

Chapter 5

LICENSES AND PERMITS

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5.01 Procedures. Unless otherwise provided in this chapter, applications for all licenses or permits shall be made to the village clerk, who shall secure the signature of the village president, if necessary, to such license, seal it with the corporate seal, and attest it. If any such application is subject to the approval of the village board, the village clerk must submit the said application to the said board at its next meeting held after the application is so filed. It shall be the duty of the village clerk to keep a separate register for each class of license so granted wherein there shall be stated the nature of the license, the number of the license, and the class to which it belongs, the name of the person to whom issued and the date thereof.

All such licenses so granted by the village shall be subject to the revocation of the same by action of the village board.

5.02 Cigarette License. The village

elects to adopt the provisions of Wis. Stats. §134.65 as it relates to cigarette licensing. The fee for such license shall be set from time to time by resolution of the village board.

5.03 Hawkers, Peddlers, and Truckers. (1) Hawkers, Peddlers and Truckers shall comply with all ordinances established by Fond du Lac County pursuant to Wis. Stats. §59.55(3).

5.031 Mobile Vendors. No street vendor shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever within the Village without first obtaining a license/permit as set forth herein. The Village Clerk or designee shall have concurrent authority with the Police Department to enforce the following restrictions on street vending. Any

vending conducted pursuant to this section shall be subject to the following:

(1) DEFINITIONS. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Street Vendor* means any person who sells or offers for sale any goods, wares, merchandise, or services for sale from any mobile unit which is propelled by human power. *Mobile food unit* shall mean a pushcart or other device which is on wheels and of sufficiently lightweight construction that it can be moved from place to place by one (1) adult person without any auxiliary power. The device shall not be motorized so as to move on its own power.

(2) PERMITS FOR SELLING ON PUBLIC RIGHT-OF-WAYS. (1) SELLING PROHIBITED. It shall be unlawful for any person to sell or offer for sale any item including foodstuffs by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles or services upon any street, alley, sidewalk, or public square, unless such person shall have first applied for and obtained a mobile food vendor's permit. Such permit shall enable holders to conduct their business in all enumerated areas subject to the limitations of this section. However, a mobile food vendor must obtain and maintain the appropriate permit from the Fond du Lac County Health Department.

(3) EXEMPTIONS. The following shall be exempt from local provisions of this ordinance: *Non-profits with scheduled events of not longer than three consecutive days in a Public Park or facility.*

(4) APPLICATION. Notwithstanding the provisions of sections 5.01, 5.03 and 5.04 of this code, the Village Board may issue licenses for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

A. Each applicant shall file an application with the Village Clerk or Designee on forms provided by the Village for each proposed sidewalk cart, and a separate application form for each person who will work at the cart. The Village Clerk or designee may require such information on the application as the Village Clerk or designee considers reasonable and necessary. The applications will be presented to the Village Board for approval after the applicable ordinance and regulation requirements have been met.

B. Each applicant shall pay an annual fee in an amount as stated in the Village Board fees and licenses schedule for each proposed sidewalk cart and one vendor person, and another fee for each additional employee or person.

C. The application shall state the nature of and the place where the business is to be carried on, a general description of the things intended to be sold, disposed of or contracted for, the name, date of birth and permanent address of all the employees to be covered by such license, the name and address of the person the applicant represents, and the place of residence of the applicant for the two (2) years previous.

D. Applicants for a Mobile Food Vendor License shall indicate where they intend to locate any mobile unit to conduct their sales, with up to five locations on each application. At the time of filing the

application, an application fee shall be paid to the Village Clerk or designee to cover the cost of investigation and license issuing costs.

E. The amount of the application fee(s) shall be on file in the office of the Village Clerk. The application shall be sworn to by the applicant and filed with the Village Clerk, and shall contain such additional information as the Chief of Police shall require for the effective enforcement of this division and the safeguarding of the residents of the Village from fraud, misconduct or abuse. F. The Village Board may deny any application based on concerns with health, safety, appearance, traffic or pedestrian flow, parking, or if it deems that a denial is in the best interest of the public. Permits shall be issued by the Village Clerk and be conspicuously displayed at the place where such sales are being made.

(5) ISSUANCE AND TERM OF LICENSE/PERMIT; RESTRICTIONS ON USE; IDENTIFICATION CARD.

A. Licenses required under this division shall be issued to begin on April 1 and expiring on March 31. All licenses shall be numbered in the order in which they are issued and shall state clearly the place where the business may be carried on, including the locations of mobile units used by Food Vendors, as well as the kind of goods to be sold, the dates of issuance and expiration of the license.

B. All licensees shall be issued a photo identification card by the Village Clerk at the time the license is issued. Any agent or employee of the licensee shall obtain a photo identification card for a fee. The amount of the fee for the lost license and photo identification card shall be on file in the office of the Village Clerk.

