town Board
Department Reporting: Public Works	Submitted By: Karen M. Heyrman, P.E., <i>Kmh</i> Deputy Director of Public Works

**ISSUE:** The City of Appleton is seeking Quiet Zone designation for the rail line from S. Prospect Avenue to, and including, the E. Ballard Road crossing. All public grade crossings must meet pre-qualifying criteria which includes:

- Gates and flashing lights
- Power-out indicators
- Constant warning time detectors

**BACKGROUND/ANALYSIS:** The quiet zone includes 26 mainline crossings; it does not include the spur lines. Initially, each intersection was evaluated to determine a risk index that is averaged across all crossings. Supplemental safety measures such as medians/channelization devices, four-quadrant gates, or closures are added within the quiet zone. The risk index without horns cannot exceed what it was initially.

Raised medians cannot be constructed at the Prospect Avenue crossing due to closely spaced accesses. It is part of the proposed quiet zone so including it drags down the average. The gate circuitry does not have the constant warning time detectors that are estimated to cost between \$100,000 and \$250,000. If it is not included in the quiet zone the engineer will be required to sound the horn 1,000 feet prior to the crossing. Attachment No. 1 shows 74 parcels in Grand Chute that are within ¼ mile of the proposed quiet zone.

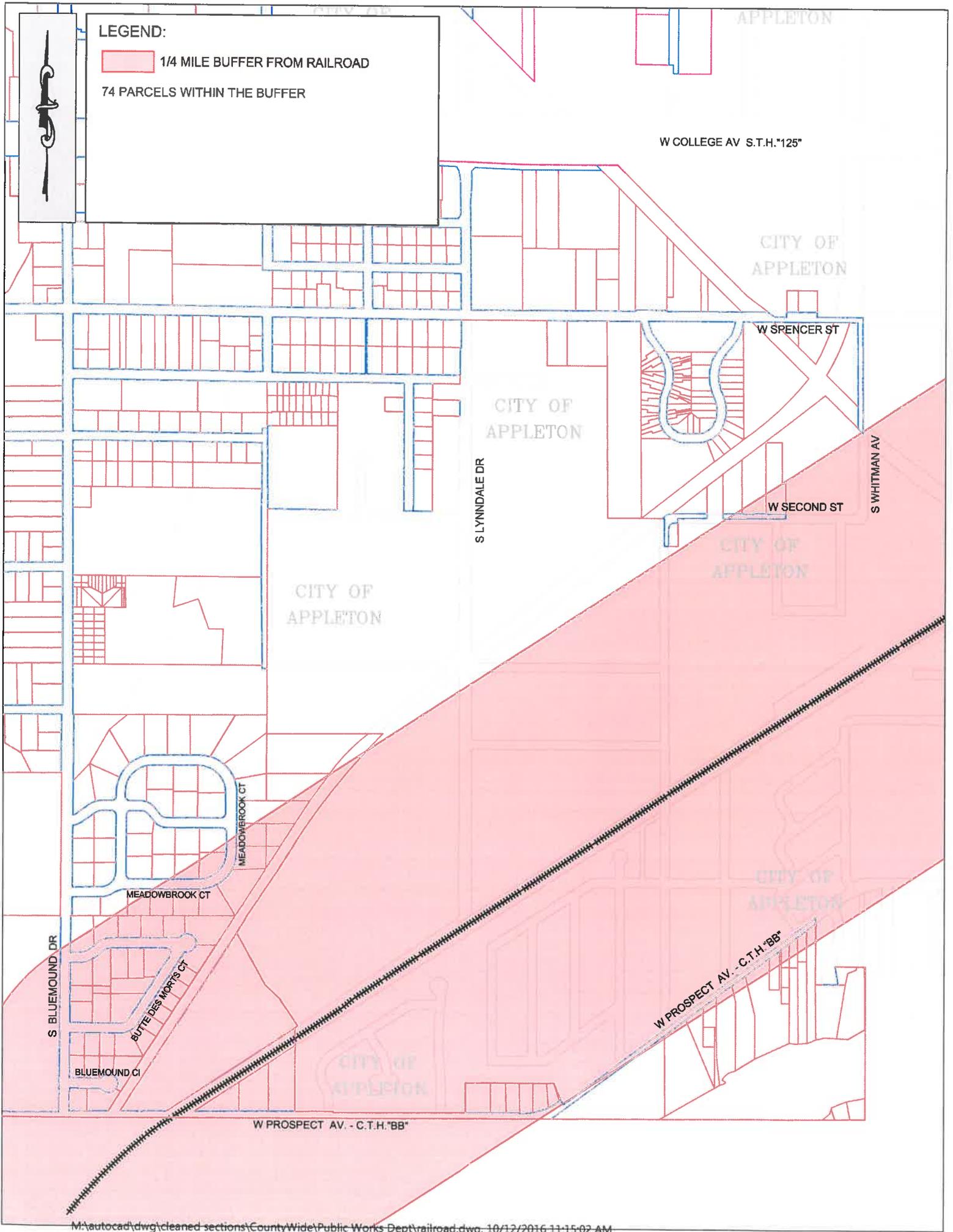
The total cost of all 2018 crossing improvements within the proposed quiet zone, shown in Attachment No. 2, is \$785,685.

**RECOMMENDATION:** The staff recommendation is to budget \$10,000 toward the constant warning time detectors for the crossing improvement at Prospect Avenue.

**LEGEND:**

 1/4 MILE BUFFER FROM RAILROAD

 74 PARCELS WITHIN THE BUFFER



APPLETON

W COLLEGE AV S.T.H."125"

CITY OF  
APPLETON

W SPENCER ST

CITY OF  
APPLETON

S LYNDALE DR

W SECOND ST

S WHITMAN AV

CITY OF  
APPLETON

CITY OF  
APPLETON

MEADOWBROOK CT

MEADOWBROOK CT

S BLUEMOUND DR

BUTTE DES MORTS CT

BLUEMOUND CI

CITY OF  
APPLETON

W PROSPECT AV. - C.T.H."BB"

CITY OF  
APPLETON

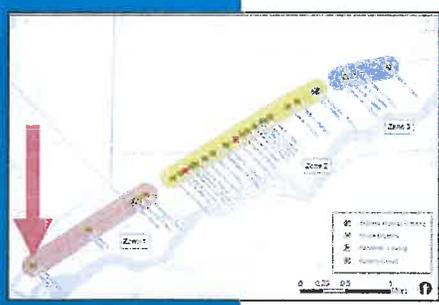
W PROSPECT AV. - C.T.H."BB"



# Prospect Avenue

## Prospect Avenue

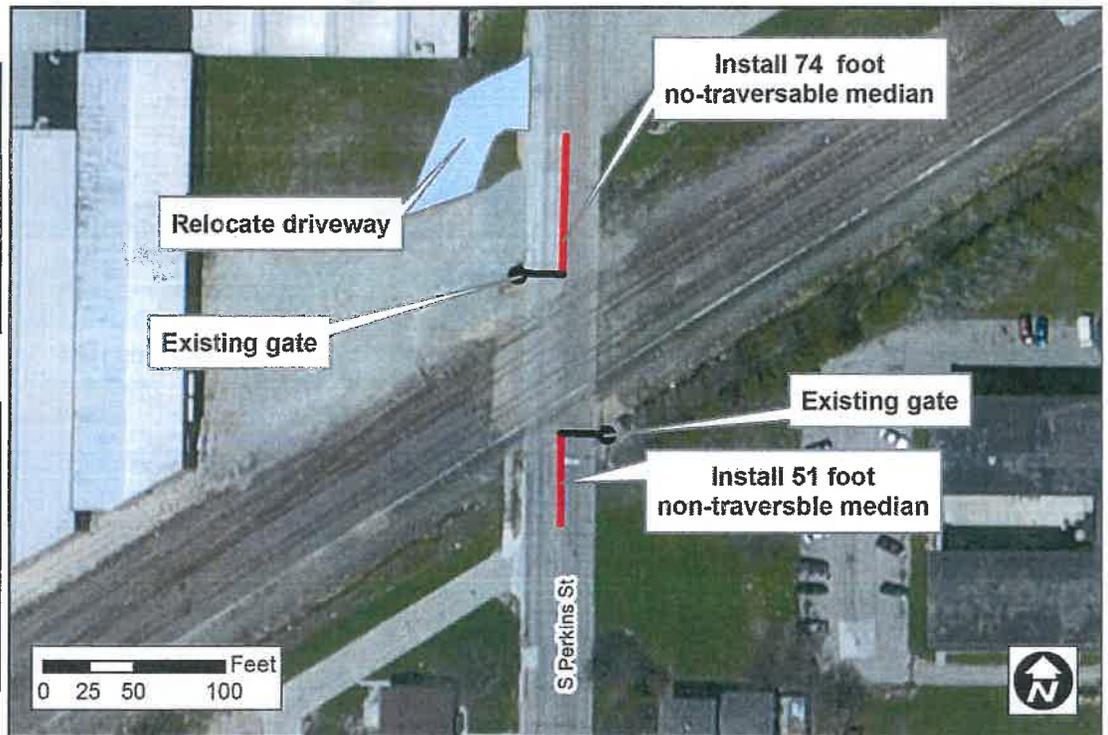
Risk Reduction	0%
Cost	\$100,000 - \$250,000



# Perkins Street – Option 2

## Perkins Street - Option 2

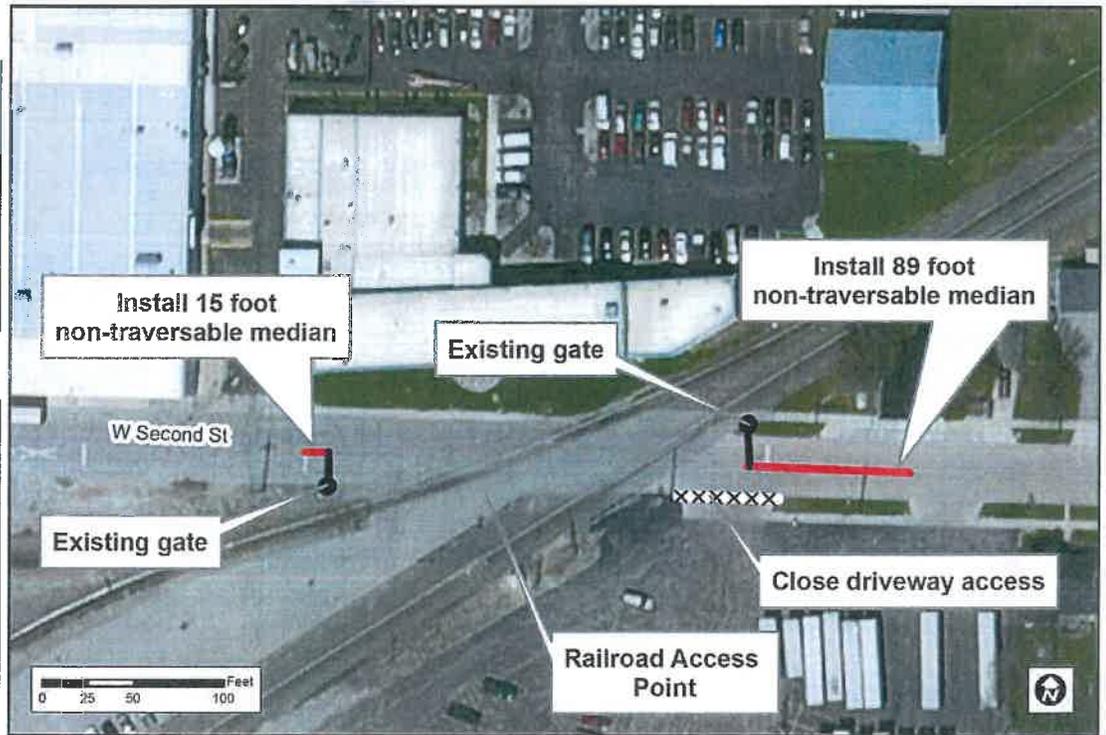
Risk Reduction	74%
Cost	\$53,750



# Second Street

## Second Street

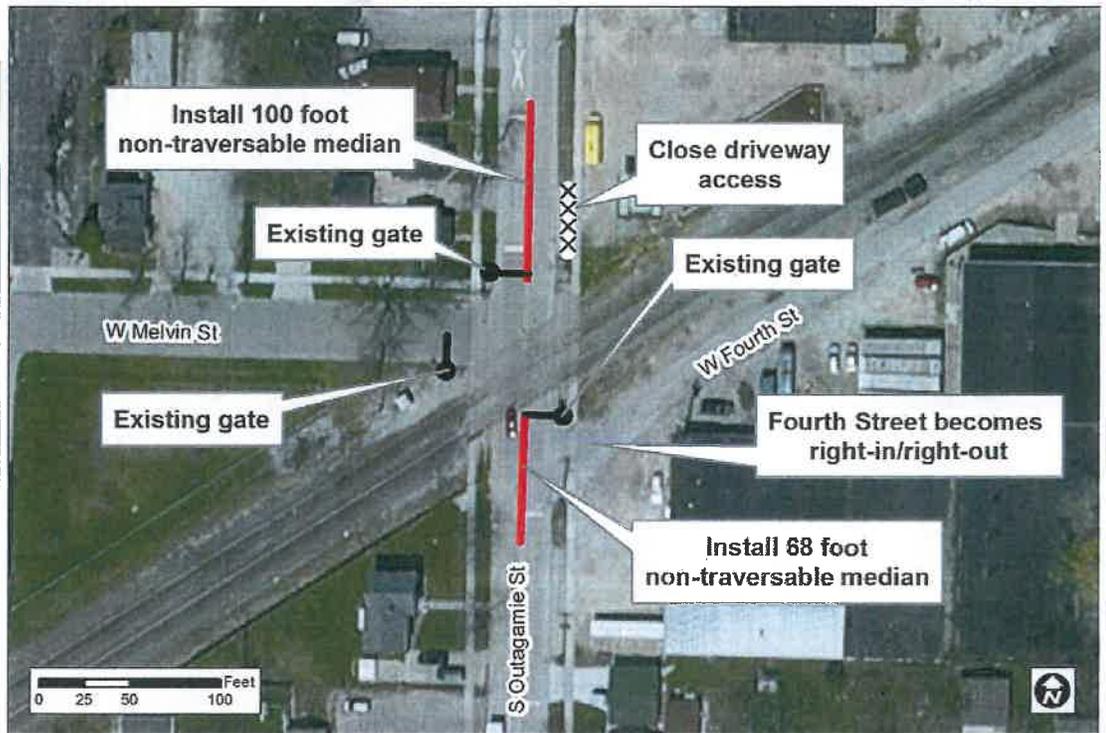
Risk Reduction	50%
Cost	\$41,400



# Outagamie Street – Option 1

## Outagamie Street – Option 1

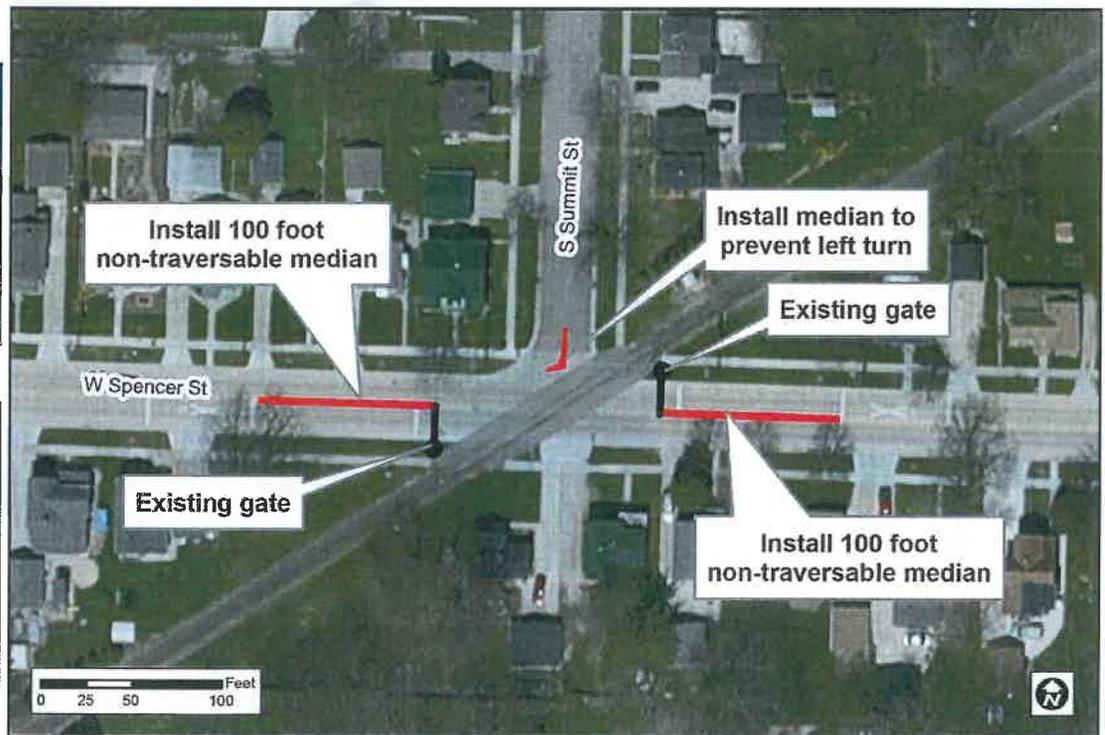
Risk Reduction	80%
Cost	\$63,800



# Spencer Street – Option 1

## Spencer Street – Option 1

Risk Reduction	80%
Cost	\$75,000



# Story Street – Option 1

## Story Street – Option 1

Risk Reduction	53%
Cost	\$29,785



# Eighth Street

## Eighth Street

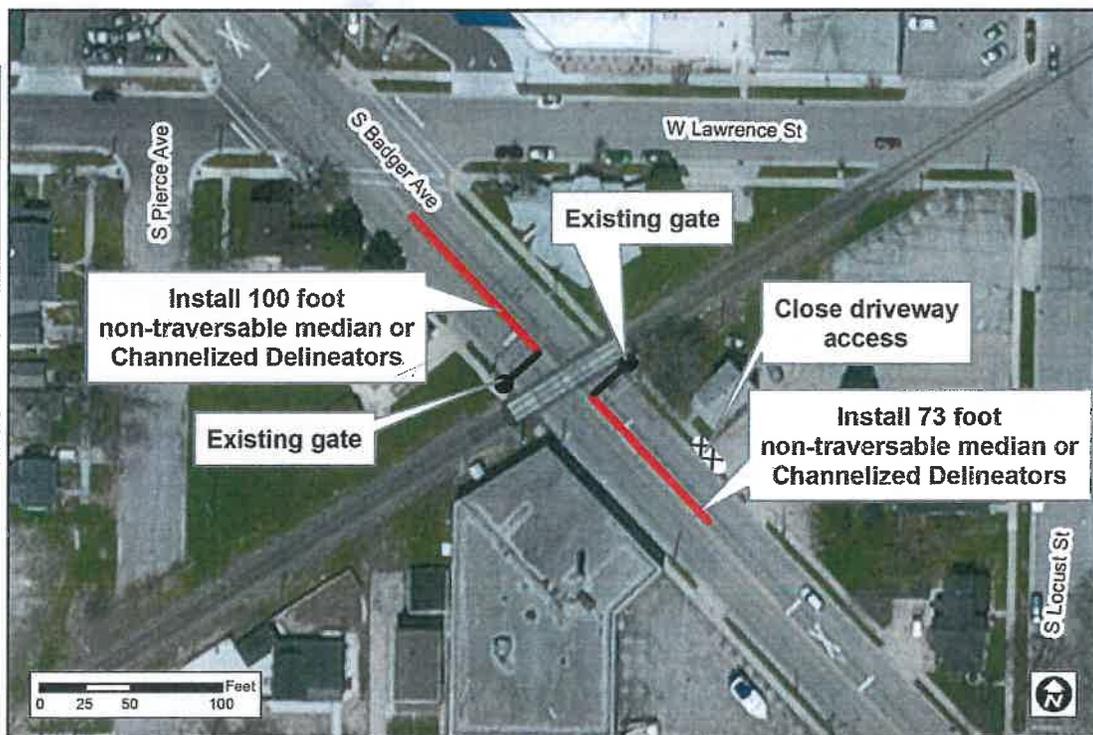
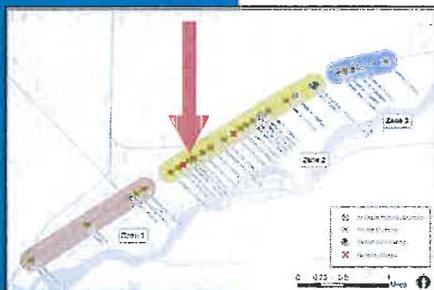
Risk Reduction	100%
Cost	N/A



