

## CHAPTER 9

### LICENSES AND PERMITS

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9.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (Rep. & Recr. Ord. 193).

(1) **STATE STATUTES ADOPTED.** The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, except where otherwise specifically provided herein, are adopted and made a part of this section by reference. A violation of any such provisions shall constitute a violation of this ordinance, and shall result in forfeiture equal to any forfeiture or fine as established by said statutes. All of the provisions of Chapter 125, Wis. Stats., are hereby adopted and incorporated herein by reference as a part of the Municipal Code of the Village of Belmont. All changes and amendments of Chapter 125, Wis. Stats., are hereby adopted and incorporated herein by reference.

(2) **LICENSES.** No person, except as provided by sub. (1) of this section shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and Village applicable thereto.

(3) **LICENSE FEES.** No person, firm or corporation shall sell or offer for sale any alcohol beverages without first obtaining one of the following licenses:

(a) Retail “Class A” Intoxicating Liquor License. A Retail “Class A” license shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, in quantities of not more than three wine gallons at one time, and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity. The license fee for a Retail “Class A” license shall be \$150.00 per year.

(b) Retail “Class B” Intoxicating Liquor Licenses. A Retail “Class B” license 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 not in the original package or container. Wine, however, may be sold in the original package or otherwise in any quantity to be consumed off the premises. The license fee for a Retail “Class B” license that is not a reserve Retail “Class B” license as defined under Wis. Stat. sec. 125.51(4)(a)4. shall be \$400.00 per year. The license fee for a reserve Retail “Class B” license as defined under Wis. Stat. sec. 125.51(4)(a)4. shall be \$10,000 per year.

(c) Retail “Class B” Intoxication Liquor Licenses Issued Under Wis. Stat. sec. 125.51(4)(v). Retail “Class B” licenses under this section may be issued only to:

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

A retail “Class B” intoxicating liquor license issued under Wis. Stat. Sec. 125.51(4)(v) 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 not in the original package or container. Wine, however, may be sold in the original package or otherwise in any quantity to be consumed off the

premises. The fee for a Retail “Class B” license under Wis. Stat. sec 125.51(4)(v) shall be \$400.00 per year.

(d) Retail Class “A” Fermented Malt Beverage License. Class “A” license shall authorize the sales of fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. The fee for a Class A”A license shall be \$75.00 per year.

(e) Retail Class “B” Fermented Malt Beverage License. A Retail Class “B” license shall permit its holder to sell, deal and traffic in fermented malt beverages either to be consumed on the premises where sold or away from such premises. The fee for a Class “B” license shall be \$100.00 per year.

(f) Retail Class “C” Wine License. A Retail Class “C” wine license shall permit the holder to sell wine by the glass or in an opened original container for consumption on the premises where sold. The fee for a Class “C” license shall be \$100.00 per year. (maximum is \$100)

(g) Temporary Class “B” License. Temporary Class “B” licenses may be issued to qualified organizations and groups pursuant to Wis. Stat. sec. 125.26(6). The fee for a Class “B: license shall be \$10.00 per event.

(h) Operator’s License. Operator’s licenses may be granted to individuals by the Village Board for the purpose of complying with Section 125.32(2) and 125.68(2), Wis. Stats. Operator’s licenses may be issued only on written application forms provided by the Village Clerk. Said licenses shall be valid for two years and shall expire on June 30 of each even-numbered year. The application shall include the name of the business where the applicant proposes to work. The fee for an operator’s license shall be \$20.00. For licenses issued during the second license year, the fee shall be \$10.00.

(i) Provisional Operator’s License. A provisional operator’s license may be issued to a person who is enrolled in a beverage server training course as defined in Wis. Stat. sec. 125.17(6)(a). Such licenses may be issued only on written application forms provided by the Village Clerk and upon application for a regular operator’s license. Said licenses shall be valid only until the applicant successfully completes the course in which he or she is enrolled, at which time the person shall be eligible for a regular operator’s license. The provisional operator’s license shall lapse after 60 days. The fee for the provisional operator’s license shall be \$5.00.

(j) Temporary Operator’s License. A temporary operator’s license may be issued to person employed by or donating services to nonprofit corporations and who meet the requirements for obtaining a regular operator’s license. Such licenses shall be valid for a period of no less that one (1) day or no more than fourteen (14) days with the period for which the license is valid stated on the license. The fee for a temporary operator’s license shall be \$5.00.

(k) Wholesaler’s Fermented Malt Beverage License; Special Wholesaler’s License. The fee shall be \$25.00 per year for each type of license enumerated in the subsection.

(l) Pharmacist’s Permit. The fee shall be \$10.00 per year.

(4) PAYMENT OF LICENSE FEES.

(a) Form. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by the Sate o Wisconsin and shall be sworn to by the applicant and shall be filed with the Village Clerk not less than fifteen days prior to the granting of such license. Applications for Retail “Class B” Intoxicating Liquor Licenses shall be made no later than April 15, of each year. 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 connection entrances.

(b) Cost of Publication. Said application shall be accompanied by the cost of publication and shall be published as prescribed in 125.04(3)(g), Wis. Stats.

(c) Changes. Whenever anything occurs to change any facts set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten days after the occurrence thereof.

(d) Payment of Fees. At the time of application for a license to sell or deal in alcohol beverages is filed with the Village Clerk, the Village Clerk shall advise the applicant of the date on which the Village Board shall meet to act upon the license application. The Village Clerk shall further advise the applicant that the fee required under this ordinance for the particular license applied for shall be paid to the Village Clerk not later than fifteen days prior to the date of the Village Board meeting at which the license is to be acted upon. The Village Clerk shall further advise the applicant that if such fee is not paid on or before the 15<sup>th</sup> day preceding the license meeting, the Village Board shall not act on the application. Applicants for Retail "Class B" Intoxicating Liquor Licenses shall be advised at the time of application that no such license application will be acted upon by the Village Board after June 15<sup>th</sup> of each year. Failure to pay license fees in the time and in the manner required under this section shall result in no action being taken by the Village Board on any license application.

(5) GRANTING OF LICENSES.

(a) License Meetings. The Village Board shall meet and act upon license applications. Upon approval of any license application, a duplicate copy of such application shall be forwarded to the Wisconsin Department of Revenue.

(b) Opportunity to be Heard. Opportunity shall be given by the Village Board to any person who wished to be heard for or against the granting of any license.

(c) Issuance of License. Upon the approval of the application by the Village Board, the Village Clerk shall issue to the applicant the license applied for. At the time of issuance, all license fees shall be paid to the Village Treasurer, who shall deposit them in the Village's general fund. 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, the name of the licensee and the fact that they shall expire on the 30<sup>th</sup> day of June thereafter. The Village Clerk shall affix to the license the affidavit provided in Section 125.04(4)(c), Wis. Stats.