C. Identification cards for each additional employee or partner (in addition to the initial employee included with the license), after investigation, will be issued at any time, and will be prorated from date of issuance, and reissued annually for a fee.

D. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months has elapsed since the last previous rejection or revocation, unless he or she can show that the reason for such rejection or revocation no longer exists.

E. Every license holder, while exercising his or her license, shall post the license and photo identification card of the person working at the time in a conspicuous place on the premises, and shall exhibit the license upon demand of any officer, customer or prospective vendee.

F. A license or I.D. shall not be assignable and any holder of such license who allows it to be used by any other person shall be in violation of this division.

G. Whenever a license or I.D. card is lost or destroyed, a duplicate in lieu thereof may be issued by the Village Clerk under the original application upon the filing with him or her by the license holder of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for the recovery of the license.

H. Any licensee under this division who wishes to change the up to five locations of the mobile unit on the license shall be allowed to request a change in locations once during a license year. This may be done only upon completion of an amended application indicating the new locations requested. The new locations must meet all the applicable restrictions herein.

I. Each licensee shall comply with all state and county codes and standards relating to the serving and selling of food or food products. A mobile food vendor must obtain and maintain the appropriate permit from the Fond du Lac County Health Department.

J. No item shall be offered for sale by the mobile food vendor other than food and drink. No product of any kind may be sold in glass containers. No alcoholic beverages may be sold by a mobile food vendor.

K. No licensee shall operate more than two (2) mobile units in the public right-of-way.

(6) APPEAL OR DENIAL OF LICENSE.

If the investigating authority denies an application for a license under this division, the Village Clerk shall forthwith notify the applicant by certified mail, return receipt requested, of the denial and the reason therefore. The notice shall indicate the date and time of the review of the denial by the Village Board, and the right of the applicant to appear before the Committee of the Whole. The Committee of the Whole shall hear any person for or against granting the license and shall recommend to the Village Board whether to grant or deny the license or permit.

(7) FEES AND DURATION - Mobile Food Vendor permits shall be granted on an annual basis. The fee for an annual permit shall be set by resolution of the Village Board and paid to the Village prior to issuance of the permit. Such permit shall be issued on the first (1st) day of April each year, or thereafter when applied for, and shall expire on the thirty-first day of March following its issuance.

(8) NON-TRANSFERABLE. Each sidewalk cart shall be separately licensed and such license shall not be transferable to

another sidewalk cart.

(9) LICENSE INVESTIGATION. Upon receipt of an application for a license, or permit of an employee, the Chief of Police shall institute such investigation of the applicant as they deem necessary for the protection of the public good, and shall endorse their approval or disapproval upon the application within a reasonable time, not to exceed seven (7) working days, after it has been filed. The Village Clerk shall proceed to the Village Board for consideration of licenses in accordance with such findings. Should the investigations in this division include a recommendation for denial, the Clerk shall proceed under 5.031(5) of this section.

(10) SURRENDER OF LICENSE; ALTERATION OF LICENSE; FAILURE TO DISPLAY LICENSE. On the expiration of a license issued under this division, the holder shall surrender the license to the Chief of Police. No person shall alter or change in any manner any license issued under the provisions of this division, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the premises or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

(11) INSURANCE. To hold a valid permit, the vendor shall have in force adequate liability insurance for any single accident and for any property damage of not less than \$1,000,000 to cover bodily injury and property damage claims arising out of the operation as a mobile food vendor. A certificate of insurance for such coverage shall be delivered to the Village Clerk or designee prior to issuance of a license. The

Village of North Fond du Lac shall be named as an additional insured on the policy.

(12) NOISE, LIGHTS, ETC. No cart operator shall use noise-makers, other than bells, lights, or music to attract customers. Such bells and music shall not be used after 9:00 p.m. on any day.

No person may make any loud unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

(13) HOURS OF OPERATION. No cart shall operate before 8:00 a.m. or after 11:00 p.m. on any day.

(14) LOCATION OF, REQUIREMENTS OF, AND SPACE FOR CARTS.

(a) Storage of carts - No permitted mobile unit shall be left unattended on a sidewalk or amenity strip nor remain on the sidewalk or amenity strip between 11:30 p.m. and 7:30 a.m. No vending equipment or merchandise may be stored on any street, sidewalk or alley or public square when the vendor is not present. All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.

(b) Equipment –

1. Carts, trailers, wagons, or any device or vehicle from which food is sold under this section must be professionally manufactured for the purpose of vending food. Such devices or trailers shall be transportable, in good repair and shall hold all required Department of Transportation licenses or permits.

2. Each sidewalk cart shall be non-motorized and capable of being moved and kept under control by one person.

3. The Village Board may grant a special license to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

4. The length of the mobile unit shall not exceed eight (8) feet.

5. The height of the mobile unit, excluding canopies, umbrellas, or transparent enclosures, shall not exceed six (6) feet.

