

Chapter 12

Licenses and Permits

- 12.01 License Required
- 12.02 General Provisions
- 12.03 Intoxicating Liquor and Fermented Malt Beverages
- 12.04 Regulating Direct Sellers
- 12.05 Dogs and Cats
- 12.06 Junk Dealers
- 12.07 Amusement Devices and Arcades
- 12.10 Penalty

12.01 LICENSES REQUIRED. A license shall be required for each of the following businesses or activities, which shall be for one year unless otherwise indicated. Fees for permits shall be established by the Village Board and reviewed from time to time. A fee schedule shall be on file and available at the Village office.

- (1) FERMENTED MALT BEVERAGES
 - (a) Retail Class B (Am. 1991)
 - (b) Part-time (see WI Statute 12.03(3)(b))
 - (c) Picnic
 - (d) Provisional Operator's license
 - (e) Retail Class A
 - (f) Retail Class C

- (2) INTOXICATING LIQUOR
 - (a) Class A
 - (b) Class B

- (3) TRANSFER OF LICENSE

- (4) DIRECT SELLERS

- (5) CATS
 - (a) Neutered Males and Spayed Females
 - (b) Unneutered Males and Unspayed Females

- (6) DOGS
 - (a) Neutered Males and Spayed Females
 - (b) Unneutered Males and Unspayed Females

- (7) JUNK DEALERS

- (8) AMUSEMENT DEVICES AND ARCADES
 - (a) 1 – 3 Devices
 - (b) Minor Arcade: 4 – 9 Devices
 - (c) Major Arcade: 10 or more Devices

12.02 GENERAL PROVISIONS AS TO LICENSES

- (1) Terms Interchangeable. The words “license” and “permit” as used throughout this chapter shall be interchangeable.
- (2) License Required. No person shall engage in any business or activity enumerated in 12.01 without a license therefore as provided by this chapter.
- (3) Application. Application for a license required by this chapter shall be made to the Clerk-Treasurer on a form furnished by the Village and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the provisions of this chapter or as may be otherwise required by the Village Board.
- (4) License Fees.
 - (a) Fees to Accompany Application. License fees shall accompany the application. If a license is granted, the Clerk-Treasurer shall issue the applicant a receipt of his license fee.
- (5) Granting of Licenses. Unless otherwise provided by this chapter or State Law, all licenses issued hereunder shall be issued by the Clerk-Treasurer on with the approval of the Village Board.
- (6) Terms of Licenses. Unless otherwise provided by this chapter or State Law, all licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license.
- (7) Form of License. All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the Clerk-Treasurer.
- (8) Records of Licenses. The Clerk-Treasurer shall keep record of all licenses issued.
- (9) Display of Licenses. All licenses hereunder shall be displayed upon premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the Village upon request.
- (10) Compliance with Ordinances Required. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the Village. Failure to do so shall be cause for suspension or revocation of the license.
- (11) Transfer of Licenses. All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Board.

- (12) Exemptions. No license, other than a liquor or beer license, shall be required under this chapter for any nonprofit educational, charitable, civic, military or religious organization if the activity which would otherwise be licensed is conducted for the benefit of the members or for the benefit of the public generally.
- (13) Renewal of Licenses. Unless otherwise provided, all applications for renewal of licenses hereunder shall be made to the Clerk-Treasurer by April 15.
- (14) Consent to Inspection. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the Village upon the licenses premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or State law.
- (15) Revocation and Suspension of Licenses.
 - (a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the Village Board. No license shall be revoked except upon written verified complaint filed with the Village Board by the Village President, a member of the Village Board, the Chief of Police, or a resident of the Village. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Village Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after the notice, except as otherwise agreed between the parties.
 - (b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, have any subpoenas issued by the Village President or presiding officer of the Village Board to compel the attendance of witnesses.
 - (c) After hearing the evidence, the Village Board may revoke such license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Ch. 58, WI Statutes, provided the licensee shall not be entitled to a further hearing granted by the Village Board.
 - (d) The Police Department shall repossess any license revoked hereunder.
 - (e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Village Board.

