

CHAPTER 8
LICENSES AND PERMITS

8.01 ACTIVITY CONTROL

- (1) Intent. It is the purpose of the county board of supervisors to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all persons in the county, resident and visitors alike, may be protected.
- (2) Applicability. The licensing requirement of this ordinance shall apply to all assemblies held in Kenosha County except at those assemblies held at or on regularly established places of worship, entertainment, debate or at stadiums, athletic fields, arenas, colosseums, fairgrounds or other similarly established places of assembly or their surrounding grounds which are governed by existing codes, ordinances, statutes or rules reasonably designed to protect the health, safety and welfare of those in attendance at said assembly, and which regularly established places of assembly have adequate access to emergency medical assistance and do not permit access to the assembly of more persons than can reasonably assemble at the location in consideration of the nature of the assembly, the size of the location of the assembly and the safety of those in attendance at the assembly. For purposes of this section, existing codes, ordinances, statutes or rules shall be deemed to be "reasonably designed to protect the health, safety and welfare of those in attendance" if those existing codes, ordinances, statutes or rules establish standards and guidelines for the health, safety and welfare of those in attendance at the assembly similar in nature to those established in section (4)(c) of this ordinance.
- (3) License Required.
 - (a) 1. Except as provided in subsection (2), no person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets or allow attendance to an actual or reasonably anticipated assembly of 5,000 or more people. Nor shall any person permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets or allow attendance to an actual or reasonably anticipated assembly of 100 or more persons which will continue or can reasonably be expected to continue between the hours of midnight and 8:00 a.m.
 2. Any person or organization intending to undertake any of the activity described in subsection 1, whether on public or private property, and regardless of whether such assembly is operated for profit, shall first obtain an Activity Control License from the Kenosha County Board of Supervisors, application for which must be made at least 30 days in advance of the assembly.
- (b) As used in this section:
 1. A person means an individual, partnership, corporation, firm, company, association, society, or group.
 2. Assembly means a company of persons gathered together at any location at any single time for any purpose.

3. Anticipated assembly of more than 5,000 persons means any assembly wherein 5,000 or more admission tickets have been either distributed or sold or where the assembly has been advertised in media having a combined circulation or viewing or listening audience of more than 200,000 individuals. For purposes of this section, each insertion of an advertisement in a publication and each radio and television commercial shall be used in determining whether the combined circulation or viewing or listening audience is more than 200,000 individuals.
 4. Anticipated assembly of more than one hundred persons for purposes of continuing or being reasonably expected to continue between the hours of midnight and eight a.m. means any assembly wherein one hundred or more admission tickets have been either distributed or sold, or where the assembly has been advertised in media having a combined circulation or viewing or listening audience of more than four thousand individuals, where said advertisements or tickets, etc. specify that the assembly will continue past midnight. For purposes of this section, each insertion of an advertisement in a publication and each radio and television commercial shall be used in determining whether the combined circulation or viewing or listening audience is more than four thousand individuals.
- (c) A single license shall be sufficient for each day and each location in which 5,000 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$100 for the first day and \$25 for each additional consecutive day thereafter with the exception, however, that a license for a period of seven consecutive or nonconsecutive days may be issued for a fee of \$200 and a license for periods up to 30 consecutive or nonconsecutive days may be issued for the sum of \$300 and calendar year licenses to be issued for a fee of \$500.
 - (d) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to, nor permit to assemble at the licensed location, more than the maximum number of people.
 - (e) The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
- (4) Conditions For Issuing License. Before a license may be issued, the applicant shall:
- (a) Determine the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, the size of the location of the assembly and the safety of those in attendance at the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county or any other ordinance enforceable at the location of the assembly.
 - (b) Submit a written application to the Kenosha County Sheriff, which application shall contain a statement made under oath or

affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and which statement shall be signed and sworn to or affirmed by the individual making the application in the case of an individual, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group. Said application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application by subsection (4)(b) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10 percent or more of the stock of such corporation.
 2. The address and legal description of the property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all of such property.
 3. A statement made under oath or affirmation by the record owner(s) of all of such property where the assembly is to be held that the applicant has permission to use such property for an assembly of the estimated number of persons anticipated to attend said assembly and for the purpose of the assembly; in lieu thereof, proof of ownership by the applicant of all property upon which the assembly is to be held.
 4. A statement from the Kenosha County Zoning Office indicating that the assembly is to be held upon property zoned for a recreational use or upon property otherwise properly zoned for such an assembly or in the alternative upon property upon which a conditional use has been granted for such assembly.
 5. The nature or purpose of the assembly.
 6. The total number of days and the hours during which the assembly is to last and the dates of the assembly.
 7. The number of persons which the applicant shall permit to assemble at any time and the number of persons permitted to remain between the hours of midnight and 8:00 a.m. as determined according to section (4)(a).
 8. The maximum number of tickets to be sold or distributed, if any, and the total circulation, viewing or listening audience of each advertisement or circular issued giving notice of the assembly.
 9. The plans of the applicant to limit the maximum number of people permitted to assemble.
- (c) Submit, in conjunction with the application required by subsection (b), an affidavit indicating that the location where the assembly is to be held is presently furnished with or in the alternative, that the applicant will furnish, at his own expense, before the assembly commences:
1. A fence or other barrier, either natural or assembled, completely enclosing the proposed location of sufficient

