

Title IV – Chapter 1

Licenses and Permits

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1.01 **Alcoholic Beverages.** [Amended 1/22/07 ORD 07-396; Repealed and Replaced by Ord. No. 16-533 on 5/23/2016; Amended by Ord. No. 2020-577 on 5/26/20)

- (1) **Definitions.** As used in this Chapter the terms “Alcoholic Beverages,” “Intoxicating Liquors,” “Principal Business,” “Legal Drinking Age”, “Premises,” “Sell,” “Sold,” “Sale,” “Restaurant,” “Club,” “Retailer,” “Person,” “Fermented Malt Beverages,” “Wholesalers,” “Operators,” “Non-Intoxicating Beverages” and all other terms if defined in Chapter 125 of the Wisconsin Statutes shall have the meaning given them by that Chapter.
- (2) **State Statutes Adopted.** The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutes incorporated are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.
- (3) **Licenses Required.** No person, firm, corporation or other entity shall vend, sell, deal or traffic in or have in their possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.
- (4) **Classes of Licenses.**
 - (a) **Retail “Class A” Intoxicating Liquor License.** A retail “Class A” intoxicating liquor license, when issued by the Village Clerk under

the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premise so licensed.

- (b) Retail “Class B” Intoxicating Liquor License. A retail “Class B” intoxicating liquor license, when issued by the Village Clerk under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) Reserve “Class B” Licenses. A reserve “Class B” license means a license that was not granted or issued by the Village on December 1, 1997, and that is counted under Section 125.51(4)(br), Wisconsin Statutes, which if granted or issued authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (d) Class “A” Fermented Malt Beverage Retailer’s License. A Class “A” retailer’s fermented malt beverage license, when issued by the Village Clerk under the authority of the Village Board, shall permit the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (e) Class “B” Fermented Malt Beverage Retailer’s License.
 - 1. License. A Class “B” fermented malt beverage retailer’s license, when issued by the Village Clerk under the authority of the Village Board, shall permit the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percent of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.

2. Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(f) Temporary Class "B" Fermented Malt Beverage License.

1. License. As provided in Sec. 125.26(6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.
2. Application. Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the Village Clerk together with the appropriate license fee for each day for which the license is sought. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. The application shall also specify the hours and dates of license validity. If the application is for a license to be used in a Village

park, the applicant shall specify the main point of sale facility. Any person fronting for a group other than the one applied for shall come upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year.

(g) Temporary "Class B" License.

1. License. Notwithstanding Section 125.68(3) Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to County or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from the original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the Fair Association or Agricultural Society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" fermented malt beverage license under Section 125.26(6), Wis. Stats., for the same event. A license issued to a County or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The County or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held.
2. Application. Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. The license shall specify the hours and dates of license validity. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of two hundred dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one year.

(h) Wholesaler's License. A wholesaler's fermented malt beverage license when issued by the Village Clerk under authority of the Village Board shall permit the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

(i) Retail "Class C" Licenses.

1. In this Subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
2. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
3. A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a Class "B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another as the employer.
4. A "Class C" license shall particularly describe the premises for which it is issued.

(5) License Fee.

(a) Classes and Fees. There shall be the following classes of licenses which, when issued by the Village Clerk under the authority of the Village Board after payment of the license fee specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 5.03 of this Code of Ordinances and Chapter 125, Wis. Stats.:

1. Class "A" Fermented Malt Beverages Retailer's License. The annual fee for this license shall be no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

2. Class "B" Fermented Malt Beverage License. The annual fee for this license shall be no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes. This license may be issued at any time for a period of six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
3. Temporary Class "B" (Picnic) Fermented Malt Beverage License. The fee for this license shall no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes per event.
4. Temporary "Class B" (Picnic) Wine License. The fee for this license shall be no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes per event. However, there shall be no fee if the Temporary License is obtained along with a Temporary Fermented Malt Beverage License.
5. Fermented Malt Beverage Wholesalers' License. The annual fee for this license shall be no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes.
6. "Class A" Intoxicating Liquor Retailer's License. The annual fee for this license shall be no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes.
7. "Class B" Intoxicating Liquor Retailer's License. The annual fee for this license shall be no more than the maximum amount allowed by Chapter 125 of the Wisconsin Statutes. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
8. Reserve "Class B" Intoxicating Liquor License. The fee for an initial issuance of a reserve "Class B" license shall be the minimum amount allowed by Chapter 125 of the Wisconsin Statutes (as amended from time to time) except that the fee for initial issuance of reserve "Class B" license to a bona fide club or lodge situated or incorporated in the State for at least six (6) years is the fee established in Section 16.05(a)(7) for

such club or lodge. The annual fee for renewal of a reserve "Class B" license is the fee established in Title VI-Your Code, Chapter 2 Administrative Fees.

9. Retail "Class B" License for Full Service Restaurants and Hotels. The initial annual fee for retail "Class B" license for a full-service restaurant that has a seating capacity of three hundred (300) or more persons or a hotel that has one hundred (100) or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of one hundred fifty (150) or more persons or banquet room which will accommodate four hundred (400) or more persons is the fee established in Section 16.05(a)(8).
 10. "Class C" Wine License. The annual fee for this license shall be no more than the maximum allowed by Chapter 125 of the Wisconsin Statutes. The fee for less than twelve (12) months shall be prorated.
 11. Provisional Retail Licenses. Municipalities that issue retail licenses shall issue provisional retail licenses. Provisional retail licenses may be issued to persons who have applied for a Class "A", Class "B", "Class A", "Class B", or "Class C" license and authorizes only the activities that type of retail license applied for authorizes. A provisional license expires 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B", or "Class C" license is issued to the holder, whichever is sooner. The Village Clerk may issue provisional retail licenses in accordance with Sec. 125. 185 Wis. Stats.
- (b) Establishment of Fee. The Village Board shall establish the annual fees for each class of license set forth above each year by resolution at the November regular meeting of the Village Board. If the Village Board does not establish an annual fee schedule at the November meeting, the last established fee schedule shall remain in full force and effect.
- (c) Payment of Application Fee. All application fees pursuant to this Section shall be paid by the applicant to the Village Clerk not more than fifteen (15) days before the date the license is to be issued. All payments made by an applicant shall be paid by cash, certified check, cashier's check, personal check or money order. No action upon the application for a license shall be taken until the fee has been paid in full to the Village Clerk. If the application is denied, the

application fee, less the cost of publication, shall be returned to the applicant.