# Badger Avenue

## Badger Avenue

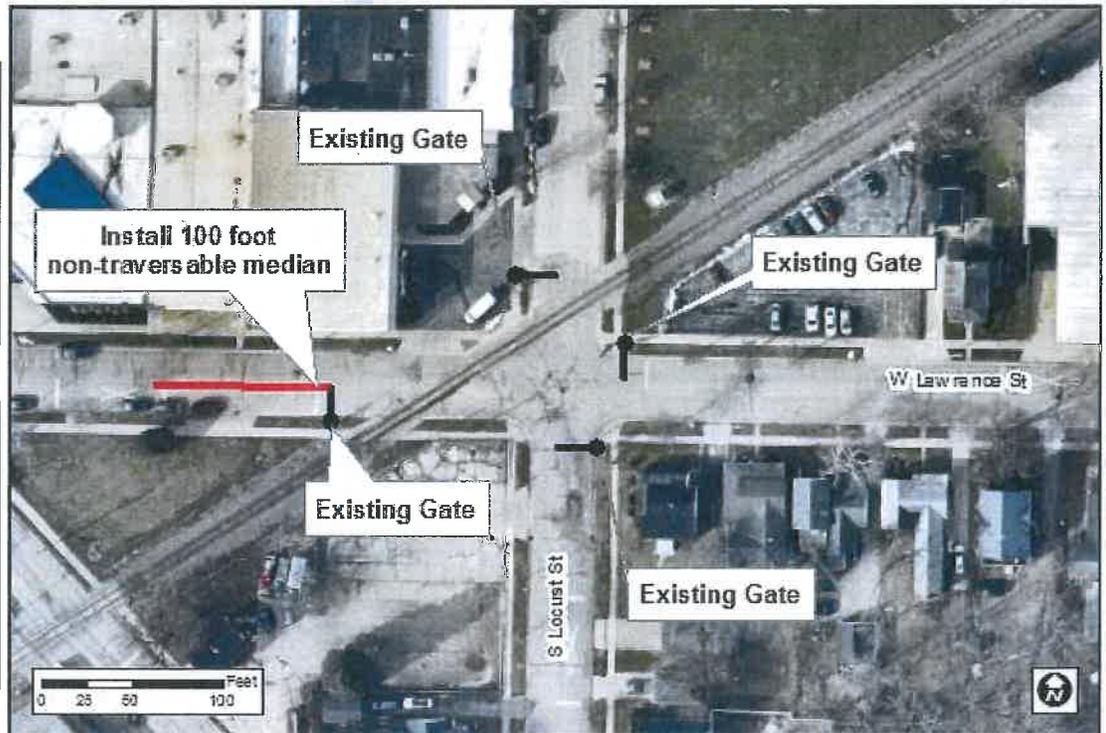
Risk Reduction	80%
Cost	\$65,650



# Lawrence Street – Option 2

## Lawrence Street – Option 2

Risk Reduction	40%
Cost	\$35,500



# Locust Street – Option 1

## Locust Street – Option 1

Risk Reduction	100%
Cost	\$0



# Memorial Drive

## Memorial Drive

Risk Reduction	18%
Cost	\$18,900



# State Street – Option 2

## State Street – Option 2

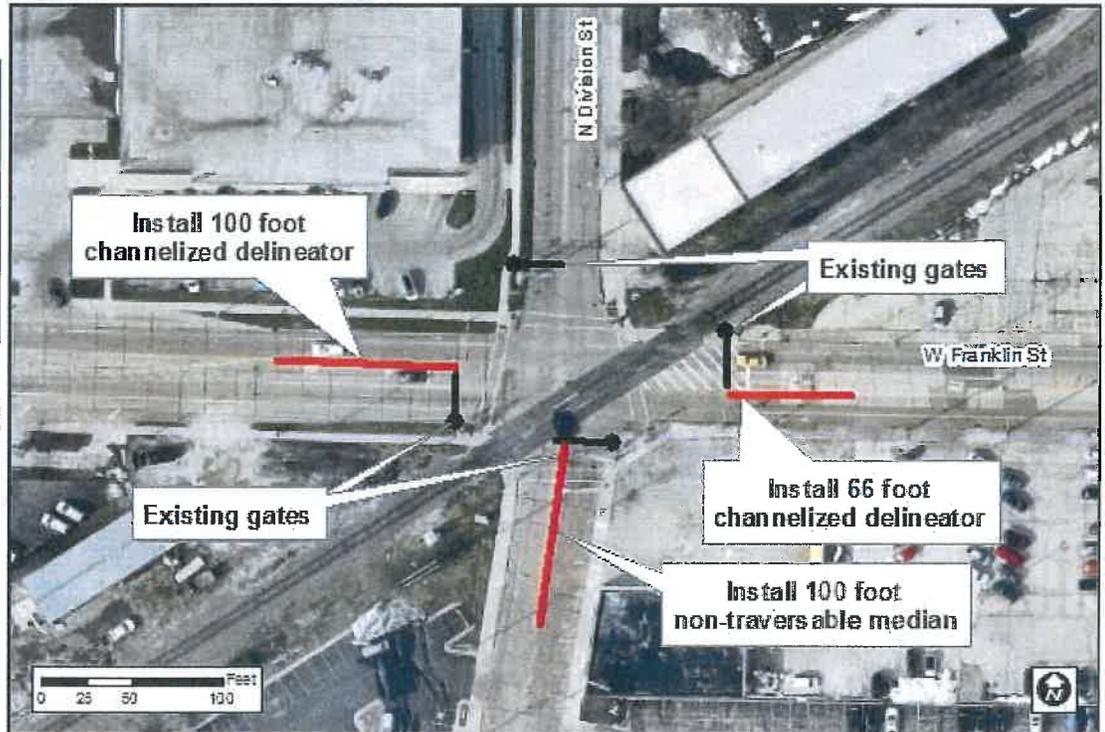
Risk Reduction	36%
Cost	\$23,900



# Franklin Street – Option 1

## Franklin Street – Option 1

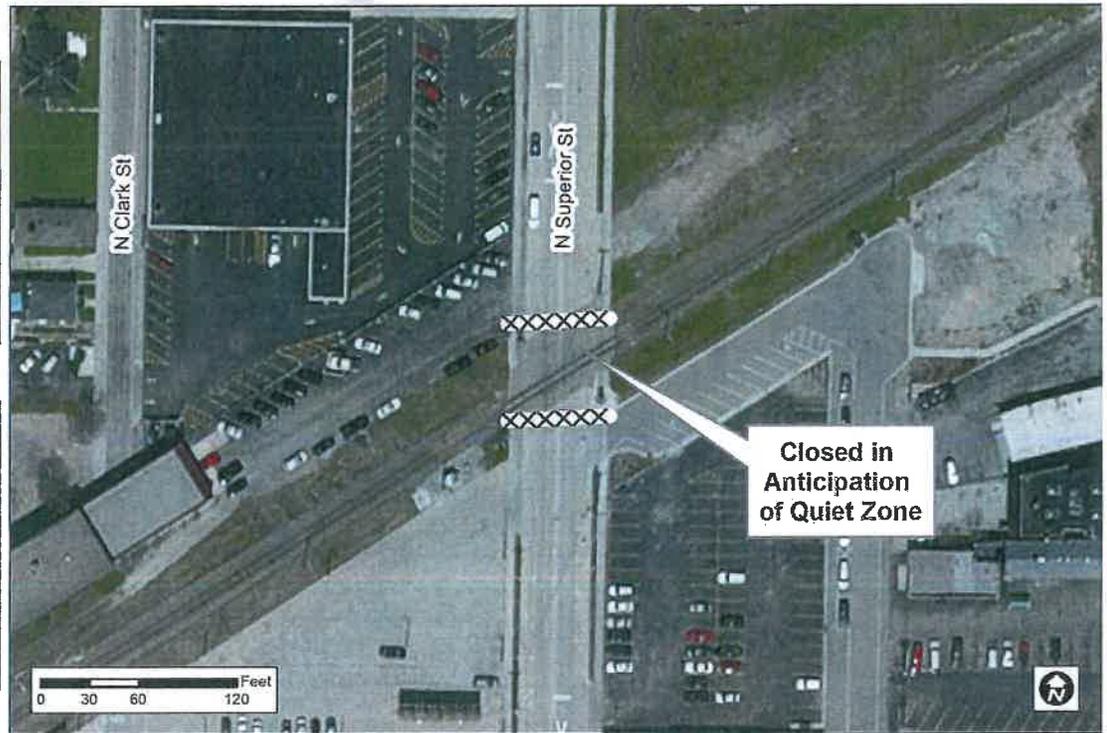
Risk Reduction	58%
Cost	\$43,300



# Superior Street

## Franklin Street – Option 2

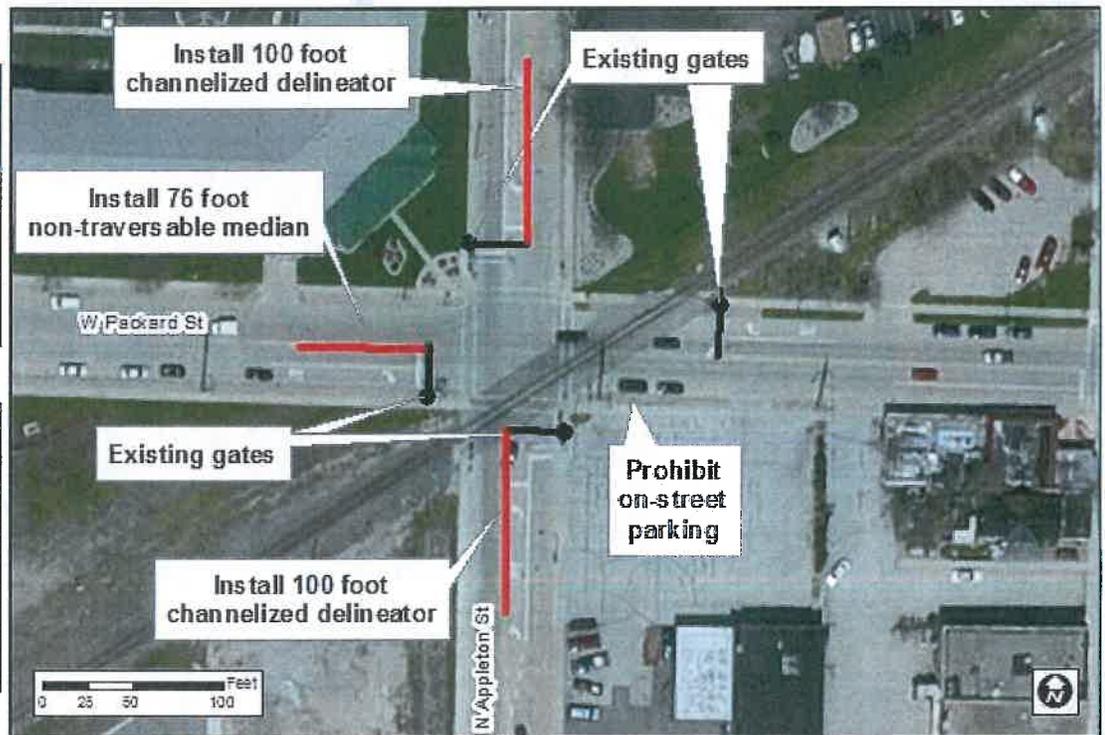
Risk Reduction	100%
Cost	\$0



# Appleton Street – Option 1

## Appleton Street – Option 1

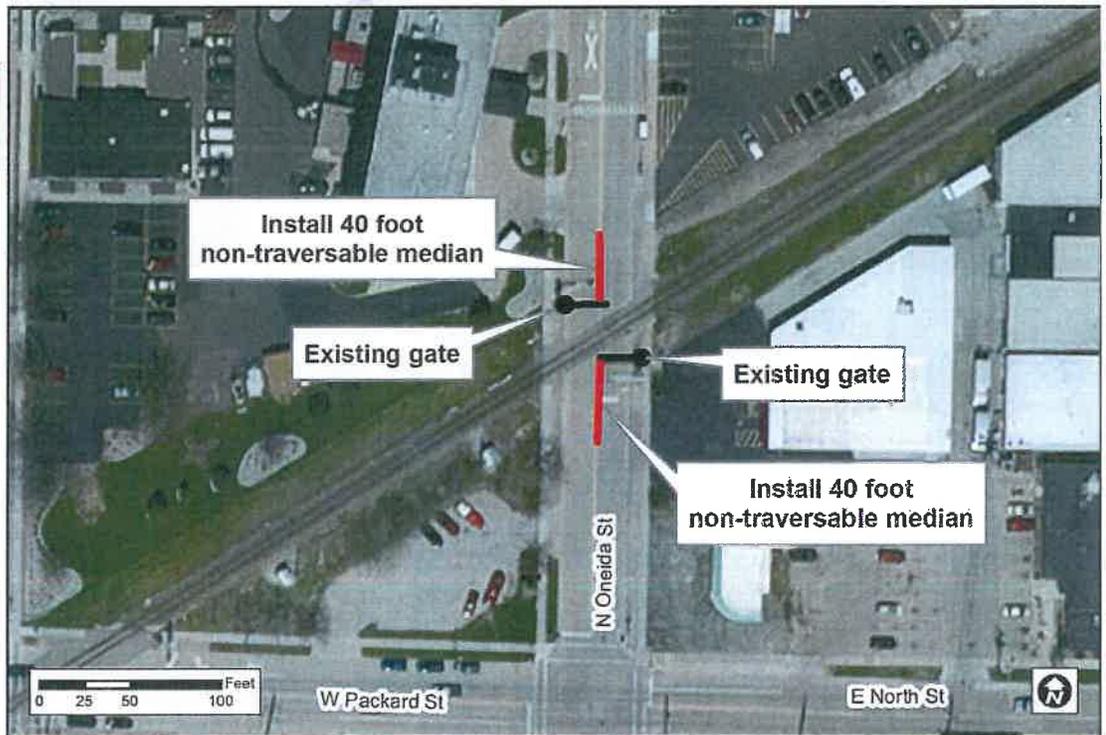
Risk Reduction	58%
Cost	\$36,600



# Oneida Street – Option 2

## Oneida Street – Option 2

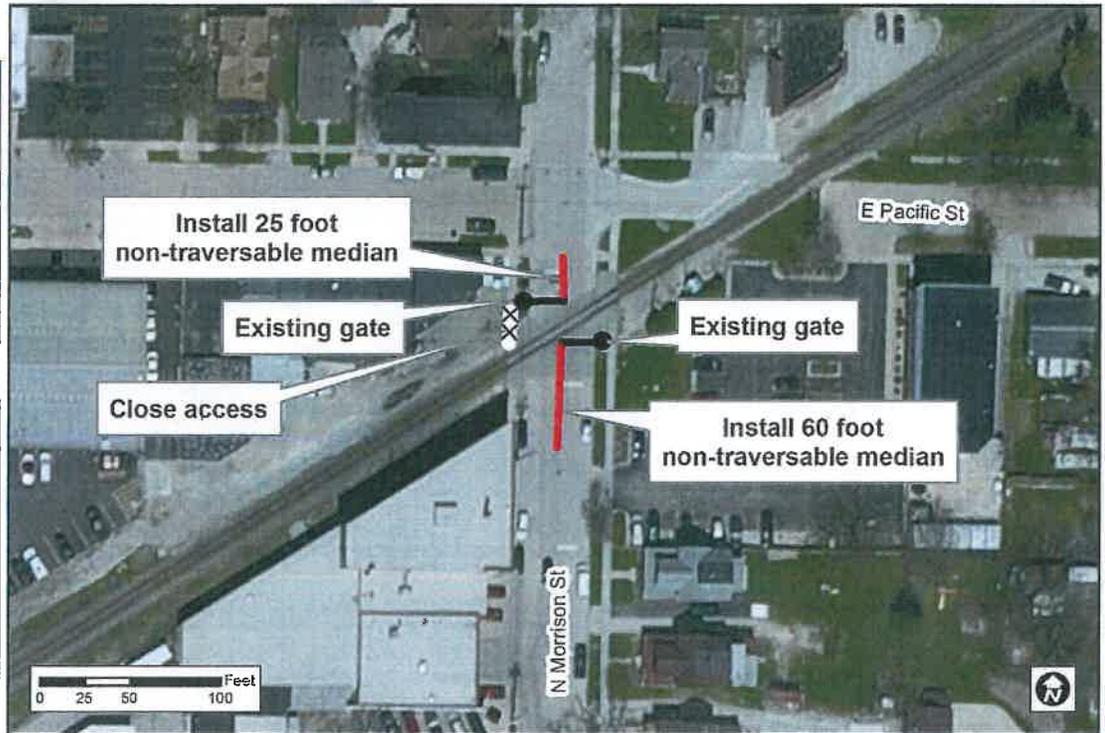
Risk Reduction	53%
Cost	\$28,000



# Morrison Street – Option 2

## Morrison Street – Option 2

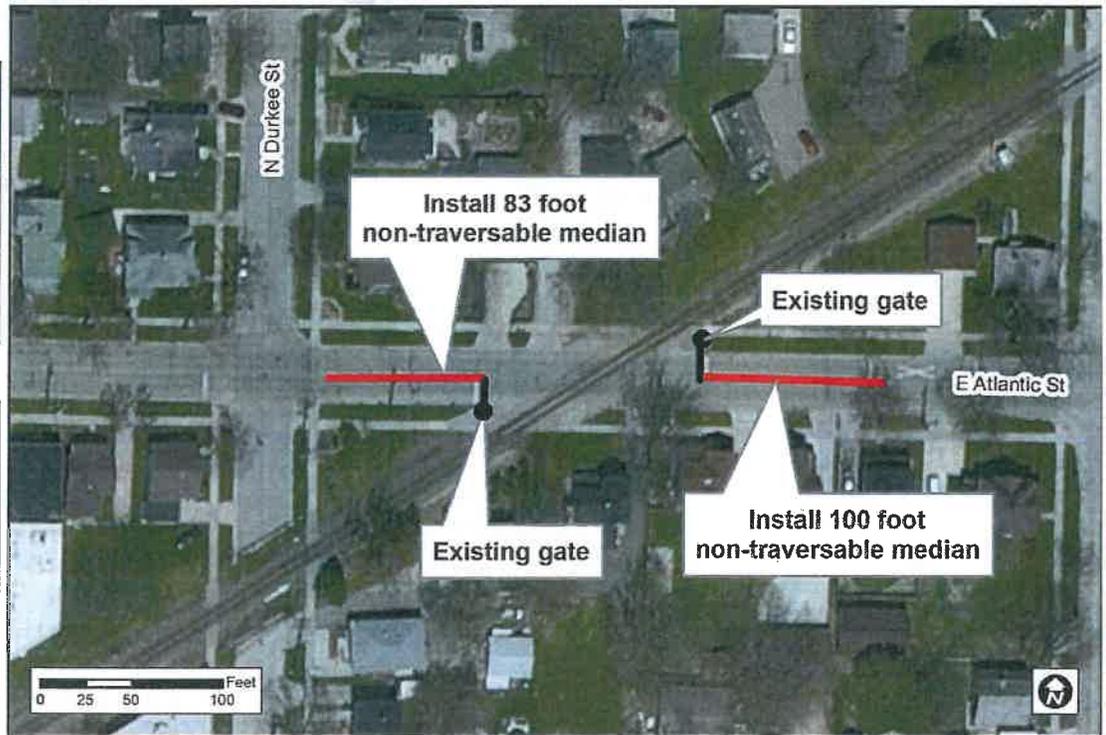
Risk Reduction	57%
Cost	\$34,750



# Atlantic Street – Option 1

## Atlantic Street – Option 1

Risk Reduction	80%
Cost	\$64,050



# Drew Street – Option 1

## Drew Street – Option 1

Risk Reduction	40%
Cost	\$24,500



# Lawe Street – Option 2

## Lawe Street – Option 2

Risk Reduction	49%
Cost	\$9,400



# Meade Street

## Meade Street

Risk Reduction	0%
Cost	\$5,000



# Owaissa Street

## Owaissa Street

Risk Reduction	53%
Cost	\$28,000

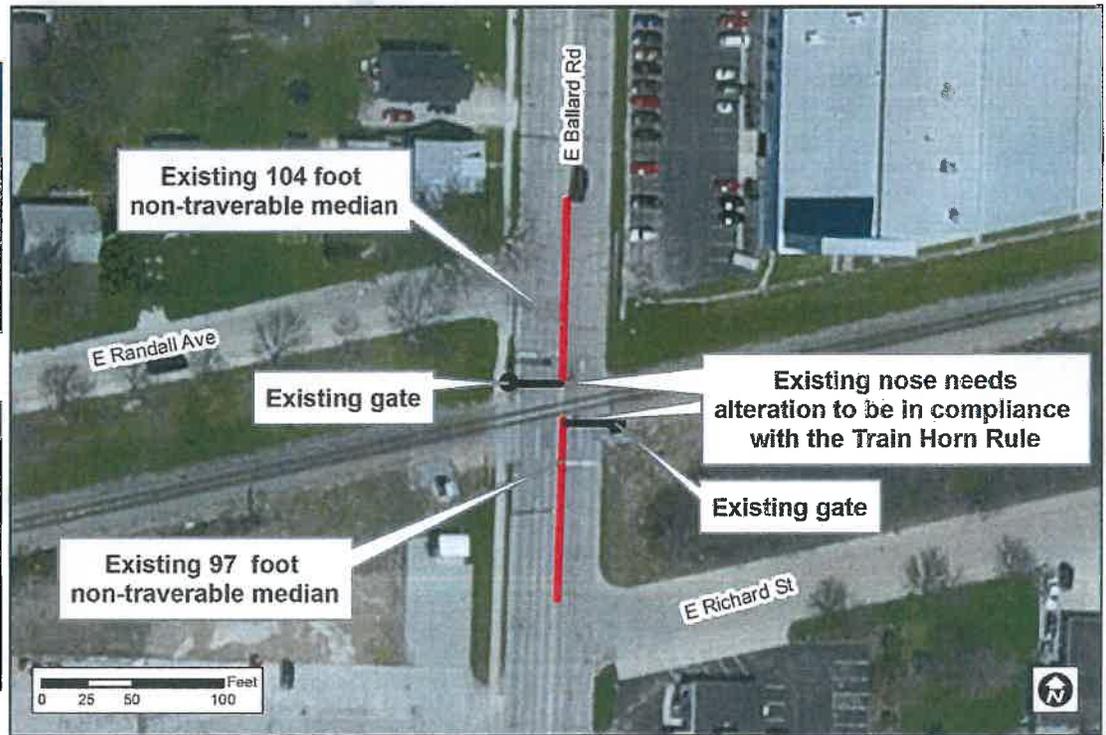
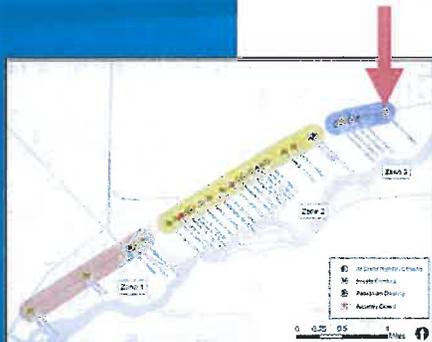


# Ballard Road

## Ballard Road

Risk Reduction 80%

Cost \$5,000





**AGENDA REQUEST**  
**10/18/2016**

TOPIC: Paint damage claim from centerline striping

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Town Board
Department Reporting: Public Works	Submitted By: Thomas J. Marquardt, P.E., Director of Public Works <i>TJM</i>

**ISSUE:** Shall the Town Board award the claim of \$4,300 by Colleen Moynihan for vehicle damage regarding paint on Broadway Drive between Meade Street and Ballard Road?

**BACKGROUND/ANALYSIS:** Each year the Public Works Department repaints the roadway centerlines and edge lines. The Town has an unwritten agreement with Outagamie County to participate in their program. Outagamie County does not do their own painting but contracts with Calumet County to perform the work. Calumet County provides the paint truck and the personnel to run it and Outagamie County provides a single follow truck for the County road painting. For the Town's painting, we have the Calumet County paint truck, the Outagamie County follow truck and a Grand Chute follow truck due to the higher traffic volumes on our streets. Any time we are painting centerline stripes, all three trucks are utilized. When we are painting edge lines, only one follow truck is used.

When the centerline is being painted, the paint truck paints the lines. The Town's follow truck is about 50 feet behind the paint truck so no one pulls up directly behind the paint truck. The County follow truck is about 300 yards behind the Town's truck to warn vehicles that a painting operation is occurring. The paint truck has a lighted message board on its rear indicating wet paint. The Town's truck has a large sign on its rear that says "Wet Paint Keep Off" (see photo) and the County's truck also has a large sign on its rear that say "Wet Paint". All of the vehicles in the painting train have standard WDOT flashing safety lighting. In rural areas such as Broadway, traffic cones are placed on the centerline striping at some intersections and areas that are known to have the potential for vehicles crossing the centerlines, such as curves and hills. The water-based paint that is used will dry to a skin surface which won't track in about 3 minutes, temperature and weather dependent.

On the day that this incident occurred, there were broken clouds and temperatures in the upper 60's at 7:00 a.m. The painting train was westbound on Broadway Drive from Ballard Road to STH 47. Approximately 775 feet of double yellow striping was painted from the Ballard/Broadway intersection to the west. Traffic cones were placed at the east end of the double yellow striping to prevent vehicles from cutting the corner short and driving over the fresh paint. Several cones were placed on the hills between Ballard and the eastern Plamann Park entrance and a cone was also placed at the Kurey/Broadway intersection. When Town staff returned to the Broadway area later in the day to pick up the cones, the cone at the Kurey/Broadway intersection was found in the ditch.

The painting train had followed standard procedures while painting on this section of Broadway Drive. The paint truck and follow vehicles were in their proper positions. Cones were placed as required on this lightly travelled rural town road. Interesting note on the attached photo of the vehicle that the front tire that would have sprayed the paint on the side of the vehicle is completely clean.

**RECOMMENDATION:** Staff recommends that the Town Board follow EMC's recommendation of denial of the claim. Industry standards for paint striping traffic protect were in place. No repair quotes for the \$4,300 were provided to me.

**FISCAL IMPACT:** BUDGET

We are billed by Outagamie County for the paint, reflective beads, follow truck and operator and from Calumet County for the paint truck and operator.

**ATTACHMENTS:**

Attachment No. 1 Letter to EMC from Ms. Moynihan 9-28-2016  
Attachment No. 2 Denial letters and Photos from EMC.

September 28, 2016

Re: Claim Number 1254299

Dear Mr. Kasdorf,

Thank you for responding to my request for compensation to repair the extensive damage to my car. I have reviewed the comments in your letter and have identified some factual errors regarding the circumstances of this incident. The purpose of this letter is to clarify the facts and resolve this misunderstanding with you and the Town of Grand Chute.

Your letter says your "field inspection did not show any indication on the yellow lines that a vehicle crossed over the center lines to make a left turn from Kurey." Please see Exhibit A which clearly shows where my right side tires crossed the freshly painted lines as I turned left from Kurey Road onto Broadway. Please see Exhibit B showing where my left side tires traveled along the centerline of Broadway as I drove east toward Ballard Rd. My tire tread can be seen for at least 50 feet to the east of Kurey Rd. Please see Exhibit C showing the damage to my 2016 Lincoln MKC which two separate body shops estimate will cost approximately \$4300 to repair.

Your letter says "the Dept. of Public Works (DPW) confirmed they use cones and follow vehicles during the painting process." I went through three intersections on Broadway as I departed my subdivision that morning. There was no cone at Kurey Rd, there was no cone at Thornapple Rd. and there was no cone at Ballard Rd. Statistically, it is nearly impossible for three cones to simultaneously be knocked off of Broadway within minutes of road paint being applied such that it was still wet. There were no other vehicles in sight when I pulled out of my subdivision. If there is a policy of using cones at intersections and follow vehicles to warn unsuspecting residents of wet road paint, then the road crew was in violation of this policy.

Your letter says "there is heavy and consistent damage to the paint lines from a vehicle driving west on Broadway from Kurey to Meade." This further demonstrates insufficient notification of road painting to neighborhood residents. You mentioned during our initial telephone conversation that I was not the only person to call you who had experienced paint damage that morning.

I could have easily used the Ballard Rd. entrance to my subdivision and avoided Broadway entirely had there been any warning of wet paint.

There is clearly a misunderstanding of the facts in this matter. I ask that you reconsider these items and ask that the Town of Grand Chute take responsibility for the damage to my car. I also ask the Town of Grand Chute to institute improved notification practices to protect citizens from the inconvenience and financial cost of this kind of incident.

Thank you for your consideration,

Colleen Moynihan  
6540 N. Headwall Circle  
Appleton, WI 54913  
(248) 770-2818

Exhibit A



Exhibit B



Exhibit C





Milwaukee Claim Department

October 4, 2016

COLLEEN MOYNIHAN  
6540 N HEADWALL CIR  
APPLETON WI 54913-8721

RE: Insured: Town of Grand Chute  
Claim Number: 1254299  
Loss Date: 8/16/16  
Claimant: Colleen Moynihan

Dear Colleen Moynihan:

Based on your email, I completed additional investigation for the damages to your vehicle. Since it is a double yellow line from Kurey to Ballard on Broadway, our field adjuster did not see any deviations from the lane. After confirming that you drove on the yellow line after making a left turn to go east, it is most likely that another vehicle did all the "ghost lines" heading to the west.

The Department of Public Works (DPW) re-confirmed that they had a cone in the intersection of Kurey and Broadway and can not recall if a cone was used at Thornapple. It was this cone that the crew found find in the ditch. The placement of the cone would establish notice that the painting is being completed and without knowledge/notice of this cone being in the ditch would give our insured discretionary immunity. Therefore, our insured is not legally liable for your damages.

If you would like to challenge our decision, please notify the Town of Grand Chute and the board could decide to put your claim as an agenda item for discussion.

I can be reached at (262) 717-3968 with any questions.

Sincerely,

Paul Kasdorf  
Sr. Claims Adjuster  
[paul.c.kasdorf@emcins.com](mailto:paul.c.kasdorf@emcins.com)

CC: TOWN OF GRAND CHUTE

CC: ARTHUR J GALLAGHER RISK MANAGEMENT SERVICES INC

P.O. Box 327 | Brookfield, WI 53008-0327 | 262.717.3900 | 855.495.1800 | F 888.992.6125 | [milwaukee.claims@emcins.com](mailto:milwaukee.claims@emcins.com) | [www.emcins.com](http://www.emcins.com)

Employers Mutual Casualty Company  
EMCASCOS Insurance Company  
EMC Reinsurance Company

Illinois EMCASCO Insurance Company  
Dakota Fire Insurance Company  
EMC Property & Casualty Company

Union Insurance Company of Providence  
Hamilton Mutual Insurance Company  
EMC Risk Services, LLC

EMC Underwriters, LLC  
EMC National Life Company (affiliate)

Milwaukee Claim Department

COPY  
RECEIVED



August 31, 2016

SEP 6 2016

ADMINISTRATION

COLLEEN MOYNIHAN  
6540 N HEADWALL CIR  
APPLETON WI 54913-8721

RE: Insured: Town of Grand Chute  
Claim Number: 1254299  
Loss Date: 8/16/16  
Claimant: Colleen Moynihan

Dear Colleen Moynihan:

I am in receipt of your claim for the damages to your vehicle from yellow paint.

I spoke to the Department of Public Works (DPW) and they confirmed that they use cones and follow vehicles during the painting process. On this road, the paint crew was traveling from the east to the west starting at Ballard and ending at Highway 47. A cone was placed near the center line at the intersection of Kurey Drive and when they returned it was off the road. Our insured uses a paint that dries fast and is applied per the DOT specifications. Our field inspection did not show any indication on the yellow lines that a vehicle crossed over the center lines to make a left turn from Kurey. Instead, there are heavy and consistent damage to the paint lines from a vehicle driving west on Broadway from Kurey to Meade.

Based on my investigation, our insured was not aware that the cone was knocked over and discretionary immunity applies. Therefore, our insured is not legally liable for your damages and I will not be able to offer you any compensation in this matter.

Please feel free to contact me at (262) 717-3968 with any questions.

Sincerely,

Paul Kasdorf  
Sr. Claims Adjuster  
[paul.c.kasdorf@emcins.com](mailto:paul.c.kasdorf@emcins.com)

CC: TOWN OF GRAND CHUTE

CC: ARTHUR J GALLAGHER RISK MANAGEMENT SERVICES INC

P.O. Box 327 | Brookfield, WI 53008-0327 | 262.717.3900 | 855.495.1800 | F 888.992.6125 | [milwaukee.claims@emcins.com](mailto:milwaukee.claims@emcins.com) | [www.emcins.com](http://www.emcins.com)

Employers Mutual Casualty Company  
EMCASCOS Insurance Company  
EMC Reinsurance Company

Illinois EMCASCOS Insurance Company  
Dakota Fire Insurance Company  
EMC Property & Casualty Company

Union Insurance Company of Providence  
Hamilton Mutual Insurance Company  
EMC Risk Services, LLC

EMC Underwriters, LLC  
EMC National Life Company (affiliate)

Colleen Moynihan  
6540 N Headwall Circle  
Appleton, WI 54913

October 18, 2016

Town of Grand Chute  
1900 West Grand Chute Blvd  
Grand Chute, WI 54913

Dear Town Board,

Thank you for reviewing my case today.

**Purpose of this agenda item:** To request compensation for damage to my car.

**Background:** On Monday August 15, 2016 at 7:10am my car was damaged by wet yellow road paint on East Broadway between Kurey Road and Ballard Road (exhibit A). The cost to repair this damage is \$4480 (exhibit B). On August 16, I spoke with Mr. Paul Kasdorf, EMC Insurance Sr. Claims Adjuster, who denied my request for compensation.

**Fact #1:** There were no cones, signs, follow vehicles or any other type of indicator alerting the public to the risk of wet paint on East Broadway. There were no cones or follow vehicles at any of the three intersections I drove through at Kurey, Thornapple or Ballard.

**Fact #2:** The DPW stated that a single cone was placed at Kurey and Broadway. There was no cone when I arrived at this intersection. Either a cone was placed there *after* I drove through this wet intersection or the cone was knocked off the road before I arrived, *while the paint was wet*. If a cone were knocked off the road before I arrived, then there would be additional tire marks at this intersection. There are no other tire marks visible, besides mine, at this intersection (exhibit C).

**Fact #3:** Other vehicles were damaged that day on Broadway. In our initial conversation, Mr. Kasdorf stated I was the second person to call him with a claim of paint damage to their car on Broadway. There is visible damage to the paint lines on Broadway between the Plamann Park entrance and Meade confirming insufficient notification to motorists.

**Conclusion:** The DPW has a duty to use good faith and due care in warning the public of hazards. In this case, I received no warning and there is no indication that the DPW followed their practice of using cones and follow vehicles during the painting process. I request that the Town of Grand Chute compensate me for the damage to my car. I also hope that this case will lead to improved notification practices to protect citizens from the inconvenience and financial cost of this kind of incident.

Thank you for your time and attention to this matter.