height and strength or in the alternative, any such other reasonable plan to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have a controlled point of entry and at least four points of exits, one at or near four opposite points of the compass, with said affidavit indicating the type and dimensions of the fence or other barrier.

2. Water meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day, and in the event of overnight camping, water for bathing at the rate of at least ten gallons per person per day along with one bathing facility for every 200 persons with said bathing facilities to be evenly divided between male and female, with said affidavit to further indicate the source of water, and the amount available. For overnight assemblies between one hundred and two hundred persons, continuing between the hours of midnight and eight a.m., there shall be at least one male and one female bathing facility.
3. Separate enclosed toilets for males and females meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 persons with said facilities to be evenly divided between male and female together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; one lavatory for every 500 persons with running water under pressure and a continuous supply of soap and paper towels to be provided with each lavatory or in the alternative a sufficient number of chemically treated sanitary towels with said affidavit indicating in addition the source, number, type and means of disposing of waste deposited. Except that in the event of overnight assemblies of less than four hundred people, continuing between the hours of midnight and eight a.m., there shall be at least two toilet facilities for males and two for females, and further that in the event of such overnight assemblies of less than five hundred persons, there shall be at least one lavatory for males and one lavatory for females.
4. A sanitary method of disposing of solid waste in compliance with state and local laws and regulations sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task with said affidavit to indicate the method of disposing of such waste.
5. Medically trained personnel certified as capable of administering emergency first aid at the rate of one certified personnel per 1000 persons and the minimum amount of medical equipment and supplies as may be required by the state or other municipal authorities; an enclosed, covered structure where treatment may be

rendered and at least one emergency on site ambulance available and said affidavit to further indicate that sufficient and timely and written notice will be given to an additional local ambulance service which may be called upon in an emergency situation, said notice giving the time and location and points of entry and exit of the assembly and the aforementioned enclosed covered structure where treatment may be rendered. In addition, said affidavit shall indicate the names and addresses and hours of availability of medically trained personnel and by whom they are certified to give first aid medical treatment. In the event of assemblies of less than one thousand persons continuing between the hours of midnight and eight a.m., medically trained personnel shall not be required on the site. However, all other provisions of this section shall apply.

6. Illumination sufficient to light the entire area of the assembly if the assembly is to continue during hours of darkness with said illumination to be provided at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, with said affidavit to indicate the source and amount of power.
7. An off-street parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons, with said affidavit to indicate the size and capacity of said parking lots, and with said affidavit to further indicate that parking attendants would be provided at the rate of one attendant for every 400 cars and with said parking area to have controlled points of entry and exit.
8. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 2,000 persons, and one additional phone to be located in the medical structure described in sec. 5 with said affidavit to further indicate the source and number of telephones. Except that in the case of assemblies of less than two thousand persons, continuing between the hours of midnight and eight a.m., there shall be at least two phones.
9. Camping facilities within the boundaries of the location of the assembly if the assembly is to continue overnight with said camping facilities to be in compliance with all state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled or anticipated to sleep overnight but in no event shall such number exceed the maximum permitted to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county or any other ordinance enforceable at the location of the assembly.
10. Security guards, either regularly employed, duly sworn off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people, and in addition, said affidavit shall indicate the

number of guards, their deployment, names, addresses and credentials. Except that in the case of assemblies of less than seven hundred fifty people, continuing between the hours of midnight and eight a.m., there shall be at least one security guard.