(6) LICENSE RESTRICTIONS. In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in sub. (1) of this section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

(a) Inspection of Application and Premises. The Clerk-Treasurer shall notify the Chief of Police of all license and permit applications and these officials shall inspect, or cause to be inspected, each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. The Chief of Police shall furnish to the Village Board, in writing, the information derived from such investigation. No license or permit provided for in this section shall be issued without approval of the Village Board.

(b) Health and Sanitation. No license shall be issued for any premise that does not conform to the sanitary safety and health requirements of the State of Wisconsin and to all such ordinances and regulations adopted by the Village.

(c) Tax Delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Village re delinquent or unpaid.

(d) Cessation of Operation. Where the holder of a Class B license ceases to operate or do business while same is validly in force and effect, the licensee, or his heirs, may, at the discretion of the Village Board, continue to hold such license for its unexpired term and shall also be eligible to apply for and receive one normal one-year renewal thereof; it being the intent and purpose of this paragraph to require the licensee, or his heirs, to consummate bona fide rental or sale of the business assets involved.

(e) Licensee Required on Premises. There shall be upon premises operated under a "Class B" or Class "B" license for the sale of alcohol beverages, at all times, the licensee or some person who has an operator's license who is responsible for the acts of all persons serving, as waiters or in any manner, any alcohol beverages to customers. No member of the immediate family of the licensee who is an underage person shall serve, as a waiter or in any other manner, any alcohol beverages to customers unless an operator who has attained the legal drinking age is present upon and in immediate charge of the premises. No person other than the licensee shall serve alcohol beverages in any place operated under a Class "B" or "Class B" license unless he possesses an operator's license or unless he is under the immediate supervision of the licensee or a person holding an operator's license who is, at the time of such service, upon said premises. No licensee shall serve any alcohol beverages unless said person has said operator's license in his or her immediate possession.

(f) Review Prior to Approval. No license or permit shall be issued to any person or officer or director of a corporation unless the application therefore shall first have been reviewed and a recommendation received from the Police Department. The foregoing prerequisite shall apply only to both original applications.

(7) CLOSING HOURS.

(a) Retail Class "A" Fermented Malt Beverages. No person operating under the authority of a Class "A" license shall sell any fermented malt beverages between the hours of 12:00 midnight and 8:00 a.m. of the following day.

(b) Retail "Class A" Intoxicating Liquors. No person operating under the authority of a "Class A" license shall sell intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

(c) Class "B" licenses, Class "C" licenses and "Class B" licenses. No premises for which a Class "B" license or a "Class B" has been issued shall remain open and no business activities shall be conducted thereon during the hours designated as closing hours in Sections 125.32 and 125.68, Wis. Stats.

(d) Presence on Premises After Closing. It shall be unlawful for any person to remain in any licensed premises after closing except for reasons and under conditions herein provided. Any licensee desiring to make repairs or perform work incidental to the care or maintenance of such premises during closing hours shall be allowed to do so. Notwithstanding the provisions of this subsection, the licensee shall comply with the other provisions of this section.

(e) Premises to Be Lighted. During closing hours, the premises shall be illuminated sufficiently as to enable the premises to be observed by a police officer from without.

(8) **POSTING LICENSES.** Licenses or permits issued under this section shall be posted and displayed as provided in Wis. Stat., sec. §125.04(10). No person shall post a license, or permit any other person to post it, upon premises other than those mentioned in the application, nor shall any person knowingly deface or destroy such license, or permit any other person to do so.

(9) **REVOCATION AND SUSPENSION OF LICENSES.**

(a) Procedure. The Village Board may suspend, revoke or refuse to renew any license issued pursuant to this section in accordance with Section 125.12, Wis. Stats. When a license is revoked because of violations under this ordinance, or under the provisions of Section 125.12, Wis. Stats., the revocation shall be recorded by the clerk and no other license issued under this ordinance may be granted within twelve months of the revocation of the person whose license was revoked. No part of the fee paid for the license shall be refunded after the license is revoked.

(b) Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended pursuant to this section, it shall be the duty of the Clerk-Treasurer to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police, who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk-Treasurer's office.

(c) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to a person who has had a license issued pursuant to this section revoked within 12 months prior to application.

(10) **UNDERAGE PERSON; PRESENCE IN PLACES OF SALE**

(a) Restrictions. Pursuant to §125.07(3), Wis. Stat., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except for the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities that normally constitute activities of a customer of the premises.

(b) Exceptions. Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.
2. An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
3. Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
4. Ski chalets, golf clubhouses, curling clubs and private tennis clubs.
5. Licensed restaurants where the principal business is that of a restaurant.
6. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
7. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the police Department of such specified dates; unless all

alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

(11) **UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES**

(a) Restrictions. Pursuant to Section 125.07(4)(b) and (bm), Wis. Stat., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

(b) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in Sec.125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.

(c) Selling or Serving Alcohol Beverages. Pursuant to Sec. 125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

(12) **VIOLATIONS BY AGENTS AND EMPLOYEES.** A violation of this chapter by authorized agent or employee of a licensee shall constitute a violation by the licensee.

(13) **PENALTY.** The penalty for a violation of any section of this ordinance that has a statutory counterpart shall be the same as the penalty prescribed for such statutory counterpart, except that no term of jail or imprisonment may be imposed. Where no statutory counterpart exists, the penalty for violation of any provision of this section shall be a penalty as provided in Sec. 20.04 of this Code, provided that no penalty imposed shall exceed the maximum allowed by Sec. 125.07(1)(b) and 125.11(1), Wis. Stats.

(a) Schedule of Penalties. To ensure uniformity and equal treatment of all persons who violate any provision of this section. The deposit amounts set forth in the Revised Uniform State Traffic Deposit Schedule, as the same is amended from time to time, together with costs and surcharges, shall be the forfeitures imposed under this section where the schedule states a deposit amount for a violation of statutory counterparts to the provisions of this section.

(b) Penalty For Minors. In the event proceedings are commenced against children aged 16 or older for violations of this section for which no statutory penalty is established under ch. 125 of the Wis. Stats., the provisions of ss.938.17(2), 938.237, 938.37, 938.343 and 938.344, Wis. Stats., shall be applicable.

(c) Continued Violations. Each violation and each day or part of a day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

9.02 CIGARETTE RETAILER LICENSE. No person shall sell cigarettes in the Village without first obtaining a license from the Clerk-Treasurer. The provisions of Sec. 134.65, Wis. Stats., are hereby adopted and made a part of this section by reference. The license

fee shall be \$20 per year. (Ord. #182)

9.03 (Revoked Ord. #129)

9.04 CLASS A LICENSES LIMITED. The number of Class A Beer and Liquor Licenses issued by the Village of Belmont is limited to only one (1).