Sincerely,

Colleen Moynihan

RECEIVED  
OCT 13 2016  
TOWN CLERK

Exhibit A



FETTER'S COLLISION CENTER LLC  
5555 W. WISCONSIN AVENUE  
APPLETON, WI 54915-8804  
PHONE: (920)733-3893 / (920)733-5125  
FAX: (920)733-4560

\*\*\* PRELIMINARY ESTIMATE \*\*\*

08/18/2016 09:38 AM

Owner

Owner: COLLEEN MOYNIHAN  
Address: 5540 N HEADWALL CIRCLE  
City State Zip: Appleton, WI 54913  
Work/Day: (248)770-2818  
FAX:

Inspection

Inspection Date: 08/18/2016 09:37 AM  
Inspection Type:  
Appraiser Name: WAYNE MORGAN  
Appraiser License # :

Repairer

Repairer: FETTER'S COLLISION  
CENTER  
Address: 5555 W. WISCONSIN AVENUE  
City State Zip: APPLETON, WI 54913  
Contact:  
Work/Day: (920)733-3893  
FAX: (920)733-4560  
Target Complete Date/Time:  
Days To Repair: 7

Vehicle

2015 Lincoln MKC Reserve 4 DR Wagon  
4cyl Gasoline Turbo 2.3  
8-Speed Automatic

Lic. Plate: 746-TGD  
Lic. Expire:  
Prod Date:  
Veh Insp# :  
Condition: Good  
Ext. Color: WHITE PLATINUM PRL  
Ext. Refinish: Three-Stage UserDefined  
Ext. Paint Code: M7204A,UG  
Lic State:  
VIN: 6LMTJCAH0FUJ40697  
Mileage: 25,817  
Mileage Type: Actual  
Code: Q33TSA  
Int. Color:  
Int. Refinish: Two-Stage  
Int. Trim Code:

Options

1st Row LCD Monitor(s)	2nd Row Head Airbags	4-Wheel Drive
AM/FM CD Player	Active Grille Shutter	Air Conditioning
Alarm System	Aluminum/Alloy Wheels	Amplifier
Anti-Lock Brakes	Auto Headlamp Control	Auto-Leveling Headlamps
Automatic Dimming Mirror	Auxiliary Audio Input	Blind Spot Sensor
Bodyside Cladding	Bucket Seats	Cargo/Trunk Net
Center Console	Chrome Grille	Cross Traffic Alert
Cruise Control	Daytime Running Lights	Digital Signal Processor
Driver Information Sys	Driver Knee Airbag	Driver Seat Memory
Dual Airbags	Dual Power Seats	Dual Zone Auto A/C
Electric Steering	Floor Mats	Fog Lights

Exhibit B, page 2 of 4

2015 Lincoln MKZ Reserve 4 DR Nagen  
Claim #:

08/16/2016 09:38 AM

Garage Door Opener	Head Airbags	Heated Power Mirrors
Heated/Cooled Frt Seats	High Intensity Headlamps	Illuminated Visor Mirror
Intermittent Wipers	Keyless Entry System	Keyless Ignition System
LED Brake Lights	Leather Seats	Leather Steering Wheel
Lighted Entry System	MP3 Decoder	Mirror(s) Memory
Navigation System	Overhead Console	Power Brakes
Power Door Locks	Power Liftgate	Power Windows
Privacy Glass	Pwr Driver Lumbar Supp	Pwr Tilt/Tele. Str Wheel
Rear Collision Mitigation	Rear Spoiler	Rear View Camera
Rear Window Defroster	Rear Window Wiper/Washer	Rem Trunk-L/Gate Release
Remote Starter	Reverse Sensing System	Roof Rails
Side Airbags	SiriusXM Satellite Radio	Split Folding Rear Seat
Stability Ctrl Suspensn	Strg Wheel Radio Control	Tachometer
Theft Deterent System	Tire Pressure Monitor	Touch Screen Display
Traction Control System	Trip Computer	Vista Roof
Wireless Audio Streaming	Wireless Phone Connect	Wood Interior Trim

**Damages**

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
<b><u>Stripes And Mouldings</u></b>										
1	E	1185		Midg,Wheel Opening LT	EJ7Z1626BAB	\$61.70			INC	SM
2	E	364		Midg,Rocker Panel LT	EJ7Z7810177AA	\$252.67			0.5	SM
3	E	1198		Midg,Front Door Side LT	EJ7Z7820879AA	\$149.53			0.2	SM
4	E	1191		Midg,Rear Door Side LT	EJ7Z782557AA	\$117.88			0.2	SM
5	E	564		Midg,Qtr Whl Opening L/R	EJ7Z7820A01AA	\$69.68			INC	SM
<b><u>Front Bumper</u></b>										
6	N	22		Frt Bumper Cvr Overhaul	Additional Labor				2.8	SM
7	E	15		Cvr,Front Bumper Lwr	EJ7Z17626AA	\$210.55			2.7	SM
<b><u>Front Body Interior Sheetmetal</u></b>										
8	E	157		Deflector,Frt Fender LT	EJ7Z16B075A	\$36.00			INC	SM
9	E	109		Shield,Front Splash LT	EJ7Z16103A	\$200.90			0.2	SM
<b><u>Quarter And Rocker Panel</u></b>										
10	ET	393		Guard,Mud LT	Partial Replace Labor				INC	SM
11	TE	428		Guard,Mud	Partial Replace Price	\$40.99				SM
<b><u>Inner Quarter &amp; Panels</u></b>										
12	I	438	07	Pnl,Quarter Inner LF	Repair				1.0'	SM
				>> CLEAN INNER						
13	L	438		Pnl,Quarter Inner LF	Refinish				1.4	RF
					1.2 Surface					
					0.2 Two-stage					
14	E	1328		Deflector,Qtr Panel LT	EJ7Z5811398A	\$22.97			INC	SM
15	E	1248		Shield,Quarter Panel LT	EJ7Z78278851B	\$192.63			0.2	SM
<b><u>Rear Bumper</u></b>										
16	N	575		RR Bumper Cvr Overhaul	Additional Labor				1.3	SM
17	E	560		Cover,RR Bumper Lower	EJ7Z17K835AC	\$268.47			0.6	SM
18	E	1143		Filler,Rear Bumper	EJ7Z17K835AB	\$205.32			INC	SM
19	L	1143		Filler,Rear Bumper	Refinish				1.0	RF
					1.0 Surface					
<b><u>Rear Body, Lamps And Floor Pan</u></b>										
20	I	534		Taillamp Assembly,Qtr RT	Repair				0.5'	SM
				>> CLEAN LAMP						

Exhibit B, page 3 of 4

2016 Lincoln MKC Reserve 4 DR Wagon  
Claim #

08/15/2016 09:28 AM

21	E	546	Lamp Assembly, Back Up LT	EJ72155008	\$498.65	1.0	SM
<b>Manual Entries</b>							
22	UE		ENVIRONMENTAL FEE	Replace OE Surplus	\$10.00*		SM
23	I		CLEAN INNER SUSPENSION	Repair		0.5*	SM*
24	I		POLISH WHEELS	Repair		2.0*	SM*
			>> ALL 4 WHEELS				
25	EC		MICHELIN LATITUDE TIRES	Replace Economy	\$526.00*	1.0*	SM*
			>> BOTH LEFT SIDE TIRES				
26	I		CLAY AND POLISH VEHICLE	Repair		4.0*	SM*
			>> HAS PAINT SPRAY ON ENTIRE VEHICLE.				
26	Items						
			MC	Message			
			07	STRUCTURAL PART AS IDENTIFIED BY I-CAR			

**Estimate Total & Entries**

Gross Parts				\$2,316.03	
OE Surplus Parts				\$10.00	
Other Parts				\$526.00	
Paint & Materials	2.4 Hours @	\$40.00		\$96.00	
Parts & Material Total					\$2,947.03
Tax on Parts & Material	@	5.000%			\$147.35
<b>Labor</b>	<b>Rate</b>	<b>Replace Hrs</b>	<b>Repair Hrs</b>	<b>Total Hrs</b>	
Sheet Metal (SM)	\$80.00	7.5	12.1	19.6	\$1,578.00
Mech/Elec (MIE)	\$90.00				
Frame (FR)	\$70.00				
Refinish (RF)	\$80.00	2.4		2.4	\$144.00
<b>Labor Total</b>				<b>22.0 Hours</b>	<b>\$1,320.00</b>
Tax on Labor		@	5.000%		\$66.00
<b>Gross Total</b>					<b>\$4,480.38</b>
<b>Net Total</b>					<b>\$4,480.38</b>

Alternate Parts Y00/000/0000 CUM 000/00/00/00 Zip Code: 54913 Audatex Host  
Recycled Parts NOT REQUESTED  
Race Name Default

Audatex Estimating 8.0.035 ES 08/15/2016 09:49 AM REL 8.0.035 DT 07/01/2016 DB 08/15/2016  
© 2016 Audatex North America, Inc.

0.2 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

**Op Codes**

<b>^</b> = User-Entered Value	<b>^</b> = Labor Matches System Assigned Rates	<b>E</b> = Replace OEM
<b>NG</b> = Replace NAGS	<b>EC</b> = Replace Economy	<b>OE</b> = Replace FXN OE Srp/s
<b>UE</b> = Replace OE Surplus	<b>ET</b> = Partial Replace Labor	<b>EP</b> = Replace FXN
<b>EU</b> = Replace Recycled	<b>TE</b> = Partial Replace Price	<b>PM</b> = Replace FXN Reman/Rebt
<b>UM</b> = Replace Reman/Rebuilt	<b>L</b> = Refinish	<b>PC</b> = Replace FXN Reconditioned
<b>UC</b> = Replace Reconditioned	<b>TT</b> = Two-Tone	<b>SB</b> = Sublet Repair
<b>N</b> = Additional Labor	<b>BR</b> = Blend Refinish	<b>I</b> = Repair
<b>IT</b> = Partial Repair	<b>CG</b> = Chippguard	<b>RI</b> = R & I Assembly
<b>P</b> = Check	<b>AA</b> = Appearance Allowance	<b>RP</b> = Related Prior Damage

 <p><b>Audatex</b> a Sunoco Company</p>	<p>This report contains proprietary information of Audatex and may not be disclosed to any third party (other than the insured, claimant and others on a need to know basis in order to effectuate the claims process) without Audatex's prior written consent.</p> <p>© 2016 Audatex North America, Inc. AUDATEX is a trademark owned by Audatex North America, Inc. All rights reserved.</p>	 <p>Solera</p>
--	--	---

Exhibit C





**AGENDA REQUEST**  
**10/18/2016**

TOPIC: State/Municipal Agreement for State-Let STH 125 Concrete Repair Project

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Town Board
Department Reporting: Public Works	Submitted By: Thomas J. Marquardt, P.E., <i>TM</i> Director of Public Works

**ISSUE:** Shall the Town Board approve entering into the State/Municipal agreement for the concrete pavement repair and replacement on STH 125 (College Avenue) from the east side of I41 east to the town limits for an estimated Town cost of \$1,100?

**BACKGROUND/ANALYSIS:** The WisDOT will be doing concrete repairs and/or concrete panel replacement on STH 125 (College Ave.) from the east side of I41 to Linwood Avenue in the City of Appleton. Traffic signals at Westhill, Bluemound, Lilas, Lynndale and Perkins will be upgraded to monotubes. As part of this project, water valves and sanitary manhole adjustments will be required in the areas of the pavement repairs and are considered non-participating items. The municipality is responsible for the costs of all non-participating items.

**RECOMMENDATION:** Staff recommends that the Town Board approve the State/Municipal agreement for the STH 125 concrete repair project in an amount estimated at \$1,100 and scheduled for 2018.

**FISCAL IMPACT:**     BUDGET  
Funding for these adjustments would be budgeted in the 2018 Sanitary district's budgets.

**ATTACHMENTS:**  
Attachment No. 1     State/Municipal Agreement

	<p><b>ORIGINAL STATE/MUNICIPAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT</b></p>	<p>Date: October 10, 2016                  I.D.: 4659-15-00/71                  Road Name: STH 125 (College Ave)                  Limits: IH 41 – Linwood Ave                  County: Outagamie                  Roadway Length: 1.54 miles</p>
---	---	--

The signatory town, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility - Describe and give reason for request:** The project is located on STH 125 (College Avenue) in the Town of Grand Chute and the City of Appleton, Outagamie County. Project limits start at the east side of the IH 41 northbound ramps and continue approximately 1.54 miles east to Linwood Avenue. The existing section consists of four driving lanes (2 - 12' driving lanes in each direction), a raised curbed median, various turn lanes, and a varying width (3' – 10' paved) rural asphaltic shoulder throughout the corridor. Existing concrete pavement condition continues to deteriorate and is in need of repair.

**Proposed Improvement - Nature of work:** This project will consist of concrete pavement repairs and concrete pavement replacement with a 2 ½ inch HMA overlay of WIS 125 from IH 41 to North Linwood Avenue. Work on structure B-44-9 will include a concrete overlay, surface repair and expansion joint repair. Traffic signals along WIS 125 at Westhill Boulevard/Kools Street, Bluemound Drive, Lilas Drive, Lynndale Drive, and Perkins Street will be upgraded to monotubes. Existing beam guard end treatments will be upgraded along with spot improvements of the curb and gutter and sidewalk.

**Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:** Water valve and sanitary manhole adjustments in the areas of pavement repair and asphalt overlay will be the responsibility of the Town of Grand Chute.

**TABLE 1: SUMMARY OF COSTS**

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
<b>Design Engineering:</b> ID 4659-15-00					
Priority 1 - Plan Development	\$ 215,000	\$ 215,000	100%	\$ -	0%
<b>Construction:</b> ID 4659-15-71					
<b>Category 0010 - Roadway Items</b>					
	\$ 3,691,000				
Priority 1 - Roadway Items		\$ 3,691,000	100%	\$ -	0%
<b>Category 0020 - Structure B-44-0009</b>					
	\$ 358,000				
Priority 1 - Structure B-44-0009		\$ 358,000	100%	\$ -	0%
<b>Category 0030 - Non-Participating (Town of Grand Chute)</b>					
	\$ 1,000				
Priority 1 - Non-Participating (water & sanitary)		\$ -	0%	\$ 1,000	100%
<b>SUBTOTAL (Construction):</b>	<b>\$ 4,050,000</b>	<b>\$ 4,049,000</b>	<b>-</b>	<b>\$ 1,000</b>	<b>-</b>
<b>Construction Engineering:</b>	<b>\$ 405,000</b>	<b>\$ 404,900</b>	<b>-</b>	<b>\$ 100</b>	<b>-</b>
<b>TOTAL (Construction):</b>	<b>\$ 4,455,000</b>	<b>\$ 4,453,900</b>	<b>-</b>	<b>\$ 1,100</b>	<b>-</b>
<b>TOTAL COST DISTRIBUTION:</b>	<b>\$ 4,670,000</b>	<b>\$ 4,668,900</b>	<b>-</b>	<b>\$ 1,100</b>	<b>-</b>

This request is subject to the terms and conditions that follow (pages [2] – [4]) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the <b>Town of Grand Chute</b> (please sign in blue ink)		
Name	Title	Date
Signed for and in behalf of the State (please sign in blue ink)		
Name	Title	Date

**TERMS AND CONDITIONS:**

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality’s foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due

and payable by the State to the Municipality.

3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
  - (a) Design engineering and state review services.
  - (b) Real Estate necessitated for the improvement.
  - (c) Compensable utility adjustment and railroad force work necessitated for the project.
  - (d) The grading, base, pavement, curb and gutter, and bridge costs to State standards, excluding the cost of parking areas.
  - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
  - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
  - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
  - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
  - (i) Replacement of existing driveways, in kind, necessitated by the project.
  - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or Facility Owner includes the following items:
  - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
  - (c) Roadway and bridge width in excess of standards.
  - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
  - (e) Parking lane costs.
  - (f) Coordinate, clean up, and fund any hazardous materials encountered for city/town utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for federal/state participation.
8. The Municipality shall at its own cost and expense:

- (a) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by Community Sensitive Solutions (CSS).
  - (b) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the lighting system.
  - (c) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
  - (d) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
  - (e) Coordinate with the State on changes to highway access within the project limits.
  - (f) In cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
  - (g) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, crosswalk pavement markings not at signalized intersections, etc).
9. Basis for local participation:

**Design Engineering: ID 4659-15-00**

Design costs covered 100% by the State as indicated in **Table 1**.

**Construction: ID 4659-15-71**

Actual costs will be based on bid prices, the quantities detailed in the plan, and subject to a final audit.

**Category 0010 – Roadway Items**

In accordance with Local Participation Policy, Section 3-25-5 of the State's Program Management Manual, WisDOT is 100 percent responsible for the costs necessitated by the roadway project (grading, paving, etc.) unless otherwise noted.

**Category 0020 – Structure B-44-0009**

In accordance with Local Participation Policy, Section 3-25-5 of the State's Program Management Manual, WisDOT is 100 percent responsible for the costs necessitated by the roadway project (grading, paving, etc.) unless otherwise noted.

**Category 0030 – Non-participating (Town of Grand Chute)**

In accordance with Local Participation Policy, Section 3-25-5 of the Program Management Manual, alterations of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire, or police alarm facilities, parking meters and similar utilities are not eligible for State participation.

[END]



## AGENDA REQUEST 10/18/2016

TOPIC: Neighborhood Policing Initiative

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports	Meeting: Town Board
Department Reporting: Police Department	Submitted By: Greg Peterson

**ISSUE:** Following review and the opportunity to provide feedback and recommendations, shall the Town Board approve the Neighborhood Policing Initiative for implementation?

**BACKGROUND/ANALYSIS:** For several months, Lieutenant Russ Blahnik and Officers Travis Waas, Dylan Grier-Welch and Ben Hanson have been working to develop a program designed to enhance the quality of life in Town neighborhoods by expanding routine code enforcement to members of the Police Department. The impetus for this initiative revolves around their observations of numerous code violations while patrolling the Town, as well as the assignment of calls for service regarding code violation complaints coming through various Town officials and members of the community.

The Police Department is prepared to implement this program, but before doing so, we wanted to provide an opportunity for the Board to review the program and offer feedback and recommendations. The reason for doing so is twofold. First, Board members are regular recipients of complaints involving minor, but annoying, code violations. As such, we thought it important for the Board to know how we propose to address these violations in a formal manner. This will both allow the Board to offer suggestions that might strengthen the program and also educate the Board on the program, thereby enabling Board members to explain the program to constituents. The second reason for bringing this program before the Board relates to the potential that its implementation will draw the ire of some residents. In some situations, the code violations identified by officers might have been neglected by the Town for years. Property owners might question why a practice that had been allowed for such a long time is suddenly being challenged by the Town. This response could elicit critical calls to Board members.

Lt. Blahnik and his team of officers will be present during the Board meeting to record any feedback/ recommendations the Board might offer, and will then modify the program accordingly. They will also answer any questions the Board might pose regarding the program.

**RECOMMENDATION:** It is the recommendation of the Police Department that the Neighborhood Policing Initiative be implemented following the inclusion of any suggestions provided by the Town Board.

**FISCAL IMPACT:** There is no fiscal impact associated with approving this program, as it will be implemented with existing resources.

**ATTACHMENTS:** Neighborhood Policing Initiative proposal.

VERSION 3.1  
SEPTEMBER 4, 2016



## NEIGHBORHOOD POLICING INITIATIVE

Experiencing Better in Grand Chute

Presented by: Lieutenant R. Blahnik  
Officer T. Waas  
Officer D. Grier-Welch  
Officer B. Hanson

# NEIGHBORHOOD POLICING INITIATIVE

## OBJECTIVE

The main goals of this initiative are to deter criminal activity and increase the overall quality of life for residents in Grand Chute. We hope to achieve this by addressing violations of the Town of Grand Chute Municipal Code that detract from the neighborhood ideals that were envisioned when these ordinances were adopted. Furthermore, we propose to accomplish this by educating citizens on pertinent ordinances found in the Code, seeking voluntary compliance with those ordinances, and taking enforcement action only when necessary.

While we recognize code enforcement has historically been the responsibility of the Community Development Department, we believe the Police Department can play a key role in the process, due to our ongoing presence in Town neighborhoods. We also believe it will be vital to take an educational approach, and work with our citizens in order to bring about this change. Taking an educational approach will allow us to strengthen, rather than fracture, our relationship with the community. The whole purpose of this project is to listen to our citizens, educate them, and work with them to find the correct approach to increase the quality of life within our neighborhoods.

## ANALYSIS OF THE PROBLEM

The impetus for this program can easily be seen by traveling through our neighborhoods. As a team we started to observe signs of neighborhood deterioration that were readily apparent while on patrol. In some cases, the conditions might be limited to a single property in an otherwise well maintained neighborhood, while in other neighborhoods, multiple properties might show signs of deterioration, neglect, or disorder. The vast majority of these conditions represent violations of the Town of Grand Chute Municipal Code, yet they are frequently ignored.

## COMMON CALLS FOR SERVICE

The police department often receives calls for service that could be considered “quality of life” complaints. Two issues that seem to generate many such calls for service are property maintenance complaints and the storage of junked or inoperable vehicles. Property maintenance complaints might involve structure issues, such as a shed or fence erected too close to a property line, but more often relate to an accumulation of debris on the property, which creates a cluttered, disorderly appearance. Vehicle related complaints might involve abandoned or junked vehicles, which require the officer locate the owner and direct the removal of the vehicle. Other vehicle related complaints involve the accumulation of unregistered or inoperable vehicles, trailers, campers, boats, and other conveyances, the number of which exceed the capacity for lawful parking.

The following pictures depict examples of the types of property maintenance and vehicle complaints that can be readily located in our community.



In 2015, those police department calls for service related to “quality of life” issues could be categorized as follows: 27 calls were for property maintenance, seven were for junked vehicle complaints, one complaint related to snow removal from public right-of-way and one complaint related to animal feces. These nuisances all diminish the overall quality of living for their respected neighborhoods and are easily avoidable.

In addition to these calls for service, we are aware these types of complaints are frequently made to other Town officials, especially Town Board Supervisors. Those complaints are then passed on to the Code Enforcement Officer or the Police Department for further action.

### RELUCTANCE TO REPORT PROBLEMS

While the Police Department does handle a number of these calls for service, it is apparent that there are far more problems of this nature in the community than we receive complaints of. Some may say, “If residents aren’t calling, evidently they aren’t concerned,” or “If residents are concerned, why don’t they just handle it amongst themselves?” The answer, it appears, is that Grand Chute is a very congenial place to live, where citizens take pride in knowing and getting along with all of their neighbors. More often than not, neighbors are afraid to bring up things that bother them about another neighbor’s yard for fear the neighbor will become upset with them. This could, and in many cases has, caused unnecessary strife in the neighborhood. It is a likely reason why neighbors do not call on other neighbors and simply try to tolerate the problem.

### CURRENT ORDINANCES

As part of our analysis, we looked at Town Code to determine whether it contained solutions for the problems we had identified. We discovered that our ordinances were thorough and comprehensive. The Town of Grand Chute Municipal Code thoroughly addresses nuisances and nuisance activity. The pictures below are further examples of conditions that can be found within our neighborhoods and readily addressed by our Municipal Code.



The photo on the left is an example of a violation of §423-7, exterior property standards, and displays defacement of property where the side of the building has been marked by graffiti artists. In this photo you can also see a pile of pallets which constitutes an accumulation of junk and debris, a violation of §423-7H. The photo on the right is an example of a violation of §398-7, storage of junked vehicles.

Even though our Municipal Code provides remedies for many of the conditions observed in our neighborhoods, through our research we found several reoccurring complaints which have not been addressed by the current set of ordinances. Storage of vehicles, trailers, and materials in driveways and parking of unattended trailers on streets were common calls for service for the police department for which no current ordinance provides a solution.



## Our Response

### EDUCATIONAL FOCUS

Part of our department's mission statement is "...seeking voluntary compliance with the law through education and enforcement efforts..." With this in mind we proceeded to make education our focus. Property owners, whose property has fallen into disarray, may be unaware that such conditions constitute violations of the Municipal Code. In such cases, simply educating the property owner could

well be sufficient to gain compliance and rectify the situation. If violations are not corrected, a warning would be issued, which would establish a reasonable time limit to achieve compliance. If voluntary compliance is not achieved with education and a warning of potential punitive measures, municipal summonses will be issued as a last resort. Additionally, if a property owner is a chronic violator we will work with our chronic nuisance abatement team to ensure continuous compliance.

## COMPLIANCE NOTICE

Our team has developed a letter to give to property owners as a means to notify them of the matter and request they voluntarily take care of the issues noted on their property. The letter will include the ordinance number, a description of the problem, and a reasonable time frame to correct the issue. The letter is meant to educate the citizens who are involved and seek to gain their cooperation in correcting the problem. A copy of the letter is located in Appendix A of this document.

## MUNICIPAL CODE CHANGES

As mentioned in our analysis of the problem, our research revealed several reoccurring issues which are not addressed by our current Municipal Code. Through our development of this project, we have looked at other municipalities' ordinances. If we encounter issues not addressed by our current Code, we will seek inspiration from other municipalities with respect to how they have solved the problems. We would then make recommendations for additions to, or modifications of, our Municipal Code to address these matters.

## DATA COLLECTION

Currently, we have a difficult time tracking "quality of life" incidents as there is no computer aided dispatch (CAD) category that fits this type of call. Many are simply classified as "ordinance violations." As we know, officers get sent to all kinds of ordinance related complaints; including disorderly conduct, public indecency, loud music, and nuisances. As of now, all of these calls are classified the same way. While all of these issues are in fact violations of the Municipal Code, we would like to separate the "quality of life" calls from other ordinance violations so we can focus our educational efforts on them and track our success.

We propose to accomplish this by working with the Outagamie County Communications Center and the Police Department clerical staff to develop a different classification for this type of call.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

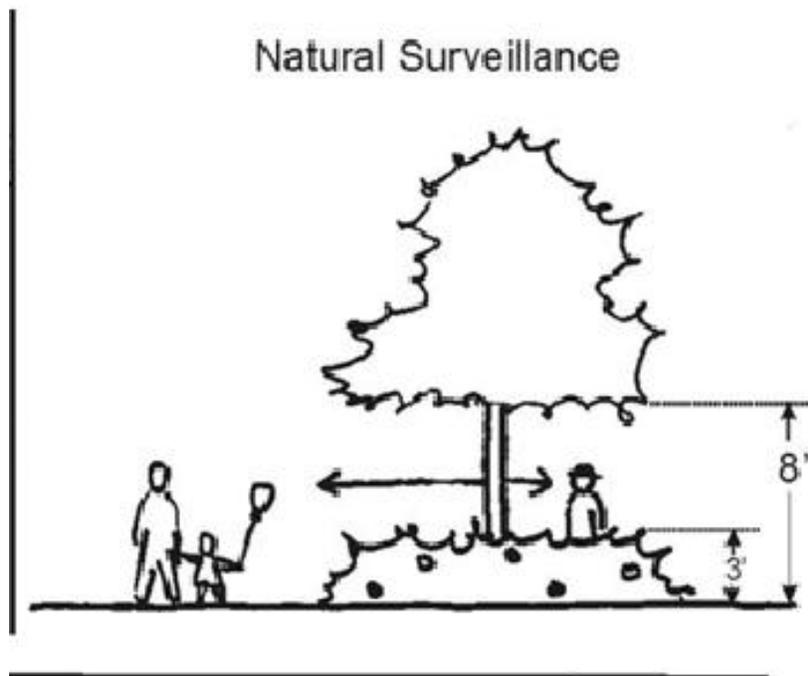
In certain cases, the neighborhood conditions deserving attention are not violations of the Municipal Code. Rather, they involve property maintenance decisions that could unwittingly serve to invite crime or disorder into a neighborhood. These types of issues are commonly addressed through the principles of "Crime Prevention Through Environmental Design."

Crime Prevention Through Environmental Design is the practice and study of deterring criminal activity through the physical design of property. Often referred to as CPTED (pronounced sep-ted), it can be used in new construction or during the update of existing properties. The principles of CPTED can be applied in nearly any setting, from community parks to credit unions. The concept consists of four core

ideas: natural surveillance, natural access control, natural territorial reinforcement, and property maintenance.

Property maintenance is one of the main concerns identified in the Town's Municipal Code. As the Town's exterior property standards outline; the exterior of all structures shall be maintained in good repair, structurally sound and sanitary. While at first it does not appear that this ordinance does anything to prevent crime, this ordinance and CPTED work hand in hand in deterring the invitation of crime into our neighborhoods.

When property is defaced, damaged, and/or unkempt it presents the message the neighborhood does not care. This overall decrepit appearance exhibits disorder and invites criminal activity. The Town's Municipal Code and CPTED call for standards in neighborhood appearance in order to curb criminal activity. Again, this is done by deterring the inviting of crime into our neighborhoods.



Communities that embrace the CPTED principles experience a variety of benefits. First and foremost is a safer and more inviting atmosphere. The police department is aided by more "eyes on the street." Crime is deterred because places to act unobserved are designed to be almost nonexistent.

Consider the two pictures below. Believe it or not this is the same property. The photo on the right shows the principles of CPTED in action. It goes without saying that the property on the right is much more inviting to potential community members but less inviting to criminal activity.



In addition to evaluating neighborhoods for any benefits that might be derived from applying CPTED principles, the Police Department can conduct a CPTED study for anyone who is interested and open to improving safety and security at their business or property.

### NEIGHBORHOOD WATCH

Historically Neighborhood Watch has served as a valuable link between neighborhoods and police departments. Many of our officers have already been assigned to act as Neighborhood Watch liaisons. The Neighborhood Policing Initiative will capitalize on those existing relationships. By working with our Neighborhood Watch partners we can make sure we are focusing our efforts on issues that our neighborhoods are seeing. It is also an excellent avenue for educating neighborhoods about the Neighborhood Policing Initiative and the types of conditions it seeks to address. Furthermore, some residents may not feel comfortable bringing up issues or questions with an officer, but may be more inclined to talk to their Neighborhood Watch captain. In turn, the captain can bring the issues and/or questions to the attention of their Neighborhood Watch police liaison.



## OFFICER INITIATED ACTIVITY

As discussed in our analysis of the problem, we believe residents are often reluctant to report troublesome conditions that involve neighbors. As such, our program will rely heavily upon officer initiated activities. While we will also respond to and address complaints, our hope is that the officer-initiated approach will be better received, as it conveys a communitywide standard and avoids the potential of pitting one neighbor against another.

## NEIGHBORHOOD STABILITY

While our goal is to develop a program that emphasizes officer-initiated identification of neighborhood problems, there is the potential for some residents who are contacted regarding issues on their property to feel upset or targeted. They may see other issues in their neighborhood which they feel are more of an eyesore or more of a safety concern than what is occurring on their own property. We know there is the potential for neighborhood disputes to arise during the handling of these issues. The Police Department will certainly evaluate any legitimate complaints lodged by a person who has been contacted by officers regarding conditions on their property, but will not tolerate any retaliatory action. Any inappropriate conduct may be considered harassment and will be dealt with accordingly. Once again, we are looking to unify our community in its goal to be a wonderful place to live and do business, not create conflict.

## ENFORCEMENT

Since the focus of the Neighborhood Policing Initiative is to improve our community through education, every effort will be made to achieve our goals without employing enforcement tactics. Nevertheless, the possibility exists that some individuals will be less than receptive to resolving these issues through education. As such, enforcement of Municipal Code violations through the issuance of municipal summonses will remain an option; but, hopefully, one of last resort. Officers are committed to talking with citizens, educating them about the Town's ordinances and the Neighborhood Policing Initiative, and improving our community through understanding and collaboration.



## SCOPE OF THE PROGRAM

What will make the Neighborhood Policing Initiative successful is having all patrol officers trained to recognize and address common problems seen on the street. Currently the town has one employee who responds to code violation issues. This employee is responsible for several other duties and we feel that our officers could supplement his efforts to seek and correct minor code issues. We propose our patrol officers act in a proactive manner with respect to code enforcement. Currently, we have 21 patrol officers, four field supervisors, plus a complement of community service officers to act as eyes on the street. Quite frankly, this is an untapped resource for us.

Each officer will be expected to participate in the program, and when an issue is observed, take immediate action or forward the information they gather to the NPI team for further investigation and mitigation. Officers will be encouraged to get out of their squad cars and interact with citizens in their neighborhoods. Meetings with the local Neighborhood Watch groups offer a fantastic opportunity to bring our initiative to, and educate, the community. Hopefully, these interactions will enable residents to feel more comfortable asking questions and seeking answers from our officers.

## TRAINING

The authors of this proposal will initially serve as the Neighborhood Policing Initiative Team. They will conduct in-service training for their fellow officers. Many officers have received training in Problem-Oriented Policing and CPTED while in school. This will form the basis of our training for the new program. Many times patrol officers or community service officers are the first to be notified of an issue because they are being dispatched to complaints stemming from these public nuisances. On other occasions officers note deficiencies such as missing address numbers or disabled vehicles. With proper training and motivation officers can address issues immediately and increase the safety and beauty of Grand Chute.

## INFORMING THE PUBLIC

We plan on using the Town website and newsletter, as well as our Facebook page, as way to notify the public of the Neighborhood Policing Initiative and our goals for the project. We hope to emphasize the benefits that they may see as a result of compliance with the ordinances. We also hope to post an "Ordinance Tip of the Month" on both our website and Facebook page, which will educate the public on specific issues. This will, hopefully, lead to discussion amongst neighbors and bring some more isolated issues to light. As we said before, education is our focus, and getting the word out is a necessity.

## EVALUATING OUR EFFORTS

### REVIEW AND REFLECT

As with all projects, we will need to evaluate our efforts to see if they are delivering any benefit. Are calls for service regarding nuisance activity increasing or decreasing? Are we positively impacting the quality of life in our community?