6. The mobile unit shall be entirely self-contained in regards to gas, water and electricity.

(c) Siting and orientation -

1. All vending activities shall be conducted so as to maintain a sufficient width of unobstructed public pedestrian walkway adjacent to the vending site.

2. No vendor shall be permitted to use any of the amenities, such as benches, flower planters, trees, bus shelters, kiosks, light poles or any other utility poles for display of merchandise or to attach any ropes or other vending equipment to any of the aforementioned.

3. Vending equipment and displays, including signage, shall be directed away from the street. In addition, merchandise shall be displayed in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street in order to examine it.

4. No cart shall operate in any street, alley, or boulevard.

5. A mobile food vendor permit shall be location specific. A vendor may not operate at any location other than those specified in the permit, except for special

events lasting no more than two days for which the vendor has been invited by the event sponsor.

6. No cart shall operate on any public sidewalk within 500 feet of any business selling the same type product.

7. A mobile food vendor in the public right-of-way shall not operate within 15 feet of a hydrant, crosswalk, or bus stop.

8. A mobile food vendor in the public right-of-way shall not operate within ten (10) feet of the extension of any building entrance or doorway to the curb line.

9. A mobile food vendor in the public right-of-way shall not operate within the same block as any two (2) other street vendors.

10. The operating area shall not exceed thirty-two (32) square feet of sidewalk/amenity strip area, including the area of the mobile unit, the operator, and when externally located, a trash receptacle.

(15) PRESENCE IN PARKS AND PUBLIC AREAS -

(a). Sidewalk carts may be allowed to operate within the publicly owned property of the Pool, Village Parks, and Ballfields. (b). Any vending activities within the Village's public parks shall only be permitted on the public sidewalks along the outside perimeter of those parks and shall not include the park's bicycle or walking paths.

(16) VENDOR MUST BE PRESENT -

(a). A vendor shall be present within the vending site at all times during which items are displayed or sold.

(b). It is unlawful for any mobile food vendor to permit any other person to vend at his/her site.

(17) Refuse and residue -

(a) All persons conducting business on a sidewalk or amenity strip must pick up any paper, cardboard, wood or plastic

containers, wrappers, or any litter in any form that is deposited by any person on the sidewalk or street within twenty-five (25) feet of the place of conducting business. (b)

Each person conducting business on a sidewalk or amenity strip under the provisions of this division shall carry a suitable container for placement of such litter by customers or other persons.

(c) Vendors shall maintain their sales location in a clean, hazard-free condition, and shall not discharge materials onto the sidewalk, gutters or storm drain. All liquid residue must be cleaned up, or in the alternative, protective matting may be placed on the amenity strip to absorb any liquid residue. Said matting must be removed when the vendor closes for the day.

(d) All sidewalk carts shall be equipped with at least one leak-proof container for the deposit of waste, garbage, litter, and refuse. All such containers shall be kept covered with tight-fitting lids. When leaving the sales area, the licensee and his employee(s) shall be responsible for the removal of all litter resulting from his business or customer's use of his business.

(e) A licensee shall keep the premises in a clean and sanitary condition and the foodstuffs offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with the requirements of state and local authorities, including, but not limited to, the provisions of this chapter.

(f) Each mobile food vendor shall maintain its vending areas in a clean and hazard-free condition. Each vendor shall provide a minimum of one waste receptacle and shall empty and clean it/them daily or more often as necessary. Waste that is removed by the vendor shall be disposed of legally and shall

not be disposed of in Village receptacles. Waste receptacles shall be removed daily.
(g) Recycling of recyclables is required.

**(18) CONDUCT OF BUSINESS
GENERALLY – STREET VENDORS.**

A Street Vendor holding a license under this division shall be subject to the following:

- (a) A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted food or foodstuffs, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, wares or merchandise which he or she sells or offers for sale or the disposition of the proceeds or profits of his or her sales.
- (b) A licensee shall not use the license provided by the Village after expiration or revocation of the license.

(19) PENALTIES - The penalty for violation of any provision in this section shall be a forfeiture of not less than \$50.00 per day nor more than \$200.00 per day for each violation, together with the cost of prosecution. Each day of violation shall constitute a separate offense.

(20) REVOCATION - A mobile food vendor permit may be revoked at any time by the Village Board for cause, if any of the provisions of this section have been violated, or if the presence of the vendor constitutes a public nuisance.

5.04 Transient Merchants. Pursuant to the authority granted under Wis. Stats. §66.0423(2), the village elects the following: **(1) REGISTRATION REQUIRED.** It shall be unlawful for any transient

merchant to engage in sales within the village without being registered for that purpose as provided herein.

(2) Definitions. In this chapter: *(a) Transient merchant* means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(b) Permanent merchant means any person who, for at least one year (twelve months) prior to the consideration of the application of this code to said merchant has continuously: 1. operated an established place of business in the local trade area among the communities bordering the place of sale or
2. resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

(c) Merchandise shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

(d) Charitable organization shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership,

association or corporation, or one purporting to be such.