12.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

- (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, WI Statutes, defining and regulating the sale, procurement, dispensing, transfer and consumption of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
- (2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.
 - (a) When Required. Except as provided by WI Stat. 125.06, no person shall, within the Village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or CH. 125 WI Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See WI Statute 125.04(1).
 - (b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale.
See WI Statutes 125.04(9).
- (3) CLASSES OF LICENSES AND FEES. There shall be the following classes and denominations of licenses which, when issued by the Clerk-Treasurer under the authority of the Village Board shall authorize the licensee to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in the referenced State Statute. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.
 - (a) Class A and Class B Fermented Malt Beverage Retailer's License. A fee schedule shall be on file and available at the Village office. See WI Statute 125.26
 - (b) Part-Time (Deleted 2/2/98; covered by WI statutes)
 - (c) Picnic. A fee schedule shall be on file and available at the Village office. See WI Statute 125.26(6)
 - (d) Retail Class A, Class B and Class C Liquor Retailer's License. The fee shall be as stated in 12.01 of this chapter. See WI Statute 125.51(3).

- (e) Provisional Operator's License. (Cr. 5/6/91)
1. The holder of a provisional operator's license may sell, deal or traffic in intoxicating liquor or fermented malt beverages under the following conditions:
 - a. After the applicant for an operator's license has had his background investigated completed and approved by the Village Police Department.
 - b. Until a new applicant has successfully completed the state schooling for operators.
 - c. Until the next regularly scheduled Village Board meeting.
 2. The provisional operator's license may be granted by the Village Clerk-Treasurer upon payment of a nonrefundable fee as provided in 12.01 of this chapter. No additional fee shall be paid for the granting of the operator's license.
 3. A provisional operator's license may not be issued to any person who has been denied an operator's license by the Village Board.
 4. A provisional operator's license expires 60 days after its issuance when an operator's license is issued to the holder, whichever is sooner.
 5. The Village Clerk-Treasurer may revoke the license if he discovers that the holder of the license made a false statement on the application.

(4) LICENSE APPLICATION.

- (a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing in forms prescribed by the State Department of Revenue and filed with the Clerk-Treasurer. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by the connecting entrances or not separated by a solid wall.
- (b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by WI Statute 887.01.
- (c) List of Licenses (Am, MSC '91) By July 15 of each year, the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each person holding a license issued under this section, except a picnic, manager's or operator's license.
- (d) A fee schedule shall be on file and available at the Village office.

(5) LICENSE RESTRICTIONS

- (a) Statutory Requirements. Class B licenses shall be issued only to persons eligible therefore under WI Statute 125.04.
- (b) Location.
- (1) No retail Class B license shall be issued for premises the main entrance of which is less than 300' 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.
 - (2) This paragraph 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 300' thereof by any school, hospital or church building.
- (c) Violators of Liquor or Beer Laws or Ordinances. No retail Class B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under WI Statute 125.12, during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- (d) Health and Sanitation Requirements. No retail Class "B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.
- (e) License Quota.
1. The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in WI Statutes 125.51(4).
 - ~~2. The number of persons and places that may be granted a retail Class A fermented malt/liquor licenses shall be limited to one (1). Deleted 2/05/01.~~
- (f) Corporations. (Am. MSC '89) No corporations organized under the laws of this State or of any other state or foreign country may be issued any alcohol beverage license or permit, unless such corporation meets the requirements of WI Statute 125.04(6).
- (g) Age Requirement. (Am. MSC '91) No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