9.05 REGULATION AND LICENSING OF DIRECT SELLERS, TRANSIENT MERCHANTS AND SOLICITORS.

(1) DIRECT SALES AND SOLICITATIONS: REGISTRATION REQUIRED. It shall be unlawful for any direct seller, transient merchant or solicitor to engage in direct sales or solicitations within the Village without being registered and licensed 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 services or takes sales order for the latter delivery of goods or services at any location other than a permanent business place or residence of said individual, partnership, association or corporation and shall include, but not be limited to, peddlers, canvassers and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.

(b) Transient Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the village or not, who engages in a temporary business of selling or delivering goods, wares and merchandise within said Village and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box car or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the Village for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader or auctioneer.

(c) Permanent Merchant. A direct seller or one representing a merchant who, for at least one year prior to the submission of the application pursuant to this section, has continuously operated an established place of business in this Village or has continuously resided in this Village and now does business from his residence.

(d) Goods. Personal property of any kind and includes goods provided incidental to services offered or sold.

(e) Solicitor. Any individual who, for himself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organization, society, association or corporation.

(f) Charitable Organization. Any benevolent, philanthropic, patriotic or



eleemosynary person, partnership, association or corporation for which there is provided proof of tax exempt status pursuant to §501(c)(3) or (4) of the United States Internal Revenue Code.

(g) Applicant. Each individual applying for registration and licensing as a direct seller, transient merchant or solicitor.

(h) Registrant. Each individual registered by the Clerk-Treasurer and to whom a license has been issued.

(3) EXEMPTIONS.

(a) The following shall be exempt from all provisions of this section:

1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

2. Any person selling goods at wholesale to dealers in such goods.

3. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.

4. 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 his regular course of business.

5. 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 said person.

6. Any person who has had, or represents a company which has had, a prior business transaction such as a prior sale or credit arrangement with a prospective customer.

7. 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.

(b) Charitable organizations registered with the Wisconsin Department of Regulation and Licensing pursuant to §440.41, Wis. Stats., shall be exempt from the requirements set forth in subs. (4)(a), (4)(c) and (6) of this section if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation and provided, further, that said individuals provide the Clerk-Treasurer with the following information:

1. The individual's name and permanent address.

2. The name and address of the organization represented.

3. The name and address of the officers or directors of the organization.

4. The nature of the sales or solicitations.

5. Proposed dates and time of sales or solicitations.

A license operative for the dates provided to the Clerk-Treasurer shall be issued without charge upon compliance with the foregoing. The Clerk-Treasurer shall then forward the information and notice of the issuance of a license to the Chief of Police.

(c) Any religious organization from which there is provided proof of tax exempt status pursuant to §501(c)(3) of the United States Internal Revenue Code shall be exempt from the requirements set forth in subs. (4)(a), (4)(c) and (6). The provisions of sub. (3)(b) above shall be applicable to such organizations.

(d) Any veteran who holds a special state license pursuant to §440.51, Wis. Stats., shall be exempt from the provisions of sub. (4) and (6) provided that such veteran provides the Clerk-Treasurer with the following information:

1. The veteran's name and permanent address.
2. The nature of the sales or solicitations.
3. Proposed dates and times of sales or solicitations.

The Clerk-Treasurer shall then forward the above information to the Chief of Police.

(4) REGISTRATION REQUIREMENTS.

(a) Applicants for licenses must 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, telephone number and temporary address, if any.
2. Age, height, weight and 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 sales or solicitations will be conducted, if any.
5. Nature of sales or solicitations to be conducted and a brief description of the goods and/or services offered.
6. Proposed dates and times of sales or solicitations.
7. Proposed method of delivery of goods, if applicable.
8. Make, model and license number of any vehicle to be used by applicant in the conduct of sales or solicitations.
9. Last 3 cities, villages and towns where applicant conducted similar sales or solicitations.
10. Place where applicant can be contacted for at least seven days after leaving this Village.
11. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's sales or solicitation or other transient merchant activities within the last 5 years, the nature of the offense and the place of conviction.
12. A recent photograph of the applicant that shows the head and shoulders.

(b) Applicants shall present the following items to the Clerk-Treasurer for examination:

1. A driver's license or some other proof of identity as may be reasonably required.
2. A physician'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 and dated not more than 90 days prior to the date the application for license is made.

(c) No application shall be processed until the application fee in the amount of \$15 has been paid to the Clerk-Treasurer to cover the cost of processing said application.

(5) INVESTIGATION; DENIAL OF APPLICATION.

(a) Upon receipt of a completed registration form, the Clerk-Treasurer shall immediately refer it to the Chief of Police to make an investigation. The Police Chief or his designee shall complete the investigation and file a report with the Clerk-Treasurer within 72 hours.

(b) The Clerk-Treasurer shall refuse to issue a license to the applicant for any of the following reasons:

1. The application contains any material omission or materially inaccurate statement.

2. 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 solicitation.

3. The applicant failed to comply with any applicable provision of par. (4)(b) above.

4. If as a result of the investigation required under this section, the applicant's business or character are found to be unsatisfactory, the Chief of Police shall endorse on said application his disapproval and his reasons for the same and return the application to the Clerk-Treasurer, who shall notify the applicant that his application was not approved and no license will be issued.

(c) In the event the Clerk-Treasurer shall refuse to issue the applicant a license, the Clerk-Treasurer shall provide the applicant an opportunity to refute said reasons for denial of the license. After the Clerk-Treasurer has made a final determination, he shall either issue the license or provide the applicant with written reasons for refusing to issue the license.

(d) Any person denied application for a license may appeal such action by filing with the Village Board within 14 days after written notice of the denial a written statement requesting a hearing and setting forth the grounds for the appeal. The Village Board shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 24 hours prior to the time set for the hearing.

(6) REGISTRATION AND ISSUANCE OF LICENSE.

(a) Upon compliance with the foregoing requirements, filing of a bond, if applicable, and payment of the license fee as hereinafter set forth, the Clerk-Treasurer shall register the applicant as a direct seller, transient merchant or solicitor and issue a license to the applicant. The license shall be operative only during the days requested on the registration form.

(b) Such license shall contain the signature of the Clerk-Treasurer, the name and address of the direct seller, transient merchant or solicitor, the type of goods or services being sold or the nature of the solicitation, the dates during which the license is operative and the license number of any vehicle used for sales or solicitation.

(c) Registrants shall exhibit their license at the request of any citizen or police officer.

(d) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of Lafayette County, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin, shall file with the Clerk-Treasurer a surety bond for a term of one year from the date of issuance of license, running to the Village in the amount of \$5,000 with surety acceptable to the Village President, conditioned that the applicant comply with all applicable ordinances of this Village and statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of this Village that all money paid as a down payment will be accounted for and applied according to the representations of the seller and that the property purchased will be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may,

pursuant to a court order, pay the face amount of the bond to the Clerk of Courts in which suit is commenced and be relieved of all further liability.