(e) *Clerk* shall mean the village clerk.

(3) EXEMPTIONS. The following shall be exempt from all provisions of this ordinance: (a) Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes;

(b) Any person selling merchandise at wholesale to dealers in such merchandise;

(c) Any person selling agricultural products which the person has grown;

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;

(e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is proof submitted to the clerk that such charitable

organization is registered under Wis. Stats. §440.41. Any charitable organization engaging in the sale of merchandise and not registered under Wis. Stats. §440.41, or which is exempt from that statute's registration requirements, shall be required to register under this ordinance;

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is proof submitted to the clerk that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least one year (twelve months) prior to the date the complaint was made;

(k) Any individual licensed by an examining board as defined in Wis. Stats. §15.01(7)

(l) This ordinance does not apply to transient merchants while doing business at special events authorized by the village board.

(4) REGISTRATION (a) Applicants for registration must complete and return to the clerk a registration form furnished by the clerk which shall require the following information: 1. name, permanent address and telephone number, date of birth, and temporary address, if any;

2. age, height, weight, color of hair and eyes;

3. name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;

4. temporary address and telephone number from which business will be conducted, if any;

5. nature of business to be conducted and a brief description of the merchandise, and any services offered;

6. proposed methods of delivery of merchandise, if applicable;

7. make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;

8. most recent cities, village, towns, not to exceed three, where applicant conducted his/her business.

9. place where applicant can be contacted for at least seven days after leaving this village;

10. statement as to whether applicant has been convicted of any crime or ordinance

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

1. a driver's license or some other proof of identity as may be reasonably required;

2. a state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;

3. a state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.

(c) At the time the registration is returned, a fee as set from time to time by resolution of the village board shall be paid to the clerk to cover the cost of processing said registration. 1. The applicant shall sign a statement appointing his/her agent to accept service of process in any civil action brought against the applicant arising out of

any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

2. Upon payment of said fee and the signing of said statement, the clerk shall register the applicant as a transient merchant and date the entry. The registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec. 5(b) below.

(5) INVESTIGATION. (a) Upon receipt of each application, the clerk may refer it immediately to the Chief of Police (chief) who may make and complete an investigation of the statements made in such registration.

(b) The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: 1. the application contains any material omission or materially inaccurate statement;

2. complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages, and towns, not exceeding three, in which the applicant conducted similar business;

3. the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Sec. 4(b) above.

(6) APPEAL. Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the board, or if none has been adopted, under the provisions of chapter 23 of this code.

(7) REGULATION OF TRANSIENT

MERCHANTS. (a) Prohibited Practices. 1. A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 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 place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. a. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting.

b. That portion shall be expressed as a percentage of the sale price of the merchandise.

3. No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

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

5. No transient merchant shall allow

rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) Disclosure Requirements. 1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

2. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction 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 Wis. Stats. §423.203; 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 Wis. Stats. §423.203 (1)(a)(b) and (c), (2) and (3).

3. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full or partial, the phone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) RECORDS. The chief shall report to the clerk all convictions for violations of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.

(9) REVOCATION OF REGISTRATION.

(a) Registration may be revoked by the

village board after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this code or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be served personally or pursuant to 4(c) above 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.

5.05 Pet Licenses.

(1) **DOG LICENSE TAX.** Every person who owns, harbors or keeps a dog in the village shall obtain a license according to the provisions of Wis. Stats. §174.05. The license fee shall be set from time to time by resolution of the board.

(2) **CAT LICENSE TAX.** Every person who owns, harbors or keeps a cat in the village, which cat is more than six months old on January 1st, of any year, shall obtain a license within 30 days of acquisition of the cat. The license fee shall be as set from time to time by resolution of the board. A \$5.00 late payment shall be assessed to owners who fail to license their cat prior to April 1 or within 30 days of acquiring ownership. Proof of vaccination against rabies for each cat is necessary for any cat four months of age or older.

(3) Dogs and cats must wear identification tags at all times when off the premises of the owner, except under any organized

show or training situation.

(4) **EXCEPTION.** (a) No license or permit shall be required of any humane society or municipal animal control facility.

(b) Licenses are required, but fees shall not be charged for seeing eye dogs or governmental police dogs.

(5) Application.

(a) Application for licenses shall be made to the clerk and shall include name and address of applicant, description of the animal, the appropriate fee, information whether the animal is sexed, spayed, or neutered, and a rabies certificate issued by a licensed veterinarian or anti-rabies clinic, illustrating that the animal for which the license is sought has received current immunization for rabies. Written proof is required from a licensed veterinarian that the animal being licensed has been neutered.

(b) Application for a license must be made within thirty days after obtaining a dog or cat over six months, except that this requirement will not apply to a non-resident keeping a dog or cat within the village for no longer than thirty days.