11. Fire protection, including alarms, extinguishing devices and fire lanes and escapes sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and the ordinances of the county and sufficient emergency personnel to efficiently operate the required equipment; in addition thereto, said affidavit shall indicate that notice shall be given in writing to that fire department having jurisdiction over the assembly area with said notice to provide the fire department with the location of the assembly, the dates of assembly and hours of operation as well as points of entrance, fire lanes, location of extinguishers and possible water supply, and any structures which may be on the assembly grounds, with said affidavit to indicate the number and type of all such fire protection devices and the number, names and addresses and credentials of emergency fire personnel.
 12. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly with said affidavit to further indicate the number, power and source of power of amplifiers and speakers.
 13. Space for only licensed food and beverage concessionaires in the event that concessions will be allowed to operate on the grounds with said affidavit to further indicate the names and addresses of all concessionaires and hours of operation.
- (d) Submit, in conjunction with the application required by subsection (b), a scaled drawing of the location where the assembly is to be held with such drawing or map to show in addition to the surrounding area:
1. The location of the fence or other barrier and points of entry and exits as required by subsection (c)1, and
 2. The location of water outlets as required by subsection (c)2, and
 3. The location of toilets for males and females as required by subsection (c)3, and
 4. The location of trash cans and receptacles as required by subsection (c)4, and
 5. The location of the medical structure as required by subsection (c)5, and
 6. The location of the power supply and location of lamps as required by subsection (c)6, and
 7. The location of parking lots, lanes, points of highway access and interior roads, including routes between highway access points and parking lots as required by subsection (c)7, and

8. The location of telephone lines and receivers as required by subsection (c)8, and
 9. The location of camping facilities as required by subsection (c)9 with said facilities to be located within reasonable proximity to water, toilets, bathing facilities, trash receptacles, medical treatment, lighting, parking, telephones, and fire protection devices, and
 10. The location of all fire protection devices including extinguishers and water supply as required by subsection (c)11, and
 11. The location of amplifiers and speakers and their power source as required by subsection (c)12, and
 12. The location of food and beverage concessions as provided for in subsection (c)13.
- (e) Provide a bond, to be filed with the county clerk, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of \$1 per person for the maximum number of people permitted to assemble each day which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license and from any cost incurred in cleaning up any waste material produced or left by the assembly. In the alternative, the applicant shall provide any other alternative type of insurance which shall satisfy the needs of the county.
- (f) Submit the license fee as required by subsection (3)(c), which shall be returned if the license is denied.
- (5) Board Action. Upon receipt of said application and affidavits, the Kenosha County Sheriff shall determine if the requirements of this section have been met and shall make a recommendation regarding the granting of an Activity Control License to the applicant to the Kenosha County Sheriff's Committee, which shall in turn make a recommendation to the Kenosha County Board. Upon majority vote in favor of granting such a license, the County Clerk shall issue an Activity Control License to the applicant in the form provided for in subsection (6). Any decision to deny the issuance of a license shall contain the reason for such denial.

(6) License Form. The form of said license shall be as follows:

County of Kenosha, State of Wisconsin
ACTIVITY CONTROL LICENSE
Valid on the following dates of assembly:

County of Kenosha, to all whom it may concern:

WHEREAS, the County Board of Supervisors of the County of Kenosha, Wisconsin has authorized the granting of an activity control license on the _____ day of _____, 19____ to _____, upon application therefore, which application for an activity control license for the premises hereinafter described was made pursuant to section 8.01 of the Municipal Code of Kenosha County, and which application is on file in the office of the County Clerk of Kenosha County, and

WHEREAS, said applicant has paid to the Kenosha County Treasurer the sum of \$_____, and

WHEREAS, said applicant has agreed to limit said assembly to _____ persons per day so as to provide for the health, safety and welfare of those assembled and to limit overnight assemblies to _____ persons, all in accordance with section 8.01 of the Kenosha County Ordinances,

NOW THEREFORE, an Activity Control License is hereby granted to _____ to allow an assembly of not more than _____ persons per day and overnight camping not to exceed _____ persons per day on premises located at _____ pursuant to section 8.01 of the Municipal Code of Kenosha County and the provisions and conditions set forth therein and subject to revocation as set forth therein.

Given under my hand and seal of Kenosha County this _____ day of _____, 19____.

County of Kenosha, Wisconsin by: _____
County Clerk

(7) Revocation. Any license granted pursuant to this section may be revoked by the Kenosha County Board at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any condition previously met ceases to be complied with. The revocation shall contain the reasons for such revocation and shall become effective upon posting notice of the revocation at the assembly site.

(8) Enforcement

(a) The provisions of this section may be enforced by injunction in any court of competent jurisdiction.

(b) The holding of an assembly in violation of any provisions or conditions contained in this section shall be deemed a public nuisance and may be abated as such.

(c) Any person who violates this subsection or who violates any condition upon which he is granted a license shall forfeit not less than \$1,000 nor more than \$5,000 together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail until such fine and costs are paid but not to exceed 90 days. Each day of violation shall be considered a separate offense.

- (9) Severability. It is the further intent of the Kenosha County Board that all subsections and provisions of this section have an independent existence, and should any subsection or provision be declared invalid or unconstitutional by any court of competent jurisdiction, it is the intent of this county board to sever such subsections and provisions so declared and this shall not affect the validity of the remainder of the section.
- (10) Effective Date. This ordinance shall become effective upon publication thereof.