- (h) Effect of Revocation of License. Whenever any license has been revoked, at least 12 months shall elapse before another license shall be granted to the person whose license was revoked.
 - (i) Delinquent Taxes, Assessments and Claims. No license shall be granted or renewed for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.
 - (j) Class “B” Licensed Premises to be on Street Level. A retail Class “B” license shall be issued only for that portion of a premises located on the street level. This restriction shall not apply to a bona fide club, society or lodge in existence not less than 6 months prior to application nor prohibit any hotel holding a State permit from supplying beverages in original containers to bona fide patrons in rooms rented by such persons.
 - (k) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling, house, flat or residential apartment.
- (6) FORM AND EXPIRATION OF LICENSES. 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 and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Clerk-Treasurer shall affix his affidavit as required by WI Statute 125.04(4).
- (7) TRANSFER OF LICENSES.
- (a) As to Person. No license shall be transferable as to licensee except as provided by WI Statute 125.04(12).
 - (b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in WI Statute 125.04(12). Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be as stated in 12.01 of this chapter.
- (8) POSTING AND CARE OF LICENSES. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in WI Statute 125.04(10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) REGULATION OF LICENSED PREMISES AND LICENSEES.

- (a) Gambling and Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.
- (b) Employment of Underage Persons. (Am MSC '89) No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.
- (c) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- (d) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(10) CLOSING HOURS. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of liquor:

- (a) If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.
- (b) If a retail Class B or Class C license, between 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturdays and Sundays. On January 1 premises operating under a Class B or Class C license are not required to close. No package, container or bottle sales may be made after 12 midnight (Am 7/2/90).
- (c) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(11) REVOCATION AND SUSPENSION OF LICENSES.

- (a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted under the procedure established by WI Statute 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.
- (b) Effect of Revocation. See subsection (5)(h) of this section.

- (12) **NONRENEWAL OF LICENSES.** Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations against him of the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.
- (13) **VIOLATIONS BY AGENTS AND EMPLOYERS.** A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

12.04 REGULATING DIRECT SELLERS.

- (1) **REGISTRATION REQUIRED.** No direct seller shall engage in direct sales within the Village without being registered for that purpose as provided herein.
- (2) **DEFINITIONS.**
 - (a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods, at any location other than the permanent business place of residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
 - (b) Permanent Merchant. A direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant:
 - 1. Has continuously operated an established place of business in the Village.
 - 2. Has continuously resided in this Village and now does business from his residence.
 - (c) Goods. Shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
 - (d) Charitable Organization. Shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
 - (e) Clerk. The Village Clerk-Treasurer or any authorized deputy of such Clerk-Treasurer.

- (3) EXEMPTIONS. The following shall be exempt from any seller's fee. However, at the discretion of the Police Department, the seller may be required to complete registration forms as provided by the Village.
- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes, or any sales conducted by school children.
 - (b) Any person selling goods at wholesale to dealers in such goods.
 - (c) Any person selling agricultural products which such person has grown.
 - (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in their regular course of business.
 - (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.
 - (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 of offering for sale of goods.
 - (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 such organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under S 440.41, Wis. Stats. Any charitable organization not registered under S 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter.
 - (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant; provided that there is submitted to the Clerk-Treasurer proof that such person has leased, for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

(4) REGISTRATION.

- (a) Applicants for registration shall complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer 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 direct seller 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 a brief description of the goods and any services offered.
 6. Proposed method of delivery of goods, if applicable.
 7. Name, model and license number of any vehicle to be used by applicant in the conduct of his business.
 8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.
 9. Place where applicant can be contacted for at least 7 days after leaving this Village.
 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 5 years; the nature of the offense and the place of conviction.
- (b) Applicants shall present to the Clerk-Treasurer 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 for license is made.
- (c) At the time the registration is returned, the permit fee shall be paid to the Clerk-Treasurer to cover the cost of processing such registration.
1. The applicant shall sign a statement appointing the Clerk-Treasurer as his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

2. Upon payment of such fee and the signing of such statement, the Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of five (5) consecutive days from the date of entry, subject to subsequent refusal as provided in sub. (5) (b).

(5) INVESTIGATION.

- (a) Upon receipt of each application, the Clerk-Treasurer 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-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: The application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of sub. (4)(b).

- (6) APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board, or, if none has been adopted, under the provisions of SS 68.07 through 68.16, Wis. Stats.

(7) REGULATION OF DIRECT SELLERS.

(a) Prohibited Practices.