(6) Licenses are issued for the calendar year. Any renewal license issued after April 1 of each year shall pay an additional fee according to Wis. Stats. §174.05(5) or as set from time to time by resolution of the board. No pro-ration of fees shall be considered.

(7) **DUPLICATE.** A duplicate license may be obtained upon payment of a replacement fee, which shall be set from time to time by resolution of the board.

(8) **CENSUS.** The village may, at its option, and at such intervals, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and to issue licenses

to owners then and there or a citation according to chapter 24 of this code. The village shall impose an additional fee for each license issued in the course of such census. The license fee shall be set from time to time by resolution of the board.

(9) RELEASE FROM IMPOUNDMENT. Any dog or cat which has been impounded as a result of being lost or at large, shall not be released to its owner until the owner can show proof of a current license. In the event that the animal is not licensed, the animal shall not be released until the owner has obtained a current license for the animal.

(10) LICENSE TAGS. The clerk, upon issuing a permit or license to keep any dog or cat, shall issue to the owner a durable tag, stamped with an identifying number. Tags should be so designed that they may be conveniently fastened to the animal's collar or harness. These tags should vary in shape or color from year to year for easy identification to animal control personnel.

(a) Dogs and cats must wear the license tags at all times when off the premises of the owners, except under any organized show or training situation.

(b) The clerk shall maintain a record of the identifying numbers and shall make this record available to the public.

(11) Number of Licensable Pets. No more than 3 licensable pets, 2 dogs 1 cat, 2 cats 1 dog, shall be kept on any premises without the approval of the Village Board. Owners having more than three (3) pets at the time of Code adoption may continue to keep such animals: however, animals exceeding the prescribed limits shall not be replaced.

5.07 Bicycle License. Every person who owns or keeps a bicycle in the village shall obtain a license pursuant to Wis. Stats.

§349.18(2).

(1) The license will be a lifetime license and may be purchased for a fee as set from time to time by resolution of the board. A lost license fee and transfer fee shall also be as set from time to time by resolution of the village board.

(2) Licenses shall be required, but the fee waived for all police department bicycles.

5.08 Regulation of Hotels and Motels. (1)

ROOM TAX. (a) Definitions:

1. "Hotel" or "motel" has the meaning defined in Wis. Stats. §77.52(2)(a)1.

2. "Gross receipts" has the meaning as defined in Wis. Stats. §77.51(11)(a)(b) and (c) insofar as applicable.

3. "Transient" has the meaning as defined in Wis. Stats. §77.52(2)(a)1.

(b) Imposition of Room Tax: 1. Pursuant to Wis. Stats. §66.0615, a tax is hereby imposed on hotels and motels in the village. Such tax shall be at the rate of 7% of the gross receipts from the retail furnishing of rooms or lodging.

2. The board shall annually review and appoint an authority to conduct tourism promotion in the village.

(c) The village treasurer shall administer this section.

1. A return shall be filed with the village treasurer, by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable.

2. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishings of rooms or lodging, the amount of taxes imposed for such period, and such other information as the village deems necessary.

Comment [KM1]: Note: we have not appoint an authority to conduct such tasks.

3. Every person required to file a quarterly return shall, with his or her first return, file an annual calendar year return.

4. Annual returns shall be filed within 30 days of the close of each such calendar year.

5. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain any additional information that the village requires.

6. Annual returns shall be made on forms prescribed by the treasurer.

7. The person required to file a return shall sign all returns or his duly authorized agent, but need not be verified by oath.

8. The treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(d) Any person aggrieved by this section may petition the village board for a determination on the grievance. The village president shall appoint three disinterested persons to review and decide said grievance.

(e) If any person liable for any amount of tax under this section sells out his business or stock of goods or quits the business, his successors or assigns shall withhold a sufficient amount of the purchase price to cover such amount until the former owner produces a receipt from the village treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

(f) The treasurer may, by office audit,

determine the tax required to be paid to the village or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the village treasurer's possession. One or more such office audit determinations may be made of the amount due for any one period or for more than one period.

(g) The village treasurer may, by field audit, determine the tax required to be paid to the village or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the village treasurer's possession. The village treasurer is authorized to examine and inspect the state sales tax records and memoranda of any person in order to verify the tax liability of that person or of another person.

(h) If any person fails to file a return as required by this section, the village treasurer shall make an estimate of the amount of the gross receipts under subsection 2. The estimate shall be made for the period for which such person failed to make a return and shall be based upon the state sales tax records and memoranda as stated herein. On the basis of this estimate the village treasurer shall compute and determine the amount required to be paid to the village, adding to the sum thus arrived at a penalty equal to 10% thereof. One or more such determinations may be made for one or more than one period.