(e) Every applicant shall pay a license fee of \$3 per day.

(7) REGULATION OF DIRECT SELLERS AND SOLICITORS.

(a) Prohibited Practices.

1. A direct seller or solicitor shall be prohibited from:

a. Calling at any dwelling or other place between the hours of 8:00 P.M. and 9:00 A.M. except by appointment.

b. Calling at any dwelling or other place where a sign is displayed bearing the words "No peddlers", "No Solicitors" or words of similar meaning.

c. Calling at the rear door of any dwelling place.

d. 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 or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A direct seller representing a charitable or religious organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable or religious purpose for which the individual is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods or services.

3. No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets. No direct seller or solicitor shall sell or solicit in any congested area or where the public will be impeded or inconvenienced. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

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

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

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller or solicitor 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 or services is made by a direct seller or any sales order for the later delivery of goods or services 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, in accordance with the procedure as set forth in §423.203, Wis. 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), Wis. Stats.

3. If the direct seller takes a sales 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 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) REGULATION OF TRANSIENT MERCHANTS. The provisions of subpars. (7)(b)2 and 3 shall apply to transient merchants.

(9) REGULATION OF FARMERS AND TRUCK GARDENERS. Farmers and truck gardeners selling their own produce shall:

(a) Remove their sale facility and produce at the end of each day's activity, said day's activity to run from the hours of 6:00 A.M. to 7:30 P.M.

(b) Obtain a statement in writing from the Chief of Police that the proposed location will not impede or inconvenience the public use of streets or sidewalks.

(c) Obtain written authority from the owner of the property to locate the proposed sale facility thereon.

(10) RECORDS OF VIOLATIONS. The Chief of Police shall report to the Clerk-Treasurer all convictions for violations of this chapter and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted. The Clerk-Treasurer shall note any complaint or report of an alleged violation made by a resident of this Village or a police officer.

(10) REVOCATION OF LICENSE.

(a) The registrant's license 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 or solicitation, violated any provision of this chapter or was convicted of any crime or ordinance of statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations.

(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 the hearing and a statement of the acts or omissions upon which the hearing will be based.

(12) PENALTY. Any person who shall violate any provision of this section shall be subject to a penalty of not less than \$50 nor more than \$100 plus the cost of prosecution.

#### 9.06 JUNK DEALERS.

(1) LICENSE REQUIRED. No person within the Village shall keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, used motor vehicles or the parts thereof, or other article which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred herein to as "junk dealer."

(2) EXCEPTION. No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site provided that only 3 wrecked vehicles may be stored on said premises at any one time for a period not exceeding 14 calendar days.

(3) APPLICATION. Application for such license shall be made in duplicate and

filed with the Clerk-Treasurer and shall be accompanied by the license fee. Such application shall set forth the name and address of the applicant and, in case of a firm, the name and residences of the members of the firm, and shall describe in detail any lot or parcel upon which the business is to be conducted, and the business operation.

(4) LICENSE FEE. The license fee shall be \$50 per year or any fraction thereof, said year to commence on July 1 and end on June 30.

(5) INSPECTION REQUIRED. The Clerk-Treasurer shall report such application to the Chief of Police and Fire Chief, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building and police authorities.

(6) REFERRAL TO PLAN COMMISSION. The application shall first be submitted to the Plan Commission for a hearing to determine the suitability of the site for the business proposed thereon.

(7) REFERRAL TO VILLAGE BOARD. The application, together with the recommendation of the Plan Commission, shall be referred to the Village Board which may grant, grant with conditions, or deny the license.

(8) RESTRICTIONS APPLICABLE TO JUNK DEALERS.

(a) Every junk yard shall be enclosed by a solid fence not less than 6 feet nor more than 8 feet high. Such fence shall be approved by the Building Inspector.

(b) No junk shall be displayed or stored outside the fenced area of the premises.

(c) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays or between the hours of 8:00 P.M. and 6:00 A.M. on other days.

(d) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Village Board.

(e) Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.

(f) Every licensee shall keep a written record of all articles purchased or sold with a description thereof and the name and address of the person involved in the transaction. This record shall be open to inspection by the Police Department at all reasonable hours. Such record shall be kept for 2 years after expiration of any license issued hereunder.

(g) Every holder of a junk dealer's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for such license. No person shall post such license or be permitted to post it upon the premises other than those mentioned in the application, or knowingly to deface or destroy any such license.

(9) REVOCATION.

(a) Upon complaint being made in writing by any three (3) residents or any official of the Village to the Village Board that any licensee hereunder has violated any of the provisions of this section, the Village Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than 3 days after the date of the service

thereof, to show cause why, his license shall not be revoked or suspended. The Village Board shall thereupon proceed to hear the matter and if it finds that the allegations of said complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received notice from the Building Inspector that a complaint has been filed with the Village Board as to the operation of his premises and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

(b) Whenever a license is revoked, the licensee shall have a period of forty-five (45) days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

(c) In addition to the penalties provided herein, a person who violates any provision of this section may be penalized as provided in Sec. 20.04 of this code.

9.07 MILK DEALERS. (revoked Ord. #146)

9.08 MOBILE HOMES AND MOBILE HOME PARKS. (Am. Ord. #74) (Am. Ord. #146)

(1) DEFINITIONS.

(a) Mobile Home is that which is, or was as 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. This includes those vehicles or structures which are not defined as manufactured homes under Section 14.05(43).

(b) Unit means a mobile home unit.

(c) Nondependent Mobile Home means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.

(d) Dependent Mobile Home means a mobile home which does not have complete bathroom facilities.

(e) Mobile Home Park means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(f) Space means a plot of ground within a mobile home park of not less than 4,000 square feet, designed for the accommodation of one auto and/or one mobile home unit.

(g) Person shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or their agent, heir or assign.

(h) Licensee means any person licenses to operate and maintain a mobile home park under this section.

(i) Park means mobile home park.

(2) PARKING PERMIT FEE (Am. Ord. #112).

(a) There is hereby imposed on each owner of a nonexempt mobile home in the Village a monthly parking permit fee determined in accordance with Sec. 66.058(3) WI Stats., which is hereby adopted by reference and made a part of this section as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees and owners of mobile homes permitted to be

located on land outside a mobile home park shall pay to the Clerk-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 section and such regulations as the Clerk-Treasurer may reasonably promulgate.

(b) Licensees of mobile home parks and owners of land on which are parked any nonexempt mobile homes shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e), WI Stats.

(c) (Revoked Ord. #146)

(3) MOBILE HOME PARK LICENSE. No person shall establish or operate upon property owned or controlled by him within the Village a mobile home park without having first secured a license therefore from the Clerk-Treasurer. The fee shall be \$2 for each space in the existing or proposed park, but not less than \$25 per year or fractional part thereof. Such parks shall comply with WI Adm. Code H77, which is hereby adopted by reference.