1. A direct seller shall be prohibited from calling at any dwelling or other place between 7 p.m. and 9 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of similar meaning; calling at the rear door of any dwelling; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. If a charitable organization, direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.
3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

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

Licenses and Permits 12.04(7)(a)(5)

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

(b) Disclosure Requirements.

1. After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller the buyer shall have the right to cancel such a transaction of more than \$25, in accordance with the procedure as set forth in S 423.203(1)(a), (b), (c), (2) and (3), Wis. Stats.
3. If the direct seller takes an order for the later delivery of goods, he shall, at the time the order is taken provide the buyer with a written statement containing the terms of the agreement, 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.

(c) Fee Schedule. A fee schedule shall be in file and available at the Village office.

- (8) RECORDS. The Chief of Police shall report to the Clerk-Treasurer all convictions for violation of this provision and the Clerk-Treasurer 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 and 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 direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

12.05 DOGS AND CATS.

- (1) No person owning, keeping or harboring dog or cat shall permit such dog or at to run at large within the Village. A dog or cat shall be deemed to be at large unless under the control of a competent person by means of a chain, rope or cord of sufficient strength to control the action of such dog or cat or such other personal presence and attention as will reasonably control the conduct of the dog or cat.
- (2) No person owning, keeping or harboring a dog shall permit such dog to whine, howl or bark so as to disturb the peace and quiet of any person in the vicinity thereof.
- (3) Every person shall have all dogs and cats over the age of 5 months owned by him inoculated with an avianized anti-rabies vaccine by a veterinarian every 2 years. Upon completing such vaccination the veterinarian shall furnish to the dog/cat owner a certificate containing the name and address of the owner of the dog/cat, date of vaccination, number of dog tag, breed, age and color of dog. No dog/cat license shall be issued by the Clerk-Treasurer except upon presentation of the veterinarian's certificate showing that such dog/cat has been vaccinated as provided in this section.
- (4) Any member of the Police Department or any constable finding any dog or cat running at large within the Village limits shall immediately take and confine the dog or cat in a suitable place to be provided by the Village and notify the owner of such dog or cat as provided by the Wisconsin Statutes, giving a description of the dog or cat so taken and confined, stating where it is impounded and conditions of release. If such dog or cat is not called for by the owner and charges for it's keep paid at the rate of \$3 per day within 3 days after the taking of such dog or cat, such dog or cat shall be disposed of.

12.06 JUNK DEALERS. No person shall, within the Village of Rio, engage in the business of buying, selling, gathering, delivering or storing old iron, paper, rags or other material commonly included within the term "junk."

12.07 AMUSEMENT DEVICES AND ARCADES.

(1) DEFINITIONS.

- (a) Mechanical or Electronic Amusement Device. Any machine, device or game which, upon the insertion of a coin, slug, token or similar item, permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, and which is not a gambling device. The term shall include, but not be limited to, juke boxes, electronic or mechanical game machines, pinball machines and pool or billiard tables.
- (b) Minor Arcade. Any single premises or location at which is located between 4 and 9 mechanical or electronic amusement devices.
- (c) Major Arcade. Any single premises or location at which is located more than 9 mechanical or electronic amusement devices.

(2) REGISTRATION AND LICENSING.

- (a) All Devices to be Licensed. Any person maintaining, operating or permitting the operation of a mechanical or electronic amusement device shall obtain a license to operate such device from the Clerk-Treasurer, unless the premises on which the device is maintained or operated is licensed as a minor or major arcade. The applicant shall submit an application for each place where a mechanical or electronic amusement device is to be operated, stating the name of the owner of the device, the place where the device is to be operated and such other information as the Clerk-Treasurer may reasonably require. If the Clerk-Treasurer is satisfied that the applicant meets all the requirements of this section, he shall issue the license. Such license shall be conspicuously displayed on the premises at all times while the device is operable.