(i) All unpaid taxes under this section shall bear interest at the rate of 10% per annum from the due date of the return until the first day of the month following the

month in which the tax is paid or deposited with the village treasurer. All refunded taxes shall bear interest at 10% per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the village treasurer determines that any over payment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, it shall not allow any interest thereon.

(j) Delinquent tax returns shall be subject to a \$10.00 late filing fee. The tax imposed by this section shall become delinquent if not paid: 1. In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one has been granted.

2. In the case of no return filed or a return filed late, by the due date of the return.

(k) Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers for three years in such form as the village treasurer required.

(l) All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the village treasurer are deemed to be confidential, except for persons using the information in the discharge of duties imposed by law or of the duties of their office or by court order. Wis. Stats. §66.0615(3).

(m) No person having any administrative duty under this section shall make known in any manner the business affairs, operations

or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount of source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in section 1. above.

(n) Any person who is subject to the tax imposed by this section who fails or refuses to permit the inspection of his state sales tax records by the treasurer after such inspection has been duly requested by the treasurer, or who fails to file a return as provided in this section, or who violates any other provision of this section, shall be subject to a forfeiture not to exceed \$100.00. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

5.09 Sale of Non-intoxicating and Soda Water Beverages. Non-intoxicating and soda water beverages shall be issued according to Wis. Stats. §66.0433 with a fee as set from time to time by resolution of the village board.

5.10 Tavern Keepers Shall Require Proof of Age. Pursuant to Wis. Stats. §125.07(1), no person may sell, dispense or give alcoholic beverages without requiring proof of age.

5.11 Sale of Intoxicating Liquors and Fermented Malt Beverages

(1) STATE STATUTES ADOPTED. The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be

imposed, are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section in order to secure uniform statewide regulation of alcohol beverage control. **(2)**

DEFINITIONS.

(a) All definitions used in this section shall have the meaning given them by Chapter 125, Wisconsin Statutes.

(b) Municipality: The Village of North Fond du Lac.

(3) LICENSE REQUIRED. No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in Wis. Stats. §125.25.

(4) QUALIFICATIONS OF APPLICANTS AND PREMISES. Qualifications of applicants shall be as specified in Wis. Stats. §125.04(5).

(5) CORPORATE RESTRICTIONS. Corporate restrictions shall be those specified in Wis. Stats. §125.04(6).

(6) SEPARATE LICENSE REQUIRED FOR EACH PLACE OF SALE. A separate license shall be required pursuant to Wis. Stats. §125.04(9).

(7) INVESTIGATION. The village clerk shall notify the chief of police, building inspector and fire chief of each new application, and these officials shall inspect or cause to be inspected each application

and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the village clerk in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

(8) APPROVAL OF APPLICATION. *(a)* In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.

(b) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the village are delinquent and unpaid.

(c) No license shall be issued unless the premises conforms to the sanitary, safety and health requirements listed on the liquor license inspection checklist as adopted from time to time by resolution of the village board and the regulations of the state board of health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities, equipped with running water for each sex and must conform to all codes of the village.

(9) GRANTING OF LICENSE. *(a)* The board shall have the power to refuse to grant

Comment [KM2]: Page: 9
Because we adopt the state statutes regarding licensing, many provision in this section have changed. Wherever state statutes are the same or supercede village language, we default to the statutes.

any license provided for in this section and, in addition thereto, shall have power to cause any reasonable investigation of the applicant for such license or inspection of the premises from which any such fermented malt beverages are sold to be made.

(b) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the board, the clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the village.

(c) All licenses shall be granted for a maximum period of one (1) year and shall expire on the 30th day of June.

(10) TRANSFER OF LICENSE. The procedure for transfer of license shall be the provisions of Wis. Stats. §125.04(12).

(11) LAPSE OF LICENSE. A license holder who closes their business and does not reopen in another location within 60 days shall forfeit the license to the clerk. The board may re-issue the license to another applicant.

(12) NUMBERING OF LICENSE. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The clerk shall affix to the license his/her affidavit as provided by Wis. Stats. §125.04(4).

(13) POSTING LICENSES; DEFACEMENT.

(a) All licenses shall be posted as provided in Wis. Stats. §125.04(10).

(b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(14) CONDITIONS OF LICENSE. All retail

intoxicating liquor and fermented malt beverage licenses granted hereunder shall be granted subject to the following conditions, all other conditions of this section, and subject to all other codes and regulations of the village applicable thereto.

(a) *Consent to Entry.* Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of village codes or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

(b) *Health and Sanitation Regulations.* The rules and regulations of the state board of health governing sanitation in restaurants shall apply to all "Class B" liquor licenses issued under this Section. No "Class B" license shall be issued unless the premises to be licensed conform to such rules and regulations.

(c) *Restrictions near Schools and Churches.* No retail "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. The shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance shall measure such distance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by

any school building, hospital building or church building.

(d) *Clubs.* No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

(e) *Gambling Prohibited.* The provisions of Wis. Stats. Ch. 945, relating to gambling, commercial gambling, possession of gambling devices, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this section as if fully set forth.