(4) PAYMENT OF FEES FOR HOMES OUTSIDE PARKS. (Am. Ord. #112) (Rec. Ord. #126) The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the Clerk-Treasurer all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(5) PARKING OUTSIDE LICENSED MOBILE HOME PARKS. (Cr. Ord. #90).

(a) Prohibited. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village.

(b) Exceptions. (Am. Ord. #90) (Am. Ord. #146) Unoccupied mobile home may be parked on a lawfully situated premises of a licensed mobile home dealer for purposes of sales and display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs, the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided no business is carried on therein, or in an accessory private garage building or rear yard of the owner of such mobile home. Occupied mobile homes parked outside of a mobile home park on December 1, 1982, may continue to remain on such space; however, if such a mobile home is removed for a 6 month period, the space vacated may not be reoccupied. Before the vacated space can be reoccupied during the 6 month period, the replacement mobile home must meet the approval of the Village Board.

(c) Street Parking Prohibited. No person shall stop, stand or park a mobile home on any street, alley or highway within the Village in violation of Chs. 340 and 348, WI Stats., or the Traffic Code of the Village.



9.09 REGULATION AND LICENSING OF DOGS.

(1) DEFINITIONS. For purposes of this section, certain words and terms are defined as follows:

(a) Owner. Any person or group of persons owning, keeping or harboring a dog.

(b) Kennel. The commercial business of breeding, buying, selling or boarding dogs.

(c) At Large. Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

(d) Restraint. A dog is under restraint within the meaning of this section if it is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

(e) Spayed Female Dog. Any female dog which has been operated upon to prevent conception.

(f) Animal Shelter. Any premises designated by the Village Board for the purpose of impounding and caring for all animals found running at large in violation of this section.

(g) Exposed to Rabies. An animal has been exposed to rabies within the meaning of this section if it has been bitten by, or come in contact with, any animal known to have been infected with rabies.

(2) ENFORCEMENT. The provisions of this section shall be enforced by police officers.

(3) LICENSING OF DOGS. (revoke & reconst. Ord. #146)

(a) License Required. It shall be unlawful for any person in the Village to own, harbor or keep any dog more than 5 months of age without complying with the provisions of Ch. 174.05 and 174.053 thru 174.08 WI Stats., relating to the listing, licensing and tagging of the same.

(4) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the Village which is over 5 months of age and has not received a rabies vaccination as required by Ch. 95.21(2), WI Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times except as provided in §95. 21(2)(f), Wis. Stats.

(5) DOGS RUNNING AT LARGE AND UNTAGGED DOGS.

(a) Dog Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the restraint of the owner or some other person as defined in sub. (1)(d).

(b) Untagged Dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(c) Dog Subject to Impoundment. Any police officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog

to run at large or be untagged, the owner shall forfeit \$5 plus costs for the first offense, \$10 plus costs for the second offense and an additional \$5 for each subsequent offense. If the dog is unlicensed, the above penalties shall be doubled.

(6) CONFINEMENT OF CERTAIN DOGS.

(a) The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely leashed and/or under adequate control.

(b) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that such female dog or cat cannot come in contact with another dog or cat, except for intentional breeding purposes.

(c) Any animal described in the foregoing paragraphs which is found at large shall be impounded by police officers.

(7) DUTY TO REPORT DOG BITE. Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person, shall immediately report such fact to the Police Chief.

(8) IMPOUNDING AND DISPOSITION OF DOGS.

(a) Impounding of Dogs. Any police officer or other person restraining a dog running at large shall take such dog to the Village Animal Shelter. The boarding fee for impounded dogs shall be \$10 for the first day and \$2 daily thereafter. The police shall attempt to identify and notify the owner.

(b) Release of Dog to Owner or Representative. The caretaker of the Animal Shelter or police officer may release the dog to the owner or his representative if:

1. The owner or representative presents evidence of ownership and gives his name and address,
2. Presents evidence that the dog is licensed and vaccinated against rabies, and
3. Pays the dog's boarding fee.

(c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the caretaker of the Animal Shelter may release the dog to a person other than the owner if such person:

1. Gives his name and address and
2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(d) Disposition of Dog or Use for Humane Purposes. If the dog is not released to the owner or other person in 7 days, the caretaker may dispose of the dog as provided in §174.13, Wis. Stats., or dispose of the dog in a proper and humane manner.

(9) INVESTIGATION. For the purpose of discharging the duties imposed by this section and to enforce its provisions, any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that a police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires removal from the premises.

(10) INTERFERENCE PROHIBITED. No person shall interfere with or hinder any police officer or caretaker in the performance of any duty of such agent or seek to release any

animal in the custody of the caretaker of the Animal Shelter, except as herein provided.

(7) **RECORDS REQUIRED.**

(a) It shall be the duty of the caretaker to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody. Such records shall be open to public inspection.

(b) It shall be the duty of the Police Chief to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same.

(c) It shall be the duty of the Animal Shelter caretaker to keep, or cause to be kept, accurate and detailed records of all moneys coming into his possession, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the Village, and shall be turned into the Clerk-Treasurer quarterly.

(12) **PENALTIES.** In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply with Quarantine Order. An owner of a dog or cat who refuses to comply with an order issued under this section to deliver the animal to a police officer, the Village Animal Shelter or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

(c) Other Penalties. Any person violating any other provision of this section shall be subject to a penalty as provided in Sec. 20.04 of this Code.

9.10 **REGULATION AND LICENSING OF BICYCLES.**

(1) **REGISTRATION REQUIRED.** No resident shall operate a bicycle upon any street or public way within the Village unless the bicycle shall first have been registered by the owner and properly licensed as hereinafter provided.

(2) **DEFINITION.** "Bicycle" shall mean and include a light vehicle having 2 or more wheels, usually tandem, but which may be tricycle or side-car, both of which are 20 inches in diameter or greater, with tires inflated, having a steering wheel and a saddle seat or seats, propelled by the feet acting on treadles connected with cranks or levers.

(3) **REGISTRATION.** Registration shall be made by filing an application with the Police Department setting forth the name and address of the owner, together with a complete description of the bicycle, and paying the registration and license fee hereinafter provided. Each registration shall be serially numbered and kept on file in the office of the Police Department. The Police Department shall keep a record of the date of issuance of each license, to whom issued, and the number thereof. Upon such registration, the Police Department shall issue a license which shall be affixed to the bicycle in a place determined by the Police Department. Such license plate shall remain so fixed to the bicycle unless removed by order of a court.

(4) **LICENSE FEES.** (amend Ord. #146) The license fee paid for each bicycle shall be \$2 for the period of time the bicycle is owned by the registered owner. All such license fees shall be paid over to the Clerk-Treasurer.