It is reasonable to assume that there will be a spike in calls for nuisance activity once the community becomes aware that the Police Department is addressing these issues more vigorously. While the project and its feedback will be an ongoing process, as we delve deeper into this project we will seek to reflect on the feedback so we can improve and refine our initiative to best serve our citizens. After a year of implementation, we will review our results and see if our initiative is having the impact we were hoping for.

## CONCLUSION

### BROKEN WINDOWS THEORY

Broken Windows Theory is a concept in policing developed by political scientist James Q. Wilson and criminologist George Kelling. According to Wilson and Kelling:

*“Serious crime is the final result of a lengthier chain of events. Crime emanates from disorder, and if disorder was eliminated, the serious crime would not occur.”*

Simply put, people want to live and operate businesses in a safe and attractive area. If property looks maintained and cared for people are less likely to commit crimes there. Developing a Municipal Code that focuses on these issues, educating our residents on its benefits, working collaboratively to improve community conditions, and engaging in enforcement where necessary, will lead to a safe and orderly community.

As our journey to create a beautiful and safe community continues we realize our efforts require significant buy-in and support. The essence of this project is not to enforce ordinances through punitive means, but rather to educate the public and gain voluntary compliance. The mission of the Grand Chute Police Department is to enhance the overall quality of life, reduce the fear of crime, and ensure a peaceful, safe environment for all members of our community. We will hold true to this mission by working with community members to identify troublesome issues and look to find ways to creatively solve them. Together we can make this project a success and truly improve the overall quality of life in our community.

## WORKS CITED

<https://www.peelpolice.ca/en/crimeprevention/resources/136-img1.jpg>

<http://nelson.govt.nz/assets/Images/cpted-suveillance-2.JPG>

Appendix A

# Grand Chute Police Department

1900 Grand Chute Blvd, Grand Chute, WI 54913

Phone: 920-832-1575 Fax: 920-832-1749

---



Dear Property Owner,

You are receiving this notice because your property at \_\_\_\_\_  
has been found to be not in compliance with the Town of Grand Chute Municipal Code, as  
described below:

Ordinance(s): \_\_\_\_\_

Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Our goal in bringing this matter to your attention is to make you aware of the  
aforementioned Town ordinance and gain your cooperation in rectifying the situation. As  
such, we would ask that you please correct this matter by \_\_\_\_\_.**

**If the aforementioned violation is not corrected by the above date, enforcement action  
could be taken.**

Should you have questions or feel that you have received this notice in error, please contact the  
Grand Chute Police Department, 1900 W. Grand Chute Blvd, (920) 832-1575,

Sincerely,

Officer/Badge Number: \_\_\_\_\_

Incident Number: \_\_\_\_\_

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## Chapter 456

# Special Events

**[HISTORY: Adopted by the Town Board of the Town of Grand Chute 6-4-1996 (§§ 9.12 and 9.18 of the 1997 Code). Amendments noted where applicable.]**

### GENERAL REFERENCES

Amusements — See Ch. **190**.

Dances and dance halls — See Ch. **252**.

Fireworks — See Ch. **295**.

Intoxicating liquor and fermented malt beverages — See Ch. **335**.

Parks and recreation — See Ch. **409**.

---

### § 456-1 Definition.

A special event is defined as any occurrence, gathering, show, parade or exhibit which is open to the public and held either on public property or private property. Such events shall include, but are not limited to, auctions, amusements (including shows, exhibitions, contests, carnivals, concerts, sporting events, musical entertainment, theatrical performances and public dances), fireworks displays, parades and running and racing events (including marathons or racing of vehicles).

### § 456-2 Permit required; fee; deposit.

- A. A permit shall be required for each of the events set forth in this chapter, whether held separately or in combination with other events. When special events are held in combination with each other, at the same location, only one permit will be required. The permit shall identify each of the special events. Each special event shall be charged the standard permit fee at the time of application.
- B. A permit fee will be required for any event covered by this chapter. The Town Board, by resolution, shall establish and file a list of approved permit fees with the Town Clerk. No permit shall be issued without the payment of the basic permit fee(s).
- C. In addition to the basic permit fee(s), the Clerk shall determine, upon recommendation of the Police Department, Fire Department and Public Works Department, the estimated direct and indirect costs resulting in an impact on Town resources. Each applicant for a permit will be required to comply with requirements for security, health and safety as recommended by Town officials.
- D. The Town Board shall determine the required cash deposit in an amount sufficient to cover the estimated cost impact on the resources of the Town. The Clerk shall issue the permit upon payment of all appropriate fees and after Town Board approval. Any cash deposit not consumed will be refunded.
- E. The Town Board or the Town Chairperson, in the event of an emergency situation or condition affecting the public health and safety of the Town, may cancel the permit without prior notice.

### § 456-3 Application for permit.

Applications for special event permits may be obtained from the Town of Grand Chute and should be filed with the Town Clerk. The following information about the event and the permittee, at a minimum,

**Commented [1]:** Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

shall be required:

- A. Applicant's name, residence and business address for the past two years.
- B. The type of business which the applicant has been engaged in during the previous two years.
- C. The name, address, residence and business address of the person conducting or responsible for the event, if different from the applicant.
- D. Whether the applicant will be in continuous attendance at the proposed event. If the permittee will not be in continuous attendance, designate a person who will be, giving his or her name, address and telephone information.
- E. The exact time and place of the event to be conducted.
- F. Whether or not the applicant has, within two years prior to the application, conducted any other special event of a similar nature and, if so, specify the place and date of such special event.
- G. The location and/or area of the proposed place for the special event.
- H. The anticipated attendance at the event. The estimate should be for the maximum number of persons anticipated to be attending the event at one time.
- I. The name and address of the owners of the property or premises if the application is by someone other than the owner.
- J. Whether sanitary conveniences, such as toilets and washrooms, will be provided upon the premises for persons attending the event. A description of these provisions is required.
- K. A plan, if any, for policing the area during the event.
- L. Whether fireworks or any other form of open fire or cooking will be done on the premises.

§ 456-4 **Investigation.**

**[Amended 12-20-2011 by Ord. No. 2011-30]**

- A. Upon receipt of an application, the Town Clerk shall immediately institute investigation of the applicant's business and special event as he/she deems necessary for the protection of the public good. The Town Clerk shall direct the application for investigation to the Police Department, Fire Department and Public Works Department for their approval/disapproval and estimates of impact upon the safety, health and welfare of the residents of the Town and the impact upon Town resources. Each Department shall, within five days after the Clerk's request for investigation, file a written report with the Clerk with an analysis of the impact upon Town resources.
- B. The Clerk shall submit the investigation report(s) and permit fees and/or insurance certificates to the Town Board as soon as possible for its review, determination on cash deposits and approval.

§ 456-5 **Use of premises.**

The premises to which a permit shall be issued shall be at all times kept, maintained and used in strict conformity with the provisions of any state law, county or Town ordinance or bylaw and the rules and regulations of every public authority pertaining thereto.

§ 456-6 **Fireworks displays.**

In addition to the regulations contained in this chapter, a special permit under Chapter **295**, Fireworks, of this Code shall be required.

§ 456-7 Exemptions.

[Amended 12-20-2011 by Ord. No. 2011-30]

The following shall be exempt from the permit requirements of this chapter:

- A. Park facilities for public or private gatherings where the number of persons in attendance will not exceed 250 people. If the attendees exceed the number specified in this chapter, that person(s) making such application will be deemed to have violated this chapter.
- B. Businesses or premises regularly licensed to sell alcoholic beverages unless the expected attendance at the special event exceeds the capacity of the enclosure of the business or the enclosed portion of the licensed premises. A special events permit will be required for events that take place on the premises where activities and/or events will be conducted beyond the interior of the regularly enclosed business premises.
- C. Direct sellers or transient merchants required to be registered or those persons contained within the exclusion from registering under Chapter 259 of this Code.

**Commented [2]:** Editor's Note: Former Subsection B, regarding businesses in operation at the same location at least six months, was repealed 4-23-2015 by Ord. No. 2015-07. This ordinance also redesignated former Subsections C and D as Subsections B and C, respectively.

§ 456-8 Violations and penalties.

[Amended 12-20-2011 by Ord. No. 2011-30]

- A. A first violation of any provision of this chapter shall be punished by a fine as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and on default of the payment of any such fine and/or costs of prosecution such person shall be committed to the county jail of Outagamie County until such fine and costs are paid, but not to exceed 90 days.
- B. Any person violating this chapter who shall previously have been convicted of a violation of this chapter shall, upon proof and conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and on default of the payment of any such fine and costs of prosecution, or either of them, such convicted person shall be committed to and confined within the county jail of Outagamie County, Wisconsin, until such fine and costs of prosecution are paid, but not to exceed six months.
- C. Each day of violation under this chapter shall constitute a separate and distinct offense.



SE Fee \$ _____	Date Rec'd ____/____/____
Tent Fee \$ _____	
Fireworks Fee \$ _____	
Receipt No. _____	Total Amount Paid \$ _____

# Application for a Special Event

**IMPORTANT: Incomplete Applications will be returned to the Event Organizer**  
**APPLICATION FEES ARE NON-REFUNDABLE**

**SECTION 1 – ORGANIZATION INFORMATION – Answer all questions completely. Please PRINT clearly**

Name of Organization				
Street Address		City	State	Zip
Telephone Number		Are you a 501(c)3 Organization?		Yes No
Event Contact Person (Last name, First name, Middle Initial)		← <b>THIS INFORMATION MUST BE PROVIDED</b>		
Address		City	State	Zip Date of Birth
Email	Telephone Number		<b>Event Day</b> Telephone Number	

**SECTION 2 – EVENT INFORMATION – Answer all questions completely. Please PRINT clearly**

Name of Event	Date(s) of Event	Time event will start to form: _____AM/PM	Actual Start time: _____AM/PM	Finish Time: _____AM/PM
<b>LOCATION OF THE EVENT:</b> _____				
<b>WALKS/RUNS: <u>MUST</u> attach a map of the route</b>				
Generally describe your event and its purpose:				
What is the estimated attendance at your event?	Amplified Music?	Number of vendors?	Number of vehicles?	

### SECTION 3 – ADDITIONAL INFORMATION.

**HEALTH DEPARTMENT – If you will prepare food for the public, contact the Outagamie County Health Department (920-832-5100) for additional permits or approvals.**

	No	Yes	Action to be taken:
Will food be prepared and/or served at the event?			
Who will be preparing the food?			
Will portable restrooms be used?			Please review guidelines on portable restrooms

**FIRE DEPARTMENT (920-832-6050) – If you answer Yes to any question in this SECTION, Grand Chute Fire Department will contact you for additional permits or approvals.**

	No	Yes	Action to be taken:
Will the event be held indoors?			If Yes, what building (Provide street address)
Will a tent or any other temporary structure be erected?			
Will the tent be larger than 200 square feet?			A tent inspection is required <b>\$25 FEE</b>
Will any fireworks or pyrotechnic devices be used during the event?			Fireworks permit is required <b>\$75 FEE</b>

**STREET CLOSURES – The Event Organizer or their contractor shall be required to provide an acceptable prepared Traffic Control Plan (TPC) to the Special Events Committee for review and approval no less than 4 weeks prior to the event.**

	No	Yes	Action to be taken:
Are you requesting any street(s) to be closed to traffic?			Your barricading contract provider will be required to submit a Traffic Control Plan to the Special Event Committee.
Are you requesting any special parking restrictions?			

**PARKS AND RECREATION – Contact Public Works (920-832-1581) to obtain park capacities and rules and for additional permits which may be needed, if applicable.**

	No	Yes	Action to be taken:
Will the event be held in a Grand Chute park or utilize any park facilities?			Which park?
Have you reserved the park or pavilion for this purpose?			If No, immediately contact the Public Works.

### SECURITY AND CONTROL SECTION

	No	Yes	Action to be taken:
Do you have a plan in place to deal with any medical emergencies that may occur during your event?			
Is security needed for this event?			
Do you have the correct level of insurance for your event?			You may be required to provide a certificate of insurance naming the Town as additional insured.
Will alcoholic beverages be served/sold?			Contact the Town Clerk to obtain a “Temporary Class B” license to allow you to sell/serve beer and/or wine (920-832-5644)

### SECTION 4 – LEGAL NOTICE

**I understand the filing of this application does not ensure the issuance of this license. I also understand that all Special Event organizers and participants must comply with all applicable Town ordinances, traffic rules, park rules, state health laws, fire codes and liquor licensing regulations. Fees for park facilities, food sales permits, tent and fireworks permits are in addition to the fees submitted for the Special Events Application. I further understand that an incomplete application may be cause for denial of the event.**

**HOLD HARMLESS INDEMNIFICATION AND DEFENSE.**

**FOR GOOD AND VALUABLE CONSIDERATION THE APPLICANT AND/OR THE ORGANIZATION AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE TOWN OF GRAND CHUTE AND ITS OFFICERS, OFFICIALS, EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSES, COSTS, INCLUDING ATTORNEY FEES ARISING OUT OF THE ACTIVITIES PERFORMED AS DESCRIBED HEREIN, CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF THE APPLICANT/ORGANIZATION, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE WHOSE ACTS ANY OF THEM MAY BE LIABLE, EXCEPT WHERE CAUSED BY THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE TOWN.**

Signature of Applicant: \_\_\_\_\_

Print Name: \_\_\_\_\_

**SECTION 5 – FEE STRUCTURE**

Days before the event		<p><b>EVENT APPLICATIONS RECEIVED AFTER THE 45-DAY DEADLINE MAY NOT BE APPROVED WITHOUT SHOWING GOOD CAUSE FOR THE DELAY.</b></p> <p>A small event is defined as under 500 attendees A large event is defined as 500 to 2000 attendees A significant event is defined as more than 2000 attendees</p> <p>Certain events <u>may</u> require Town Board approval. Submit your application early to prevent delays or denial.</p> <p><b>DO NOT ADVERTISE YOUR EVENT UNTIL IT HAS BEEN APPROVED.</b></p>
45 days or more	\$75	
15-44 days	\$150	
LESS THAN 15 DAYS	\$300	
Tent Inspection	\$25	
Fireworks Permit	\$75	

Submit completed application along with the appropriate fees to:  
Grand Chute Town Clerk  
1900 W. Grand Chute Blvd.  
Grand Chute, WI 54913-9613

**FOR OFFICE USE ONLY**

Department	Approve	Deny	By	Reason for Denial
FIRE				
INSPECTION				
POLICE				
PUBLIC WORKS				
TOWN CLERK				

Date licensed issued ____/____/____	License No.
-------------------------------------	-------------

# SPECIAL EVENT GUIDE

## Introduction

Grand Chute, Wisconsin hosts a variety of special events. These events enhance the lives of our citizens and attract visitors to our area. The Town of Grand Chute is committed to supporting quality special events throughout the community. If you are planning a first time event or simply making site or program changes to an annual event, give us a call before you complete your event plans. Town staff members have valuable experience with hundreds of events and want to see your event succeed. Whether you are wondering about the availability of a site or seeking technical assistance with traffic and safety planning, a preliminary conversation with Town staff may help you save valuable time and provide you with initial guidance in the development of your special event plan.

In order to help event organizers coordinate their plans with Town requirements, we have compiled this Special Event Guide, containing application forms, policies, and related materials involved in the Town's review and approval process. Please read this Guide completely, even if you have planned events before.

Members of the Special Events Committee are available to answer questions about your event, either before filling out your application or at any time during the approval process. Their names and telephone numbers are listed below. If necessary, a meeting with the Special Events Committee will be arranged to discuss your application. We want to ensure that your event will be a safe and enjoyable event for everyone.

## Special Events Committee Team Members

Karen Weinschrott, Town Clerk	920-832-5644
Matt Kasriel, Fire Department	920-832-6050
Mike Velie, Police Department	920-832-1575
Phyl Peters, Police Department	920-832-1575
Todd Prah, Public Works/Streets	920-832-1581
Lisa Mroczkowski, Public Works/Parks	920-832-1581
Cary Nate, Inspections	920-832-1599

Because the Special Events Committee makes recommendations on license approval or denial, you will find it beneficial to begin your planning process with the team early.

## Consider how your event impacts the community

As you begin the preliminary plans for your event, think carefully about the impacts and benefits the event brings to a community.

Following are some common impacts that thoughtful planning can help reduce:

- Remember, when you close a street, even for two or three blocks, this can affect traffic for miles around as traffic is rerouted or turned away.
- Does your street closure block or impede access to police stations, fire stations, hospital emergency access routes, churches, schools, businesses or residences?
- How does your event affect our public transportation system with regard to bus routes or airport access? Are alternate routes available to accommodate the numbers of people who use public transportation?
- Are you planning to serve alcohol at the event? How will the use of alcohol affect the tenor, participant safety and enjoyment of the event, as well as security and insurance costs?
- What type of music will be featured at the event? How will the noise impact the surrounding neighborhood? What type of audience behaviors and crowd numbers may result from the type of music planned?
- Have you made plans to ensure that your event is accessible to the disabled? (Disabilities include, but are not limited to, vision, hearing and physical limitations.) Is parking readily available? Will portable toilets accommodate wheelchairs?
- What other events are planned throughout the Town on the chosen date of your event? Will they reduce attendance at your event or inhibit the ability of the Town to provide necessary staffing?

## What is a Special Event?

The Town of Grand Chute's Special Event Policy defines a special event as events that include, but are not limited to, fun runs, roadway foot races, fundraising walks, bicycle races, parades, carnivals, shows, gatherings, circuses, block parties and festivals, and/or involve one or more of the following factors:

- The event is to be conducted on public property or right-of-way; or the event is to be conducted on private property, and is open to the public and not within the normal and ordinary use of the property.
- The event will cause a significant impact on traffic congestion or traffic flow to and from the event over public streets or rights-of-way, or will significantly impact public streets or rights-of-way near the event.

- The event is likely to create the need for town-provided emergency services, such as police, fire or medical aid.
- The event will have a presumptive impact on neighboring properties.
- The nature of the event requires additional permits, inspections, or variances.
- The event will be held at a town park, and expected attendance will exceed the maximum capacity set by the Park's Department. Such special event permit shall be in addition to any street, park use, or other regular permits as may be required by ordinance.
- The Town reserves the right to deem an event a "Special Event."

## What is not a Special Event

A special event permit is not required for the following, unless the event is deemed to have a significant impact on town services and/or the community:

- Parades, athletic events or other special events that occur exclusively on town property and are sponsored or conducted in full by the Town of Grand Chute.
- Funeral and wedding processions.
- Military Convoys.
- Groups required by law to be so assembled.
- Gatherings not exceeding maximum capacity in a town park, unless merchandise or services are offered for sale or trade.
- Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales.
- Garage sales and rummage sales.
- The exhibition of films or motion pictures.
- Other similar events and activities which do not directly affect or use town services or property.
- A gathering for the specific purpose of expressive activity.

## Who to Contact First

The Special Events license application process is coordinated through the Town Clerk's Office, 1900 W. Grand Chute Boulevard, Grand Chute, WI, 54913-9613. The application can be obtained from the Town Clerk or from the Town of Grand Chute's webpage ([www.grandchute.net](http://www.grandchute.net)). Based on the nature of your event, a variety of permits may be required – this Guide will help you to identify the specific permits you will need.

## Determine When and Where to Hold your Event

### **Will your event be held in one of the Town's Parks?**

If you are considering holding your event in a Town of Grand Chute park, you will first need to contact the Grand Chute Public Works/Parks, to reserve the park. Additionally, the size of your event may dictate which of the Town's parks are best suited to your event. An employee of the Public Works/Parks Department will be glad to discuss your needs and find the best park to make your event successful.

Listed below are the Town parks and their capacities:

<b>Parks Available</b>	<b>Pavilion Capacity</b>
Arrowhead Park	Not to exceed 126 individuals
Carter Woods Park	Not to exceed 78 individuals
Lecker Park	No Pavilion
Lions Park	Not to exceed 71 individuals
Patriot Park	Not to exceed 62 individuals
Prairie Hill Park	Not to exceed 126 individuals

If you decide to have your Special Event in a Town park, you will be asked to complete an online Facility Rental Agreement and pay the appropriate fees. The fees for the park pavilions are the same; however, the extra amenities differ from park to park. All park rules, regulations and policies must be adhered to.

### Will a public street or right-of-way be used or closed?

If yes, the Department of Public Works and the Grand Chute Police Department will need to review your request to ensure that all safety measures are met and the street closure(s) will not adversely affect traffic flow. Also, there may be some limitations on the use of certain streets during street construction season.

The barricading of streets is not provided by the Town. The Event Organizer or their contractor shall be required to provide an acceptably-prepared Traffic Control Plan (TCP) with the application for review and approval no less than 4 weeks prior to the event. The plan shall comply with the Federal Highway Administration's *Guide on Uniform Traffic Control Devices*, latest addition. Temporary Traffic Control devices/services shall be provided by a contractor which has extensive experience in the industry and is approved in advance by the Department of Public Works and Police Department.

Even if your event does not require street or sidewalk closings, it may generate unusual pedestrian and/or vehicular traffic. This not only affects the event's participants, but also those who live, work, and shop in the area surrounding the event's location. Changes in traffic flow must be considered in the planning process. In case of large events, consider establishing parking in other sites and shuttling participants to the event.

Also consider parking for the disabled. If there are not disabled parking stalls within a reasonable distance from your event site, you may discuss with the Grand Chute Police Department and the Department of Public Works ways to accommodate those with special needs.

We suggest you also contact Valley Transit at (920) 832-7627 to determine if their routes conflict with the location and time of your event prior to application submittal. Valley Transit may be able to assist you with transporting event attendees to your location as well.

***A detailed map of the event location, proposed street closures, and intended route, if applicable, MUST BE PRESENTED AT THE TIME OF LICENSE APPLICATION.***

### Will alcohol be served?

If your event will be selling beer or wine\*, a separate "Temporary Class B License" will be required. This license application may be obtained from the Office of the Town Clerk or may be found on the Town's website at <http://www.grandchute.net/departments/clerk/general/liquor/> and must be filed no later than 15 days before your event. ***It is recommended that you submit this application at the same time you submit your special event application. The fee for this license is \$10.00.***

\* Distilled alcoholic beverages cannot be sold or served at Special Events.

Please also be aware that by having alcohol at your event, you may also incur greater costs and risks – please read the insurance requirement section of this Guide thoroughly.

Remember: You will also need to hire licensed bartenders to serve alcohol at your event. The Town Clerk will be able to provide you with information on how to obtain a Temporary Operator's (Bartender) License.

Helpful tips to organize a safe and successful event:

- Sales of beer or wine must be under the control of your organization at all times. You are the responsible, *legally liable* party if problems arise because of the improper conduct of your beverage servers.
- The legal drinking age is 21. Government issued identification shall be requested from anyone who appears under the age of 30. Proper identification must be issued by a governmental agency with the name, date of birth, a physical description and a photograph of the person presenting the identification.
- Do not sell, furnish or give beer or wine to anyone who is obviously intoxicated.
- Identify non-drinking designated drivers and offer them free non-alcoholic beverages. This can be done by providing colored wristbands or other means of easy identification.
- Limit sales or service of alcoholic beverages to two (2) drinks per person at any one time.
- Provide food at your special event.
- Prohibit anyone from bringing their own alcoholic beverages to your event.
- Provide adequate security at your event, especially if it is open to the public.

## What security will be needed?

For the safety of your event's participants, security personnel may be required. Events including alcohol or minors may involve higher risk and may require more security.

Each event with 1,000 or more attendees must have security personnel at the rate of one security guard for every 250 people present if alcohol is available, or one security guard for every 600 people if alcohol is not available. One member of the security personnel must be designated as the "Head of Security" who can be contacted at any time by Police or Fire Departments.

The Police and Fire Department, depending on facts and circumstances specific to each event, shall have the discretion to modify this ratio, as they deem necessary.

Points to consider when planning security for your event:

- Entry points.
- Boundaries.
- Bordering streets between your event's location and parking areas.
- Parking lots.
- Site where admission is charged. You may want to consult with the police or an armored security system for transferring money.
- Doors of spectator areas to watch for suspicious behavior.
- Restrooms or concession areas.
- Restricted access areas such as locker rooms, reserved areas, medical/first aid centers, box offices or other key locations where the general public is not allowed.
- VIPs and public officials.

## Will food be served or sold?

- If yes, you may need to obtain the necessary permits from the Outagamie County Health Department in addition to your Special Event license. You may contact the Department at 920-832-5100.

## Will you be having a band or amplified music?

If your event will be having a band or amplified music, there are a number of items that must be considered.

- Is there a stage available at your proposed location, or will you need to obtain one?
- Is there sufficient electricity to supply the band's equipment?
- Will a tent be required? (see Fire Department section for tent regulations)

- What hours will the band be playing – will this comply with the Town’s noise ordinance?

Noise is regulated within the corporate limits of the Town of Grand Chute. In general, the ordinance states that “no person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a reasonable person in or about any public street, alley or park or in any private residence.”

There may be times or events planned where strict adherence to the noise ordinance may be difficult or unreasonable due to special circumstances. When it is anticipated that this will occur, the Grand Chute Town Board will make the final determination regarding your request. This may take 30 days to complete, so plan ahead.

## Planning for fire prevention and life safety

The Grand Chute Fire Department is committed to a fire prevention program that places a high priority on the safety and welfare of the public while minimizing potential fire and life safety hazards. Establishing fire prevention and life safety procedures at your special event is an essential component of the event planning process.

Items evaluated include general fire and life safety, crowd capacity, access for emergency vehicles, configuration and identification of all vendors cooking with flammable and combustible liquids and/or gases, or potentially hazardous cooking appliances.

## Will any fireworks, open flame, or pyrotechnic devices be used?

If yes, you will need to contact the Grand Chute Fire Department for the necessary permits and regulations. Permits must be applied for a **minimum of 7 days prior** to the event.

The use of any pyrotechnic device shall be handled by a professionally managed firework company, who have competent trained adult operators and shall be of such composition, character and be located, discharged or fired as in the opinion of the Fire Chief, or his/her designee, shall not be hazardous to property or endanger any persons. Town Ordinances and State Statutes shall regulate the outdoor use of pyrotechnic devices.

## Will you be erecting a tent, canopy, membrane or other temporary structure?

To operate or erect a tent in excess of two hundred (200) square feet you will need a permit from the Grand Chute Fire Department. Tents, canopies, and membrane structures are all regulated within the Town of Grand Chute. Please contact the Fire Department for additional information.

In addition, if this tent is to be erected in a Town park, special approval may be needed from the Grand Chute Parks and Recreation Department.

## Risk Management/Insurance requirements

Risk Management in special events is defined as "Recognizing the possibility of meeting danger or suffering harm or loss and organizing or planning to minimize or eliminate said danger, harm or loss." Ensuring that appropriate risk management practices are in place is a priority for the Town of Grand Chute.

Some areas of risk management that should be observed by special event organizers:

- Develop volunteer management practices – identify who is in charge and communicate this to all volunteers. Monitor the event volunteers to ensure that the necessary work is being completed.
- Be clear about the role of the Grand Chute Police Department at your event and enhance communication throughout the event.
- Consult with police and emergency personnel for input and advice while developing the safety/risk management plan.
- Be aware of safety standards and/or inspections related to buildings, vehicles, carnival rides and tents, ensuring safe egress from tents and fenced in areas.
- Have emergency plans specific to the events activities, including communication and responsibilities, coordination with authorities, weather conditions, lightning, and personal and property damage.
- Coordinate fire safety/protection for all tents and commercial cooking functions, and the safe handling of propane gas.
- Inform all participants of safety requirements specific to events that take place on waterways.

- Do a “walk through” of the event, looking out for tent stakes and ropes, electrical connections, compressed gas cylinders like helium, cables and hoses across walkways, absence of barriers to restricted areas; try to see the grounds through the eyes of an excited youngster or a not so nimble senior.

Insurance coverage (A Certificate of Insurance or a Hold Harmless Agreement) may be required for every special event held in the Town as a condition of issuance of this permit. Proof of coverage will include naming the Town of Grand Chute as an additional insured. The amount and type of insurance coverage varies, although \$1 million to \$2 million is a typical level.

If you need assistance obtaining insurance for your event, contact an insurance broker.

## Inform and train volunteers

Volunteers are often critical to a successful event. They should be briefed prior to the event on what they may and may not do. They should be thoroughly informed and it is often a good idea to provide them with job descriptions. Tell them who is in charge and who to contact if a problem develops. Be sure they are familiar with the building or event area so they can direct people to restrooms, fire exits, or other key locations.

Remember, the volunteer’s task may seem clear to you, but they are not as familiar with all of the plans you have made.

Make your volunteers easily identifiable to those attending your event; provide them with vests, pins, armbands, hats, etc.

## Toilet facilities and cleaning up after your event is over

Event planning should include requirements for sanitation and waste management plans. An event that does not provide for the personal comfort of patrons, or leaves an unsightly mess with litter and trash strewn about, will hurt its own future and will negatively affect the image of the Town.

Portable Restrooms. Special events held in parks, in open spaces, and on public roads may require portable restrooms. Guidelines for the number of portable restrooms required are as follows:

**Special Event Chart for Portable Restrooms**  
**Number of Units required when no pumping service is provided**  
**50/50 Mix of Men and Women**  
**One unit provides approximately 200 uses.**

Average hours at the event

Ave. Crowd size	1	2	3	4	5	6	7	8	9	10
500	2	4	4	5	6	7	9	9	10	12
1,000	4	6	8	8	9	9	11	12	13	13
2,000	5	6	9	12	14	16	18	20	23	25
3,000	6	9	12	16	20	24	26	30	34	38
4,000	8	13	16	22	25	30	35	40	45	50
5,000	12	15	20	25	31	38	44	50	56	63
10,000	15	25	38	50	63	75	88	100	113	125
15,000	20	38	56	75	94	113	131	150	169	188
20,000	25	50	75	100	125	150	175	200	225	250
25,000	38	69	99	130	160	191	221	252	282	313
30,000	46	82	119	156	192	229	266	302	339	376
35,000	53	96	139	181	224	267	310	352	395	438
40,000	61	109	158	207	256	305	354	403	452	501
45,000	68	123	178	233	288	343	398	453	508	563
50,000	76	137	198	259	320	381	442	503	564	626
55,000	83	150	217	285	352	419	486	554	621	688
60,000	91	164	237	311	384	457	531	604	677	751
65,000	98	177	257	336	416	495	575	654	734	813
70,000	106	191	277	362	448	533	619	704	790	876
75,000	113	205	296	388	480	571	663	755	846	938
80,000	121	218	316	414	512	609	707	805	903	1001
85,000	128	232	336	440	544	647	751	855	959	1063
90,000	136	246	356	466	576	686	796	906	1016	1126
95,000	143	259	375	491	607	724	840	956	1072	1188
100,000	151	273	395	517	639	762	884	1006	1128	1251

## Refuse collection and site cleanup

The event sponsor must have a litter control plan in place and pick up litter before, during, and after an event that is open to the public. A recycling plan must also be part of the waste management plan.