8.02 CABARET LICENSES (3/6/01)

- (1) License Required. No holder of a Class "B" liquor or beer license within the unincorporated areas of the County shall afford to his patrons unless he first shall have obtained a Cabaret License from the County Clerk:
 - (a) The music of one or more musicians and dancing privileges.
 - (b) Specifically feature or advertise dancing in his premises using mechanical devices to produce music.
 - (c) Furnish entertainment by, or performance of, any act, stunt, Karaoke or dance by performers under his auspices, whether such performers or dancers are paid or not.
 - (d) This section shall not apply to holders of temporary Class "B" licenses.
 - (e) A probationary or regular cabaret license, as defined in section 8.02(2) and 8.02(3) of these ordinances, and upon approval of the County Board for the issuance thereof, shall be issued such license for one or more of the following specific uses, subject to compliance with further conditions set forth by the County Board:
 - 1. A disc jockey utilizing mechanical devices to reproduce music.
 - 2. Up to two musicians, not electronically amplified.
 - 3. Two or more musicians electronically amplified.
 - 4. Non-musical entertainers, including, but not limited to dancers, actors, comedians, models or modeling, and magicians.
- (2) Probationary Cabaret License.
 - (a) Upon the initial application for a license, made after enactment of this ordinance, and where the applicant held no 1981 license issued under the then existing county cabaret ordinance for the location specified, only a probationary license may be issued.
 - (b) The application for such Cabaret License shall be filed with the County Clerk and directed to the County Board, and shall be accompanied by the application fee.
 - (c) The application shall contain the name of the applicant and the location of the place to be licensed.

- (d) All such applications shall be accompanied by a non-refundable fee of \$200.00.
- (e) Whenever such application is received by the County Clerk, he shall notify the town or village wherein the proposed license is to be held, publish a class-one notice of such application in a newspaper circulated in said town or village, and forward such application to the Sheriff, who shall then investigate or cause to be investigated such application for the purpose of determining whether the place to be licensed will comply with all the laws and regulations applicable thereto. The Sheriff shall, within 30 days, thereupon furnish to the Judiciary and Law Enforcement Committee of the Kenosha County Board in writing the information derived from such investigation, which committee shall then hold a public hearing on such application. Notice of such hearing shall be contained in said county clerk's published notice. The Chairman of the Judiciary and Law Enforcement Committee is empowered to administer an oath to witnesses prior to taking any testimony regarding the granting or denial of a license.
- (f) After such public hearing and after due deliberation in open session, such Judiciary and Law Enforcement Committee shall prepare a recommendation on such application and forward such recommendation to the County Board. The County Board shall either adopt, modify or reject such recommendation of the Judiciary and Law Enforcement Committee by majority vote. Upon the favorable voting for granting of the license, it shall thereupon be issued by the County Clerk. In the event the application is denied, such denial shall be based upon specific findings of facts.
- (g) Each probationary license granted under this section shall be for a period of six (6) months, and each probationary license shall be subject to revocation as hereinafter provided.
- (h) Probationary licenses may be granted based upon the written agreement of the applicant to comply with conditions set forth by the County. Conditions may only be imposed where findings of fact based upon evidence presented have been made and which address the safety, health and welfare of the general population including noise and crowd disturbances and parking.
- (i) Form of License: The County Clerk shall be responsible for drafting and issuing all such probationary licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the County Board. All such licenses shall be posted in public view.

(3) Regular License.

- (a) After an applicant has held a probationary license for a period of six months, the Judiciary and Law Enforcement Committee shall consider the issuance of a regular license. Whenever such application for a regular license is received by the county clerk, he shall follow those notification procedures provided for in subsection (2)(e) of this ordinance. Such consideration by the Judiciary and Law Enforcement Committee shall be preceded by an investigation by the Sheriff to determine if the licensee has complied with this ordinance during the time that the probationary license has been in effect. The Sheriff shall thereupon furnish to the Board in writing the information derived from such investigation within

30 days after application for a regular license. The sheriff shall also furnish the board in writing with information relative to the investigation of any complaints received by him concerning the holder of the probationary license. No application for a regular license will be taken earlier than 60 days prior to the expiration of the probationary license. If major structural modifications were not made to the premises, local building inspections may not be required for renewal of a Regular Cabaret License.