(5) **LICENSE RENEWAL.** All bicycle registrations shall be renewed whenever the original license becomes illegible or is destroyed. The license fee for renewal shall be \$2. Upon

such registration a new license shall be furnished the bicycle owner or operator.

(6) **LOST LICENSE.** In case of theft, loss, mutilation or defacing of said license, a new license shall be issued by said Department for a fee of \$2. No person shall willfully remove, deface or destroy any such license.

(7) **MUTILATION OF SERIAL NUMBER.** No person shall willfully or maliciously remove, destroy, mutilate or alter the serial number of any bicycle frame licensed pursuant to this section or any license.

(8) **TRANSFER OR CANCELLATION.** Within 10 days after any bicycle registered hereunder shall have changed ownership or be dismantled or taken out of use, the person in whose name the bicycle has been registered shall report such information to the Police Department. In case of change of ownership, the registration shall thereupon be canceled and a new license issued to the new owner upon proper application and payment by him of the registration fee provided for in sub. (4) above.

(9) **INSPECTION OF BICYCLES.** Every bicycle in the Village shall be inspected and examined at the Police Department or any other location so designated by the Chief of Police for a serial number. If such bicycle has no serial number, a serial number shall be stamped on the frame of such bicycle by any qualified mechanic of a bicycle store or shop so designated by the Chief of Police.

(10) **PARENTAL VIOLATION.** It shall be unlawful for any parent, guardian or person having legal custody of a child under the age of 18 years to have such child fail to have his bicycle registered as herein before provided or to allow such child under 18 years of age to violate any of the provisions of this section after such parent, guardian or person having legal custody of such child has been warned as hereinafter provided.

(11) **WARNING.** The first time a child is detained by a law enforcement officer for violation of any of the provisions of this section, his parent, guardian or person having such legal custody shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody shall result in a penalty being imposed as hereinafter provided.

(12) **PENALTIES.** Any minor 14 years of age or over may be prosecuted for any violation of this section pursuant to Sec. 48.17(2), 48.237, 48.37 and 48.343, Wis. Stats.

Any parent, guardian or person having legal custody of a child under 18 years of age and who has been warned in the manner provided in sub. (11) above and who thereafter violates any of the provisions of this section shall forfeit not less than \$10 nor more than \$200 together with the cost of prosecution and in default of the payment of forfeiture and cost of prosecution, he shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding 90 days.

9.11 **PENALTY.** Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall be subject to the penalty set forth in the VILLAGE OF BELMONT SCHEDULE OF PENALTIES which is part of the Village Ordinances or such other penalty or amount as the Court or Village shall deem appropriate in accordance with Section 20.04.

(1) Purpose and Authority.

(a) The provisions of this section are enacted for the purpose of protecting the public health, safety and general welfare of residents and transients in the Village, to prevent overcrowding and unsanitary conditions on real estate and to establish minimum requirements for the establishment and operation of campgrounds in the Village of Belmont. The standards and requirements of this section are intended to provide a wholesome community environment, adequate public services, and the conservation of natural resources.

(b) This Section is adopted in accord with Wis. Stat. sec. 61.34(1) and (5), pursuant to which the Village Board is authorized to adopt police power ordinances for and on behalf of the health, safety, welfare and convenience of the public by necessary and convenient means. The requirements of ATCP 79, Wis. Adm. Code and all other applicable codes are incorporated by reference and shall be minimum standards and are supplemented with this Section. This Section shall be applied in accordance with the Village of Belmont Comprehensive Plan.

(2) Scope. This Section applies to all lands in the Village of Belmont, County of Lafayette, Wisconsin. The Village Board shall be responsible to administer this Section. No new or expanded campgrounds may be constructed unless all required approvals have been given.

(3) Interpretation.

## (a) Abrogation and Greater Restrictions

(i) Except when set forth expressly herein, it is not the intent of the Village Board to abrogate or repeal any other ordinance of the Village or to alter the applicability of laws which are not of statewide concern within the Village. To the extent that a conflict arises between this and any other ordinance, rule or regulation, the more restrictive of them shall control. Nothing in this section shall be construed to permit campgrounds in any zoning district unless they are expressly allowed in that zoning district as either a permitted or conditional use.

(ii) These regulations are not intended to abrogate any easement, covenant, deed restriction, or any other private agreements, or restrictions, provided that where the provisions of these regulations are more restrictive than such easement, covenant, deed restriction or other private agreements or restrictions, the requirements of these regulations shall govern.

(b) Liberal Construction. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The provisions of this section shall be liberally and broadly construed in favor of the Village of Belmont to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Village of Belmont.

(c) **Non-Liability.** The Village does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination or inspection oversight, construction, or damage that may result in or after installation, and reserves the right to order changes or additions if conditions arise pertaining to the public health, safety, or welfare. The Village assumes no responsibility for any property damage related to flooding, or any other form of injury which are the result of the construction of a campground pursuant to authority granted under the terms and conditions of this section.

(4) **Definitions.** For the purpose of this section, the definitions provided in s. ATCP 79.03 shall apply together with the additional definitions provided below:

(a) **Auxiliary Structure.** A structure or structures on a campsite, including, but not limited to a shed, deck, garage or picnic shelter.

(b) **Camp or Camping.** The use of a camping unit as a form of temporary residence or for sleeping purposes.

(c) **Campground.** A parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing one or more campsites offered with or without charge, for temporary overnight sleeping accommodations.

(d) **Inspector.** The Village Building Inspector.

(e) **Licensee.** Any person licensed by the Village to operate and maintain a campground.

(f) **Parcel or Lot.** A unit or parcel of land legally described and of record with the Lafayette County Register of Deeds.

(g) **Planning Commission.** The Planning Commission of the Village of Belmont.

(h) **Village Street.** A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the Village for public travel purposes.

(5) **Licenses, Applications and Renewals.**

(a) **Licenses.**

(i) No person shall own, operate or maintain a campground on real estate in the Village of Belmont without first having obtained a license for such campground from the Village Board in accord with this section. Campground licenses shall be valid for two (2) years, except

the initial license shall expire on June 30 of the next or current even-numbered year (with the fee being pro-rated accordingly). All licenses will expire on June 30 of even-numbered years.

(ii) A copy of the most recent ATCP 79 inspection report and permit, where required, must be submitted at the time of license application or renewal.

(iii) No campground shall be operated without a valid license from the Village. A license from the Village is required irrespective of whether a permit is required by the State of Wisconsin.

(iv) At the time of filing of a license application the applicant shall pay the Village the application fee in the amount established by a resolution of the Village Board from time to time and on file in the office of the Village Clerk.

(v) All reasonable costs incurred by the Village Board or its agents to properly review the campground license application, and any proposed variance, including the employment of the necessary services of engineers, attorneys, planners and other professional consultants for said review, shall be the responsibility of the applicant who shall timely and fully reimburse the Village of Belmont for these costs. The Village Board may require that all or a portion of the known costs of application approval and variance review be paid in advance. The Village Board may also establish a deposit schedule for review fees.