- (b) Minor Arcade License. Any person owning or operating a premises on which between 4 and 9 mechanical or electronic amusement devices are kept at any one time shall, in lieu of obtaining a license under par. (a), obtain a minor arcade license for the premises which shall permit the holder thereof to operate or maintain the specified number of devices on the licensed premises.
1. The application shall contain the following information:
 - a. Name and address of the applicant.
 - b. Name and address of person responsible for management of the arcade, including list of such person's qualifications, experience and references, and date, place and circumstances of conviction of violation of any ordinance, State or federal law directly related to the activity proposed to be licensed.
 - c. Complete description of the premises to be licensed.
 - d. Statement of the number of devices to be kept on the premises, describing each by make and type.
 - e. Name and owner of the machine.
 - f. Type of supervision to be provided.
 - g. A zoning permit or current zoning application.
 - h. Detailed operating plan, including hours of operation and manner of supervision to be provided.
 - i. Such other information as the Clerk-Treasurer may reasonably require.
 2. If the Clerk-Treasurer is satisfied that the premises and management thereof met the requirements of this section, he shall issue a minor arcade license to the applicant. The applicant shall display such license conspicuously on the premises at all times during which the arcade is in operation.
- (c.) Major Arcade License. Any person owning or operating a premises on which 10 or more mechanical or electronic amusement devices are kept at any time, shall obtain for such premises a major arcade license in lieu of obtaining a license under par. (a). Such license shall expire on June 30 of each year.
1. Application for a major arcade license shall be in writing on forms provided by the Clerk-Treasurer and shall contain the information required under par. (b)1 above.
 2. The operating plan and any restrictions placed on the premises under the zoning permit, if required, shall be incorporated by reference in any arcade license or renewal thereof. No major arcade license shall be valid until approved by the Village Board. The license shall be conspicuously displayed on the premises at all times during which the arcade is in operation.

(3) RESTRICTIONS APPLICABLE TO ALL MECHANICAL OR ELECTRONIC AMUSEMENT DEVICES AND ARCADES.

- (a) Premises to be Safe and Sanitary. No license shall be granted for any mechanical or electronic amusement device or arcade unless the premises complies with all Fire and Building Code requirements of the Village and State, provides adequate room for operation of the devices without blocking access and is an otherwise safe and sanitary environment.
- (b) Premises to be Supervised. No mechanical or electronic amusement device or arcade license shall be granted unless the applicant therefor shows that the premises will be adequately supervised.
- (c) Orderly Conduct Required. The license shall maintain supervision of the premises in such a manner as to insure that no disorderly conduct, gambling or other activity prohibited by local ordinance, State or federal law is permitted on such premises.
- (d) Department of Justice Registration Required. No mechanical or electronic amusement device may lawfully be operated in the Village unless there is affixed thereto a Department of Justice AD number, if required by law. If any device is found in the Village without such registration number, any police officer is authorized to summarily revoke the license of the premises where the offense is committed.
- (e) Offering of Prizes or Awards Prohibited. No licensee under this section shall offer, advertise, make or give any reward, prize, money or thing of value to any person by reason of the operation of any mechanical or electronic amusement device.
- (f) Consent to Inspection. An applicant for a license under this section thereby consents to the entry of police or authorized representative of the Village upon the licensed premises at all reasonable hours for the purpose of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this section all things found therein in violation of this section or state law.

(4) TRANSFERABILITY OF LICENSES.

- (a) Mechanical or Electronic Amusement Device License. Mechanical or electronic amusement device licenses may be transferred from premises to premises during the license year without charge. The holder of such license shall notify the Clerk-Treasurer within 10 days of the time such transfer is made.
- (b) Minor Arcade License. A minor arcade license may be transferred from one premises to another or from the holder to another person upon application to the Clerk-Treasurer and payment of a fee. The Clerk-Treasurer may grant or deny such application for transfer, and if denied, the applicant has the right to review of such determination under Ch. 68, Wis. Stats.
- (c) Major Arcade License. Major arcade licenses are not transferable.

(5) REVOCATION OF LICENSES.

- (a) Any license issued under this section may be revoked for cause by the Village Board. Except for summary revocation under par. (3)(d), no license shall be revoked except upon written verified complaint filed with the Village Board by a member of such body, a law enforcement officer or resident of the Village. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard. The licensee shall be given notice of such hearing not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.
- (b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the presiding officer to compel the attendance of witnesses.