- (b) The Judiciary and Law Enforcement Committee shall either adopt, modify or reject the application. If such recommendation by the Judiciary and Law Enforcement Committee is adopted by the County Board by majority vote, the regular license shall be granted. Upon the favorable voting for granting of the license, it shall thereupon be issued by the County Clerk. If said application is denied, the Committee and Board shall specify what findings were made in support of the denial.
- (c) Each regular license granted under this section shall expire on August 1st of each year, and each license shall be subject to revocation as hereinafter provided. Upon receipt of the yearly fee, the applicant/holder of a Regular Cabaret license shall be allowed an automatic renewal. The renewal applicant must sign and verify that no structural changes were made to the premises. Changes would require a sheriff's inspection at no cost.
- (d) Regular licenses may be granted based upon the written agreement of the applicant to comply with conditions set forth by the County. Conditions may only be imposed where findings of fact based upon evidence presented have been made and which address the safety, health and welfare of the general population including noise and crowd disturbances and parking.
- (e) Forms of License: The County Clerk shall be responsible for drafting and issuing all such regular licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the County Board. All such licenses shall be posted in public view.

(4) Renewals.

- (a) Any holder of a regular license granted under this ordinance or any holder of a license granted under a prior ordinance who wishes to renew that license and obtain a regular license shall submit his application for renewal at least sixty (60) days before their present license expires. Such licenses may be renewed pursuant to the provisions of section (2)(e) of this ordinance as it applies to notice being given by the county clerk and pursuant to the provisions of section (3) of this ordinance as it applies to investigation by the sheriff's department and action by the Judiciary and Law Enforcement Committee and the County Board. Renewal applications not timely received shall be treated as a new application under sec. (2) of this ordinance.
- (b) All such applications shall be accompanied by a fee of \$150.00.

(5) Special Event License.

- (a) A holder of a Class "B" liquor or beer license within the unincorporated area of the county may apply for a special event

cabaret license in lieu of obtaining a regular cabaret license. Said license will only be valid for a twenty-four (24) hour period.

- (b) Only one special event license a month will be issued to any establishment. Two special event licenses shall be allowed during the month of December due to the number of holidays.
- (c) Application for said license will be made with the County Clerk and shall require a fee of \$30.00.
- (d) The County Clerk is authorized to issue a special event cabaret license without further county board action.
- (e) A special event license will be limited to musical entertainment and is applicable both inside the business establishment and on the immediate grounds.
- (f) Where applicable, the regulations contained in (6) herein apply to special event licenses.

(6) Regulations.

- (a) No dancing shall be permitted within 6 feet of a bar over which patrons are directly served.
- (b) While dancing is in progress, the dance area shall be illuminated by at least 2 foot candles per square foot.
- (c) Good order shall be maintained at all times. Without limitation due to enumeration, a lack of "good order" for purposes of this section shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons urinating in public, using profane language or fighting.
- (d) The following noise control standards shall be complied with at all times:

At the points of measurement hereinafter specified, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., New York, N.Y. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y. and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y. shall be used.)

Table I

Calibrated Reading	Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Level in Decibels	Octave Band Sound Pressure re 0.0002 dyne/cm
125	20 - 75	65	65

250	75 - 150	55
500	150 - 300	50
1000	300 - 600	45
2000	600 - 1200	40
4000	1200 - 2400	40
4000 + 8000	Above 2400	35

If the noise is not smooth and continuous and is not radiated between the hours of 10 p.m. and 7 a.m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

Table II		
Type of Location of Operation or Character of Noise		Correction in Decibels
1. Daytime operation only		5
2. Noise source operates less than*		
a. 20% of any one-hour period		5
b. 5% of any one-hour period		10
3. Noise of impulsive character (hammering, etc)		-5
4. Noise of periodic character (hum, screech, etc).....		-5
5. Property is located in any M-District and is not within 200 feet of any R-District		10

*Apply one of these corrections only.

The points of measurement for purposes of measuring sound levels shall be any property line of the licensed premises.

- (e) The license holder shall insure that the building capacity set by the Town or Village Board or in lieu thereof, by the Kenosha County Sheriff's Department, after consultation with appropriate consultants shall be maintained at all times.
- (f) Adequate parking and if deemed necessary by the Sheriff's Department for safety reasons, lighted parking facilities, shall be maintained so as to accommodate anticipated capacities.
- (g) The license holder shall comply with all state statutes and regulations and all county and town or village ordinances.
- (h) Entertainment may be confined to a specified location on the premises. Premises are defined for purposes of this section as the enclosed structure or part of any enclosed structure licensed for distribution of liquor and/or malt beverages.
- (i) Music and other entertainment which is amplified inside shall cease after 1:00 a.m. with the exception that said music shall cease after 2:00 a.m. during daylight savings time.
- (j) Music may be amplified outside only during daylight hours subject to the provisions of (d) above. Amplified music is allowed outside after dark for establishments operating under 8.01 Activity Control License.
- (k) The management shall obey all reasonable orders or directions of any law enforcement officer.
- (l) The performance of any act, stunt, or dance by performers under the auspices of the management, other than musicians, shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in any act, stunt or dance.