(6) Applications for License.

- (a) Contents. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Section 887.01 to 887.03 Wis. Stats., and shall be filed with the Village Clerk not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) Corporations. Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) Publication. The Village Clerk shall publish each application for a Class "A," Class "B," "Class A", "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26(6), Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.1(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) Amending Application. Whenever anything occurs to change any fact set out in the application of any Licensee, such Licensee shall file with the Village Clerk a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) License Quotas. The number of persons and places that may be granted retail "Class B" liquor license under this Section is limited as provided in Chapter 125, Wis. Stats.

(7) Qualifications of Applicants and Premises.

- (a) Residence Requirements. A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.

- (b) Applicant to have Malt Beverage License. No retail “Class B” intoxicating liquor license shall be issued to any person who does not have or to who is not issued a Class “B” retailer’s license to sell fermented malt beverages.
- (c) Right to Premises. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) Age of Applicant. Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) Corporate Restrictions.
 - 1. No license or permit may be issued to any corporation or limited liability company (“legal entity”) unless the legal entity meets the qualifications under Sec. 125.04(5)(c), Wis. Stats., unless the agent of the legal entity appointed under Sec. 125.04(6) and the officers and directors of the corporation and members of the limited liability company meet the qualifications of Sec. 125.04(5)(c) and unless the agent of the legal entity appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(5)(c). The requirement that the legal entity meet the qualifications under Sec. 125.04(5)(c) does not apply if the legal entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - 2. Each legal entity applicant shall file with its application for such license a statement by its officers or members showing the names and addresses of the persons who are stockholders or members together with the amount of stock or membership interest held by such person or persons. It shall be the duty of each legal entity and Licensee to file with the Village Clerk a statement of transfers of stock or membership interests within forty-eight (48) hours after such transfer.
 - 3. Any license issued to a legal entity may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest or membership interest, legal or beneficial, in such legal entity is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) Sales Tax Qualification. All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in

good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

- (g) Connecting Premises. Except in the case of hotels, no person may hold both a Class "A" license and either a Class "B" license or permit, and a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (h) Limitations Other Business; Class "B" Premises. No Class "B" license or permit may be granted for any premises where any other business (than the business on the application) is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
 - 1. A hotel.
 - 2. A restaurant, whether or not it is a part of or located in any mercantile establishment.
 - 3. A combination grocery store and tavern.
 - 4. A combination sporting goods store and tavern in towns, villages and 4th class cities.
 - 5. A combination novelty store and tavern.
 - 6. A bowling alley or recreation premises.
 - 7. A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.
- (8) Investigations. The Police Chief shall conduct an investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. The Police Chief shall

forward to the Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

(9) Standards for Approval of Application.

- (a) Finances. No license shall be granted for operation on any premises or with any equipment for which real estate or personal property taxes, assessments, forfeitures, municipal water, municipal sewer, or any other financial claims of the Village are delinquent and unpaid for any reason. Further, no license shall be granted if the applicant is unable to provide proof that the applicant is in good standing for sales tax purposes or if the municipality has received notice from the Department of Revenue that the applicant does not hold a valid seller's permit. Also, a fermented malt beverage license cannot be issued until the Village Clerk has confirmation that all invoices outstanding for more than fifteen (15) days have been paid. An intoxicating liquor license cannot be issued until the Village Clerk has confirmation that any and all invoices outstanding for more than thirty (30) days have been paid in full.
- (b) Premises. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Village.
- (c) Personal Character. Consideration for the granting or denial of a license will be based on guidelines which may be adopted by the Village Board from time to time, including, but not limited to the following:
 - 1. The financial responsibility of the applicant;
 - 2. The appropriateness of the location and the premises where the licensed business is to be conducted;
 - 3. Generally, the applicant's fitness for the trust to be reposed; and
 - 4. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections 111.321, 111.322, and 111.355, Wis. Stats. An application may be denied based

upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) year immediately preceding, act to suspend such license for a period of one (1) year or more.

(10) Granting or Denial of License.

- (a) Opportunity shall be given by the Village Board to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year.
- (b) If the Village Board denies the license, the applicant shall be notified in writing, by regular mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed.
- (c) If an application for a license is denied, the application fee shall be refunded to the applicant, less any publication costs, upon request made by the applicant to the Village Clerk within ten (10) days of the Village Board's final action on the application.

(11) Transfer of License.