(vi) Should the license application not be timely (within 15 days of its being due), there shall be a penalty fee as stipulated in Appendix A imposed in addition to the regular license fee.

(vii) The license application shall include the name, address, telephone number, fax number and email address, if any, of each owner or operator of the campground and the legal description of the property on which the campground is located.

(viii) Licenses issued under this section are not transferable without the express, written approval of the Village Board.

(ix) Multiple licenses shall not be issued for a single parcel.

(x) No person shall apply for and no campground license shall be issued for a campground which occupies all or portions of adjoining parcels or lots. Each applicant shall be required to prove to the Village Board that all of the land upon which the campground is proposed to be situated is owned or controlled by the applicant under a lease from the owner and the Village Board reserves the right to require of the applicant, where the campground site extends over lot lines onto two or more parcels owned or controlled by the applicant, that the applicant combine those legal descriptions through the creation of a certified survey map. No

person may apply for or receive multiple campground licenses with which to operate separate campgrounds on the same or adjoining parcels or lots.

(b) New Applications to Operate a Campground.

(i) Applications for new campgrounds or additions to existing campgrounds shall be subject to approval or denial by the Village Board acting in accord with the requirements and restrictions of this section and all other applicable ordinances and laws.

(iii) In considering the initial approval for any person or persons seeking to operate a campground in the Village of Belmont, the Planning Commission will, at a minimum, weigh its compatibility with the tenets of the Village's Comprehensive Plan, with state regulations, with the conservation of natural resources and with this section.

(iv) Persons wishing to establish a new campground or an addition to an existing campground in the Village of Belmont shall:

1. Appear before the Village Planning Commission and the Village Board for approval.
2. Provide the legal description of the property along with a scaled plan or map of the proposed campground.

(v) Before approval for the use of land for a new campground or for modifications to or expansion of an existing campground, the Village Board shall hold a public hearing. In the event that approval is denied, the Village Board shall provide the reason(s) therefore to the owner or operator in writing.

(vi) The application for the license for the operation of a campground or campground addition must include the following items. The application shall not be considered complete and no license to operate will be issued until all items are submitted to the satisfaction of the Village.

1. The number, placement of and dimensions of each campsite.
2. The location and size of all washrooms, restrooms and a waste disposal plan (both solid waste and sanitary waste). In addition, the plan shall reflect the location of all private sanitary disposal systems, natural gas lines, oil or gas storage facilities, public telephones, storm shelters and other buildings which are located upon the campground, including these made available to camping parties and those whose use is restricted or personal to the owner or operator.



3. Location, size and purpose or function of all other facilities made available to the use of camping parties and situated in and upon the grounds of the campground.

4. Proof of compliance with all applicable sections of the State Electrical Code, and the State Plumbing Code as the same may be amended from time to time. This proof shall be in the form of all inspection reports for rough-in and final inspections done by credentialed commercial plumbing and commercial electrical inspectors. This proof shall be submitted whenever available at a date later than the application.

(vii) For applicants who do not own the property on which the proposed campground is located, a copy of the lease or other contract by which permission or authority to make use of the real estate for purposes of operation of a campground have been granted to the applicant by the owner thereof.

(viii) Such other and further information or plans as are deemed by the Village Board to be necessary for it to fully consider and where appropriate to grant a campground license under this section.

(ix) The campground operator shall provide to the Village, prior to the issuance of its campground license, a performance bond in the amount, not to be less than Five Thousand Dollars (\$5,000) or such additional amounts as the Village Board deems to be appropriate based on the size and improvements of the campground, to guarantee to the Village that upon loss or surrender of its campground license, the operator shall remove all camping units from the licensed parcel or lot and properly dispose of all debris and solid waste remaining upon its cessation of operation. The Village Board shall approve of both the amount of the bond as well as its issuer and the Village shall be named as the beneficiary of the said bond.

(c) Pre-existing Campgrounds.

(i) No pre-existing campground may be expanded or added to except in conformity with this section. In cases where a campground is expanded or added to, only the area expanded or added to must conform to this section. No campground is considered "pre-existing" unless it has been in active use and operation as a campground prior to the effective date of this ordinance and has been licensed by the state as a campground for at least one (1) year immediately preceding the effective date of this section.

(ii) A lawful pre-existing campground shall be required to apply for a license within 60 days of the passage of this section, in compliance with sec. (5)(a).

(d) Renewal of Campground License.

- (i) Applications for renewal of campground licenses must include:
  - 1. The name, address, phone number(s), fax number and email address, if any, of each owner or operator of the campground and the legal description of the property on which the campground is located.
  - 2. The appropriate fee according to Appendix A.
- (ii) Prior to the approval of the campground renewal the Village may require an inspection of the campground to assure ongoing compliance with this section.

(6) Physical Layout.

(a) Maximum Number of Sites. For the purpose of preserving the rural character of the Village as set forth in the Village of Belmont Comprehensive Plan, there shall be a maximum of 150 campsites per licensed campground.

(b) Density and Size of Campsites. Campsites shall be a maximum of 20 sites per acre with a minimum average of 2,200 square feet per site. Roads, driveways and vehicle parking areas adjacent to campsites may be included in the minimum average computation.

(c) All exterior lighting shall be fitted with opaque shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the campground.

(d) Each campsite designed for vehicular camping units shall have frontage upon an access drive or private road maintained by the campground for the purpose of vehicular and pedestrian access to and from an adjoining public highway.

(e) Where access drives or private roads are provided they shall not be less than twelve (12) feet in width and sixteen (16) feet overhead clearance to allow for adequate access to each campsite for emergency vehicles. Private roads and access drives must be constructed and maintained so as to allow for immediate evacuation of the campground in the event of emergency and to allow for safe access and egress to campers at all times.

(f) Whether attached to individual campsites or otherwise, each campground shall provide adequate space for the parking of at least two (2) motor vehicles per campsite in addition to the site provided for the camping unit which occupies each such site. Each such parking space shall be at least twenty (20) feet in length by ten (10) feet in width and shall not block access by emergency vehicles. Motor vehicles shall not be substituted for or used as camping units.

(g) No auxiliary or non-permanent structure shall be fixed, mounted or attached to a camper vehicle in any manner which would prevent the ready removal and transport of the camper vehicle.

(h) No auxiliary or non-permanent structures larger than a combined two hundred (200) square feet shall be allowed at any campsite.

(i) In areas of the campgrounds where open fire is permitted, rings no more than two (2) feet in diameter, will be established and provided by the campground operator in a safe manner as determined by local officials.

(7) Operating Regulations.