- (m) No license holder personally or through his agent or employees shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices or furnished by the management. This section does not apply to Karaoke.
- (n) No patron shall participate in any act, stunt or dance by performers who appear under the auspices of the management. This section does not apply to Karaoke.
- (o) No entertainer or musician shall associate or fraternize with customers on the premises of the licensed establishment in which he or she is currently performing in violation of the provisions of Wisconsin Statutes section 944.36.
- (p) 1. Lewd and Indecent Performance. No license holder personally or through his agent or employee shall advertise or produce lewd, obscene or indecent performances.
2. Regulation of Costumes. The top portion of the costume worn by female entertainers shall be of nontransparent material. It must encircle the body, and the areola of the breast must be completely covered. The lower portion of the costume worn by male or female entertainers must completely cover the entire pubic area and the cleavage of the buttocks and be of nontransparent material.

(7) Revocation of License.

- (a) A recorded hearing shall be held for the purpose of revoking a license under this ordinance. This hearing shall be preceded by written notice to the holder of such license at least ten days prior to said hearing. All hearings for revocation shall be heard before the county Judiciary and Law Enforcement Committee, which hearings shall afford the holder of such license an opportunity to present evidence on his or her behalf, to cross examine witnesses sworn under oath by the chairman of said committee and all such other due process rights to which the applicant may be entitled. The committee prior to revoking any such license shall make specific findings of fact to support revocation of the license. In lieu of revoking said license, conditions set by the committee to address specific nuisances, dangers or hazards may be imposed pursuant to section (1)(h) of this ordinance.
- (b) Conviction for the violation of any provision of the Wisconsin Liquor Laws, local zoning or building and sanitary codes or the cabaret ordinance shall be sufficient for the Board to revoke such license. In the event any regular license is revoked, the fee paid for such license shall be forfeited and not returned to the holder.
- (c) The Judiciary and Law Enforcement Committee may, after the hearing described in sub. (a), revoke any such Cabaret license upon sufficient proof that the holder has permitted or suffered the licensed premises to be conducted by himself, his employees, patrons or others in violation of health regulations or in a disorderly or improper manner, or in violation of the laws of the State or rules and regulations of the officers, boards, or commissions of the State applicable thereto, or for any reasons set forth in sub. (b).

- (d) Appeal. Any license holder whose license is revoked may appeal to the Board of Supervisors in writing within 15 days of such decision.
- (e) If any Cabaret License is revoked or rescinded, the applicant may reapply after a period of one year. The applicant must show that measures were taken to correct the deficiencies that caused the revocation. Any applicant having their cabaret license revoked twice should not be permitted to reapply for five years.
- (8) Closing Hours. Closing hours shall be in conformity to the rules and regulations as set in each town or village.
- (9) License Transfers. Any cabaret license issued pursuant to the provisions of this section shall not be transferable.
- (10) If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (11) Penalty. In addition to any other action taken by the Kenosha County Board of Supervisors, anyone who violates any of the provisions of this section shall forfeit not less than \$250 and not more than \$500 for each offense, together with the costs of prosecution. If such forfeiture and costs are not paid, he shall be imprisoned in the County Jail for not more than 60 days.

8.03 MOTOR VEHICLE WRECKING YARDS

- (1) Definition. A motor vehicle wrecking yard is a lot or space or yard outside of any building in any town in the County in which junked motor vehicles or parts thereof are stored, kept, wrecked, junked, sold or disposed of, or in which the business of dealing in, breaking up, or storing dismantled or salvaged motor vehicles is conducted.
- (2) Location of Motor Vehicle Wrecking Yard. No motor vehicle wrecking yard shall be established, set up, used, or occupied unless such yard or lot is at least 2,000 feet from the corporate limits of any city or village in the County and 750 feet from the centerline of any public road or highway and 750 feet from the low water mark of any lake or stream.
- (3) License. No person shall own, occupy, use or operate any motor vehicle wrecking yard or motor vehicle salvage business in any town in the County without first applying for and obtaining a license from the County Clerk.
- (4) License Fee. Application for such license shall be made to the County Clerk on such forms as he shall prescribe and the fee for such license shall be \$50.00 per annum. Such license shall be valid and effective for one year from the date of issuance. Such license shall be renewed each year as long as the wrecking yard is used for storing, wrecking, junking, disposing of, or selling junked or salvaged motor vehicles or parts thereof. Such license shall not be sold, assigned, or transferred without the approval of the County Clerk of the County Board.
- (5) Revocation of License. Such license may be revoked by the County Board at any time after hearing provided the County Board finds that the licensee has failed or refused to comply with the section for storing, wrecking, or disposing of junked motor vehicles or parts

thereof. Such hearing shall be held by the County Board on its own motion or upon a complaint in writing duly signed and verified by a complainant. The place for the hearing shall be the County Board room in the courthouse or such other place as the County Board shall designate. Such complaint shall state the nature of the alleged violation to comply with the section or any lawful regulation issued pursuant to such section. A copy of the complaint together with a notice of hearing shall be served upon the licensee at least 10 days prior to the date of the hearing.