(f) *Credit Prohibited.* No intoxicating liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.

(15) CLOSING HOURS. Closing hours shall be established in conformance with Wis. Stats. §125.32(3) and further restricted as follows:

(a) No premises for which a "Class B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph and par.

(3). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. On January 1 premises operating under a "Class B" license or permit are not required to close. 1. Between 12 midnight and 8 a.m. no person may sell fermented malt beverages on licensed premises in an original unopened package, container or bottle or for consumption away from the

premises.

(b) "Class A" premises may remain open for the conduct of their regular business and may not sell intoxicating liquor between 9:00 p.m. and 8:00 a.m. Section 5.27 does not apply to "Class A" premises between 12 midnight and 8 a.m. or at any other time during which the sale of fermented malt beverages is prohibited by municipal ordinance.

(c) Hotels and restaurants the principal business of which is the furnishing of food and lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in par. (a).

(d) No premises for which a wholesale license has been issued shall be permitted to remain open for the sale of or sell fermented malt beverages between 5:00 p.m. and 8:00 a.m. except on Saturday when the closing hour shall be 9:00 p.m.

(e) The licensee or permittee and one (1) employee shall be permitted to check out receipts, check the licensed premises for security and do minor cleaning up during closed hours. Under no circumstances shall the consumption of alcohol beverages be permitted after closing hours. Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning during closed hours. The premises shall be well lit during cleanup. Prior approval must be requested and granted by the village board or its designee for any variance of the above exigent circumstances.

(f) Closing hours may be modified for specific events by a majority vote of the

village board.

(16) RESTRICTIONS ON SPECIAL CLASS "B" FERMENTED MALT BEVERAGE SPECIAL EVENT LICENSE. Special Class "B" licenses shall be issued in accordance with Wis. Stats. §125.26(6) with the following restrictions:

(b) Posting of Signs and Licenses. All organizations issued a special Class "B" license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.

(c) Fencing. If necessary for proper control, all organizations shall install a fence around the main point of sale to control ingress and egress and shall continually station a licensed operator or security guard at the entrance for the purpose of checking age identification. There shall be only one (1) point of ingress and egress.

(d) Underage Persons Prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverage at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.

(e) Permitted Cups Only. Intoxicants will be sold only in foam or plastic cups.

(f) Additional Requirements. In addition, requesting organizations shall comply with the following requirements: 1. When the event sponsored by the requesting organization is to take place on village park property, the organization shall work closely with village officials in locating, setting up and identifying the size of the fenced area, if one is required. Such information shall be made part of the special Class "B" permit

application.

2. When the event sponsored by the requesting organization is to take place on village owned property other than park property and/or privately owned property, the organization shall work closely with the police department in locating and setting up the fenced area. The chief of police shall work closely with the requesting organization to identify the appropriate size of the fenced-in area and the exact location.

Such information shall be made part of the special Class "B" permit application. For indoor events, the structure used must have suitable exits and open spaces to accommodate the anticipated attendance. It shall contain adequate sanitary facilities to accommodate the size of the group.

(g) Insurance. The applicant for a special Class "B" fermented malt beverage license may be required to indemnify, defend and hold the village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the village. The applicant may also be required to furnish a performance bond prior to being granted the permit.

(17) BEER GARDEN LICENSES REQUIRED FOR OUTDOOR CONSUMPTION AT CLASS "B" PREMISES. *(a) Required For Outdoor Consumption.* No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the village board. The permits

are a privilege in which no rights vest and, therefore, may be revoked by the village board at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid Beer Garden permit.

(b) Limitations on Issuance of Beer Garden Permits. No permit shall be issued for a Beer Garden if any part of the Beer Garden is within one hundred (100) feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. No permit shall be issued for a Beer Garden if the Beer Garden area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises. Each applicant for a Beer Garden permit shall accurately describe the area intended for use as a Beer Garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the Beer Garden. Every Beer Garden shall be completely enclosed with a fence or wall not less than six (6) feet in height. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the Beer Garden. There shall be a licensed operator with the Beer Garden at all times the Beer Garden is in operation.

(c) Adjoining Property Owners to Be Notified of Pendency of Applications. All property owners within one hundred fifty (150) feet of the proposed beer garden shall be notified of the pendency of application for a Beer Garden permit by first class mail.

(d) State Statutes Enforced Within Beer Garden. Every permittee under this Section

shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly implacable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the Beer Garden permit by the village board.

(18) REVOCATION AND SUSPENSION OF LICENSES. *(a) Procedure.* Whenever the holder of any license under this section violates any portion of this section or Wis. Stats. Chapter 125, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this section.

(b) Abandonment of Premises. Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license.

Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. Losing a licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless this period is extended by the village board. All persons issued a license to sell alcohol beverages in the village for which a quota exists limiting the number of such licenses that may be issued by the village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred (100) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

(c) License Revocation or Suspension. The provisions of Wis. Stats. §125.12(2) shall apply in regard to revocation or suspension.

(19) NON-RENEWAL OF LICENSE. The provisions of Wis. Stats. §125.12(3) shall apply in regard to non-renewal.

(20) OTHER PROVISIONS. Any license issued pursuant to this Section shall be subject to such further regulations and the board may impose restrictions as by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this section in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(21) POINT VALUES FOR ALCOHOL BEVERAGE VIOLATIONS, REVOCATIONS AND SUSPENSIONS. The purpose of this subsection is to establish an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

(a) *Point Schedule.* The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and village codes for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

<u>Type of Violation</u>	<u>Point Value</u>
1. Violation of Controlled Substance Laws	200
2. Participating in or permitting Sexual Activity on Premises	150

3. Sale of Alcohol Beverages without License or Permit	150
4. Sale of Alcohol Beverages to Underage Persons	100
5. Sale of Alcohol Beverages to Intoxicated Person	100
6. Underage Person on Premises	100
7. Intoxicated Employee	100
8. After Hours Consumption	100
9. Refusal to Allow Police to Search Premises or Refusal to Cooperate with Lawful Police Investigation	100
10. Licensee, Agent or Licensed Operator Not on Premises at all Times	100
11. Persons on Premises after Closing Hours	100
12. Violation of Carry-out Hour	100
13. Licensee Permitting Person to Leave Licensed Premises With Open Alcohol Beverage	100
14. Disorderly Conduct/Loud Noise on Premises	100
15. All Other Violations of this Section	100

(c) *Violations, How Calculated.* In determining the accumulated demerit points against a licensee within twelve (12) months, the village shall use the date each violation was committed as the basis for the determination.

(d) It shall be the responsibility of the chief of police to bring licenses with 200 or more points, according to the guidelines listed above, to the attention of the village board.

(e) *Suspension or Revocation of License.*

1. A Special Committee of the Village Board shall be appointed according to Wis. Stat. §125.12 and call before it for purposes of a revocation or suspension hearing all licensees who have accumulated two hundred (200) points in a twelve (12) month period as a result of court-imposed

convictions or who have had referred to it reports from the village attorney which, if believed, would result in two hundred (200) demerit points in twelve (12) months.

2. If the demerit point accumulation, calculated from the date of violation exceeds two hundred (200) points in a twelve (12) month period, two hundred fifty (250) points in a twenty-four (24) month period or three hundred (300) points in a thirty-six (36) month period, the suspension shall be for not less than ten (10) days nor more than ninety (90) days. If the license(s) is revoked, no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.

3. The procedure to be used for suspension or revocation shall be that found in subsection 18 (c) above.

5.12 OPERATOR'S LICENSE.

(1) **ISSUANCE.** Operator's licenses shall be issued in accordance with Wis. Stats. §125.17.

(2) **DISPLAY OF LICENSE.** Each license issued under the provisions of this section shall be posted on the premises or in the operator's possession whenever the operator dispenses beverages.

(3) **REVOCAION OF OPERATOR'S LICENSE.** Violation of any of the terms or provisions of the state laws or of this section relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

(4) **SPECIAL EVENTS LICENSE.**

(a) There shall be on the premises of all special events held in the village for which a Class "B" or "Class B" license has been issued, an operator licensed by the village. Requirements for the receipt of a temporary

operator's license shall be those established by Wis. Stats. §125.74(4) and other provisions of §125.17 as they apply.

(b) The village clerk, upon completion of a criminal background check, shall grant licenses.

(c) The fee for this license shall be set from time to time by resolution of the village board.

5.24 Other Permits Required. In addition to the permits specified in this chapter, other permits may be required by this code. They include but are not limited to:

- (1) Chapter 8 - various building permits
- (2) 8.15 Building Mover's License
- (3) 8.14 Demolition Permit
- (4) 8.20(8) Private Well Permit
- (5) 10.03 Sidewalk Layer's License
- (6) 10.04 Driveway Installation Permit
- (7) 10.05 Street and Terrace Openings
- (8) 10.10 Waste Hauler's License
- (9) 11.03 Permit to connect to sewer mains
- (10) 12.03 Water Service Installation
- (11) 14.01 Burning Permit
- (12) 14.17(3) Bow and Arrow Practice Range
- (13) 15.16 Permit to operate a Sexually Oriented Businesses.
- (14) 16.12 Bicycle Licenses
- (15) 19.04 Stormwater Management Permit
- (16) 20.08 Erosion Control Permit

5.25 Penalty and Injunctions.

(a) In addition to penalties provided by Wisconsin State Statutes or other provisions of this code, any person who shall violate any provision of this chapter or regulations made hereunder, shall be subject to the

maximum penalty prescribed by statute
and/or by section 24.05 of this code.