

## Title IV – Chapter 1

### Licenses and Permits

- § 1.01 Alcoholic Beverages
- § 1.02 Transient Merchants
- § 1.03 Junk; Motor Vehicle Salvage
- § 1.04 Mobile Homes
- § 1.05 Billiard and Pool Tables, Bowling Alleys, Music Boxes, Shuffleboards, Other Coin Operated Amusement Games; Amusement Hall
- § 1.06 Cigarette Licenses
- § 1.07 Transmission Line Construction

#### 1.01 **Alcoholic Beverages.** (AM 1/22/07 ORD 07-396)

##### (1) General Licensing Requirements.

- (a) License of Permit, When Required. No person may sell, manufacture, rectify, brew, or engage in any other activity for which Chapter 125 Wis. Stats. provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization.
- (b) Applications for Licenses. Each applicant for a license other than a manager or operator's license shall use an application form prepared by the Department of Revenue. All applications for licenses to sell alcohol beverages shall be filed with the Village Clerk at least 15 days prior to the granting of the license. The Village Clerk shall publish, at least once in the official newspaper, each application for a license to sell intoxicating liquor prior to its issuance. The publication shall include the name and address of the applicant, the kind of license applied for, and the location of the premises to be licensed. At the time the application is filed, the applicant shall pay to the Village Clerk the cost of publication as determined under § 985.08, Wis. Stats.
- (c) Qualification for Licenses. Licenses related to alcohol beverages may be issued only to natural persons and corporations, which possess all of the qualifications, specified in §§ 125.04(5) and (6), Wis. Stats.
- (d) License Not Valid Until Fees Paid. No license for the sale of alcohol beverages may be delivered to the applicant until the applicant pays the license fee.
- (e) Separate License or Permit Required. Wholesalers, manufacturers, rectifiers, brewers and retailers shall have a separate license or permit covering each location or premises, except a licensed public warehouse, from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored.

- (f) License and Permit Framed, Posted. Permits for the retail sale of alcohol beverages and licenses for the sale of alcohol beverages shall be enclosed in a frame having a transparent front, which allows the license or permit to be clearly read. All permits and licenses shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to permit or license is carried on.
- (g) Expiration Date. All licenses shall expire on June 30 of each year.
- (h) Illegal Use of License. No person may allow another to use his or her Class "A", Class "B" or Class "C" license to permit the sale of alcohol beverages. The license of any person who violates this subdivision shall be revoked.
- (i) Exceptions to quota on "Class B" Liquor licenses: Wisconsin Statutes §125.51(4)(v) authorizes exceptions to the municipal quota for Class B liquor license to full service restaurants with a seating capacity of 300 or more persons, but statutes do not describe the method to be used to determine that capacity. This section describes the method to be used in the Village of Poynette.
  - 1. "Seating capacity" will equal the Department of Commerce capacity for the type of business.
  - 2. "Seating capacity" will not include any seasonal outdoor seating whether described as "premises" or not. Only areas on the premises fully enclosed by walls and ceiling will be eligible as seating area to be included in capacity calculations.

(2) Fermented Malt Beverage Licenses.

- (a) Class "A" Licenses.
  - 1. The Village Board may issue Class "A" licenses for the sale of fermented malt beverages. A Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles.
  - 2. Class "A" licenses may be issued to any person qualified under § 125.04(5), Wis. Stats., except a person acting as an agent for or in the employ of another.
  - 3. Class "A" licenses shall particularly describe the premises for which issued and are not transferable, except under § 125.04(12), Wis. Stats. A Class "A" license is subject to revocation for violation of any of the terms or provisions thereof.
  - 4. The annual fee for a Class "A" fermented malt beverage license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. The fee for a license issued for a period of less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(b) Class "B" Licenses.