- (a) Transfer of License. In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk. Proceedings for such transfer shall be had in

the same form and manner as the original application. The fee for such transfer is fifty dollars (\$50.00). Whenever a license is transferred, the Village Clerk shall notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the Licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

- (b) Change of Agent. Whenever the agent of a legal entity holder of a license is or for any reason replaced the Licensee shall give the Village Clerk written notice of said replacement, the reasons therefore and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue. The legal entity's license shall not be in force after receipt of such notice until the successor agent or another qualified agent is appointed and approved by the Village Board.
- (12) Numbering of License. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the Licensee. The Village Clerk shall affix to the license his affidavit.
- (13) Posting Licenses; Defacement.
- (a) Posting Required. Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
 - (b) Prohibitions. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.
- (14) Conditions of License. All Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto.
- (a) Consent to Entry. Every applicant procuring a license thereby consents to the entry of law enforcement authorities or duly

authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

- (b) Employment of Minors. No Class “B” or “Class B” licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) Disorderly Conduct Prohibited. Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) Licensed Operator on Premises. There shall be upon premises operated under a Class “A”, “Class A”, Class “B”, “Class B”, or “Class C” license, at all times, the Licensee, a member of the Licensee’s immediate family who has attained the legal drinking age, and/or some person who shall have an operator’s license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages or intoxicating liquors to customers. No person other than the Licensee shall serve fermented malt beverages in any place operated under a Class “B”, or “Class C” license unless he possesses an operator’s license, or there is a person with an operator’s license upon said premises at the time of such service.
- (e) Health and Sanitation Regulations. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all “Class B” liquor or “Class C” licenses issued under this Chapter. No “Class B” or “Class C” license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) Restrictions Near Schools and Churches. No Class “A”, Class “B”, “Class A” or “Class B” license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to

the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.

- (g) Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) Gambling Prohibited. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) Credit Prohibited. No Class "A", Class "B", "Class A", "Class B" or "Class C" liquor, wine, or fermented malt beverage Licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such Licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) Licensee or Permittee Responsible for Acts of Help. A violation of this Chapter by a duly authorized agent or employee of a Licensee or permittee under this Chapter shall constitute a violation by the Licensee or permittee. Whenever any Licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) Improper Exhibitions. Unless a license has been granted pursuant to Title IV, Chapter 2, Sections (4) through (8) of this Code of Ordinances, it shall be unlawful for any person to perform, or for any Licensee or manager or agent of the Licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
 - 1. Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - 2. Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - 3. Exposes any portion of the female breast at or below the areola thereof; or

4. Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.
- (15) Closing Hours. Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:
- (a) “Class B”, “Class C” and Class “B” Licenses.
 1. No premises for which a “Class B” liquor, Class “B” fermented malt beverage, or “Class C” wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
 2. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
 - (b) Carryout Hours. Between 9:00 p.m. and 7:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a license issued under this Chapter, fermented malt beverages, wine or intoxicating liquor in original unopened packages, containers or bottles for consumption away from the premises.
- (16) Restrictions on Temporary Fermented Malt Beverage or Wine Licenses. It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Village-owned property or privately-owned property within the Village of Poynette, except through the issuance of a Temporary Class “B” Fermented Malt Beverage License or Temporary “Class B” Wine License issued by the Village Board in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class “B” Fermented Malt Beverage License or Temporary “Class B” Wine License authorizing the sale and consumption of beer and/or wine on Village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met:
- (a) Compliance with Eligibility Standards. The organization shall meet the eligibility requirements of a bona fide club, association, lodge or

society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.

- (b) Posting of Signs and Licenses. All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) Fencing.
 - (1) If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
 - (2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (d) Underage Persons Prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (d) Licensed Operators Requirement. A licensed operator shall be stationed at all points of sales at all times.
- (e) Waiver. The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (f) Insurance. The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or

resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Poynette. The applicant may be required to furnish a performance bond prior to being granted the license.

(17) Revocation and Suspension of Licenses; Non-renewal.

- (a) Procedure. Whenever the holder of any license under this Chapter violates any provision of this Chapter, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by Chapter 125, Wis. Stats.
- (b) Abandonment of Premises. Any Licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the Village for which a quota exists limiting the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

(18) Non-Alcohol Events for Underage Persons on Licensed Premises. The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) Notice. The Licensee or agent of a corporate Licensee shall notify the Village Office at least forty- eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Village Office during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Village. After a non-alcohol event notice has been given, the Licensee may cancel an event(s) only by giving like notice to the Village Office in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed

cancelled no later than the date of expiration or revocation of the applicable retail "Class B", Class "B", or "Class C" license.

- (b) Posting. During the period of any non-alcohol event a notice card prescribed by the Village Office shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Village to a requesting Licensee.
- (c) Prohibitions. Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) Storage. During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the Licensee or a licensed bartender in the employ of the Licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

(19) Outdoor Sports Activities Regulated.

- (a) Purpose. The Village Board finds that restrictions are necessary for outdoor sports activities at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section enacted pursuant to police power provides a framework for regulatory controls on such outdoor sports activities.
- (b) Approval Required. No Licensee shall conduct or sponsor any outdoor sports activity or event on property forming any part of the real property on which the licensed premises exist without the prior approval of the Village Board.
- (c) Application. If a Licensee shall conduct or sponsor any outdoor sports activity or event on the Licensee's property, the Licensee shall file an application with the Village Clerk setting forth the following information:

1. The name, address and telephone number of the person or persons who will be responsible for the actual conduct of the activity or event;
 2. The date and duration of time for the proposed activity or event;
 3. An accurate description of that portion of the Licensee's property proposed to be used;
 4. A good faith estimate of the number of participants and spectators for the proposed activity or event; and
 5. The Licensee's plan for maintaining the cleanliness of the licensed area.
- (d) Time for Filing. The Licensee shall file the application not less than thirty (30) days before the date of the proposed activity or event. The Village Board may waive the thirty (30) day time limit upon a Licensee's showing of exigent circumstances. The application shall be accompanied by payment of a fee of twenty-five dollars (\$25.00) for review of the application.
- (e) Review. The Village Board shall review the applications in light of the standards of this Section. If the nature of the property or the event requires the imposition of additional regulations, the Village Board may impose these regulations upon an express finding detailing the reasons for additional regulation.
- (f) Standards. The following standards shall apply to any outdoor sports activity regulated under this Section:
1. Approval of an application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically licensed.
 2. If the estimated number of participants and spectators shall bring the number of persons on the property above the number for which licensed premises' restroom facilities are rated adequate, the Licensee shall provide a number of portable temporary restrooms sufficient to serve the estimated number of persons.
 3. The Village Board shall not grant approval to any applicant whose property on which the activity or event is proposed is adjacent to any property zoned residential or on which a

residential use exists as a nonconforming use, or within seventy (70) feet of any property zoned residential or on which a residential use exists as a nonconforming use. Fencing may be required.