- (6) Exclusions. This section shall not be applicable to the City of Kenosha nor any incorporated village in the County nor shall it be applicable to any town which now has or which shall hereafter enact an ordinance covering the subject matter of this section.
- (7) Penalties. Any person who violates, disobeys, neglects, omits, or refuses to comply with any of the provisions of this section shall forfeit not less than \$10.00 nor more than \$50.00 and in default of such payment be imprisoned in the County jail for a term of not less than 10 days nor more than 30 days or until such forfeiture is paid. Every day of violation shall constitute a separate offense.

8.04 Repealed, 5/5/81

8.05 EMERGENCY ALARM CONTROL ORDINANCE (1/19/93)

- (1) Purpose, Intent. It is the intent of this ordinance that the safety and welfare of the public be promoted by efficient use of alarm systems requiring the response of law enforcement or fire personnel. It is hereby recognized that well-maintained alarm systems aid in the detection of crime and other emergency situations. It is also recognized that negligently maintained alarm systems cause an undue burden to law enforcement and fire protection and create dangers to members of the responding agency and the public. It is the purpose of this ordinance to establish regulations relating to the installation, use and termination of such alarms, and to establish a Safety Building Central Alarm Station, located in the Kenosha County Safety Building, under the jurisdiction of the Joint Services Board, to monitor alarms.
- (2) Construction, Severability. This ordinance shall be liberally construed to give effect to its purpose. It is intended that this ordinance be interpreted to be consistent with applicable state and federal law. This ordinance is severable. If any portion herein is declared invalid, it shall not affect the validity of the balance of this law.
- (3) Definitions. In this ordinance, the following words shall have the following meanings:
 - (a) "Alarm" is any mechanical or electrical device which upon being activated by a criminal act, fire, emergency, or any other reason, transmits a signal to the Safety Building Central Alarm System or to a central alarm system to elicit a response from law enforcement personnel, or fire department personnel, or which produces an audible or visual signal to notify members of the public within range of such signal or of a need for help.
 - (b) "Automatic telephone dialing device" is any electric or mechanical unit which has the capability of automatically dialing any telephone number programmed into it to deliver either a prerecorded voice message or other signal.

- (c) "False alarm" is a signal from an alarm resulting in response by law enforcement or fire department personnel when an emergency or a crime did not exist at the location of the alarm.
 - (d) "Fire department personnel" shall mean members of the City of Kenosha Fire Department.
 - (e) "Law enforcement personnel" shall mean members of the City of Kenosha Police Department or the Kenosha County Sheriff's Department.
 - (f) "Owner" shall be broadly interpreted to include any person, association, corporation, institution or organization, which has a connection to the Safety Building Central Alarm System, or which has possession of any other alarm system of any kind or nature.
 - (g) "Person" includes any individual, association, corporation, institution or organization.
 - (h) "Responding agency" is defined as any of the following: Kenosha Fire Department, Kenosha Police Department or Kenosha County Sheriff's Department.
- (4) Safety Building Central Alarm System.

- (a) A central alarm system shall be maintained in the Kenosha County Safety Building at such location as the Joint Services Board shall designate.
- (b) The Joint Services Board and responding agencies shall determine who shall be allowed an alarm connection or connections to the Safety Building Central Alarm System, and the total number of connections to be made, according to written policies developed by the Joint Services Board and the responding agencies. Said policies may be changed from time to time as deemed advisable by the Joint Services Board. The Joint Services Board and responding agencies may consider, along with other factors, state or federal laws or local regulations which require certain persons to maintain an alarm system.
- (c) Persons desiring to have an alarm system connection to the Safety Building Central Alarm System shall file an application with the Joint Services Board. The Joint Services Board shall forward copies of the application to responding agency for approval of application. Written notice of decision of responding agency shall be returned to Joint Services Board within ten (10) working days. Written notice of the decision of the responding agency and Joint Services Board on an application shall be mailed to the applicant at the address given on the application within 30 days of the date of such application.

No person shall cause to be connected to the Safety Building Central Alarm System an alarm system without receiving prior written approval from the Joint Services Board and responding agencies.