The event organizer is responsible for setting trash cans at various locations and emptying them during the event to prevent overflow. If food vendors are a part of the event, waste management will require more effort and expense on the part of the organizer.

The Town of Grand Chute does not provide dumpster services for Special Events. If your event will generate enough trash to require a dumpster, it is the sole responsibility of the user to arrange for the drop-off / pick-up of the dumpster(s) so the facility you are hosting your event in is left clean. If you decide to not arrange for a dumpster and the facility requires additional clean-up at the conclusion of your event, you will be charged for all the time and material needed for the clean-up efforts. A clean-up deposit may be required.

## Medical Services

When planning a special event, there are important considerations regarding your first aid needs:

- How many people will be attending your event? Medical demands vary. An event hosting 200 people will have different first aid needs than an event with 5,000 or more participants.
- Is your event being held during daylight hours or is it a night event? If it is held during nighttime hours, is there adequate lighting in the area?
- Does your particular group have any potential health issues that should be taken into consideration?
- What time of year is your special event being held? Do you anticipate hot weather, cold weather, wet conditions, or excessive insects? Do you have a plan in place to monitor weather conditions prior to and during your event? Have you created an emergency severe weather plan?
- What is the length of the event? Does your event run for a few hours, a full day or is it a multi-day event?
- Will there be alcohol available?
- Is there a single location for your event? Will there be multiple venues, such as in a foot or bike race?

- Have you encountered any first aid related problems with the event in the past?
- If this is an athletic or sporting event, how strenuous is the activity?

It is recommended that every special event have a first aid kit easily accessible on the event site. The first aid kit should contain, at a minimum: compresses, ice packs, bandages and antiseptic.

**Depending on your answers to the previous questions, we will need to determine the appropriate level of medical services for your event.**

TOWN OF GRAND CHUTE  
ORDINANCE O-12-06, SERIES OF 2016

AN ORDINANCE AMENDING CHAPTER 456 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH REGULATES SPECIAL EVENTS IN THE TOWN OF GRAND CHUTE.

WHEREAS, The Special Events Committee identified various deficiencies in Chapter 456 of the Town of Grand Chute Municipal Code relating to special events; and,

WHEREAS, Chapter 456 provided no meaningful criteria for determining whether an event truly constitutes a special event; and,

WHEREAS, Chapter 456 failed to establish a requirement for additional permits, inspections or variances; and

WHEREAS, Chapter 456 failed to establish a provision for issuing permits for special events that acknowledges the Constitutional right to free speech, and

WHEREAS, the process of addressing the aforementioned deficiencies made it timely to review and address other elements of Chapter 456 requiring attention;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 456 of the Grand Chute Municipal Code is hereby amended and adopted as follows:

**[HISTORY: Adopted by the Town Board of the Town of Grand Chute 6-4-1996 (§§ 9.12 and 9.18 of the 1997 Code). Amendments noted where applicable.]**

§ 456-1_Definitions.
----------------------

- A. Special events – Events that include, but are not limited to, fun runs, roadway foot races, fundraising walks, bicycle races, parades, carnivals, shows, gatherings, circuses, block parties, festivals, fireworks and/or involve one or more of the following factors:
- a. The event is to be conducted on public property or right-of-way; or the event is to be conducted on private property, and is open to the public and not within the normal and ordinary use of the property
  - b. The event will cause a significant impact on traffic congestion or traffic flow to and from the event over public streets or rights-of-way, or will significantly impact public streets or rights-of-way near the event.
  - c. The event is likely to create the need for town-provided emergency services, such as police, fire or medical aid.
  - d. The event will have a presumptive impact on neighboring properties.

- e. The nature of the event requires additional permits, inspections, or variances.
  - f. The event will be held at a town park, and expected attendance will exceed the maximum capacity set by the Park's Department. Such special event permit shall be in addition to any street, park use, or other regular permits as may be required by ordinance.
  - g. The Town reserves the right to deem an event a "Special Event".
- B. Highways or streets – For the purpose of this section, the words have the meaning set forth in Wis. Stats 340.01, and also include areas owned by the town, which are used primarily for pedestrian or vehicular traffic.
- C. Special Events Committee – A committee comprised of the Town Clerk or his/her designee, the Police Chief or his/her designee, the Fire Chief or his/her designee, and the Chief Building Inspector or his/her designee. The Town Clerk or his/her designee shall serve as the Committee Chair. The role of the Committee is to evaluate events to determine if they are in the best interest of the community and to assess issues such as the health and safety of the public and need for town services.
- D. Expressive activity – Conduct, the sole or principal object of which is the expression dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature, and picketing.

§ 456-2_Permits.
------------------

- A. A special event permit or authorization from the Town is required for any event that meets the definition of special event, found in Sec 456-1.
- B. A special event permit is not required for the following, unless the event is deemed to have a significant impact on town services and/or the community:
1. Parades, athletic events or other special events that occur exclusively on town property and are sponsored or conducted in full by the Town of Grand Chute.
  2. Funeral and wedding processions.
  3. Military Convoys.
  4. Groups required by law to be so assembled.
  5. Gatherings not exceeding maximum capacity in a town park, unless merchandise or services are offered for sale or trade.
  6. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales.
  7. Garage sales and rummage sales.
  8. The exhibition of films or motion pictures.
  9. Other similar events and activities which do not directly affect or use town services or property.

10. A gathering for the specific purpose of expressive activity.

§ 456-3 Application.

- A. Any person desiring to sponsor a special event shall apply for a special event permit by filing an application with the Town Clerk at least forty-five (45) days prior to the date on which the event is to occur.
- B. Upon a showing of good cause, or at the discretion of the Special Events Committee, the Committee shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other town services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed.

§ 456-4 Permit fee.

- A. A fee will be required at the time of application for any special event permit necessitated by this chapter. The Town Board shall establish a list of approved fees. No permit shall be issued without payment of the basic permit fee(s).
- B. A special event permit filed after the forty-five (45) day application deadline shall be subject to an additional fee in accordance with the Town fee schedule.
- C. No permit fee shall be refunded after initiation of the permit approval process.

§ 456-5 Permit approval.

- A. All Special Events Committee representatives receiving a copy of a special events permit application shall recommend either approval or denial of the permit. Recommendations for denial of an application should include a reason for the denial. Each department head or his/her designee shall review the application based upon the following criteria:
  - 1. Impact on department resources
  - 2. Cost to the department
  - 3. Any perceived public health or safety problems
  - 4. Impact on town property
  - 5. The presumptive impact the event may have on neighboring properties.
- B. The Special Events Committee is authorized to approve or deny special event permits pursuant to criteria established in this section, unless one of the

conditions identified in Section C, below, exist. In such case, the matter shall be referred to the Town Board for approval or denial.

C. Special events requiring Town Board approval include:

1. Events that may have a substantial impact on Town services and/or the community.
2. Events that require the use of public roadways and/or public facilities and may exceed 500 people.
3. An event that requires closure of an arterial roadway within the town and may have a significant impact on vehicle or pedestrian traffic.
4. An event that may have a detrimental effect on the Town of Grand Chute.
5. Fireworks.

§ 456-6\_Town services deposit.

- A. In addition to the basic permit fee(s), the Town Clerk shall determine, upon recommendation of the Police Department, Fire Department and Public Works Department, the estimated direct and indirect event related costs for town resources.
- B. Upon approval of an application for a permit for a special event, the Town Clerk shall provide the applicant with a statement of the estimated cost of providing town personnel and equipment. The applicant/sponsor of the event must prepay these estimated costs for town services and equipment ten (10) days prior to the special events. Town services and equipment may include the use of police department employees for traffic and crowd control, town employees for pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required town service and the cost of operating the equipment to provide such services.
- C. If the actual cost for town services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the Town in a timely manner. If the actual cost for town services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

§ 456-7\_Cleanup deposit.

- A. The Special Events Committee may require a cleanup deposit from an applicant/sponsor of an event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals,

water aid stations or any other event likely to create a substantial need for a cleanup.

- B. The cleanup deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.
- C. If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the Town for cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

§ 456-8\_Permit conditions.

- A. Sponsors of Special Events must comply with all applicable town ordinances, traffic rules, park rules, state health laws, fire codes, and liquor licensing regulations.
- B. The Town may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. These conditions may include:
  - 1. Alteration of the time, place and manner of the event proposed on the event application.
  - 2. Conditions concerning the area of assembly and disbanding of an event occurring along a route.
  - 3. Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.
  - 4. Such other conditions as determined by the Town Board suitable for the specific event, that are reasonable or necessary, to protect the health, safety and general welfare of the Town and its residents and/or participants in the event.
- C. Further conditions on special events permits may include, but are not limited to:
  - 1. Requirements for the use of traffic cones or barricades.
  - 2. Requirements for the provision of first aid or sanitary facilities; including, but not limited to, portable toilets.
  - 3. Requirements for use of event monitors and providing notice of permit conditions to event participants.
  - 4. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety.
  - 5. Compliance with animal protection ordinances and laws.

6. Requirements for use of garbage containers, cleanup, and restoration of town property.
7. Restrictions on the use of amplified sound and compliance with noise ordinance, regulations and laws.
8. Notice to residents and/or businesses regarding any activity which would require a street closure or restrictions.
9. Compliance with restrictions on the sale and/or consumption of alcohol.
10. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the Town.
11. Requirements regarding the use of town personnel and equipment.
12. Compliance with any other applicable federal, state or local law or regulation.

D. Street Closures – If special event requires any street(s) to be closed, the Event Organizer or their contractor shall be required to provide an acceptably prepared Traffic Control Plan (TCP) to the Special Events Committee for review and approval no less than 4 weeks prior to the event. The plan shall comply with the Federal Highway Administration’s Manual on Uniform Traffic Control Devices, latest edition. Temporary traffic control devices/services shall be provided by a contractor which has extensive experience in the industry and is approved in advance by the Special Events Committee.

§ 456-9\_Grounds for denial of application.

The Town may deny an application for a special event permit if any of the following apply:

1. The applicant provides false or misleading information; the applicant fails to complete the application or to supply other required information of documents; or the applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit.
2. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property.
3. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic or would present an unreasonable risk of injury or damage to property.
4. The event would have a presumptive impact on neighboring properties.
5. The event is deemed to be not in the best interest to the community.
6. The applicant has unpaid permit or services fees as outlined in 456-6

- B. In the event subsection 2. or 3., above, applies, the Town shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

§ 456-10\_Appeal procedure.

- A. The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of fees or deposits imposed pursuant to Sections 456-6 and 456-7.
- B. The Town Board may hear the appeal on the record during a scheduled Town Board meeting. The Town Board will determine whether the permit shall be approved, reevaluated by the Special Events Committee, or denied. The decision of the Town Board is final.

§ 456-11\_Revocation of permits.

- A. Any permit issued under this chapter may be summarily revoked by a representative from the Grand Chute Police or Fire Department at any time when, a representative from the Town determines the safety of the public or property requires such immediate revocation.
- B. The Town may also summarily revoke any permit issued pursuant to this chapter if the Town finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit.

§ 456-12\_Violation-Penalty.

[Amended 12-20-2011 by Ord. No. 2011-30]

- A. It shall be unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.
- B. The special event permit authorizes the permittee/sponsor to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.

C. Any person or organization violating the provisions of this chapter shall be subject to a penalty of a fine as prescribed in the Uniform Forfeiture and Bond Schedules.

## END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

TOWN OF GRAND CHUTE

VOTED FOR: \_\_\_\_\_

VOTED AGAINST: \_\_\_\_\_

\_\_\_\_\_  
David Schowalter, Town Chairman

\_\_\_\_\_  
Karen L. Weinschrott, Town Clerk

Approved as to Form

\_\_\_\_\_  
Charles Koehler, Attorney  
Herrling Clark Law Offices  
800 N. Lynndale Drive  
Grand Chute, WI 54914

TOWN OF GRAND CHUTE  
ORDINANCE O-13-2016, SERIES OF 2016

AN ORDINANCE AMENDING CHAPTER 335 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH REGULATES INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES IN THE TOWN OF GRAND CHUTE.

WHEREAS, The Licensing Committee identified various deficiencies in Chapter 335 of the Town of Grand Chute Municipal Code relating to intoxicating liquor and fermented malt beverages; and,

WHEREAS, Chapter 335 contained inconsistencies regarding the requirement for a license holder to appear before the Licensing Committee upon a violation associated with the license; and,

WHEREAS, Chapter 335 failed to establish a requirement that licensed premises purchase liquor and fermented malt beverages only from licensed wholesalers; and

WHEREAS, the demerit point scheme found in Chapter 335 failed to address certain serious violations and assign appropriate point values to those and other serious violations, and

WHEREAS, the process of addressing the aforementioned deficiencies made it timely to review and address other elements of Chapter 335 requiring attention;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 335 of the Grand Chute Municipal Code is hereby amended and adopted as follows:

## Article I: Licensing

[Adopted 1-7-1997 as §§ 9.01, 9.12 and 9.16 of the 1997 Code; amended 11-16-1999; 2-8-2002; 10-7-2003; 12-19-2006]

§ 335-1 State statutes adopted.

[Amended 2-21-2008 by Ord. No. 2008-03; 12-20-2011 by Ord. No. 2011-30]

The provisions of Chs. 125 and 139, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted and made a part of this article by reference. To the extent of any inconsistency between this article and the statutory provisions, this article shall control, except to the extent preempted by statutory provisions, in which case the provisions of the Wisconsin Statutes shall control.

§ 335-2 License required.

No person, except as provided by § 335-1 of this article, 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 ordinance, 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 article, nor without complying with all the provisions of this article and all statutes, ordinances and regulations of the state and Town applicable thereto.

§ 335-3 Classes of licenses.

[Amended 6-2-2009 by Ord. No. 2009-12; 12-20-2011 by Ord. No. 2011-30]

There shall be the following classes and ~~denominations~~ designations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee as prescribed in the Town Fee Schedule, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in §§ ~~125.28(1); 125.25(4); 125.25(1);~~ 125.26(4), (5) and (6) and 125.51(2)(d), (3)(a) and (9)(a), Wis. Stats.

- A. Class "A" fermented malt beverage retailer's license.
- B. Class "B" fermented malt beverage retailer's license under § 125.26(1), Wis. Stats. and club license as defined in § 125.27(1), Wis. Stats. Class "B" fermented malt beverage retailer's licenses for brewers shall be issued pursuant to § 125.29, Wis. Stats. A Class "B" license may be issued at any time for a period of six months in any calendar year, for which 50% of the license fee shall be paid.
- ~~C. Special wholesaler's license.~~
- ~~D-C.~~ Retail "Class A" liquor license under § 125.51(2), Wis. Stats.
- ~~E-D.~~ Retail "Class B" liquor license under § 125.51(3), Wis. Stats.
- ~~F-E.~~ Reserve "Class B" license pursuant to § 125.51(4)(a) 4 and (b)br, Wis. Stats.
- ~~G-F.~~ "Class C" wine license under § 125.51(3m)(b), Wis. Stats.
- ~~H-G.~~ Part-time or semi-annual liquor licenses shall be issued pursuant to §§ 125.26(5) and 125.51(9)(b), Wis. Stats.
- ~~I-H.~~ Provisional retail licenses 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 who meets the residency requirements of the State of Wisconsin. Provisional-A provisional retail license expires 60 days after issuance. Provisional

retail licenses may not be issued if the municipality quota under § 125.51(4), Wis. Stats., prohibits the municipality from issuing a "Class B" license. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

§ 335-4 License restrictions.

In addition to the requirements imposed by provision of the Wisconsin Statutes adopted by reference in § 335-1 of this article, the following restrictions shall apply to the issuance of licenses or permits pursuant to this article:

- A. Requirements 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, and a citizen of the United States and the State of Wisconsin, except that an operator's license may be issued to an applicant who has attained the age of 18. No license shall be issued to any person who has multiple criminal misdemeanor convictions that relate to the licensed activity or has been convicted of a felony that relates to the licensed activity. This subsection shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporations.

[Amended 12-20-2011 by Ord. No. 2011-30]

- 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 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application.

- C. Inspection of application and premises. The Town Clerk shall notify the ~~Police Department, Fire Department and Building Inspector~~ Licensing Committee of all license and permit applications. ~~The Licensing Committee will direct the Police Department, Fire Department, and Building Inspector and these officials shall inspect or cause to be inspected~~ review each application and inspect the premises identified in the application to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be reposed. No license or permit provided for in this article shall be issued without the approval of a majority of the Town Board.

[Amended 12-20-2011 by Ord. No. 2011-30]

- D. Health and sanitation. No license shall be issued for any premises which does not conform to the sanitary, safety and health regulations of the State Department of Safety and Professional Services and State Department of Health Services and to all such ordinances and regulations adopted by the Town.

[Amended 12-20-2011 by Ord. No. 2011-30]

E. Delinquent taxes, assessment and claims. No license or license renewal shall be issued under this article for any premises or person for which or for whom taxes, assessments or other claims of the Town or the State of Wisconsin are delinquent and not paid. Included within the definition of delinquent taxes, delinquent assessments or other delinquent payments due to the Town shall be any delinquency (unpaid) for special assessments, personal property taxes, real estate taxes, or motel or hotel taxes, failure to pay any adjudicated fines or penalties, failure to pay current any fees or moneys due to the Town of any kind or nature, etc.

F. The term "person" shall include an individual and any other form of partnership, corporation, or other entity, if any, to which a license has been issued. The revocation provisions of § ~~335-8~~ ~~335-9~~ shall also apply to any partnership, corporation or other entity with one or more common owners of any license subject to revocation. The issuance of new licenses shall also be withheld from entities with one or more common owners with any other entity not qualified for issuance of a license pursuant to this article.

[Amended 12-20-2011 by Ord. No. 2011-30]

G. The Licensing Committee shall be an administrative review committee to carry out the duties as directed by the Town Board pursuant to this article. The Committee shall consist of the Town Chairperson or his/her designee, the Town Clerk or his/her designee, the Police Chief or his/her designee, the Fire Chief or his/her designee, the Chief Building Inspector or his/her designee, and other Town staff member as determined by the Town Administrator. The Town Clerk or designee shall serve as Committee Chair.

[Added 2-21-2008 by Ord. No. 2008-03; amended 5-21-2013 by Ord. No. 2013-11]

H. Outdoor service/beer gardens.

[Added 6-1-2010 by Ord. No. 2010-06]

(1) No holder of a "Class B," Class "B" and/or "Class C" license may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the premises, without first having obtained the permission of the Town Board subject to the conditions of this subsection. Approval under this subsection by the Town Board shall result in the outdoor area becoming a part of the description of the premises, with said outdoor area also being subject to all State and Town

laws, rules, regulations, and lawful orders governing "Class B," Class "B" and/or "Class C" premises.

- (2) As used in this subsection, the following terms shall have the meanings indicated:

**OUTDOOR AREA**

An area, whether or not enclosed by a roof, which is open to the elements and which is not constructed for year-round use.

**OUTDOOR PREMISES**

A licensed premises located in an outside area.

- (3) Application. Application for an outdoor extension of a "Class B," Class "B" and/or "Class C" license shall be made to the ~~Town Clerk-Community Development Department in the form of a request for a special exception permit forms furnished by the Town Clerk.~~ The application shall include a map describing the outdoor area sought to be included within the description of the licensed premises. In the event that such map is omitted and the "Class B," Class "B" and/or "Class C" license is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.
- (4) Requirements. Outdoor premises approved under this subsection are subject to the following requirements:
- (a) Outdoor premises may be permitted only on properties located in the CL Local Commercial, CR Regional Commercial, CP Planned Commercial, and IND Industrial Zoning Districts as those terms are defined in Chapter 535, Zoning, subject to the special exception permit requirements of Chapter 535.<sup>[1]</sup>  
*[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
  - (b) Outdoor premises shall be completely surrounded by an attractive wall, fence, or barrier of at least four feet in height.
  - (c) Outdoor premises located in the front yard of the licensed premises shall also be completely surrounded by an attractive wall, fence, or barrier, and such installation shall be 42 inches in height for public safety and property aesthetics purposes.
  - (d) Outdoor premises shall be attached to the main business premises, and access to the outdoor premises shall only be allowed through the main building.

- (e) Service in the outdoor premises shall be limited to persons seated at tables or at a bar.
- (f) Food and beverage service in the outdoor premises shall stop no later than 10:30 p.m., with no food or beverage consumption allowed in the outdoor premises after 11:00 p.m.
- (g) No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.
- (h) Lighting of the outdoor premises must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or that can become a hazard or danger to vehicular traffic.
- (i) Noise from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 85 db from 7:00 a.m. to 9:00 p.m. and 75 db from 9:00 p.m. until closing.
- (j) Outdoor premises shall not be located in any actual or required yard area that directly abuts an adjoining property used for residential purposes, unless the following additional conditions are met:
  - [1] Provide a twenty-foot buffer between outdoor premises and the adjoining lot containing the residential use.
  - [2] Provide a privacy fence six feet in height at the property line in the area abutting the outdoor premises.
  - [3] Notwithstanding Subsection **H(4)(f)** of this section, food and beverage service in the outdoor premises shall stop no later than 9:30 p.m., with no food or beverage consumption allowed in the outdoor premises after 10:00 p.m.

§ 335-5\_Inspection 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 of the Town of Grand Chute without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall

~~automatically operate as~~ constitute grounds for either revocation or non-renewal a  
~~revocation~~ of any license issued hereunder and shall be deemed a violation of this  
article.

§ 335-6 License to be posted.

Licenses or permits issued under this section shall be posted and displayed as provided  
in § 125.04(10), Wis. Stats., and any licensee or permit holder who shall fail to post his  
license or permit as therein required shall be presumed to be operating without a  
license.

§ 335-7 Safety and sanitation requirements.

Each licensed premises shall be maintained and conducted in a sanitary manner and  
shall be a safe and proper place for the purpose for which used.

§ 335-8 Requirement to purchase alcoholic beverages from wholesaler.

No campus or retail licensee or permittee may purchase alcoholic beverages from, or  
possess alcoholic beverages purchased from, any person other than a wholesaler  
holding a permit under Chapter 125, Wis. Stats., for the sale of alcoholic beverages.

§ 335-~~8-9~~ Revocation and suspension of licenses.

- A. Purpose. The purpose of this section is to establish guidelines governing the  
revocation and suspension of alcoholic beverage licenses through a system of  
demerit points that accrue for violations of this chapter or Chapter 125, Wis.  
Stats. administratively interpret those portions of the Grand Chute Code relating  
to alcohol beverage violations and to establish a system for suspension and  
revocation.
- B. Procedure. Except as hereinafter provided, the provisions of § 125.12, Wis.  
Stats., shall be applicable to proceedings for the revocation or suspension of all  
licenses or permits granted under this article. Revocation or suspension  
proceedings may be instituted by the Town Board upon its own motion ~~by~~  
adoption of a resolution, subject to any additional requirements under § 125.12,  
Wis. Stats., for both suspension and revocation proceedings.
- C. Point schedule.
- (1) The scheme of demerit points appearing below is listed according to the  
type of drug or alcohol beverage violation. This demerit point system is  
used to identify both extraordinarily serious violations and/or habitually  
troublesome license holders who have repeatedly violated state statutes

**Commented [GIP1]:** This section was added to address a  
deficiency in Chapter 335, as Chapter 335 didn't clearly  
establish a requirement to purchase liquor and fermented  
malt beverages from a licensed wholesaler.

**Commented [GIP2]:** The scheme of demerit points was  
modified to incorporate additional serious violations not  
previously included on the list and to ensure the point value  
for each violation more appropriately corresponded to the  
seriousness of the violation.

and the Grand Chute Town ordinances for the purpose of recommending suspension or revocation of their alcohol beverage license.

- (2) If the demerit points accumulated from the date of a violation which results in a conviction meet or exceed 50 points in a twelve-month period, the agent or officer will be required to meet with the Licensing Committee. In the event the agent or officer fails to appear before the Licensing Committee as required under this section, a citation and mandatory forfeiture of \$250.00 plus statutory costs shall be issued and imposed by the Town police department. Establishments in violation of state statute or Town ordinance will be scheduled to meet with the Licensing Committee at a time set by the Town Clerk. Below is a list of violations for which demerit points will be assessed. Demerit points may be reduced as shown on the schedule if the license holder has had no violations for three years prior to the offense and has met with the Licensing Committee as indicated above. Failure of the license holder to meet with the Licensing Committee will result in a hearing before the Town Board.<sup>43</sup>
- (3) Demerit points may be reduced as shown on the schedule if the license holder has had no violations for three years prior to the offense and has met with the Licensing Committee as indicated in Section C.(2), above.
- (4) The first violation of § 125.07(1)(a), Wis. Stats., prohibiting selling of alcoholic beverages to underage persons will be assigned 19 demerit points instead of 80 points if the licensee has adopted, prior to the violation, and complied with, a written policy for the Licensed Premises, containing the following provisions:
  - a. Each person authorized to sell alcoholic beverages at the Licensed Premises has completed the Operator's training course sponsored by the State of Wisconsin and required for Operators of Licensed Premises pursuant to Chapter 125, Wis. Stats., and
  - b. Signage is posted on the Licensed Premises visible to customers at an area where alcoholic beverages are sold stating the date of birth subsequent to which no such customer is allowed to purchase alcoholic beverages, and
  - c. Clear written expectations are given to employees permitted to serve alcohol, which establishes that all reasonable measures will be taken to avoid serving any minors under any circumstances, and which includes reasonable discipline or incentives related to serving alcohol to patrons, and
  - d. Internal controls to test procedural compliance by staff for serving alcohol, such as utilizing "secret shoppers" to test policy compliance, and

**Commented [GIP3]:** This addition clearly establishes the requirement that license holders meet with the Licensing Committee upon a violation associated with their license. It also imposes a forfeiture if they fail to fulfill this requirement.

e. Specific criteria for determining when identification must be presented by customers prior to the purchase of alcoholic beverages are established/followed, and

f. Quarterly refresher training for all employees permitted to serve alcohol on the policy and laws governing the sale of alcoholic beverages.

Type of Violation	State Statute	Town Ordinance	Demerit Points	Qualified Reductions
Selling to underage person • See paragraph C., (4), above.	§ 125.07(1)(a)	§ <del>335-18</del>	80 <u>19</u>	60
Selling to intoxicated person	§ 125.07(2)	§ <del>335-18</del>	50	<del>350</del>
Underage person on premises	§ 125.07(3)(a)	§ <del>335-18</del>	50	35
Failure to be licensed	§ 125.04	§ <del>335-2</del>	100	<del>750</del>
False statement on application	§ 125.04	§ <del>335-2</del>	<del>50</del> 100	<del>350</del>
Transfer of license without permission, including operating on another's license	§ 125.68	§ <del>335-9335-10</del>	<del>90</del> 75	<del>700</del>
<u>Operate on another's license</u>	<u>§ 125.68(2m)</u>		<u>200</u>	<u>0</u>
<del>Conducting unlawful business</del> <u>Sale without a license</u>	§ 125.66	§ <del>335-2</del>	<del>50</del> 100	<del>350</del>
Unlicensed bartender	§ 125.17	§ <del>335-10335-11</del>	50	35
Open after hours	§ 125.68(4)	§ <del>335-1</del>	50	<del>350</del>
No carry-out after hours	§ 125.68(4)	§ <del>335-12335-13</del>	<del>25</del> 50	<del>200</del>
<u>Failure to purchase from licensed wholesaler</u>	<u>§ 125.69(6)</u>	<u>335-8</u>	<u>75</u>	<u>0</u>
<u>Failure to maintain qualifications for license or permit</u>	<u>§ 125.04(5)</u>		<u>200</u>	<u>0</u>
<u>Keep a disorderly, riotous, indecent, or improper house</u>	<u>§ 125.12(2)(ag)2</u>		<u>50</u>	<u>0</u>
Gambling	Ch. 945	§ <del>415-8</del>	50	<del>350</del>
Adult entertainment/ entertainer without permit		§ <del>335-14335-21</del>	75	<del>550</del>
Nude or semi-nude entertainer employee visible outside	§ 944.21		<del>50</del> 75	<del>350</del>
Solicitation of drinks by employee	§ 944.36	§ <del>415-2</del>	50	<del>350</del>
Failure to display permit	§ 125.04(10)	§ <del>335-6</del>	25	<del>200</del>

Type of Violation	State Statute	Town Ordinance	Demerit Points	Qualified Reductions
Owner/ <del>manager</del> <u>agent</u> selling controlled substance	§ 961. <del>57441</del> <u>(1)</u>	§ <del>415-2</del>	<del>130</del> <u>200</u>	<del>100</del> <u>0</u>
Employee selling controlled substance	§ 961. <del>57441</del> <u>(1)</u>	§ <del>415-2</del>	75	<del>55</del> <u>0</u>
<u>Possession of controlled substance by owner/agent</u>	§ <u>961.41(3g)</u>		<u>100 (misd.)</u> <u>200 (felony)</u>	<u>0</u>
<u>Possession of controlled substance by employee</u>	§ <u>961.41(3g)</u>		<u>50</u>	<u>0</u>
<u>Possession of drug paraphernalia by owner/agent</u>	§ <u>961.573</u>		<u>75</u>	<u>0</u>
Possession of drug paraphernalia by employee/ <del>employer</del>	§ 961.573		<del>75</del> <u>50</u>	<del>55</del> <u>0</u>

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

D. Calculation of violations. In determining the accumulative demerit points against a licensee within 12 months or 18 months, the Town shall use the date each violation was committed as the basis for a determination if there has been a conviction. If the violations are committed concurrently, the highest point violation shall be assessed.