12.10 PENALTY. In addition to the suspension or revocation of any license of permit issued under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in S 25.04 of this Municipal Code.

12.02 GENERAL PROVISIONS AS TO LICENSES

- (1) Terms Interchangeable. The words “license” and “permit” as used throughout this chapter shall be interchangeable.
- (2) License Required. No person shall engage in any business or activity enumerated in 12.01 without a license therefore as provided by this chapter.
- (3) Application. Application for a license required by this chapter shall be made to the Clerk-Treasurer on a form furnished by the Village and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the provisions of this chapter or as may be otherwise required by the Village Board.
- (4) License Fees.
 - (a) Fees to Accompany Application. License fees shall accompany the application. If a license is granted, the Clerk-Treasurer shall issue the applicant a receipt of his license fee.
- (5) Granting of Licenses. Unless otherwise provided by this chapter or State Law, all licenses issued hereunder shall be issued by the Clerk-Treasurer on with the approval of the Village Board.
- (6) Terms of Licenses. Unless otherwise provided by this chapter or State Law, all licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license.
- (7) Form of License. All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the Clerk-Treasurer.
- (8) Records of Licenses. The Clerk-Treasurer shall keep record of all licenses issued.
- (9) Display of Licenses. All licenses hereunder shall be displayed upon premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the Village upon request.
- (10) Compliance with Ordinances Required. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the Village. Failure to do so shall be cause for suspension or revocation of the license.

- (d) The Police Department shall repossess any license revoked hereunder.
- (e) If the license does not apply for a hearing within the time provided, the license may be revoked by the Village Board.

12.03 INTOXICATING LIQUOR AND FERMENDTED MALT BEVERAGES.

- (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, WI Statutes, defining and regulating the sale, procurement, dispensing, transfer and consumption of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
- (2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.
 - (a) When Required. Except as provided by WI Stat. 125.06, no person shall, within the Village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or CH. 125 WI Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See WI Statute 125.04(1).
 - (b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale.
See WI Statutes 125.04(9).
- (3) CLASSES OF LICENSES AND FEES. There shall be the following classes and denominations of licenses which, when issued by the Clerk-Treasurer under the authority of the Village Board shall authorize the licensee to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in the referenced State Statute. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.
 - (a) Class A and Class B Fermented Malt Beverage Retailer's License. A fee schedule shall be on file and available at the Village office. See WI Statute 125.26
 - (b) Part-Time (Deleted 2/2/98; covered by WI statutes)
 - (c) Picnic. A fee schedule shall be on file and available at the Village office. See WI Statute 125.26(6)

Licenses and Permits 12.03(4)(c)

- (c) List of Licenses (Am, MSC '91) By July 15 of each year, the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each person holding a license issued under this section, except a picnic, manager's or operator's license.
- (d) A fee schedule shall be on file and available at the Village office.

(4) LICENSE RESTRICTIONS

- (a) Statutory Requirements. Class B licenses shall be issued only to persons eligible therefore under WI Statute 125.04.
- (b) Location.
 - (1) No retail Class B license shall be issued for premises the main entrance of which is less than 300' 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.
 - (2) This paragraph 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 300' thereof by any school, hospital or church building.
- (c) Violators of Liquor or Beer Laws or Ordinances. No retail Class B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under WI Statute 125.12, during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- (d) Health and Sanitation Requirements. No retail Class "B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.

(b) Disclosure Requirements.

- (1) After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
- (2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such a transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in S 423.203 (1) (a), (b), (c), (2) and (3), Wis. Stats.
- (3) If the direct seller takes an order for the later delivery of goods, he shall, at the time the order is taken provide the buyer with a written statement containing the terms of the agreement, 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.

(c) Fee Schedule A fee schedule shall be in file and available at the Village office.

- (8) RECORDS. The Chief of Police shall report to the Clerk-Treasurer all convictions for violation of this provision and the Clerk-Treasurer 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 and 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 direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
 - (b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.