4. The applicant shall provide parking adequate for the proposed activity or event, whether on-site or through agreements with property owners shown to the Village Board's satisfaction to permit their property to be used for parking for the proposed activity or event.
 5. The applicant shall show the Village Board plans adequate to provide reasonable access to participants and spectators for the event, and to limit access for all other persons.
- (g) Maintenance Standards. The Licensee shall clean up all garbage and debris relating to the activity or event at least once per twenty-four (24) hours during the activity or event.
- (h) Noise. The Licensee shall not permit the noise level of the activity or event to exceed seventy-five (75) dB, measured at any border of the Licensee's real property.
- (i) Violations. Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee's alcohol beverage license or licenses.
- (20) Operator's License Required.
- (a) Operator Licenses; Class "A", Class "B" or "Class C" Premises. Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class A", "Class B" or "Class C" license or permit may be open for business unless there is upon the premises the Licensee or permittee, the agent named in the license or permit if the Licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the Licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator license. No person, including a member of the Licensee's or permittee's immediate family, other than the Licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or

“Class “C” license or permit unless he or she has an operator’s license or is at least eighteen (18) years of age and is under the immediate supervision of the Licensee, permittee, agent or a person holding an operator’s license, who is on the premises at the time of the service.

(b) Use by Another Prohibited.

1. No person may allow another to use his or her Class “A” or Class “B” license or permit to sell alcohol beverages.
2. The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

(21) Procedure Upon Application.

(a) Application. The Village Clerk may issue an operator’s license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk only to persons eighteen (18) years of age or older. Operator’s licenses shall be operative only within the limits of the Village.

(b) Investigation. All applications are subject to an investigation by Village-designated law enforcement authorities and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The investigating authority shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant’s arrest and conviction record. Based upon such investigation, the investigating authority shall recommend, in writing, to the Village Clerk approval or denial of the application. If the investigating authority recommends denial, the investigating authority shall provide, in writing, the reasons for such recommendation.

(22) Duration. Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June.

(23) Operator License Fee; Provisional or Temporary Licenses.

(a) Fee. The fee for an operator license and provisional license shall be set by Resolution of the Village Board. There shall be no fee for a temporary operator license.

- (b) Provisional License. The Village Clerk may issue provisional operator licenses in accordance with Sec. 125.17(5) Wis. Stats. The provisional operator license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The applicant for such provisional license must present evidence to the Village Clerk establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(6), Wis. Stats. The Village Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program, and the applicant shall also apply for a regular operator license. A provisional license may not be issued to any person who has been denied an operator license by the Village Clerk, who has had his operator license revoked or suspended within the preceding twelve (12) months, or who previously held an operator license and who has yet to complete the Alcohol Awareness Training Program. The Village Clerk shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application. A provisional license shall not be renewed.
- (c) Temporary License. The Village Clerk may issue a temporary operator license provided that:
1. This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
 2. No person may hold more than one (1) license of this kind per year.
 3. The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

(24) Issuance or Denial of Operator License.

- (a) Issuance. After the Village Clerk approves the granting of an operator license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted

and shall give the applicant's name and address and the date of the expiration of such license.

(b) Appeal.

1. If the application is denied, the Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
2. If, upon reconsideration, the Board again denies the application, the Village Clerk shall notify the applicant in writing of the reasons therefore. An applicant, who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125. 12(2)(d), Wis. Stats., for review.

(c) Criteria.

1. Consideration for the granting or denial of a license will be based on:
 - a. The financial responsibility of the applicant;
 - b. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - c. Generally, the applicant's fitness for the trust to be reposed; and
 - d. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately

preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Clerk, the Village reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Clerk, at his discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

2. If a Licensee is convicted of an offense substantially related to the licensed activity, the Village Clerk may act to revoke or suspend the license.

(25) Training Course.

- (a) Training Course Required. Except as provided in Subsection (b) below, the Village Clerk may not issue an operator license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:
 1. The person is renewing an operator license.
 2. Within the past two (2) years, the person held a Class "A", Class "B", or "Class C" license or permit or a manager's or operator's license.
 3. Within the past two (2) years, the person has completed such a training course.
- (b) The Village Clerk may issue a provisional operator license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails to successfully complete the course in which he or she enrolls.
- (c) The Village Clerk may not require that applicants for operator licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with

relevant local subjects not covered in the course under Subsection (a).

- (26) Display of License. Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.
- (27) Revocation of Operator's License. Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.
- (28) Penalties.
 - (a) Any person who sells or possesses with the intent to sell, alcoholic beverages and who does not hold the appropriate license or permit shall, upon conviction, forfeit not more than \$10,000 together with the costs of prosecution.
 - (b) Any person who violates any provision of this Section for which a specific penalty is not provided, shall forfeit not more than \$1,000. Any license or permit issued to the person under this section may be revoked by the court. If a person is convicted of a second or subsequent offense in the same license year as a prior conviction, in addition to the penalty herein provided, any license issued to the person under this section shall be forfeited.
- (29) Severability and Conflict. If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.02 **Transient Merchants.**

- (1) Registration Required. It shall be unlawful for any transient merchant to engage in sales within the Village without being registered for that purpose as provided herein.
- (2) Definitions. In this section:
 - (a) "Transient Merchant" means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greater part of value for the price received, but does not include a farm auction sale

conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

- (b) "Permanent Merchant" means any person who, for at least one year prior to the consideration of the application of this section to said merchant: (1) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or, (2) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.
 - (c) "Merchandise" shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.
 - (d) "Charitable Organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
 - (e) "Clerk" shall mean the Village Clerk.
- (3) Exemptions. The following shall be exempt from all provisions of this section:
- (a) Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes;
 - (b) Any person selling merchandise at wholesale to dealers in such merchandise;
 - (c) Any person selling agricultural products which the person has grown;
 - (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
 - (e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;

- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under § 440.41, Stats. Any charitable organization engaging in the sale of merchandise and not registered under § 440.41, Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Ordinance;
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least one year prior to the date the complaint was made;
- (k) Any individual licensed by an examining board as defined in § 15.01(7), Stats.
- (l) This Ordinance does not apply to transient merchants while doing business at special events authorized by the Village Board.