E. Suspension and revocation of license.

- (1) If the demerit points accumulated from the date of a violation which results in a conviction meet or exceed 50 points in a twelve-month period, the agent or officer will be required to meet with the Licensing Committee. The accumulation of points shall result in suspension or revocation of the license in accordance with the following schedule, subject to the exception that for violations under §§ 125.07(1)(a) and 125.04(5)(a)1, Wis. Stats., such violations may be counted only if the licensee has committed another violation under § 125.07(1)(a), Wis. Stats., within 12 months of the present violation, in which case all violations committed within one year of a prior violation may also be considered:

[Amended 2-21-2008 by Ord. No. 2008-03<sup>2</sup>]

100 to 149 points within 12 months: 10-day minimum suspension

150 to 199 points within 12 months: 20-day minimum suspension

200 points within 18 months: revocation

[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(2) When a license is revoked pursuant to this article, the revocation shall be recorded by the Clerk and no other license issued under Ch. 125, Wis. Stats., may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.

F. Upon determination by the Town Board, after hearing, that the license is subject to suspension or revocation, the Clerk shall give notice of such suspension or revocation to the person whose license is suspended or revoked. Such suspension or revocation shall take effect 30 days from the date said notice is given to the licensee. Such notice may be given in person or mailed by certified mail to the address of the addressee shown on the licensee's application. Notice by mail shall be deemed effective ~~three~~ five days from the date of mailing. If the suspension or revocation is appealed to the Circuit Court by service of notice of appeal on the Town in accordance with § 125.12(2)(d), Wis. Stats., on or before 30 days from the effective date of notice of suspension or revocation, the revocation or suspension shall be stayed pending a decision by the Circuit Court on the appeal unless the Board finds that public health, safety, or welfare imperatively require emergency action and incorporates a finding to that effect in its order. If the Circuit Court affirms the suspension or revocation, the period of suspension or revocation shall then take effect beginning on the fifth day following the date the decision is signed by the Circuit Court Judge unless a different date is ordered by the Court.<sup>3</sup>

*[3] Editor's Note: Original § 9.01(8)(g), which immediately followed this subsection, was repealed 12-20-2011 by Ord. No. 2011-30.*

G. Repossession of license or permit. Whenever any license or permit under this article shall be revoked or suspended by the Town Board or action of any court or Subsection C, it shall be the duty of the Clerk to notify the licensee or permit holder 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 Clerk's office.  
[Amended 12-20-2011 by Ord. No. 2011-30]

H. Transfer/sale of licensed business.  
[Added 6-2-2009 by Ord. No. 2009-12]

(1) Upon the transfer or sale of the licensed business, all accumulated demerit points shall be canceled unless any of the following apply:

- (a) The new licensee is related to the former licensee by blood, adoption, or marriage.
- (b) The new licensee held a business interest in the previous licensed business, real estate, or equipment.
- (c) The former licensee retains an interest in the business or equipment used by the business.

[Amended 12-20-2011 by Ord. No. 2011-30]

(d) The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing but not obligated to sell and the buyer is willing, but not obligated, to buy.

(2) If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to all penalties set forth by this article.

§ 335-~~9-10~~ Transfer of premises.

A. Any licensee desiring to transfer his license from his current Town location to another Town location shall file a written application with the Town Clerk stating:  
[Amended 6-2-2009 by Ord. No. 2009-12]

- (1) The place he desires to move to;
- (2) Whether he is to be the owner or lessee;
- (3) The nature of any other business carried on concurrently at the location proposed to be licensed; and
- (4) Such other information as may be required from time to time by the Town Board.

B. Such applications shall be filed for at least 15 days with the Town Clerk before being acted upon by the Board. The Town Clerk shall promptly notify the ~~Police Department, the Fire Department, and the Building Inspection Department~~ Licensing Committee of such application, and ~~these officers-committee members representing the Police Department, Fire Department, and Community Development Department~~ shall inspect or cause to be inspected the premises sought to be licensed. They shall make such other investigation as the Town Board or its Licensing Committee as authorized by the Town Board shall order to determine whether the application complies with the regulations, orders and laws applicable thereto and the premises are in a proper physical condition and a suitable location. The aforesaid officers shall furnish to the Town Clerk in writing the information derived from such investigation.

[Amended 2-21-2008 by Ord. No. 2008-03; 12-20-2011 by Ord. No. 2011-30]

C. As far as applicable, the provisions of § 335-3 of this article shall apply to further proceedings in regard to the granting or refusal by the Board of the applicant's request to transfer the license.

§ 335-~~10-11~~ Operator's license.

[Amended 2-21-2008 by Ord. No. 2008-03; 12-15-2009 by Ord. No. 2009-19]

- A. Anyone wishing to be employed as an operator under § 125.17, Wis. Stats., shall make written application for an operator's license to the Town Clerk upon the form provided by the Town.
- B. No operator's license shall be granted to a person under 18 years of age.
- C. No one except the licensee or a member of his immediate family shall act as an operator without such license. Licenses are valid from July 1 to June 30, renewed every two years. Fees are as prescribed in the Town Fee Schedule. All applicants shall comply with § 125.17(6), Wis. Stats.  
[Amended 12-18-2012 by Ord. No. 2012-22]
- D. Provisional license.
  - (1) Provisional licenses shall only be issued to person(s) who have applied for an operator's license under this section. A provisional license may not be issued to any person(s) who has been denied a license under this section. Provisional licenses shall expire 60 days after issued or when a license under this section is issued to the holder, whichever is sooner. Provisional licenses may be revoked if the holder of the license made false statements on the application or as determined by the Licensing Committee.
  - (2) Provisional licenses shall be issued by the Town Clerk at a fee as prescribed in the Town Fee Schedule.
- E. Temporary license.
  - (1) Temporary licenses may be issued only to operators employed by, or donating their services to, nonprofit corporations. No person may hold more than one license of this kind per year. This license is valid for any period from one day to 14 days, which shall be stated on the license.
  - (2) License fee is as prescribed in the Town Fee Schedule.

§ 335-~~11-12~~ Replacement of license.

[Amended 12-15-2009 by Ord. No. 2009-19]

Whenever a license or permit is lost or destroyed, a duplicate shall be issued by the Town Clerk upon the payment of a fee as prescribed in the Town Fee Schedule.

§ 335-~~12-13~~ Hours of operation.

- A. The holders of Class "A," Class "B," "Class A," "Class B" and "Class C" licenses, meaning all licenses as issued by the Town of Grand Chute as to the sale of fermented malt beverages and intoxicating liquor [§ 125.02(1), Wis. Stats.], shall

not permit the selling, dispensing, giving away or furnishing, directly or indirectly, of said fermented malt beverages or intoxicating liquor for consumption off premises between the hours of 9:00 p.m. and 8:00 a.m., central standard time. During that portion of the year when standard time is advanced under § 175.095, Wis. Stats., then also said licensees shall not be permitted to sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages or intoxicating liquor between 9:00 p.m. and 8:00 a.m.

[Amended 3-4-2008 by Ord. No. 2008-06]

- B. It is the intention of this article to prevent the sale, dispensing, giving away or furnishing of fermented malt beverages or intoxicating liquor, for consumption off premises, during the above prohibited times. Any violation of this article shall be subject to the penalties as contained within § 335-15 of this article.

[Amended 12-20-2011 by Ord. No. 2011-30]

§ 335-~~13-14~~ Licenses not used for extended periods.

- A. Any person who has been granted a "Class B" liquor and beer license for the operation of a liquor license premises who does not make use of such liquor license by operation of said premises for a period of four ~~or more~~ months shall be deemed to have forfeited such license, with the exception of premises that, by virtue of their operation, are only open for a portion of each year. Upon knowledge of such failure to use, the Town Clerk shall notify the license holder by certified or registered mail that the license is deemed to have been forfeited and direct by said certified or registered mail that the license holder deliver the license and surrender the license to the Town Clerk.

- B. In the event the holder of said license encounters undue hardship or unusual circumstances beyond the license holder's control, the license holder can request an extension of up to four months from the Town Board. The license holder must first address his or her request to the Licensing Committee, who will consider the request and provide a recommendation to the Town Board. Within the extension period of four months, the license holder may ask, and the Town Board may grant, an extension up to a further period of four months. The Town Board shall not authorize extensions in excess of four months. The decision of the Town Board in any extension request shall be final and binding. ~~In the event that the holder of said license demonstrates to the satisfaction of the Town Board that, due to undue hardship or unusual circumstances beyond the license holder's control, the license holder could not make use of the license within the period of four months, the license holder may ask, and the Town Board may grant, an extension up to a further period of four months. The Town Board shall not authorize extensions in excess of four months, and the decision of the Town Board shall be final and binding.~~

§ 335-15 Violations and penalties.

**Commented [GIP4]:** "Registration of entertainers," previously numbered 335-14, has been moved to a newly created "Article III."

- A. The holder of any license under this article who shall violate this article or any of the provisions thereof or whose agents or employees shall do so or who, having had his or its license revoked, shall continue to operate such place of business, ~~shall be deemed guilty of a misdemeanor and~~ shall, upon the due proof and conviction thereof, be punished as follows:
- (1) A violation of any provision of this article where a like violation is covered, provided for and penalized by Ch. 66 or 125, Wis. Stats., shall be punished by a fine of not less than the minimum fine and not more than the maximum fine provided for by said chapters for said violation or offense, besides the costs of prosecution, and in default of the payment of any such fine and/or costs of prosecution such guilty and convicted person shall be committed to and confined within the county jail of Outagamie County, Wisconsin, until such fine and/or costs of prosecution are paid, but not to exceed 60 days.
- B. Each day of violation under this article shall constitute a separate and distinct offense.
- C. A first violation of any provision of this article shall be punished by a fine as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and on default of the payment of any such fine and/or costs of prosecution such person shall be committed to the county jail of Outagamie County until such fine and costs are paid, but not to exceed ~~90~~ 60 days.
- D. Any person violating this article who shall previously have been convicted of a violation of this article shall, upon proof and conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and on default of the payment of any such fine and costs of prosecution, or either of them, such convicted person shall be committed to and confined within the county jail of Outagamie County, Wisconsin, until such fine and costs of prosecution are paid, but not to exceed six months.
- E. Penalties set forth in this section shall be in addition to penalty provisions in other sections of this article, if any.

## Article II: Offenses Involving Alcoholic Beverages

[Adopted 1-7-1997 as §§ 7.12, 7.16, 7.19 and 7.20 of the 1997 Code]

§ ~~335-17-16~~ Possession and consumption of intoxicants.

- A. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any street, alley, sidewalk, thoroughfare, parking lot, or other public way. No person shall consume any intoxicating liquor or fermented malt

**Commented [GIP5]:** "Attire, conduct and entertainment on licensed premises," formerly numbered 335-16, has become the title of newly created "Article III." Former section 335-16 has been moved to Article III and renamed, "Entertainment in licensed establishments operating sexually oriented businesses," formerly the title of Section A in 335.16.

beverage while in or upon any private property without the property owner's consent.

- B. All purchases of intoxicating liquor or fermented malt beverages by glass or in open containers shall be consumed upon the licensed premises where purchased and where served and shall not be removed to the public areas or private areas set forth in Subsection A above.
- C. No person shall possess any glass or open container containing intoxicating liquor or fermented malt beverages in or upon any public areas set forth in Subsection A above or in or upon any private property without the owner's consent as set forth in Subsection A above.
- D. The Town Board of Supervisors may, in special circumstances, where it is satisfied that adequate supervision and police protection exist and upon application therefor by any person, permit the consumption or possession of intoxicating liquor or fermented malt beverage contrary to this section, provided that said permission is limited to a specific date, a specific time, and a specific location. Request for such permission shall be in the form of an application for a special event permit, as outlined in Chapter 456, Town of Grand Chute Municipal Code.
- E. Any person who shall violate the provisions of this section, or any part thereof, shall be punished by a forfeiture as prescribed in the Uniform Forfeiture and Bond Schedules for each offense, together with the costs thereof, and in default of payment thereof shall be imprisoned in the county jail for a period not exceeding 30 days.  
[Amended 12-20-2011 by Ord. No. 2011-30]

§ 335 ~~18-17~~ Underage and intoxicated persons; general restrictions.

- A. Pursuant to § 125.10, Wis. Stats., the Town does hereby adopt by reference §§ 125.07 and 125.09, Wis. Stats. A violation thereof may be prosecuted as a Town ordinance violation pursuant to this section and the adoption of the above-referenced state statutes.
- B. The penalty for violation of this section shall be as prescribed in the Uniform Forfeiture and Bond Schedules.  
[Amended 12-20-2011 by Ord. No. 2011-30]

§ 335 ~~19-18~~ Violations and penalties.

[Amended 12-20-2011 by Ord. No. 2011-30]

Any person who shall violate any provision of this article shall, upon conviction thereof, be punished as follows:

A. For a violation of any provision of this article, ~~except § 335-16 of this article and as otherwise provided in this article~~, any person shall, upon proof and conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, or either of them, such convicted person shall be committed to and confined within the county jail of Outagamie County, Wisconsin, until such fine and costs of prosecution are paid, but not to exceed 60 days.

B. ~~Any person, firm, or corporation that shall violate § 335-16 of this article shall forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules and the costs of prosecution and in default of payment of the fine and costs of prosecution shall be imprisoned in the county jail until said fine and costs of prosecution are paid, but not to exceed 30 days. Each day's violation of the provisions of § 335-16 shall constitute a separate offense.~~

## Article III: Attire, conduct, and entertainment on licensed premises

### § 335-19 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

#### **ADULT ENTERTAINMENT TAVERN**

Any establishment, including a sexually oriented business, whether or not licensed to sell alcoholic beverages pursuant to Ch. 125, Wis. Stats., which is used for, among other things, services, performances or entertainment by nude/semi-nude entertainers as defined in this section.

#### **ANAL CLEFT AND CLEAVAGE**

The definition of anal cleft and cleavage ~~for this subsection~~ can generally be described as including only that 1/3 of the complete buttocks centered over the cleavage for the length of the cleavage, more particularly described as follows:

- (1) The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two imaginary straight lines running parallel to the ground when a person is standing, the first or top such line being 1/2 inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being 1/2 inch above the lowest point of the curvature of the fleshy protuberance (sometimes

**Commented [GIP6]:** This subsection was deleted due to the fact it only pertains to the former 335.16, which no longer resides in this Article. Furthermore, 335-16, now numbered 335-20, also contains its own penalty section.

**Commented [GIP7]:** This article was created to contain all three sections pertaining to entertainment; 335-20, licensed premises conducting sexually oriented business; 335-21, visual displays; and 335-22, registration of entertainers.

**Commented [GIP8]:** The definitions from the former 335-14, Registration of entertainers, and 335-16, Attire, conduct and entertainment on licensed premises, were consolidated and placed in a "Definitions" section.

Each of these sections contained a different definition of "Premises." I chose the one from the entertainer registration section, as it referred to licensed premises, adult entertainment taverns, and sexually oriented businesses, while the definition in the former 335-16 only referred to licensed premises.

referred to as the gluteal fold), and between two imaginary straight lines, one on each side of the body (the "outside line"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor faciae latae muscle or any of the above-described portion of the human body that is between either:

- (a) The left inside perpendicular line and the left outside perpendicular line; or
  - (b) The right inside perpendicular line and the right outside perpendicular line.
- (2) For the purpose of Subsection **(1)(a)** and **(b)**:
- (a) The left inside perpendicular line shall be an imaginary straight line on the left side of the anus:
    - [1] That is perpendicular to the ground and to the horizontal lines described above; and
    - [2] That is 1/3 of the distance from the anus to the left outside line; and
  - (b) The right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
    - [1] That is perpendicular to the ground and to the horizontal lines described above; and
    - [2] That is 1/3 of the distance from the anus to the right outside line.

### **BREASTS**

A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and the areola (the darker colored area of the breast surrounding the nipple) and an outside area of such gland wherein such outside area is:

- (1) Reasonably compact and contiguous to the areola; and
- (2) Contains at least the nipple and the areola and 1/2 of the outside surface area of such gland located below the top of the areola, which area shall be reasonably compact and contiguous to the areola.

### **ENTERTAINER or PERFORMER**

Includes entertainers, performers and wait staff and means any person who provides services, performances or entertainment for customers or patrons at a

sexually oriented business, whether or not for consideration, such as fees, wages, or tips, charged or accepted for the service, performance or entertainment, and whether or not the service, performance or entertainment is provided as an employee or independent contractor, meaning any person who serves, performs for or entertains, customers or patrons in the form of either live nudity, live semi\_nudity, or live specified sexual activities.

### **LICENSED ESTABLISHMENT**

Any premises licensed by the Town of Grand Chute pursuant to Ch. 125, Wis. Stats., for serving alcoholic beverages for on-premises consumption, ~~which includes sexually oriented business.~~

### **NUDE or NUDITY**

The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola, or the showing of covered male genitals in a discernible turgid state. This definition shall not include any portion of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel commonly worn by persons in public.

**NUDE/SEMI-NUDE ENTERTAINER:** "Entertainer" includes both performers and wait staff

Any person who provides services to customers, performances, dancing or entertainment at a licensed establishment, adult entertainment tavern or sexually oriented business, as defined ~~below in this section~~, whether or not for consideration, such as fees, wages, or tips, charged or accepted for the services, performance or entertainment, and whether or not the services, performance or entertainment is provided in the capacity of an employee, independent contract or under some other arrangement, including any person who provides services, performances or entertainment in the form of either live nudity, semi-live nudity, or live specified sexual activities, or which is characterized by an emphasis on exposure to view of human genitals, pubic area or anus or a female's vulva or breasts below the top of the areola, or an emphasis on acts of or acts which simulate sexual intercourse, masturbation, flagellation, erotic touching or any sexual acts or specified sexual activities prohibited by Wisconsin Statutes.

### **OPERATOR**

Any person operating, conducting, maintaining or owning any licensed establishment.

### **PREMISES**

The real property upon which a licensed establishment, adult entertainment tavern or sexually oriented business is located, or is proposed to be located, and all appurtenances thereto and buildings thereupon, including, but not limited to, the licensed establishment, the grounds, the private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the operator of the licensed establishment.

### **PROHIBITED SEXUAL CONTACT**

Touching the breasts, buttocks, anus, vulva, labia, penis or testicles of another person in public view of customers or patrons done for the purpose of gratifying the sexual desires of either party.

### **SEMI-NUDE or SEMI-NUDITY**

All definitions of nude or nudity above, and also the exposure of a bare female breast including the nipple and areola, at any point below a horizontal line intersecting the top of the areola. This definition shall not include any portion of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel commonly worn by persons in public. The terms "semi-nude" and "semi-nudity" includes females adorned by clothing consisting of pasties covering only the nipple and areola and G-strings.

### **SEXUALLY ORIENTED BUSINESS**

A business that regularly features either live nudity or live semi-nudity, as a permanent focus of its business, giving special prominence to such content on a permanent basis, as cited in Kraimer v. City of Schofield, 342 F. Supp. 2d 807 at page 822, citing Schultz v. City of Cumberland, 228 F.3d 831, or otherwise permits live display of specified sexual activities to members of the public.

### **SPECIFIED SEXUAL ACTIVITIES**

Live simulated or live actual:

- (1) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
- (2) Excretory functions as part of or in connection with any of the activities set forth in Subsection **(a1)** above.

~~§ 335-16-20 Attire, conduct and entertainment on licensed premises~~ Entertainment in licensed establishments operating sexually oriented businesses.

[Amended 7-16-2013 by Ord. No. 2013-15]

A.

~~Entertainment in licensed establishments operating sexually oriented businesses.~~

**Commented [GIP9]:** Again, I used the former title, "Attire, conduct and entertainment in licensed premises," as the title for Article III. I converted the title of former 335-16, subsection A., Entertainment in licensed establishments operating sexually oriented businesses, to the title of this section.

A. Application. This section shall only apply to licensed establishments that operate sexually oriented businesses as defined below in Section 335-19, subject to the excluded categories of businesses described as follows.

(1) Excluded from application of the provisions of this subsection are the following licensed establishments: wherever performances of serious artistic merit, theaters, performing arts center, civic centers, and dinner theaters, where live dance, ballet, or music, of serious artistic merit, are offered, or legitimate educational, medical or health-related programs, are offered, and in which the predominant business or attraction is not the offering to customers of entertainment which is intended for the sexual interests or titillation of customers, and where the licensed establishment is not distinguished by an emphasis on, or the advertising or promotion of, live nude or live semi-nude performances, or live specified sexual activities take place. Also excluded from application of this subsection are such establishments as hotels, motels, and restaurants which are licensed establishments but which do not operate sexually oriented businesses.

(2) Also excluded from application of this subsection are sexually oriented businesses, which are not licensed establishments.

~~(3) The sole exception to application of this subsection is only that the portion of this subsection prohibiting live seminudity, described in Subsection A(5), only as exposure of bare female breasts, which prohibition against exposure of breasts shall not apply to any current license holders, operating at currently licensed establishments, which have been providing live seminude entertainment limited to exposure of bare female breasts, for a period of at least one year prior to the adoption of this subsection, which licensed establishments shall be deemed grandfathered for the limited purposes set forth in this subsection only, for the duration that their license remains in effect and/or is renewed by the Town. This exception shall not apply if there is 51% or more change in ownership of the real estate constituting the licensed establishment premises or 51% or more change in ownership of the legal entity holding the license.~~

Commented [GIP10]: This is the Paradise Club grandfather clause, which has been deleted.

B. Intent. It is the intent of this subsection to promote the health, safety, welfare, and morals of the citizens of the Town of Grand Chute by establishing reasonable and uniform regulations to prevent the deleterious secondary effects associated with licensed establishments that operate sexually oriented businesses. The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative or expressive materials or acts, including sexually oriented materials or acts. Similarly, it is not the intent nor effect of this subsection to restrict or deny access by adults to sexually oriented materials or acts protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to

condone or legitimize the distribution of obscene materials as regulated by state law.

C. Authority.

- (1) The Town Board of the Town of Grand Chute has explicit authority under § 125.10, Wis. Stats., to adopt regulations governing the sale of alcoholic beverages.
- (2) Under Wisconsin Statutes §§ 60.10(2)(c), 60.22(3), and 61.34, and its police powers, respectively, the Town Board has authority to act for the good order of the Town of Grand Chute and for the health, safety and welfare of the public and may carry out its powers by ordinances and enforcement.
- (3) The Town Board recognizes it lacks authority to regulate obscenity, to the extent preempted by State of Wisconsin Statutes, and does not intend by adopting this ~~sub~~section to regulate or to condone obscenity.
- (4) The Town Board recognizes that the authority to adopt zoning ordinances applicable to the Town falls under the jurisdiction of Outagamie County, and the Town Board does not by adoption of this ~~sub~~section create a zoning regulation.
- (5) The Town Board recognizes that the U.S. Supreme Court has held that nude or semi-nude dancing is expressive conduct within the outer parameters of the First Amendment to the United States Constitution and therefore is entitled to protection under the First Amendment, and the Town Board further recognizes that freedom of speech and expression are among our most precious and highly protected rights and wishes to act consistently with the full protection of these rights.

D. Findings

- (1) Notwithstanding the foregoing, the Town Board has become aware, based upon its own observations and experiences, as well as testimony before the Board by legal counsel for the Town, and also the experiences of other communities, that sexually oriented businesses may and do generate secondary effects which the governing body believes are detrimental to the public health, safety, welfare, and morals of the citizens of the Town of Grand Chute.
- (2) Specifically, the Town Board has reviewed evidence concerning adverse secondary effects on other communities found in, but not limited to, the cases of *Ben's Bar, Inc. v. Village of Somerset*, 316 F3d 702 (2003); *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Barnes v. Glen*

Theater, Inc., 501 U.S. 560 (1991); Arcara v. Cloud Books, Inc., 478 U.S. 697 (1986); California v. LaRue, 409 U.S. 109 (1972); City of Newport, KY v. Iacobucci, 479 U.S. 92 (1986); United States v. O'Brien, 391 U.S. 367 (1968); DLS, Inc. v. City of Chattanooga, 107 F3d 403 (6th Cir. 1997); Kev, Inc. v. Kitsap County, 793 F2d 1053 (9th Cir. 1986); Hang On, Inc. v. City of Arlington, 65 F3d 1248 (5th Cir. 1995); South Florida Free Beaches, Inc. v. City of Miami, 734 F2d 608 (11th Cir. 1984); New York State Liquor Auth. v. Bellanca, 452 US 714 (1981); Blue Canary Corp. v. City of Milwaukee, 251 F3d 1121; MDK, Inc. v. Village of Grafton, 345 F. Supp 2d 952 at page 957; Daytona Grand, Inc. v. City of Daytona Beach, Florida, 490 F3d 860 (11th Cir. 2007); and a compilation of studies on various municipalities regarding the impact of adult-oriented business, and reports of harmful secondary effects occurring in and around sexually oriented businesses, including a publication of the American Planning Association compiled by Eric Damian Kelly and Connie Cooper entitled "everything you always wanted to know about regulating sex businesses xxx," Report of the Attorney General's Working Group on the Regulation of sexually oriented businesses, June 6, 1989, reports from studies in Phoenix, Arizona-1984 and 1995-1998; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas-1977; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-1977; Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport News, Virginia-1996; and New York Times Square study-1994.

- (3) Based upon the foregoing evidence as well as Town Board members' own individual experiences, observations and reasoning, the Town Board finds that:
- (a) Crime statistics show that many types of crimes, especially sex-related crimes, such as prostitution, occur with more frequency in neighborhoods where sexually oriented businesses are located.
  - (b) Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
  - (c) Sexually oriented businesses will probably contribute to an increased public health risk through the spread of sexually transmitted diseases.
  - (d) Areas with sexually oriented businesses exhibit an increased potential for infiltration by organized crime for the purpose of unlawful conduct.

- (e) The consumption of alcoholic beverages on the premises of a sexually oriented business exacerbates the deleterious secondary effects of such businesses on the community.
  - (f) That restricting performers and entertainers only to a requirement of wearing minimal coverings such as pasties or G-strings alone will not avoid undesirable secondary effects in licensed establishments.
  - (g) Some persons frequent sexually oriented businesses for the purpose of engaging in illicit sexual behavior on the premises.
- (4) The Town Board desires to protect the health, safety, and welfare of the citizens of the Town by preventing and controlling the secondary adverse effects associated with licensed establishments that operate sexually oriented businesses.
- (5) The Town Board has determined that the enactment of an ordinance prohibiting licensed establishments from operating sexually oriented businesses promotes the goal of minimizing, preventing, and controlling the above-referenced adverse secondary effects and thereby protects the health, safety, and welfare of the citizens of the Town of Grand Chute.

E. Grounds for nonissuance, suspension, revocation or nonrenewal of alcohol beverage license issued under Chapter 125, Wisconsin Statutes. The following shall constitute grounds for nonissuance, suspension, revocation or nonrenewal, in accordance with notice and hearing procedures under Ch. 125, Wis. Stats., of a license applied for, or issued, by the Town of Grand Chute pursuant to Ch. 125, Wis. Stats., which license permits on-premises consumption of alcoholic beverages.

- (1) Conviction of an offense, contrary to Wisconsin Statute § 944.21 or any successor statute or later amended version.
- (2) A finding by the Town Board that the operation of the licensed facility or activity is in conflict with § 944.21, Wis. Stats.
- (3) A finding by the Town Board that any of the following have occurred on the proposed or existing licensed establishment's premises:
  - (a) Live nude, live semi-nude services or performances by entertainers or performers, provided or performed, and directed at a proposed or existing licensed establishment's patrons or customers, or the general public.
  - (b) An instance of live public display of specified sexual activities involving any entertainer or performer.

- (c) An instance of live display of prohibited sexual contact involving an entertainer or performer.
- (d) Operation of a sexually oriented business.

F. Penalties. In alternative to, or in conjunction with, action the Town may take, described in Subsection ~~A(6)E~~ above, with respect to licenses, the Town may impose a forfeiture for each violation as determined by the Town Board or Municipal Court Judge taking into account the number of past and present violations proven, and the severity of the current offense, pursuant to issuance of a summons and complaint to the operator of the licensed establishment followed by a hearing with respect to the charges in accordance with Municipal Court procedures of the Town of Grand Chute.

- (1) Any person, partnership, or corporation who is found to have violated this ~~sub~~section shall be punished by a forfeiture of not less than \$500 nor more than \$5,000 for each offense, together with the cost thereof, as determined by the Municipal Court Judge, in accordance with the following schedule:
  - (a) First offense: not more than \$1,000.
  - (b) Second offense: not more than \$3,000.
  - (c) Third offense: not more than \$5,000.
- (2) Each violation of this ~~sub~~section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.
- (3) Nothing herein precludes the Town Board from taking action on any alcohol beverage license pursuant to, or consistent with, the requirements and procedures applicable under Ch. 125, Wis. Stats., or other applicable Town ordinances, on other legal grounds than those specified in this ~~sub~~section.