- (d) All approvals by the Joint Services Board and responding agencies for connection of alarm systems shall be subject to the following conditions:

1. Applicant shall use only alarm equipment that meets minimum alarm device standards of Underwriters Laboratories and National Fire Protection Agency (NFPA) and which is compatible with the Safety Building Central Alarm System equipment.
 2. All installation costs associated with connection to the Safety Building Alarm System shall be borne by the applicant.
 3. All costs associated with disconnection or termination of service shall be borne by the applicant, whether such disconnection or termination is required by the Joint Services Board, the responding agency, or by choice of the owner. Such costs include the costs of termination and reconnection in the event the Safety Building Central Alarm System is relocated.
 4. Applicant shall cause the alarm system to be periodically inspected and maintained in accordance with the manufacturer's recommendations and the requirements of the Joint Services Board. The Joint Services Board reserves the right to inspect the applicant's equipment at any time for any reason related to the efficient operation of the alarm system. Failure to allow inspection shall be cause for immediate removal.
 5. Applicant shall sign an agreement holding the County and City of Kenosha, its agents and employees, the Joint Services Board and responding agencies harmless for any and all damages or losses resulting directly or indirectly from an alarm connection with the Safety Building Central Alarm System.
 6. Applicant shall pay a reasonable monitoring fee as set by the Joint Services Board.
- (5) Automatic Telephone Dialing Device Prohibited. No person shall sell, use or cause to be used any automatic telephone dialing device which automatically selects a public telephone number of the Kenosha County Safety Building, the Kenosha County Sheriff's Department, the City of Kenosha Police Department, or the City of Kenosha Fire Department and produces a prerecorded message reporting a burglary or other emergency.
- (6) Audible or Visual Alarm System.
- (a) Any person who maintains an audible or visual alarm shall use and install only alarm equipment which meets minimum alarm device standards of Underwriter's Laboratories, National Fire Protection Agency (NFPA) and shall regularly test, inspect, and maintain such equipment in accordance with the manufacturer's recommendations, to insure such equipment is in proper operating condition.
 - (b) No person shall sell, install or use an alarm which upon activation emits a sound the same or similar to civil defense sirens or emergency vehicle sirens.
- (7) Private Alarm Companies. Private alarm companies, including persons engaged in the business of monitoring burglary alarm systems, when reporting an alarm to the Safety Building, shall first identify the private alarm company and the name of the person phoning.

- (8) Intentional False Alarm. No person shall intentionally cause the activation of an alarm device if such person knows that no crime or emergency exists which requires law enforcement personnel or fire department personnel to respond to such alarm.
- (9) Penalties for Repeated False Alarms.
- (a) Persons in possession of alarm systems intended to elicit a response from law enforcement personnel or fire department personnel shall pay to the Joint Services Board a charge per each false alarm responded to by such personnel, according to the following schedule for each calendar year: (1/14/03)
- | | | |
|----|---|-----------|
| 1. | First 2 false alarms | No Charge |
| 2. | Third and fourth false alarm | \$50.00 |
| 3. | Fifth through eighth false alarm | \$75.00 |
| 4. | Ninth and tenth false alarm | \$100.00 |
| 5. | Eleventh through fifteenth false alarm | \$200.00 |
| 6. | Sixteenth through twentieth false alarm | \$300.00 |
| 7. | Twenty-first or more false alarms | \$500.00 |
- (b) Each business, residence or other premises to which law enforcement personnel or fire department personnel are dispatched or arrive shall be considered a separate occurrence for purposes of determining the number of false alarms.
- (10) Disconnections. The Joint Services Board and responding agencies may, on thirty (30) days notice to the owner, require the disconnection, at owner's expense, of any alarm system connected to the Safety Building Alarm Panel for any reason reasonably related to the intent and purpose of this ordinance, including, but not limited to, failure to pay monitoring fees, repeated false alarms, repeated malfunctions of equipment, or failure to pay false alarm fees.
- (11) Penalty. Any person found guilty of a violation of any of the provisions of this ordinance shall forfeit not less than \$50.00 nor more than \$500.00 for each such offense and in default of payment thereof, shall be imprisoned in the Kenosha County Jail for a period of not more than thirty (30) days.
- (12) Appeal. Any person, association or corporation aggrieved by any decision of Joint Services or the responding agency under the terms of this ordinance may appeal in writing to the Joint Services Board within ten (10) days of receipt of notice of the reason such party believes it is aggrieved. All written notices provided by the Joint Services Board and responding agencies pursuant to this ordinance will be presumed to be received within four (4) days of the date of mailing to most current address on file with Joint Services. The Joint Services Board shall hear such grievance within thirty (30) days of the date such grievance is filed.
- (13) This ordinance shall be effective in all areas of Kenosha County. Incorporated areas, where existing ordinances do not conflict, will be governed by this ordinance.