(4) Registration.

- (a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk, which shall require the following information:
 1. name, permanent address and telephone number, and temporary address, if any;
 2. age, height, weight, color of hair and eyes;
 3. name, address and telephone number of the person, firm, association or corporation that the transient merchant

represents or is employed by, or whose merchandise is being sold;

4. temporary address and telephone number from which business will be conducted, if any;
5. nature of business to be conducted and brief description of the merchandise, and any services offered;
6. proposed methods of delivery of merchandise, if applicable;
7. make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
8. most recent cities, villages, towns (not to exceed three) where applicant conducted his/her business;
9. place where applicant can be contacted for at least seven days after leaving this Village; and,
10. statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

(b) Applicants shall present to the clerk for examination:

1. a driver's license or some other proof of identity as may be reasonably required;
2. a state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
3. a state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.

(c) At the time the registration is returned, a fee shall be paid to the Clerk to cover the cost of processing said registration as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. The applicant

shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. 5(b).

(5) Investigation.

- (a) Upon receipt of each applicant, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.
- (b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages, or towns in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or, the applicant failed to comply with any applicable provision of sub. 4(b) above.

(6) Appeal. Any person refused or denied registration may appeal the denial through the appeal procedure provided by §§ 68.07 through 68.16, Stats.

(7) Regulation of Transient Merchants.

(a) Prohibited Practices.

1. A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 PM and 9:00 AM, except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or, remaining on the premises after being asked to leave by the owner, occupant, or other person having authority over such premises.
2. A transient merchant shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale,

the purpose of his/her visit, his/her identity, or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

3. No transient merchant shall impede the free use of sidewalks or streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
4. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
2. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in § 423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§ 423.203(1)(a), (b), and (c), (2) and (3), Stats.
3. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance

date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

- (8) Records. The Chief of Police shall report to the Clerk all convictions for violations of this Ordinance and the Clerk shall note any such violation on the record of the registrant convicted.
- (9) Revocation of Registration.
 - (a) Registration may be revoked by the Village Board after notice of hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive, or misleading statement or representation in the course of engaging in transient sales, violated any provision of this Ordinance, or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.
 - (b) Written notice of the hearing shall be served personally or pursuant to sub. 4(c) on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (10) Penalty. Any person adjudged in violation of any provision of this Ordinance shall forfeit not less than \$25.00 nor more than \$100.00 for each violation per day, plus costs of prosecution. Each violation shall constitute a separate offense.

1.03 **Junk; Motor Vehicle Salvage**. [Amended by Ord. 02-313 on 3/25/02]

- (1) Definitions:
 - (a) "Collector" as used in this section means the person or persons specifically authorized by the Village Board to collect garbage and rubbish and to dispose of same.
 - (b) "Garbage" as used in this section shall have the same meaning as in Title V, 6.02(1)(a) and include all organic kitchen waste that attends the storage, preparation, use, cooking or serving of food.
 - (c) "Junk" as used in this section shall mean and include: all other discarded or waste materials including; automobiles, automobile parts, tractors, refrigerators, furnaces, washing machines, stoves, machinery, machinery parts, wood, bricks, cement blocks, leaves, tree limbs, brush, earth and stone, unwanted furnishings, appliances; other

household, commercial, agricultural, or industrial items; unsightly debris. Construction waste or materials shall be classified as Junk.

- (d) "Junk License" means a license issued by the Village to a designated person to keep, store, house or place junk in a designated junkyard in the Village.
 - (e) "Junk Yard" means any place where junk is kept, stored, housed, or placed within the Village.
 - (f) "Motor Vehicle Salvage Business" means the business of wrecking or dismantling any motor vehicle, trailer or truck tractor, or selling parts salvaged therefrom.
 - (g) "Motor Vehicle Salvage Dealer" means any person engaged in the motor vehicle salvage business.
 - (h) "Motor Vehicle Salvage License" means a license issued by the Village to a motor vehicle salvage dealer conducting a motor vehicle salvage business from a designated motor vehicle salvage yard in the Village.
 - (i) "Motor Vehicle Salvage Yard" means any place where a motor vehicle salvage business is conducted in the Village.
 - (j) "Person" includes all individuals, partnerships, firms, corporations, associations and joint ventures, except as the context of this Ordinance would otherwise indicate.
 - (k) "Recyclable material" as used in this section shall have the same meaning as in Title V, 6.02(c), Disposal of Garbage and Rubbish.
 - (l) "Rubbish" as used in this section shall have the meaning given in Title V, 6.02. Disposal of Garbage and Rubbish.
 - (m) "Salvage Vehicle" means a motor vehicle, which is in such a state of disrepair or damaged condition that it is not reasonably operable or roadworthy for use on a public highway.
- (2) Collection of Garbage, Rubbish and Recyclable Materials by Village.
- (a) All garbage, rubbish and recyclable materials shall be collected, removed and disposed of as prescribed in Title V, 6.02, Disposal of Garbage and Rubbish.
 - (b) Disposal of junk and rubbish other than as set forth in Title V, 6.02 shall be accomplished according to this ordinance.

(3) Restrictions Applicable to Junk Licenses and Motor Vehicle Salvage Licenses.