G. Standards for enforcement action. All notice and hearing requirements required for action on licenses under Ch. 125, Wis. Stats., shall be followed for purposes of taking license action pursuant to this ~~sub~~section. All actions of the Town Board regarding licenses under Ch. 125, Wis. Stats., pursuant hereto shall be subject to the rights of appeal applicable to action taken under this ~~sub~~section in accordance with Ch. 125, Wis. Stats. For purposes of enforcement of this ~~sub~~section pursuant to Subsection ~~A(6)E~~ and ~~(7)F~~ above, regardless of the basis for the hearing involving any violation of this ~~sub~~section, in those cases where hearings are conducted pursuant to Ch. 125, Wis. Stats., regarding a licensed

establishment's violation of this subsection, the standard for enforcement action shall be whether the Town Board finds, by sufficient evidence, in the discretion of the Board, that the violation has occurred.

**§ 335-16-21 Visual Displays.**

The following acts or conduct on licensed premises is deemed contrary to public welfare and morals, and therefore no on-sale license shall be held at any premises where such conduct or acts are permitted. The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- (3) Scenes wherein a person displays the vulva or the anus or the genitals.
- (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

**§ 335-14-22 Registration of entertainers.**

[Amended 7-16-2013 by Ord. No. 2013-14]

**A. Registration requirement.**

- (1) Any person intending to be employed or work in any capacity as a nude/semi-nude entertainer, as defined below in Section 335-19, in any licensed establishment, adult entertainment tavern or sexually oriented business, as defined below Section 335-19, within the Town of Grand Chute shall, before engaging in such employment or work, register with, and obtain a license from, the Grand Chute Police Department by completing and filing a registration statement on the form provided by the Department and paying the required fee as established in the fee schedule maintained by the Grand Chute Town Clerk.
- (2) No licensed establishment, adult entertainment tavern or sexually oriented business shall allow services or performances by any nude/semi-nude entertainer who is not registered with and has not obtained a license from the Grand Chute Police Department as required above.

**Commented [GIP11]:** This was formerly a subsection of 335-20 (formerly 335-16), which I separated out from that section.

B. Application.

- (1) This section shall only apply to nude/semi-nude entertainers employed or desiring to work, entertain or perform in a licensed establishment, adult entertainment tavern or sexually oriented business and to the licensed establishments, adult entertainment taverns or sexual oriented businesses which allow services or performances by such entertainers, as defined [below in Section 335-19](#), subject to the excluded categories of businesses described as follows.
- (2) Excluded from application of the provisions of this section are the following establishments: wherever performances of serious artistic merit, theaters, performing arts centers, civic centers, and dinner theaters, where live dance, ballet, or music, of serious artistic merit, are offered, or legitimate educational, medical or health-related programs are offered, and in which the predominant business or attraction is not the offering to customers of entertainment which is intended for the sexual interests or titillation of customers, and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, live nude or live semi-nude performances, or live specified sexual activities take place. Also excluded from application of this section are such establishments as hotels, motels and restaurants which are licensed establishments but which do not operate adult entertainment taverns or sexually oriented businesses.

C. Intent. It is the intent of this section to promote the health, safety, welfare, and morals of the citizens of the Town of Grand Chute by establishing reasonable and uniform regulations to prevent the deleterious secondary effects associated with the operation of licensed establishments, adult entertainment taverns and sexually oriented businesses. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative or expressive materials or acts, including sexually oriented materials or acts. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials or acts protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene materials as regulated by state law.

D. Authority.

- (1) The Town Board of the Town of Grand Chute has explicit authority under § 125.10, Wis. Stats., to adopt regulations governing the sale of alcoholic beverages.
- (2) Under Wisconsin Statutes §§ 60.10(2)(c), 60.22(3), and 61.34, and its police powers, respectively, the Town Board has authority to act for the

good order of the Town of Grand Chute and for the health, safety and welfare of the public and may carry out its powers by ordinances and enforcement.

- (3) The Town Board recognizes it lacks authority to regulate obscenity, to the extent preempted by State of Wisconsin Statutes, and does not intend by adopting this section to regulate or to condone obscenity.
- (4) The Town Board recognizes that the U.S. Supreme Court has held that nude or semi-nude dancing is expressive conduct within the outer parameters of the First Amendment to the United States Constitution and therefore is entitled to certain protections under the First Amendment, and the Town Board further recognizes that freedom of speech and expression are among our most precious and highly protected rights and wishes to act consistently with the full protection of these rights.

E. Findings.

- (1) Notwithstanding the foregoing, the Town Board has become aware, based upon its own observations and experiences, as well as testimony before the Board by legal counsel for the Town, and also the experiences of other communities, that licensed establishments, adult entertainment taverns and sexually oriented businesses may and do generate secondary effects which the governing body believes are detrimental to the public health, safety, welfare, and morals of the citizens of the Town of Grand Chute.
- (2) Specifically, the Town Board has reviewed evidence concerning adverse secondary effects on other communities found in, but not limited to, the cases of *Ben's Bar, Inc. v. Village of Somerset*, 316 F3d 702 (2003); *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986); *California v. LaRue*, 409 U.S. 109 (1972); *City of Newport, KY v. Iacobucci*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F3d 403 (6th Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F3d 1248 (5th Cir. 1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F2d 608 (11th Cir. 1984); *New York State Liquor Auth. v. Bellanca*, 452 US 714 (1981); *Blue Canary Corp. v. City of Milwaukee*, 251 F3d 1121; *MDK, Inc. v. Village of Grafton*, 345 F. Supp 2d 952 at page 957; *Daytona Grand, Inc. v. City of Daytona Beach, Florida*, 490 F3d 860 (11th Cir. 2007); and a compilation of studies on various municipalities regarding the impact of adult and sexually oriented businesses, and reports of harmful secondary effects occurring in and around sexually oriented businesses, including a publication of the American Planning Association compiled by Eric Damian Kelly and Connie Cooper entitled "everything you always wanted to know about regulating sex businesses xxx," Report of the Attorney General's Working Group on

the Regulation of sexually oriented businesses, June 6, 1989, reports from studies in Phoenix, Arizona-1984 and 1995-1998; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas-1977; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-1977; Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport News, Virginia-1996; and New York Times Square study-1994.

- (3) Based upon the foregoing evidence as well as Town Board members' own individual experiences, observations and reasoning, the Town Board finds that:
  - (a) Crime statistics show that many types of crimes, especially sex-related crimes, such as prostitution, occur with more frequency in neighborhoods where sexually oriented businesses are located.
  - (b) Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
  - (c) Sexually oriented businesses will probably contribute to an increased public health risk through the spread of sexually transmitted diseases.
  - (d) Areas with sexually oriented businesses exhibit an increased potential for infiltration by organized crime for the purpose of unlawful conduct.
  - (e) The consumption of alcoholic beverages on the premises of a sexually oriented business exacerbates the deleterious secondary effects of such businesses on the community.
  - (f) That restricting performers and entertainers only to a requirement of wearing minimal coverings such as pasties or G-strings alone will not avoid undesirable secondary effects in licensed establishments.
  - (g) Some persons frequent sexually oriented businesses for the purpose of engaging in illicit sexual behavior on the premises.
- (4) The Town Board desires to protect the health, safety, and welfare of the citizens of the Town by preventing and controlling the secondary adverse effects associated with licensed establishments or other businesses operating as adult entertainment taverns or sexually oriented businesses.

(5) The Town Board has determined that the enactment of an ordinance prohibiting licensed establishments from operating sexually oriented businesses and mandating that nude/semi-nude entertainers register through the Town promotes the goal of minimizing, preventing, and controlling the above-referenced adverse secondary effects and thereby protects the health, safety, and welfare of the citizens of the Town of Grand Chute.

F. Annual licensing of nude/semi-nude entertainers. Licensing shall be required on an annual basis from July 1 to June 30. The registration period shall terminate on June 30 and require renewal for each separate year thereafter, beginning July 1 of each year.

G. Grounds for nonissuance, suspension, revocation or nonrenewal of license issued to nude/semi-nude entertainers. The following, among others as determined appropriate by the Town, shall constitute grounds for nonissuance, suspension, revocation or nonrenewal of a license issued to a nude/semi-nude entertainer.

(1) Conviction of a sexually related offense, offenses of moral turpitude, prostitution, obscenity or an offense contrary to §§ 944.01 through 944.36, Wis. Stats., or any successor statutes or later amended versions.

H. Procedure for nonissuance, suspension, revocation, or nonrenewal of license. The Town Clerk shall give written notice of any decision by the Town Police Department or Town Board to nonissue, suspend, revoke, or nonrenew a license for any nude/semi-nude entertainer by regular mail to the last known address shown on the application or license previously issued. The decision of the Police Department or Town Board shall become final unless the nude/semi-nude entertainer requests a hearing before the Town Board in writing submitted to the Town Clerk, which request shall be received by the Town Clerk within 15 days of the postmark mailing of the notice of the Town Board decision. The Town hearing shall be conducted on the next regularly scheduled Town Board meeting, providing at least 72 hours advance notice of the request for hearing is received prior to the Town Board meeting, otherwise the hearing shall be at the next regularly scheduled Town Board meeting. The Town Board at such hearing may affirm, reverse, or modify its decision following the hearing, and written notice thereof shall be mailed by the Town Clerk to the nude/semi-nude entertainer.

I. Penalties.

(1) In alternative to, or in conjunction with, any action the Town may take in order to enforce this section, any nude/semi-nude entertainer failing to comply with the provision of this section shall be punished upon conviction thereof by a fine as prescribed in the Uniform Forfeiture and Bond Schedules for each separate offense. Each day an unregistered adult nude/semi-nude entertainer is performing, dancing or otherwise

entertaining shall be considered and charged as a separate offense punishable by a separate fine.

- (2) Any licensed establishment, sexually oriented business or adult entertainment tavern employing an unregistered nude/semi-nude entertainer or otherwise permitting an unregistered nude/semi-nude entertainer to perform, dance or otherwise entertain shall be punished, upon conviction, by fine as prescribed in the Uniform Forfeiture and Bond Schedules. Each day an unregistered adult nude/semi-nude entertainer is employed, or permitted to perform, dance or otherwise entertain by any licensee or any licensed establishments, adult entertainment taverns or sexually oriented businesses shall constitute a separate offense punishable by a separate fine.

### END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

TOWN OF GRAND CHUTE

VOTED FOR: \_\_\_\_\_

VOTED AGAINST: \_\_\_\_\_

\_\_\_\_\_  
David Schowalter, Town Chairman

**New Language in bold**

\_\_\_\_\_  
Karen L. Weinschrott, Town Clerk

Approved as to Form

\_\_\_\_\_  
Charles Koehler, Attorney  
Herring Clark Law Offices  
800 N. Lynndale Drive  
Grand Chute, WI 54914

TOWN OF GRAND CHUTE  
ORDINANCE O-13-2016, SERIES OF 2016

AN ORDINANCE AMENDING CHAPTER 335 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH REGULATES INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES IN THE TOWN OF GRAND CHUTE.

WHEREAS, The Licensing Committee identified various deficiencies in Chapter 335 of the Town of Grand Chute Municipal Code relating to intoxicating liquor and fermented malt beverages; and,

WHEREAS, Chapter 335 contained inconsistencies regarding the requirement for a license holder to appear before the Licensing Committee upon a violation associated with the license; and,

WHEREAS, Chapter 335 failed to establish a requirement that licensed premises purchase liquor and fermented malt beverages only from licensed wholesalers; and

WHEREAS, the demerit point scheme found in Chapter 335 failed to address certain serious violations and assign appropriate point values to those and other serious violations, and

WHEREAS, the process of addressing the aforementioned deficiencies made it timely to review and address other elements of Chapter 335 requiring attention;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 335 of the Grand Chute Municipal Code is hereby amended and adopted as follows:

## Article I: Licensing

[Adopted 1-7-1997 as §§ 9.01, 9.12 and 9.16 of the 1997 Code; amended 11-16-1999; 2-8-2002; 10-7-2003; 12-19-2006]

§ 335-1\_State statutes adopted.

[Amended 2-21-2008 by Ord. No. 2008-03; 12-20-2011 by Ord. No. 2011-30]

The provisions of Chs. 125 and 139, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted and made a part of this article by reference. To the extent of any inconsistency between this article and the statutory provisions, this article shall control, except to the extent preempted by statutory provisions, in which case the provisions of the Wisconsin Statutes shall control.

§ 335-2\_License required.

No person, except as provided by § 335-1 of this article, 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 ordinance, 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 article, nor without complying with all the provisions of this article and all statutes, ordinances and regulations of the state and Town applicable thereto.

§ 335-3\_Classes of licenses.

[Amended 6-2-2009 by Ord. No. 2009-12; 12-20-2011 by Ord. No. 2011-30]

There shall be the following classes and designations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee as prescribed in the Town Fee Schedule, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in §§ 125.25(1), 125.26(1), (5) and (6) and 125.51(1), (3)(a) and (9)(a), Wis. Stats.

- A. Class "A" fermented malt beverage retailer's license.
- B. Class "B" fermented malt beverage retailer's license under § 125.26(1), Wis. Stats. A Class "B" license may be issued at any time for a period of six months in any calendar year, for which 50% of the license fee shall be paid.
- C. Retail "Class A" liquor license under § 125.51(2), Wis. Stats.
- D. Retail "Class B" liquor license under § 125.51(3), Wis. Stats.
- E. Reserve "Class B" license pursuant to § 125.51(4)(a)4 and (br), Wis. Stats.
- F. "Class C" wine license under § 125.51(3m)(b), Wis. Stats.
- G. Part-time or semi-annual liquor licenses shall be issued pursuant to §§ 125.26(5) and 125.51(9)(b), Wis. Stats.
- H. Provisional retail licenses 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 who meets the residency requirements of the State of Wisconsin. A provisional retail license expires 60 days after issuance. Provisional retail licenses may not be issued if the municipality quota under § 125.51(4), Wis. Stats., prohibits the municipality from issuing a "Class B" license. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

§ 335-4\_License restrictions.

In addition to the requirements imposed by provision of the Wisconsin Statutes adopted by reference in § 335-1 of this article, the following restrictions shall apply to the issuance of licenses or permits pursuant to this article:

- A. Requirements 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, and a citizen of the United States and the State of Wisconsin, except that an operator's license may be issued to an applicant who has attained the age of 18. No license shall be issued to any person who has multiple criminal misdemeanor convictions that relate to the licensed activity or has been convicted of a felony that relates to the licensed activity. This subsection shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporations.

[Amended 12-20-2011 by Ord. No. 2011-30]

- 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 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application.

- C. Inspection of application and premises. The Town Clerk shall notify the Licensing Committee of all license and permit applications. The Licensing Committee will direct the Police Department, Fire Department, and Building Inspector to review each application and inspect the premises identified in the application to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be reposed. No license or permit provided for in this article shall be issued without the approval of a majority of the Town Board.

[Amended 12-20-2011 by Ord. No. 2011-30]

- D. Health and sanitation. No license shall be issued for any premises which does not conform to the sanitary, safety and health regulations of the State Department of Safety and Professional Services and State Department of Health Services and to all such ordinances and regulations adopted by the Town.

[Amended 12-20-2011 by Ord. No. 2011-30]

- E. Delinquent taxes, assessment and claims. No license or license renewal shall be issued under this article for any premises or person for which or for whom taxes, assessments or other claims of the Town or the State of Wisconsin are delinquent and not paid. Included within the definition of delinquent taxes, delinquent assessments or other delinquent payments due to the Town shall be any delinquency (unpaid) for special assessments, personal property taxes, real

estate taxes, or motel or hotel taxes, failure to pay any adjudicated fines or penalties, failure to pay current any fees or moneys due to the Town of any kind or nature, etc.

- F. The term "person" shall include an individual and any other form of partnership, corporation, or other entity, if any, to which a license has been issued. The revocation provisions of § 335-9 shall also apply to any partnership, corporation or other entity with one or more common owners of any license subject to revocation. The issuance of new licenses shall also be withheld from entities with one or more common owners with any other entity not qualified for issuance of a license pursuant to this article.

[Amended 12-20-2011 by Ord. No. 2011-30]

- G. The Licensing Committee shall be an administrative review committee to carry out the duties as directed by the Town Board pursuant to this article. The Committee shall consist of the Town Chairperson or his/her designee, the Town Clerk or his/her designee, the Police Chief or his/her designee, the Fire Chief or his/her designee, the Chief Building Inspector or his/her designee, and other Town staff member as determined by the Town Administrator. The Town Clerk or designee shall serve as Committee Chair.

[Added 2-21-2008 by Ord. No. 2008-03; amended 5-21-2013 by Ord. No. 2013-11]

- H. Outdoor service/beer gardens.

[Added 6-1-2010 by Ord. No. 2010-06]

- (1) No holder of a "Class B," Class "B" and/or "Class C" license may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the premises, without first having obtained the permission of the Town Board subject to the conditions of this subsection. Approval under this subsection by the Town Board shall result in the outdoor area becoming a part of the description of the premises, with said outdoor area also being subject to all State and Town laws, rules, regulations, and lawful orders governing "Class B," Class "B" and/or "Class C" premises.
- (2) As used in this subsection, the following terms shall have the meanings indicated:

**OUTDOOR AREA**

An area, whether or not enclosed by a roof, which is open to the elements and which is not constructed for year-round use.

## **OUTDOOR PREMISES**

A licensed premises located in an outside area.

- (3) Application. Application for an outdoor extension of a "Class B," Class "B" and/or "Class C" license shall be made to the Community Development Department in the form of a request for a special exception permit. The application shall include a map describing the outdoor area sought to be included within the description of the licensed premises. In the event that such map is omitted and the "Class B," Class "B" and/or "Class C" license is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.
- (4) Requirements. Outdoor premises approved under this subsection are subject to the following requirements:
  - (a) Outdoor premises may be permitted only on properties located in the CL Local Commercial, CR Regional Commercial, CP Planned Commercial, and IND Industrial Zoning Districts as those terms are defined in Chapter **535**, Zoning, subject to the special exception permit requirements of Chapter **535**.<sup>11</sup>  
*[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
  - (b) Outdoor premises shall be completely surrounded by an attractive wall, fence, or barrier of at least four feet in height.
  - (c) Outdoor premises located in the front yard of the licensed premises shall also be completely surrounded by an attractive wall, fence, or barrier, and such installation shall be 42 inches in height for public safety and property aesthetics purposes.
  - (d) Outdoor premises shall be attached to the main business premises, and access to the outdoor premises shall only be allowed through the main building.
  - (e) Service in the outdoor premises shall be limited to persons seated at tables or at a bar.
  - (f) Food and beverage service in the outdoor premises shall stop no later than 10:30 p.m., with no food or beverage consumption allowed in the outdoor premises after 11:00 p.m.
  - (g) No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.

- (h) Lighting of the outdoor premises must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or that can become a hazard or danger to vehicular traffic.
- (i) Noise from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 85 db from 7:00 a.m. to 9:00 p.m. and 75 db from 9:00 p.m. until closing.
- (j) Outdoor premises shall not be located in any actual or required yard area that directly abuts an adjoining property used for residential purposes, unless the following additional conditions are met:
  - [1] Provide a twenty-foot buffer between outdoor premises and the adjoining lot containing the residential use.
  - [2] Provide a privacy fence six feet in height at the property line in the area abutting the outdoor premises.
  - [3] Notwithstanding Subsection H(4)(f) of this section, food and beverage service in the outdoor premises shall stop no later than 9:30 p.m., with no food or beverage consumption allowed in the outdoor premises after 10:00 p.m.

§ 335-5\_Inspection 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 of the Town of Grand Chute without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall constitute grounds for either revocation or non-renewal of any license issued hereunder and shall be deemed a violation of this article.

§ 335-6\_License to be posted.

Licenses or permits issued under this section shall be posted and displayed as provided in § 125.04(10), Wis. Stats., and any licensee or permit holder who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

§ 335-7\_Safety and sanitation requirements.

Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

§ 335-8 Requirement to purchase alcoholic beverages from wholesaler.

No campus or retail licensee or permittee may purchase alcoholic beverages from, or possess alcoholic beverages purchased from, any person other than a wholesaler holding a permit under Chapter 125, Wis. Stats., for the sale of alcoholic beverages.

§ 335-9 Revocation and suspension of licenses.

- A. Purpose. The purpose of this section is to establish guidelines governing the revocation and suspension of alcoholic beverage licenses through a system of demerit points that accrue for violations of this chapter or Chapter 125, Wis. Stats.
- B. Procedure. Except as hereinafter provided, the provisions of § 125.12, Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this article. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion, subject to any additional requirements under § 125.12, Wis. Stats., for both suspension and revocation proceedings.
- C. Point schedule.
  - (1) The scheme of demerit points appearing below is listed according to the type of drug or alcohol beverage violation. This demerit point system is used to identify both extraordinarily serious violations and/or habitually troublesome license holders who have repeatedly violated state statutes and the Grand Chute Town ordinances for the purpose of recommending suspension or revocation of their alcohol beverage license.
  - (2) If the demerit points accumulated from the date of a violation which results in a conviction meet or exceed 50 points in a twelve-month period, the agent or officer will be required to meet with the Licensing Committee. In the event the agent or officer fails to appear before the Licensing Committee as required under this section, a citation and mandatory forfeiture of \$250.00 plus statutory costs shall be issued and imposed by the Town police department.
  - (3) Demerit points may be reduced as shown on the schedule if the license holder has had no violations for three years prior to the offense and has met with the Licensing Committee as indicated in Section C.(2), above.

- (4) The first violation of § 125.07(1)(a), Wis. Stats., prohibiting selling of alcoholic beverages to underage persons will be assigned 19 demerit points instead of 80 points if the licensee has adopted, prior to the violation, and complied with, a written policy for the Licensed Premises, containing the following provisions:
- a. Each person authorized to sell alcoholic beverages at the Licensed Premises has completed the Operator’s training course sponsored by the State of Wisconsin and required for Operators of Licensed Premises pursuant to Chapter 125, Wis. Stats., and
  - b. Signage is posted on the Licensed Premises visible to customers at an area where alcoholic beverages are sold stating the date of birth subsequent to which no such customer is allowed to purchase alcoholic beverages, and
  - c. Clear written expectations are given to employees permitted to serve alcohol, which establishes that all reasonable measures will be taken to avoid serving any minors under any circumstances, and which includes reasonable discipline or incentives related to serving alcohol to patrons, and
  - d. Internal controls to test procedural compliance by staff for serving alcohol, such as utilizing “secret shoppers” to test policy compliance, and
  - e. Specific criteria for determining when identification must be presented by customers prior to the purchase of alcoholic beverages are established/followed, and
  - f. Quarterly refresher training for all employees permitted to serve alcohol on the policy and laws governing the sale of alcoholic beverages.

Type of Violation	State Statute	Town Ordinance	Demerit Points	Qualified Reductions
Selling to underage person	§ 125.07(1)(a)	§ <u>335-18</u>	80	60
• See paragraph C., (4), above.			19	
Selling to intoxicated person	§ 125.07(2)	§ <u>335-18</u>	50	0
Underage person on premises	§ 125.07(3)(a)	§ <u>335-18</u>	50	35
Failure to be licensed	§ 125.04	§ <u>335-2</u>	100	0
False statement on application	§ 125.04	§ <u>335-2</u>	100	0

Type of Violation	State Statute	Town Ordinance	Demerit Points	Qualified Reductions
Transfer of license without permission, including operating on another's license	§ 125.68	§ <u>335-10</u>	75	0
Operate on another's license	§ 125.68(2m)		200	0
Sale without a license	§ 125.66	§ <u>335-2</u>	100	0
Unlicensed bartender	§ 125.17	§ <u>335-11</u>	50	35
Open after hours	§ 125.68(4)	§ <u>335-1</u>	50	0
No carry-out after hours	§ 125.68(4)	§ <u>335-13</u>	50	0
Failure to purchase from licensed wholesaler	§ 125.69(6)	335-8	75	0
Failure to maintain qualifications for license or permit	§ 125.04(5)		200	0
Keep a disorderly, riotous, indecent, or improper house	§ 125.12(2)(ag)2		50	0
Gambling	Ch. 945	§ <u>415-8</u>	50	0
Adult entertainment/entertainer without permit		§ <u>335-21</u>	75	0
Nude or semi-nude entertainer employee visible outside	§ 944.21		75	0
Solicitation of drinks by employee	§ 944.36	§ <u>415-2</u>	50	0
Failure to display permit	§ 125.04(10)	§ <u>335-6</u>	25	0
Owner/agent selling controlled substance	§ 961.41(1)	§ <u>415-2</u>	200	0
Employee selling controlled substance	§ 961.41(1)	§ <u>415-2</u>	75	0
Possession of controlled substance by owner/agent	§ 961.41(3g)		100 (misd.) 200 (felony)	0
Possession of controlled substance by employee	§ 961.41(3g)		50	0
Possession of drug paraphernalia by owner/agent	§ 961.573		75	0
Possession of drug paraphernalia by employee	§ 961.573		50	0

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Calculation of violations. In determining the accumulative demerit points against a licensee within 12 months or 18 months, the Town shall use the date each violation was committed as the basis for a determination if there has been a

conviction. If the violations are committed concurrently, the highest point violation shall be assessed.

E. Suspension and revocation of license.

- (1) If the demerit points accumulated from the date of a violation which results in a conviction meet or exceed 50 points in a twelve-month period, the agent or officer will be required to meet with the Licensing Committee. The accumulation of points shall result in suspension or revocation of the license in accordance with the following schedule, subject to the exception that for violations under §§ 125.07(1)(a) and 125.04(5)(a)1, Wis. Stats., such violations may be counted only if the licensee has committed another violation under § 125.07(1)(a), Wis. Stats., within 12 months of the present violation, in which case all violations committed within one year of a prior violation may also be considered:

[Amended 2-21-2008 by Ord. No. 2008-03<sup>[2]</sup>]

100 to 149 points within 12 months: 10-day minimum suspension

150 to 199 points within 12 months: 20-day minimum suspension

200 points within 18 months: revocation

*[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) When a license is revoked pursuant to this article, the revocation shall be recorded by the Clerk and no other license issued under Ch. 125, Wis. Stats., may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.

- F. Upon determination by the Town Board, after hearing, that the license is subject to suspension or revocation, the Clerk shall give notice of such suspension or revocation to the person whose license is suspended or revoked. Such suspension or revocation shall take effect 30 days from the date said notice is given to the licensee. Such notice may be given in person or mailed by certified mail to the address of the addressee shown on the licensee's application. Notice by mail shall be deemed effective five days from the date of mailing. If the suspension or revocation is appealed to the Circuit Court by service of notice of appeal on the Town in accordance with § 125.12(2)(d), Wis. Stats., on or before 30 days from the effective date of notice of suspension or revocation, the revocation or suspension shall be stayed pending a decision by the Circuit Court on the appeal unless the Board finds that public health, safety, or welfare imperatively require emergency action and incorporates a finding to that effect in its order. If the Circuit Court affirms the suspension or revocation, the period of suspension or revocation shall then take effect beginning on the fifth day following the date the decision is signed by the Circuit Court Judge unless a different date is ordered by the Court.<sup>[3]</sup>

*[3] Editor's Note: Original § 9.01(8)(g), which immediately followed this subsection, was repealed 12-20-2011 by Ord. No. 2011-30.*

- G. Repossession of license or permit. Whenever any license or permit under this article shall be revoked or suspended by the Town Board or action of any court or Subsection C, it shall be the duty of the Clerk to notify the licensee or permit holder 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 Clerk's office.  
[Amended 12-20-2011 by Ord. No. 2011-30]
- H. Transfer/sale of licensed business.  
[Added 6-2-2009 by Ord. No. 2009-12]
- (1) Upon the transfer or sale of the licensed business, all accumulated demerit points shall be canceled unless any of the following apply:
    - (a) The new licensee is related to the former licensee by blood, adoption, or marriage.
    - (b) The new licensee held a business interest in the previous licensed business, real estate, or equipment.
    - (c) The former licensee retains an interest in the business or equipment used by the business.  
[Amended 12-20-2011 by Ord. No. 2011-30]
    - (d) The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing but not obligated to sell and the buyer is willing, but not obligated, to buy.
  - (2) If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to all penalties set forth by this article.

§ 335-10 Transfer of premises.

- A. Any licensee desiring to transfer his license from his current Town location to another Town location shall file a written application with the Town Clerk stating:  
[Amended 6-2-2009 by Ord. No. 2009-12]
- (1) The place he desires to move to;
  - (2) Whether he is to be the owner or lessee;
  - (3) The nature of any other business carried on concurrently at the location proposed to be licensed; and

- (4) Such other information as may be required from time to time by the Town Board.
- B. Such applications shall be filed for at least 15 days with the Town Clerk before being acted upon by the Board. The Town Clerk shall promptly notify the Licensing Committee of such application, and committee members representing the Police Department, Fire Department, and Community Development Department shall inspect or cause to be inspected the premises sought to be licensed. They shall make such other investigation as the Town Board or its Licensing Committee as authorized by the Town Board shall order to determine whether the application complies with the regulations, orders and laws applicable thereto and the premises are in a proper physical condition and a suitable location. The aforesaid officers shall furnish to the Town Clerk in writing the information derived from such investigation.  
[Amended 2-21-2008 by Ord. No. 2008-03; 12-20-2011 by Ord. No. 2011-30]
- C. As far as applicable, the provisions of § 335-3 of this article shall apply to further proceedings in regard to the granting or refusal by the Board of the applicant's request to transfer the license.

§ 335-11 Operator's license.

[Amended 2-21-2008 by Ord. No. 2008-03; 12-15-2009 by Ord. No. 2009-19]

- A. Anyone wishing to be employed as an operator under § 125.17, Wis. Stats., shall make written application for an operator's license to the Town Clerk upon the form provided by the Town.
- B. No operator's license shall be granted to a person under 18 years of age.
- C. No one except the licensee or a member of his immediate family shall act as an operator without such license. Licenses are valid from July 1 to June 30, renewed every two years. Fees are as prescribed in the Town Fee Schedule. All applicants shall comply with § 125.17(6), Wis. Stats.  
[Amended 12-18-2012 by Ord. No. 2012-22]
- D. Provisional license.
- (1) Provisional licenses shall only be issued to person(s) who have applied for an operator's license under this section. A provisional license may not be issued to any person(s) who has been denied a license under this section. Provisional licenses shall expire 60 days after issued or when a license under this section is issued to the holder, whichever is sooner. Provisional licenses may be revoked if the holder of the license made false statements on the application or as determined by the Licensing Committee.