(a) A copy of this section, the campground license and emergency contact numbers shall be posted conspicuously on a bulletin board on the campground premises for public review. For purposes of this section, in addition to emergency contact numbers for emergency services, the campground licensee shall provide a number for a contact person or campground operator who is employed by the licensee and who is available and required by the licensee to respond on behalf of the licensee to a non-emergency situation within one hour of the receipt of the telephone call.

(b) All portions of the real estate upon which a licensed campground is located and which are open to the public, including all open spaces and enclosures, buildings, or other structures used or made available for use by the public in association with the operation of said campground and structures outside of the designated campground area that supply or house utilities, shall be open to the Village, its officers, inspectors, health officers, law enforcement officers, firefighters and ambulance and emergency rescue personnel for purposes of inspection of the premises for compliance with this section. The licensee, by applying for and holding a Village license, shall be deemed to have consented to said entry of the aforementioned officers, at reasonable hours of the day.

(c) Health and Safety

(i) The maximum number of overnight guests allowed at any one campsite shall be six (6).

(ii) The maximum number of camping units allowed at any one campsite shall be one (1).

(iii) With the express exception of motor vehicles parked on campsites, above, only camping units shall be allowed on campsites.

(iv) It shall be the responsibility of each campground owner/operator to maintain the campground in a clean, orderly, safe and sanitary condition and comply with this section and all other applicable ordinances, administrative codes and laws.

(v) All plumbing, sanitary and electrical facilities, gas distribution lines and other public facilities in each campground shall be constructed, operated and maintained in accord with all

applicable state, county and local laws, ordinances and regulations at the time that such systems were installed.

(vi) One (1) Type 2A10BC fire extinguisher shall be provided for each public building in the campground and no campsite shall be more than seventy five (75) feet from a Type 2A10BC fire extinguisher. It shall be the responsibility of the operator to ensure that all required fire extinguishers are in operating order at all times that the campground is open to the public.

(vii) No camping unit that has been damaged by fire or other casualty or which is deemed to be uninhabitable due to structural reasons, plumbing, or electrical malfunctioning, or disconnection, shall be allowed to be inhabited until proper repairs or reconnections to utilities have been made. Each camping unit that has been damaged or which is otherwise deemed to be uninhabitable for one of the reasons set forth in this paragraph shall either be fully repaired or restored to serviceable use or, in the alternative, shall be removed from the campground within thirty (30) days of the date when it was damaged or became uninhabitable. Should such action not be taken, the operator of the campground shall be subject to sanctions under this section, whether or not the operator owns the camping unit or it is the property of a third party.

(viii) Camping units that are deemed uninhabitable by the Village will not be allowed to be placed, parked or stored on any campground in the Village.

(d) Vehicle Licensing and Equipment Requirements

(i) All camping units that are vehicles must be maintained in legal roadworthy condition and licensed as required by Wisconsin DOT.

(ii) The wheels or similar devices for transportation of any camper vehicle shall not be removed except for repairs lasting no more than ten (10) days.

(iii) No camper vehicle shall be fixed, mounted or attached to the ground, another vehicle, auxiliary or non-permanent structure in any manner which would prevent the ready removal and transport of the camper vehicle.

(8) Violations and Penalties.

(a) Any person, firm, or corporation who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the section, refuses to comply with this section, or resists enforcement of any of its provisions shall be subject to a written notice of violation.

(b) The Building Inspector, a law enforcement officer, or any other authority authorized by the Village Board may require by written order any premises violating this Section to be put in compliance within thirty (30) days or other time as specified in such order.

(c) If the premises are not brought into compliance within the time specified in the written violation, then the Village Board, a law enforcement officer or any other authority authorized by the

Village Board may issue citations or bring civil actions before the circuit court to collect forfeitures as may from time to time be determined by the Village Board.

(d) The Village of Belmont retains the right to revoke, suspend, or place limitations on a campground license if the Village Board has evidence that the campground is in habitual violation of this section or if there are habitual law enforcement issues at the campground.

(e) Penalties

(i) Each written notice shall be considered a new violation of this section. Forfeitures shall be assessed in the following manner:

1. Failure to comply with first written notice: \$100.00
2. Failure to comply with second written notice issued within 90 days of first notice: \$150.00
3. Failure to comply with third written notice issued within 90 days of second notice: Not less than \$150.00 or more than \$1,000.00 for each day of continued noncompliance following the expiration of the notice period contained in the notice served.

(9) Variances. Variances to the standards of this section may be recommended by the Village of Belmont Planning Commission and authorized by the Village Board. The Village Board shall consider the recommendations of the Planning Commission as part of the variance request and shall provide written findings to support their decision. Applications for a variance must be accompanied by the appropriate payment of fees set forth by the Village of Belmont and must demonstrate that:

(a) Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.

(b) The hardship described in subs. (a), above, shall of necessity relate to special circumstances pertaining to the applicant and may not be based on mere inconvenience or financial hardship to the applicant, or be a self-created hardship of the applicant.

(c) Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest.

(d) The granting of the variance will not materially compromise the goals and policies of the Village of Belmont Comprehensive Plan, be inconsistent with other applicable regulations or inconsistent with the purpose of this section. Applications for a variance shall require a public hearing.

(10) Exceptions.

Any person may permit one or more camping units to be placed, parked or located on his or her property for the purpose of allowing family members or guests to use such camping unit while visiting under the following rules:

- (a) The camping unit must be located on property owned by the person whom the occupants of the camping unit are visiting.
- (b) The camping unit may not be attached to Village utilities.
- (c) The total number of days in any 12-month period in which a property owner may allow visiting camping units is fifteen (15).

**APPENDIX A – FEE SCHEDULE TO THE VILLAGE OF BELMONT ORDINANCE REGULATING THE OPERATION OF CAMPGROUNDS**

The Village of Belmont has established the following fee schedule for campgrounds in the Village of Belmont to be paid by the applicant at time of initial application or renewal, or as otherwise stipulated by the Village Board.

NEW CAMPGROUND LICENSE

1 TO 25 SITES	\$100.00
26 TO 50 SITES	\$150.00
51 TO 100 SITES	\$200.00
101 TO 150 SITES	\$250.00

RENEWALS AND FIRST APPLICATION OF A PRE-EXISTING CAMPGROUND

1 TO 25 SITES	\$ 50.00
26 TO 50 SITES	\$ 75.00
51 TO 100 SITES	\$100.00
100 TO 150 SITES	\$125.00

VARIANCE REQUEST

VARIANCE REQUEST MADE AT TIME OF INITIAL APPLICATION	\$200.00
VARIANCE REQUEST MADE SUBSEQUENT TO INITIAL APPLICATION	\$500.00

OTHER RELATED FEES

Late application penalty fee in addition to regular license fee	\$ 50.00
Any additional studies or engineering analysis required by the Village	<at cost>
Any additional costs incurred by the Village in review of an application	<at cost>”