- (a) Creation of Nuisance Prohibited. No licensee shall conduct or carry on any business described in Sub. (1) in such manner as to disturb unduly the peace and quiet of the neighborhood. All premises (yards) used for a junk or motor vehicle salvage business as aforesaid shall at all times be kept in a clean and wholesome condition and in full compliance with all the ordinances of the Village and in accordance with the reasonable rules, regulations and directions of the Village Board. None of the materials mentioned in the preceding sections shall be sorted in a public street, alley or sidewalk.
 - (b) Hours of Business. No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays, legal holidays, or between the hours of 8:00 o'clock PM and 6:00 o'clock AM on other days; except that a motor vehicle salvage dealer may, in the case of an emergency, pick up and return a vehicle to the licensed premises and may, in the case of a breakdown on the highway, remove and sell parts for repair of such vehicle.
- (4) Penalty. The penalty for violation of any provision of this section shall be a forfeiture of not more than \$50.00, together with costs of prosecution. Each and every day during which such violation continues shall be deemed a separate offense. Notwithstanding any penalties or remedies herein provided, appropriate proceedings for abatement or abolition, or for any other relief authorized by law, may be commenced.
- (5) Severability. Title VI Section 3.01 of the Municipal Code of the Village of Poynette is hereby adopted herein by reference as though fully set forth herein.

1.04 **Mobile Homes.**

- (1) Definitions. Whenever used in this Ordinance, unless a different meaning expressly appears from the context;
- (a) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
 - (b) "Licensing Authority" means the Village of Poynette.
 - (c) "Park" means mobile home park.

- (d) "Person" means any natural individual, firm, trust, partnership, association or corporation.
 - (e) "Mobile Home" is that of which is, or was originally, constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations, and appurtenances equals or exceeds 50 per cent of the assessable value of the house trailer.
 - (f) "Dependent Mobile Home" means a mobile home that does not have complete bathroom facilities.
 - (g) "Nondependent Mobile Home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.
 - (h) "Unit" means a mobile home unit.
 - (i) "Mobile Home Park" means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
 - (j) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.
- (2) Location of Mobile Homes Restricted.
- (a) From and after the effective date of this Ordinance, it shall be unlawful for any person to park, locate, or occupy any mobile home at any place in the Village, except as provided herein.
 - (b) No mobile home shall be used for living quarters upon any street, alley or public way in the Village.
 - (c) Emergency or temporary stopping or parking of mobile homes shall be permitted on any public highway for not longer than one hour, subject to any other laws, regulations or ordinances limiting the parking or stopping on any such public highway unless written approval is obtained from the Village Administrator.

- (c) To the end and purpose that the health and cleanliness of mobile home occupants and of the public generally may be preserved and not endangered, and further in the interest of the public welfare generally, the Village Board does hereby direct and provide that no dependent mobile home shall be used, located, or maintained for the purpose of human occupancy, and no nondependent mobile home shall be used, located or maintained for the purpose of human occupancy unless it is located in a licensed mobile home park.

(3) Mobile Home Parks.

- (a) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the Village unless such person shall first obtain a license therefore from the Village Clerk. Such license shall expire one year from the date of issue, but may be renewed pursuant to this Ordinance for additional one-year periods.
- (b) The application for a mobile home park license shall be filed together with the license fee by the applicant with the Village Clerk. The application shall set forth all information required by § 66.0435(4), Wis. Stats., and any other applicable statute and in addition shall set forth sufficient information and material so as to show that the proposed mobile home park plan and facilities in all respects comply with the requirements and provisions of the Wis. Admin. Code, Chapter H 77 setting forth rules of the Wisconsin State Board of Health for mobile home parks and the requirements and provisions of this Ordinance and any other applicable ordinance or law. The applicant shall also submit with his application a verified statement of the owner of the site, if other than the applicant, to the effect that the applicant is authorized by the owner to construct and maintain a mobile home park thereon. A legal description and complete plan showing all mobile home spaces, roadways, recreation areas, screening, utilities, laundry, toilet and other service facilities shall also accompany the application.
- (c) License renewal applications shall be filed with the Village Clerk and shall be accompanied by plans and specifications of any proposed alterations and construction in the mobile home park.
- (d) Applications for original licenses and for renewals shall be accompanied by a license fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. Licenses may be transferred after approval of the application by the Village Board and upon payment of a fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.

- (e) Original licenses and renewals of licenses shall be issued by the Village Clerk after inspection and approval by the Village Board. The application shall not be approved by the Village Board until it has determined that all provisions of § 66.0435 of the Wisconsin Statutes, Chapter H 77 of the Wis. Admin. Code, and all provisions of this Ordinance and of any other applicable law or ordinance have been fully complied with.
 - (f) The Village Board may limit the number of mobile homes that may be parked or kept in any one mobile home park, and may limit the number of licenses for mobile home parks in any common school district, if the mobile housing development would cause the schools costs to increase above the state average.
 - (g) Management of Mobile Home Parks.
 - 1. In every mobile home park there shall be located the office of the person in charge of the park and a copy of this Ordinance shall at all times remain posted in such office.
 - 2. A park register shall be kept in the mobile home park office and shall show the names of all mobile home occupants, number of children of school age, dates of entrance and departures, state of legal residence of each occupant, license numbers of all mobile homes and towing vehicles and states of issuance, purposes of stay, place of last location, length of stay thereat, and place of employment of each occupant.
 - (h) No mobile home shall be permitted to locate or remain in any license mobile home park unless such mobile home in all respects complies with the provisions of the State of Wisconsin Electrical, Plumbing and Building Codes, which codes are adopted and incorporated herein by reference and made a part hereof as if set forth in full herein, and any and all plumbing, electrical, building and other work or improvements on or at any mobile home park licensed or on any mobile home located in a licensed mobile home park shall be done in accordance with all requirements of the State Plumbing, Electrical and Building Codes, regulations of the State Board of Health, and any other applicable ordinances or laws.
- (4) Mobile Home Park Plan. Every mobile home park shall conform to the following requirements:
- (a) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of

mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose, which would expose persons or property within or without the park to hazards.