- (2) Provisional licenses shall be issued by the Town Clerk at a fee as prescribed in the Town Fee Schedule.

E. Temporary license.

- (1) Temporary licenses may be issued only to operators employed by, or donating their services to, nonprofit corporations. No person may hold more than one license of this kind per year. This license is valid for any period from one day to 14 days, which shall be stated on the license.
- (2) License fee is as prescribed in the Town Fee Schedule.

§ 335-12 Replacement of license.

[Amended 12-15-2009 by Ord. No. 2009-19]

Whenever a license or permit is lost or destroyed, a duplicate shall be issued by the Town Clerk upon the payment of a fee as prescribed in the Town Fee Schedule.

§ 335-13 Hours of operation.

- A. The holders of Class "A," Class "B," "Class A," "Class B" and "Class C" licenses, meaning all licenses as issued by the Town of Grand Chute as to the sale of fermented malt beverages and intoxicating liquor [§ 125.02(1), Wis. Stats.], shall not permit the selling, dispensing, giving away or furnishing, directly or indirectly, of said fermented malt beverages or intoxicating liquor for consumption off premises between the hours of 9:00 p.m. and 8:00 a.m., central standard time. During that portion of the year when standard time is advanced under § 175.095, Wis. Stats., then also said licensees shall not be permitted to sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages or intoxicating liquor between 9:00 p.m. and 8:00 a.m.

[Amended 3-4-2008 by Ord. No. 2008-06]

- B. It is the intention of this article to prevent the sale, dispensing, giving away or furnishing of fermented malt beverages or intoxicating liquor, for consumption off premises, during the above prohibited times. Any violation of this article shall be subject to the penalties as contained within § 335-15 of this article.

[Amended 12-20-2011 by Ord. No. 2011-30]

§ 335-14 Licenses not used for extended periods.

- A. Any person who has been granted a "Class B" liquor and beer license for the operation of a liquor license premises who does not make use of such liquor license by operation of said premises for a period of four months shall be deemed to have forfeited such license, with the exception of premises that, by virtue of their operation, are only open for a portion of each year. Upon

knowledge of such failure to use, the Town Clerk shall notify the license holder by certified or registered mail that the license is deemed to have been forfeited and direct by said certified or registered mail that the license holder deliver the license and surrender the license to the Town Clerk.

- B. In the event the holder of said license encounters undue hardship or unusual circumstances beyond the license holder's control, the license holder can request an extension of up to four months from the Town Board. The license holder must first address his or her request to the Licensing Committee, who will consider the request and provide a recommendation to the Town Board. Within the extension period of four months, the license holder may ask, and the Town Board may grant, an extension up to a further period of four months. The Town Board shall not authorize extensions in excess of four months. The decision of the Town Board in any extension request shall be final and binding..

§ 335-15\_Violations and penalties.

- A. The holder of any license under this article who shall violate this article or any of the provisions thereof or whose agents or employees shall do so or who, having had his or its license revoked, shall continue to operate such place of business, shall, upon the due proof and conviction thereof, be punished as follows:
- (1) A violation of any provision of this article where a like violation is covered, provided for and penalized by Ch. 66 or 125, Wis. Stats., shall be punished by a fine of not less than the minimum fine and not more than the maximum fine provided for by said chapters for said violation or offense, besides the costs of prosecution, and in default of the payment of any such fine and/or costs of prosecution such guilty and convicted person shall be committed to and confined within the county jail of Outagamie County, Wisconsin, until such fine and/or costs of prosecution are paid, but not to exceed 60 days.
- B. Each day of violation under this article shall constitute a separate and distinct offense.
- C. A first violation of any provision of this article shall be punished by a fine as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and on default of the payment of any such fine and/or costs of prosecution such person shall be committed to the county jail of Outagamie County until such fine and costs are paid, but not to exceed 60 days.
- D. Any person violating this article who shall previously have been convicted of a violation of this article shall, upon proof and conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and on default of the payment of any such fine and costs of prosecution, or either of them, such convicted person shall be committed to and

confined within the county jail of Outagamie County, Wisconsin, until such fine and costs of prosecution are paid, but not to exceed six months.

- E. Penalties set forth in this section shall be in addition to penalty provisions in other sections of this article, if any.

## Article II: Offenses Involving Alcoholic Beverages

[Adopted 1-7-1997 as §§ 7.12, 7.16, 7.19 and 7.20 of the 1997 Code]

§ 335-16 Possession and consumption of intoxicants.
---

- A. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any street, alley, sidewalk, thoroughfare, parking lot, or other public way. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any private property without the property owner's consent.
- B. All purchases of intoxicating liquor or fermented malt beverages by glass or in open containers shall be consumed upon the licensed premises where purchased and where served and shall not be removed to the public areas or private areas set forth in Subsection **A** above.
- C. No person shall possess any glass or open container containing intoxicating liquor or fermented malt beverages in or upon any public areas set forth in Subsection **A** above or in or upon any private property without the owner's consent as set forth in Subsection **A** above.
- D. The Town Board of Supervisors may, in special circumstances, where it is satisfied that adequate supervision and police protection exist and upon application therefor by any person, permit the consumption or possession of intoxicating liquor or fermented malt beverage contrary to this section, provided that said permission is limited to a specific date, a specific time, and a specific location. Request for such permission shall be in the form of an application for a special event permit, as outlined in Chapter 456, Town of Grand Chute Municipal Code.
- E. Any person who shall violate the provisions of this section, or any part thereof, shall be punished by a forfeiture as prescribed in the Uniform Forfeiture and Bond Schedules for each offense, together with the costs thereof, and in default of payment thereof shall be imprisoned in the county jail for a period not exceeding 30 days.

[Amended 12-20-2011 by Ord. No. 2011-30]

§ 335-17 Underage and intoxicated persons; general restrictions.

- A. Pursuant to § 125.10, Wis. Stats., the Town does hereby adopt by reference §§ 125.07 and 125.09, Wis. Stats. A violation thereof may be prosecuted as a Town ordinance violation pursuant to this section and the adoption of the above-referenced state statutes.
- B. The penalty for violation of this section shall be as prescribed in the Uniform Forfeiture and Bond Schedules.  
[Amended 12-20-2011 by Ord. No. 2011-30]

§ 335-18 Violations and penalties.

[Amended 12-20-2011 by Ord. No. 2011-30]

Any person who shall violate any provision of this article shall, upon conviction thereof, be punished as follows:

- A. For a violation of any provision of this article, any person shall, upon proof and conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, or either of them, such convicted person shall be committed to and confined within the county jail of Outagamie County, Wisconsin, until such fine and costs of prosecution are paid, but not to exceed 60 days.

## Article III: Attire, conduct, and entertainment on licensed premises

§ 335-19 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

### **ADULT ENTERTAINMENT TAVERN**

Any establishment, including a sexually oriented business, whether or not licensed to sell alcoholic beverages pursuant to Ch. 125, Wis. Stats., which is used for, among other things, services, performances or entertainment by nude/semi-nude entertainers as defined in this section.

### **ANAL CLEFT AND CLEAVAGE**

The definition of anal cleft and cleavage can generally be described as including only that 1/3 of the complete buttocks centered over the cleavage for the length of the cleavage, more particularly described as follows:

- (1) The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two imaginary straight lines running parallel to the ground when a person is standing, the first or top such line being 1/2 inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being 1/2 inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluteal fold), and between two imaginary straight lines, one on each side of the body (the "outside line"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor faciae latae muscle or any of the above-described portion of the human body that is between either:
  - (a) The left inside perpendicular line and the left outside perpendicular line; or
  - (b) The right inside perpendicular line and the right outside perpendicular line.
- (2) For the purpose of Subsection **(1)(a)** and **(b)**:
  - (a) The left inside perpendicular line shall be an imaginary straight line on the left side of the anus:
    - [1] That is perpendicular to the ground and to the horizontal lines described above; and
    - [2] That is 1/3 of the distance from the anus to the left outside line; and
  - (b) The right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
    - [1] That is perpendicular to the ground and to the horizontal lines described above; and
    - [2] That is 1/3 of the distance from the anus to the right outside line.

## **BREASTS**

A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and the areola (the darker colored area of the breast surrounding the nipple) and an outside area of such gland wherein such outside area is:

- (1) Reasonably compact and contiguous to the areola; and

- (2) Contains at least the nipple and the areola and 1/2 of the outside surface area of such gland located below the top of the areola, which area shall be reasonably compact and contiguous to the areola.

### **ENTERTAINER or PERFORMER**

Includes entertainers, performers and wait staff and means any person who provides services, performances or entertainment for customers or patrons at a sexually oriented business, whether or not for consideration, such as fees, wages, or tips, charged or accepted for the service, performance or entertainment, and whether or not the service, performance or entertainment is provided as an employee or independent contractor, meaning any person who serves, performs for or entertains, customers or patrons in the form of either live nudity, live semi-nudity, or live specified sexual activities.

### **LICENSED ESTABLISHMENT**

Any premises licensed by the Town of Grand Chute pursuant to Ch. 125, Wis. Stats., for serving alcoholic beverages for on-premises consumption.

### **NUDE or NUDITY**

The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola, or the showing of covered male genitals in a discernible turgid state. This definition shall not include any portion of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel commonly worn by persons in public.

**NUDE/SEMI-NUDE ENTERTAINER:** "Entertainer" includes both performers and wait staff

Any person who provides services to customers, performances, dancing or entertainment at a licensed establishment, adult entertainment tavern or sexually oriented business, as defined in this section, whether or not for consideration, such as fees, wages, or tips, charged or accepted for the services, performance or entertainment, and whether or not the services, performance or entertainment is provided in the capacity of an employee, independent contract or under some other arrangement, including any person who provides services, performances or entertainment in the form of either live nudity, semi-live nudity, or live specified sexual activities, or which is characterized by an emphasis on exposure to view of human genitals, pubic area or anus or a female's vulva or breasts below the top of the areola, or an emphasis on acts of or acts which simulate sexual intercourse, masturbation, flagellation, erotic touching or any sexual acts or specified sexual activities prohibited by Wisconsin Statutes.

## **OPERATOR**

Any person operating, conducting, maintaining or owning any licensed establishment.

## **PREMISES**

The real property upon which a licensed establishment, adult entertainment tavern or sexually oriented business is located, or is proposed to be located, and all appurtenances thereto and buildings thereupon, including, but not limited to, the licensed establishment, the grounds, the private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the operator of the licensed establishment.

## **PROHIBITED SEXUAL CONTACT**

Touching the breasts, buttocks, anus, vulva, labia, penis or testicles of another person in public view of customers or patrons done for the purpose of gratifying the sexual desires of either party.

## **SEMI-NUDE or SEMI-NUDITY**

All definitions of nude or nudity above, and also the exposure of a bare female breast including the nipple and areola, at any point below a horizontal line intersecting the top of the areola. This definition shall not include any portion of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel commonly worn by persons in public. The terms "semi-nude" and "semi-nudity" includes females adorned by clothing consisting of pasties covering only the nipple and areola and G-strings.

## **SEXUALLY ORIENTED BUSINESS**

A business that regularly features either live nudity or live semi-nudity, as a permanent focus of its business, giving special prominence to such content on a permanent basis, as cited in Kraimer v. City of Schofield, 342 F. Supp. 2d 807 at page 822, citing Schultz v. City of Cumberland, 228 F.3d 831, or otherwise permits live display of specified sexual activities to members of the public.

## **SPECIFIED SEXUAL ACTIVITIES**

Live simulated or live actual:

- (1) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
- (2) Excretory functions as part of or in connection with any of the activities set forth in Subsection **(1)** above.

§ 335-20 Entertainment in licensed establishments operating sexually oriented businesses.

[Amended 7-16-2013 by Ord. No. 2013-15]

- A. Application. This section shall only apply to licensed establishments that operate sexually oriented businesses as defined in Section 335-19, subject to the excluded categories of businesses described as follows.
- (1) Excluded from application of the provisions of this section are the following licensed establishments: wherever performances of serious artistic merit, theaters, performing arts center, civic centers, and dinner theaters, where live dance, ballet, or music, of serious artistic merit, are offered, or legitimate educational, medical or health-related programs, are offered, and in which the predominant business or attraction is not the offering to customers of entertainment which is intended for the sexual interests or titillation of customers, and where the licensed establishment is not distinguished by an emphasis on, or the advertising or promotion of, live nude or live semi-nude performances, or live specified sexual activities take place. Also excluded from application of this section are such establishments as hotels, motels, and restaurants which are licensed establishments but which do not operate sexually oriented businesses.
  - (2) Also excluded from application of this section are sexually oriented businesses, which are not licensed establishments.
- B. Intent. It is the intent of this section to promote the health, safety, welfare, and morals of the citizens of the Town of Grand Chute by establishing reasonable and uniform regulations to prevent the deleterious secondary effects associated with licensed establishments that operate sexually oriented businesses. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative or expressive materials or acts, including sexually oriented materials or acts. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials or acts protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene materials as regulated by state law.
- C. Authority.
- (1) The Town Board of the Town of Grand Chute has explicit authority under § 125.10, Wis. Stats., to adopt regulations governing the sale of alcoholic beverages.

- (2) Under Wisconsin Statutes §§ 60.10(2)(c), 60.22(3), and 61.34, and its police powers, respectively, the Town Board has authority to act for the good order of the Town of Grand Chute and for the health, safety and welfare of the public and may carry out its powers by ordinances and enforcement.
- (3) The Town Board recognizes it lacks authority to regulate obscenity, to the extent preempted by State of Wisconsin Statutes, and does not intend by adopting this section to regulate or to condone obscenity.
- (4) The Town Board recognizes that the authority to adopt zoning ordinances applicable to the Town falls under the jurisdiction of Outagamie County, and the Town Board does not by adoption of this section create a zoning regulation.
- (5) The Town Board recognizes that the U.S. Supreme Court has held that nude or semi-nude dancing is expressive conduct within the outer parameters of the First Amendment to the United States Constitution and therefore is entitled to protection under the First Amendment, and the Town Board further recognizes that freedom of speech and expression are among our most precious and highly protected rights and wishes to act consistently with the full protection of these rights.

#### D. Findings

- (1) Notwithstanding the foregoing, the Town Board has become aware, based upon its own observations and experiences, as well as testimony before the Board by legal counsel for the Town, and also the experiences of other communities, that sexually oriented businesses may and do generate secondary effects which the governing body believes are detrimental to the public health, safety, welfare, and morals of the citizens of the Town of Grand Chute.
- (2) Specifically, the Town Board has reviewed evidence concerning adverse secondary effects on other communities found in, but not limited to, the cases of *Ben's Bar, Inc. v. Village of Somerset*, 316 F3d 702 (2003); *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986); *California v. LaRue*, 409 U.S. 109 (1972); *City of Newport, KY v. Iacobucci*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F3d 403 (6th Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F3d 1248 (5th Cir. 1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F2d 608 (11th Cir. 1984); *New York State Liquor Auth. v. Bellanca*, 452 US 714 (1981); *Blue Canary Corp. v. City of Milwaukee*, 251 F3d 1121; *MDK, Inc. v. Village of Grafton*, 345 F.

Supp 2d 952 at page 957; Daytona Grand, Inc. v. City of Daytona Beach, Florida, 490 F3d 860 (11th Cir. 2007); and a compilation of studies on various municipalities regarding the impact of adult-oriented business, and reports of harmful secondary effects occurring in and around sexually oriented businesses, including a publication of the American Planning Association compiled by Eric Damian Kelly and Connie Cooper entitled "everything you always wanted to know about regulating sex businesses xxx," Report of the Attorney General's Working Group on the Regulation of sexually oriented businesses, June 6, 1989, reports from studies in Phoenix, Arizona-1984 and 1995-1998; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas-1977; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-1977; Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport News, Virginia-1996; and New York Times Square study-1994.

- (3) Based upon the foregoing evidence as well as Town Board members' own individual experiences, observations and reasoning, the Town Board finds that:
- (a) Crime statistics show that many types of crimes, especially sex-related crimes, such as prostitution, occur with more frequency in neighborhoods where sexually oriented businesses are located.
  - (b) Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
  - (c) Sexually oriented businesses will probably contribute to an increased public health risk through the spread of sexually transmitted diseases.
  - (d) Areas with sexually oriented businesses exhibit an increased potential for infiltration by organized crime for the purpose of unlawful conduct.
  - (e) The consumption of alcoholic beverages on the premises of a sexually oriented business exacerbates the deleterious secondary effects of such businesses on the community.
  - (f) That restricting performers and entertainers only to a requirement of wearing minimal coverings such as pasties or G-strings alone will not avoid undesirable secondary effects in licensed establishments.

- (g) Some persons frequent sexually oriented businesses for the purpose of engaging in illicit sexual behavior on the premises.
  - (4) The Town Board desires to protect the health, safety, and welfare of the citizens of the Town by preventing and controlling the secondary adverse effects associated with licensed establishments that operate sexually oriented businesses.
  - (5) The Town Board has determined that the enactment of an ordinance prohibiting licensed establishments from operating sexually oriented businesses promotes the goal of minimizing, preventing, and controlling the above-referenced adverse secondary effects and thereby protects the health, safety, and welfare of the citizens of the Town of Grand Chute.
- E. Grounds for nonissuance, suspension, revocation or nonrenewal of alcohol beverage license issued under Chapter 125, Wisconsin Statutes. The following shall constitute grounds for nonissuance, suspension, revocation or nonrenewal, in accordance with notice and hearing procedures under Ch. 125, Wis. Stats., of a license applied for, or issued, by the Town of Grand Chute pursuant to Ch. 125, Wis. Stats., which license permits on-premises consumption of alcoholic beverages.
- (1) Conviction of an offense, contrary to Wisconsin Statute § 944.21 or any successor statute or later amended version.
  - (2) A finding by the Town Board that the operation of the licensed facility or activity is in conflict with § 944.21, Wis. Stats.
  - (3) A finding by the Town Board that any of the following have occurred on the proposed or existing licensed establishment's premises:
    - (a) Live nude, live semi-nude services or performances by entertainers or performers, provided or performed, and directed at a proposed or existing licensed establishment's patrons or customers, or the general public.
    - (b) An instance of live public display of specified sexual activities involving any entertainer or performer.
    - (c) An instance of live display of prohibited sexual contact involving an entertainer or performer.
    - (d) Operation of a sexually oriented business.
- F. Penalties. In alternative to, or in conjunction with, action the Town may take, described in Subsection E above, with respect to licenses, the Town may impose

a forfeiture for each violation as determined by the Town Board or Municipal Court Judge taking into account the number of past and present violations proven, and the severity of the current offense, pursuant to issuance of a summons and complaint to the operator of the licensed establishment followed by a hearing with respect to the charges in accordance with Municipal Court procedures of the Town of Grand Chute.

- (1) Any person, partnership, or corporation who is found to have violated this section shall be punished by a forfeiture of not less than \$500 nor more than \$5,000 for each offense, together with the cost thereof, as determined by the Municipal Court Judge, in accordance with the following schedule:
    - (a) First offense: not more than \$1,000.
    - (b) Second offense: not more than \$3,000.
    - (c) Third offense: not more than \$5,000.
  - (2) Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.
  - (3) Nothing herein precludes the Town Board from taking action on any alcohol beverage license pursuant to, or consistent with, the requirements and procedures applicable under Ch. 125, Wis. Stats., or other applicable Town ordinances, on other legal grounds than those specified in this section.
- G. Standards for enforcement action. All notice and hearing requirements required for action on licenses under Ch. 125, Wis. Stats., shall be followed for purposes of taking license action pursuant to this section. All actions of the Town Board regarding licenses under Ch. 125, Wis. Stats., pursuant hereto shall be subject to the rights of appeal applicable to action taken under this section in accordance with Ch. 125, Wis. Stats. For purposes of enforcement of this section pursuant to Subsection E and F above, regardless of the basis for the hearing involving any violation of this section, in those cases where hearings are conducted pursuant to Ch. 125, Wis. Stats., regarding a licensed establishment's violation of this section, the standard for enforcement action shall be whether the Town Board finds, by sufficient evidence, in the discretion of the Board, that the violation has occurred.

The following acts or conduct on licensed premises is deemed contrary to public welfare and morals, and therefore no on-sale license shall be held at any premises where such conduct or acts are permitted. The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- (3) Scenes wherein a person displays the vulva or the anus or the genitals.
- (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

§ 335-22 Registration of entertainers.

[Amended 7-16-2013 by Ord. No. 2013-14]

A. Registration requirement.

- (1) Any person intending to be employed or work in any capacity as a nude/semi-nude entertainer, as defined in Section 335-19, in any licensed establishment, adult entertainment tavern or sexually oriented business, as defined Section 335-19, within the Town of Grand Chute shall, before engaging in such employment or work, register with, and obtain a license from, the Grand Chute Police Department by completing and filing a registration statement on the form provided by the Department and paying the required fee as established in the fee schedule maintained by the Grand Chute Town Clerk.
- (2) No licensed establishment, adult entertainment tavern or sexually oriented business shall allow services or performances by any nude/semi-nude entertainer who is not registered with and has not obtained a license from the Grand Chute Police Department as required above.

B. Application.

- (1) This section shall only apply to nude/semi-nude entertainers employed or desiring to work, entertain or perform in a licensed establishment, adult entertainment tavern or sexually oriented business and to the licensed establishments, adult entertainment taverns or sexual oriented businesses which allow services or performances by such entertainers, as defined in

Section 335-19, subject to the excluded categories of businesses described as follows.

- (2) Excluded from application of the provisions of this section are the following establishments: wherever performances of serious artistic merit, theaters, performing arts centers, civic centers, and dinner theaters, where live dance, ballet, or music, of serious artistic merit, are offered, or legitimate educational, medical or health-related programs are offered, and in which the predominant business or attraction is not the offering to customers of entertainment which is intended for the sexual interests or titillation of customers, and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, live nude or live semi-nude performances, or live specified sexual activities take place. Also excluded from application of this section are such establishments as hotels, motels and restaurants which are licensed establishments but which do not operate adult entertainment taverns or sexually oriented businesses.
- C. Intent. It is the intent of this section to promote the health, safety, welfare, and morals of the citizens of the Town of Grand Chute by establishing reasonable and uniform regulations to prevent the deleterious secondary effects associated with the operation of licensed establishments, adult entertainment taverns and sexually oriented businesses. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative or expressive materials or acts, including sexually oriented materials or acts. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials or acts protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene materials as regulated by state law.
- D. Authority.
- (1) The Town Board of the Town of Grand Chute has explicit authority under § 125.10, Wis. Stats., to adopt regulations governing the sale of alcoholic beverages.
  - (2) Under Wisconsin Statutes §§ 60.10(2)(c), 60.22(3), and 61.34, and its police powers, respectively, the Town Board has authority to act for the good order of the Town of Grand Chute and for the health, safety and welfare of the public and may carry out its powers by ordinances and enforcement.
  - (3) The Town Board recognizes it lacks authority to regulate obscenity, to the extent preempted by State of Wisconsin Statutes, and does not intend by adopting this section to regulate or to condone obscenity.

- (4) The Town Board recognizes that the U.S. Supreme Court has held that nude or semi-nude dancing is expressive conduct within the outer parameters of the First Amendment to the United States Constitution and therefore is entitled to certain protections under the First Amendment, and the Town Board further recognizes that freedom of speech and expression are among our most precious and highly protected rights and wishes to act consistently with the full protection of these rights.

E. Findings.

- (1) Notwithstanding the foregoing, the Town Board has become aware, based upon its own observations and experiences, as well as testimony before the Board by legal counsel for the Town, and also the experiences of other communities, that licensed establishments, adult entertainment taverns and sexually oriented businesses may and do generate secondary effects which the governing body believes are detrimental to the public health, safety, welfare, and morals of the citizens of the Town of Grand Chute.
- (2) Specifically, the Town Board has reviewed evidence concerning adverse secondary effects on other communities found in, but not limited to, the cases of *Ben's Bar, Inc. v. Village of Somerset*, 316 F3d 702 (2003); *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986); *California v. LaRue*, 409 U.S. 109 (1972); *City of Newport, KY v. Iacobucci*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F3d 403 (6th Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F3d 1248 (5th Cir. 1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F2d 608 (11th Cir. 1984); *New York State Liquor Auth. v. Bellanca*, 452 US 714 (1981); *Blue Canary Corp. v. City of Milwaukee*, 251 F3d 1121; *MDK, Inc. v. Village of Grafton*, 345 F. Supp 2d 952 at page 957; *Daytona Grand, Inc. v. City of Daytona Beach, Florida*, 490 F3d 860 (11th Cir. 2007); and a compilation of studies on various municipalities regarding the impact of adult and sexually oriented businesses, and reports of harmful secondary effects occurring in and around sexually oriented businesses, including a publication of the American Planning Association compiled by Eric Damian Kelly and Connie Cooper entitled "everything you always wanted to know about regulating sex businesses xxx," Report of the Attorney General's Working Group on the Regulation of sexually oriented businesses, June 6, 1989, reports from studies in Phoenix, Arizona-1984 and 1995-1998; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas-1977; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-1977; Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue,

Washington-1998; Newport News, Virginia-1996; and New York Times Square study-1994.

- (3) Based upon the foregoing evidence as well as Town Board members' own individual experiences, observations and reasoning, the Town Board finds that:
  - (a) Crime statistics show that many types of crimes, especially sex-related crimes, such as prostitution, occur with more frequency in neighborhoods where sexually oriented businesses are located.
  - (b) Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
  - (c) Sexually oriented businesses will probably contribute to an increased public health risk through the spread of sexually transmitted diseases.
  - (d) Areas with sexually oriented businesses exhibit an increased potential for infiltration by organized crime for the purpose of unlawful conduct.
  - (e) The consumption of alcoholic beverages on the premises of a sexually oriented business exacerbates the deleterious secondary effects of such businesses on the community.
  - (f) That restricting performers and entertainers only to a requirement of wearing minimal coverings such as pasties or G-strings alone will not avoid undesirable secondary effects in licensed establishments.
  - (g) Some persons frequent sexually oriented businesses for the purpose of engaging in illicit sexual behavior on the premises.
- (4) The Town Board desires to protect the health, safety, and welfare of the citizens of the Town by preventing and controlling the secondary adverse effects associated with licensed establishments or other businesses operating as adult entertainment taverns or sexually oriented businesses.
- (5) The Town Board has determined that the enactment of an ordinance prohibiting licensed establishments from operating sexually oriented businesses and mandating that nude/semi-nude entertainers register through the Town promotes the goal of minimizing, preventing, and controlling the above-referenced adverse secondary effects and thereby protects the health, safety, and welfare of the citizens of the Town of Grand Chute.

- F. Annual licensing of nude/semi-nude entertainers. Licensing shall be required on an annual basis from July 1 to June 30. The registration period shall terminate on June 30 and require renewal for each separate year thereafter, beginning July 1 of each year.
- G. Grounds for nonissuance, suspension, revocation or nonrenewal of license issued to nude/semi-nude entertainers. The following, among others as determined appropriate by the Town, shall constitute grounds for nonissuance, suspension, revocation or nonrenewal of a license issued to a nude/semi-nude entertainer.
- (1) Conviction of a sexually related offense, offenses of moral turpitude, prostitution, obscenity or an offense contrary to §§ 944.01 through 944.36, Wis. Stats., or any successor statutes or later amended versions.
- H. Procedure for nonissuance, suspension, revocation, or nonrenewal of license. The Town Clerk shall give written notice of any decision by the Town Police Department or Town Board to nonissue, suspend, revoke, or nonrenew a license for any nude/semi-nude entertainer by regular mail to the last known address shown on the application or license previously issued. The decision of the Police Department or Town Board shall become final unless the nude/semi-nude entertainer requests a hearing before the Town Board in writing submitted to the Town Clerk, which request shall be received by the Town Clerk within 15 days of the postmark mailing of the notice of the Town Board decision. The Town hearing shall be conducted on the next regularly scheduled Town Board meeting, providing at least 72 hours advance notice of the request for hearing is received prior to the Town Board meeting, otherwise the hearing shall be at the next regularly scheduled Town Board meeting. The Town Board at such hearing may affirm, reverse, or modify its decision following the hearing, and written notice thereof shall be mailed by the Town Clerk to the nude/semi-nude entertainer.
- I. Penalties.
- (1) In alternative to, or in conjunction with, any action the Town may take in order to enforce this section, any nude/semi-nude entertainer failing to comply with the provision of this section shall be punished upon conviction thereof by a fine as prescribed in the Uniform Forfeiture and Bond Schedules for each separate offense. Each day an unregistered adult nude/semi-nude entertainer is performing, dancing or otherwise entertaining shall be considered and charged as a separate offense punishable by a separate fine.
  - (2) Any licensed establishment, sexually oriented business or adult entertainment tavern employing an unregistered nude/semi-nude entertainer or otherwise permitting an unregistered nude/semi-nude entertainer to perform, dance or otherwise entertain shall be punished,

upon conviction, by fine as prescribed in the Uniform Forfeiture and Bond Schedule. Each day an unregistered adult nude/semi-nude entertainer is employed, or permitted to perform, dance or otherwise entertain by any licensee or any licensed establishments, adult entertainment taverns or sexually oriented businesses shall constitute a separate offense punishable by a separate fine.

**END OF AMENDMENT**

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

TOWN OF GRAND CHUTE

VOTED FOR: \_\_\_\_\_

VOTED AGAINST: \_\_\_\_\_

\_\_\_\_\_  
David Schowalter, Town Chairman

**New Language in bold**

\_\_\_\_\_  
Karen L. Weinschrott, Town Clerk

Approved as to Form

\_\_\_\_\_  
Charles Koehler, Attorney  
Herrling Clark Law Offices  
800 N. Lynndale Drive  
Grand Chute, WI 54914