- (b) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screening or other solid material or protected with a vegetable growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (c) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (d) Each space shall be clearly defined and the mobile home park shall be so arranged that no space is less than 5,000 square feet. All spaces shall abut on a driveway of not less than 40 feet in width, giving easy access from all units to a public street. Such driveway shall be paved and maintained in good condition, have natural drainage, be well lighted at night and shall not be obstructed at any time.
- (e) No unit shall occupy in excess of 25% of the area of any space. The units shall be so located that there shall be at least a 20 foot clearance between units. No unit shall be located less than 50 feet from any building within the park and no unit shall be located less than 100 feet from any boundary line of the premises on which it is located.
- (f) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide a pure, potable water supply of six gallons per minute at a minimum pressure of 20 psi and capable of furnishing a minimum of 150 gallons per unit per day. Fire hydrants shall be installed within 500 feet of every mobile home stand and park building.
- (g) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such system shall comply with all provisions of the State Code and Village Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three-inch water-tight sewer connection protected from damage by heaving and thawing or parking of the unit, and located within the rear one-third of the stand, with a continuous grade, which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

- (h) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the health officer. Open burning of waste or refuse is prohibited.
 - (i) An electrical outlet supplying at least 100-115/220-250 volts, 5 amperes, shall be provided for each space.
 - (j) Substantial fly-tight metal or plastic garbage depositories shall be provided for each mobile home unit. Garbage, rubbish, and other waste combustible materials shall be placed in such containers for collection by the Village department involved in such collections and at times specified by such department.
 - (k) Each mobile home park shall contain a playground having an area of not less than 1,000 square feet for each space. Such playground shall be suitably equipped with swings, slides, climbing towers and other apparatus commonly found in public parks for use by children.
 - (l) Each mobile home park shall be completely surrounded except for authorized entrances and exits, by a grass yard in addition to all other required yards and open spaces, which shall not be less than 100 feet wide. Within such yard there shall be established, within six months after issuance of the mobile home park license, a temporary planting of fast growing shrubs, capable of reaching a height of eight feet or more, such as honeysuckle, and a permanent evergreen planting. The temporary shrubs shall be of such number and so arranged that within three growing seasons they will have formed a screen equivalent in capacity to a solid fence or wall. The individual evergreens shall be of such number and so arranged that within ten growing seasons they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown and maintained to a height of not less than 15 feet.
 - (m) Each space, and any buildings and recreational areas, shall be landscaped with a permanent planting of grass, shrubs, and trees.
- (5) Monthly Parking Permit Fees.
- (a) In addition to the license fee, the Village shall collect from each occupied mobile home occupying space or lots in a mobile home park in the Village a monthly parking permit fee computed as follows: The Village Assessor shall determine the total fair market value of each occupied mobile home in the Village subject to the monthly parking permit fee. The fair market value, minus the tax-exempt household furnishings thus established, shall be equalized to the general level of

assessment on other real and personal property in the Village. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the Village anytime during the year.

- (b) It shall be the full and complete responsibility of each licensee of a mobile home park to collect the proper fee from the owner or occupant of each occupied mobile home occupying space in a mobile home park. Said licensee shall pay the Village Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this Ordinance, and such regulations as the Village Administrator may reasonably promulgate.
- (c) The licensee of a mobile home park shall furnish information to the Village Clerk on occupied mobile homes added to his park within five days after their arrival, on forms prescribed by the Wisconsin Department of Revenue. As soon as the Village Clerk receives the notice of an addition of an occupied home to a park, he/she shall determine its fair market value, equalize same, apply the tax rate for that year, divide the annual parking permit fee thus determined by 12, and notify the mobile home park licensee of the monthly fee to be collected.
- (d) A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Wisconsin Statutes.
- (e) The Village shall retain 10% of the monthly parking permit fees collected in each month to cover the costs of administration, and shall pay to the school district in which the mobile home park is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the Village.
- (f) Failure to timely pay the monthly parking permit fee shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Wisconsin Statutes.

- (6) Exemption from Monthly Parking Permit Fee. No parking permit fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any 12 months, or if the occupants of the mobile home are nonresident tourists or vacationists. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Exemption certificates in duplicate shall be accepted by the Village Administrator from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees.
- (7) Penalties for Violation of Ordinance.
- (a) The penalty for violation of any provision of this section shall be a forfeiture of not less than \$10.00 nor more than \$100.00, together with the costs of prosecution, except that the forfeiture for violation of the reporting requirements of Sub. (5)(c) shall not exceed \$25.00. Each and every day during which such violation continues shall be deemed a separate offense.
- (b) Any license or permit granted under this section shall be subject to revocation or suspension by the Village Board for any violation of this Ordinance. Upon a complaint filed with the Village Administrator signed by any law enforcement officers, health officer, fire Administrator, or any other Village official, the Village Board shall order a public hearing. At least five days prior to the hearing, the holder of the license shall be furnished with a copy of the Complaint and shall be given written notice of the time and place of the hearing where at he may appear and show cause why such license should not be suspended or revoked.

1.05 **Billiard and Pool Tables, Bowling Alleys, Music Boxes, Shuffleboards, Other Coin Operated Amusement Games; Amusement Hall.**

- (1) License Required. No person, firm, or corporation shall keep, harbor, or operate, within the limits of the Village, any public billiard or pool table, bowling alley, music box or record player used as such, shuffle board, pin ball machine or any other amusement game or games coin operated or wherein a charge is made for the use of the same whatsoever, unless such person, persons, firm or corporation shall first obtain a license therefor. Each such license granted shall be an annual license and shall expire on the 30th day of June following the issuance of the same.
- (2) License Fees

- (a) Each license granted hereunder shall be issued by the Village Clerk upon payment of the annual license fee applicable thereto. The Village Clerk shall keep a record of all persons, firms or corporations paying such license fees and to whom such licenses shall be issued under this Ordinance.
 - (b) The annual license fees are as specified on the Administrative Fees, Charges and Deposits Schedule in Chapter 29 Administrative Fees, Charges and Deposits.
- (3) Closing Time for Amusement Halls. Every person, firm, or corporation operating an amusement hall shall close such place of business or use and keep it closed from 12:01 o'clock a.m. to 5:00 o'clock a.m. of each day.
- (4) Definitions. "Amusement Hall" shall mean any place where minors may lawfully assemble whereat any pool table for hire or coin-operated machine is located, which coin-operated machine is commonly referred to as a shooting (electric ray) game, bowling game, ski-ball game, baseball game, shuffleboard, or other similar device, the operation of which involves a skill feature.
- (5) Penalty. The penalty for violation of any provisions of this section shall be a forfeiture of not less than \$10.00 nor more than \$50.00, together with the costs of prosecution. Each and every day during which such violation continues shall be deemed a separate offense.

1.06 Cigarette Licenses.

- (1) It shall be unlawful for any person, firm, or corporation, in any manner, directly or indirectly, upon any pretense, or any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarettes, cigarette papers or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco, without first obtaining a license therefor, as hereinafter provided.
- (2) License for the manufacture, sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarettes, cigarette paper, or cigarette wrappers made or prepared for the purpose of being filled with tobacco for smoking shall be issued by the Village Clerk. Every such license shall be issued on the first day of July in each year or thereafter whenever applied for and shall continue in force from the date of issuance until the succeeding 30th day of June, unless sooner revoked for a violation of this section as herein provided.
- (3) Every person, firm, or corporation desiring a license under this section shall file with the Village Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Every license shall

be signed by the Village Clerk and shall name the licensee and the place wherein he is authorized to conduct such business and the same shall be delivered upon payment of a license fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits to the Village Clerk. In case of a change of ownership in any license location, the Village Board may authorize a transfer of such license to the new owner.

- (4) The penalty for violation of any provision of this section shall be a forfeiture of not less than \$10.00 nor more than \$50.00, together with the costs of prosecution.

1.07 **Transmission Line Construction.**

- (1) **Construction Permit Required.** No domestic corporation organized to furnish telegraph or telephone service or transmit heat, power, or electric current to the public, or for public purposes, including any cooperative association organized under Chapter 185 of the Wisconsin Statutes, shall construct a transmission line or system in, across, or beneath any public highway, bridge or any stream or body of water without first obtaining a permit therefor. Construction permits may be issued on proper application to the Village Clerk. The application shall be placed on the agenda for the next regular meeting of the Village Board and shall thereupon be referred by the Village Board to the Plan Commission for its consideration and report. Unless such report is made within thirty (30) days, or such longer period as may be stipulated by the Village Board, the Village Board may direct the Village Administrator to issue a construction permit without said report.
- (2) **Form of Application.** The application shall contain: the name and address of the applicant; a statement of the proposed route or location of any transmission lines or systems; the names of highways, bridges, streams or bodies of water in, across or beneath which any transmission line or system is to be constructed; the approximate date that the proposed construction will commence and the estimated date of completion of construction; the location of any structures and a description thereof; the location of any proposed excavations; and the names and addresses of the owners of any real estate from which utility easements have been or will be acquired. Each application shall be signed by the applicant and shall contain a statement that applicant shall rectify, at its expense, all electronic interference to radio and television reception which is caused or aggravated by its transmission line or system.
- (3) **Addendum To Application.** At the time of filing an application for a construction permit, applicant shall also file with the Village Plan Commission:
 - (a) a copy of the certificate or order issued by any state regulatory agency which authorizes the construction of the transmission line or system;
 - (b) a scale map showing the proposed route or location of any transmission line or

system, including the location of any proposed structures, the relationship of existing public highways, bridges, streams and bodies of water, and the location of any existing structures which lie within a distance of 150 feet from each margin of the utility easement; and, (c) a profile map of the transmission line or system.

(4) Bond Required. Before any permit is issued to any domestic corporation or cooperative association for constructing any transmission line or system in, across or beneath any public highway, bridge, or any stream or body of water, the corporation or association applying for such construction permit shall file with the Village Clerk a properly executed surety bond in the penal sum of \$100.00 minimum, or 1% of estimated cost of project, whichever is greater. A cash deposit for said amount may be made with the Village Treasurer in lieu of the surety bond.

(5) Condition of Bond. The surety bond shall be in the usual form and the surety shall be subject to the approval of the Village Treasurer. The condition of said bond shall be in substantially the following form:

The condition of this bond is such that whereas, on the _____ day of _____, _____, the principal herein made an application to the Village of Poynette, Columbia County, Wisconsin, for authority to construct a transmission line or system in, across or beneath a public highway, bridge, stream or body of water, and by the terms of said application agreed to rectify, at its expense, all electronic interference to radio and television reception which is caused or aggravated by its transmission line or system. Now, Therefore, if the principal herein shall faithfully and truly perform all matters and things by it undertaken to be performed in rectifying any and all such electronic interference, within a reasonable time after said line or system is energized, and the same is accepted in writing by the Village Board of the Village of Poynette, then this obligation to be void, otherwise to remain in full force and effect.

(6) Penalty. Any corporation or association who violates any provision of this Ordinance shall, upon conviction therefore, be subject to a forfeiture of not less than \$25.00 nor more than \$100.00, together with the costs of prosecution. Each and every day during which a violation continues shall be deemed a separate offense.