1. The Village Board may issue Class "B" licenses for the sale of fermented malt beverages. A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises.
2. Class "B" licenses may be issued to any person qualified under § 125.04(5), Wis. Stats., except a foreign corporation. Such licenses may not be issued to any person acting as an agent for or in the employ of another, except as provided in § 125.26(2), Wis. Stats.
3. Class "B" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in § 125.04(12), Wis. Stats. A Class "B" license is subject to revocation for violation of any of the terms or provisions thereof.
4. The annual fee for a Class "B" fermented malt beverage license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. A Class "B" license may be issued at any time for a period of six months in any calendar year, for which 50% of the license fee shall be paid. Such a license is not renewable during the calendar year for which issued.
5. Class "B" picnic licenses may be issued by the Village Administrator to bona fide clubs, churches, lodges, or societies that have been in existence for at least six months before the date of application and posts of veteran's organizations authorizing the sale of fermented malt beverages and wine coolers at a particular picnic or similar gathering, or at a meeting of the post. The fee for a "picnic" license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.

- (c) Special Wholesaler's License. The Village Board may issue a special wholesaler's license to any Class "B" licensee for the sale of fermented malt beverages. A special wholesaler's license authorizes the sale of fermented malt beverages only in original packages or containers, and in quantities of not less than 4.5 gallons at any one time for consumption on the premises. The annual fee for a special wholesaler's license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.

(3) Intoxicating Liquor Licenses.

(a) “Class A” Licenses.

1. The Village Board may grant and issue “Class A” licenses for retail sales of intoxicating liquor. A “Class A” license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.
2. Except as provided under § 125.69, Wis. Stats., “Class A” licenses may be issued to any person qualified under § 125.04(5), Wis. Stats., except a foreign corporation or a person acting as an agent for or in the employ of another.
3. “Class A” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in § 125.04(12), Wis. Stats.
4. The annual fee for a “Class A” license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.

(b) “Class B” Licenses.

1. The Village Board may grant and issue “Class B” licenses, subject to the limitation provided in § 125.51(4), Wis. Stats., for the retail sales of intoxicating liquor. A “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises where sold. Wine may also be sold for consumption off the premises in the original package or otherwise in any quantity.
2. Except as provided under § 125.69, Wis. Stats., a “Class B” license may be issued to any person qualified under § 125.04(5), Wis. Stats., except for a foreign corporation or a person acting as an agent for or in the employ of another.
3. “Class B” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in § 125.04(12), Wis. Stats.
4. The annual fee for a “Class B” license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.
5. A “Class B” license may be issued only to a holder of a retail “Class B” license to sell fermented malt beverages.

(c) “Class C” Licenses.

1. The Village Board may grant and issue “Class C” licenses, subject to the limitations provided in § 125.51(3m)(c), Wis. Stats. for the retail sales of wine. A “Class C” license authorizes the sale of wine to be consumed by the glass or in an opened original container on the premises where sold.
2. Except as provided under § 125.69, Wis. Stats., a “Class C” license may be issued to any person qualified under § 125.04(5), Wis. Stats., except a foreign corporation or a person acting as agent for or in the employ of another, for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom.
3. A “Class C” license may be issued to a qualified person only if the Village's statutory quota prohibits the Village from issuing a “Class B” liquor license to that person.
4. “Class C” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in § 125.04(12), Wis. Stats.
5. The annual fee for a “Class C” license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.

(d) Reserve “Class B” Intoxicating Liquor License.

1. Reserve “Class B” Intoxicating Liquor License has the meaning set forth in sec. 125.51(4)(a) 4. Of the Wisconsin Statutes. The Village Board may grant and issue a Reserve “Class B” Intoxicating Liquor License. A Reserve “Class B” Intoxicating Liquor License shall permit its holder to sell intoxicating liquors to be consumed by the glass only on the premises so licensed and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
2. The annual fee for a Reserve “Class B” Intoxicating Liquor License shall be the same as the annual fee for a “Class B” Intoxicating Liquor License as prescribed in Section 1.01(3)(b) 4.
3. An applicant for a Reserve “Class B” Intoxicating Liquor License shall pay an initial issuance fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits, except that this initial issuance fee shall not be required for an initial issuance of a reserve “Class B” Intoxicating Liquor License to a bona fide club or lodge situated and incorporated in the state for at least six (6) years.

4. A Reserve “Class B” Intoxicating Liquor License may be issued only to a holder of a retail Class “B” license to sell fermented malt beverages.
- (e) Reserve Class ‘B’ Intoxicating Liquor License Holder Business Improvement Grant Program”
1. Eligibility: Each current holder of a Reserve Class “B” liquor license issued to that person or business directly by the Village of Poynette shall meet basic eligibility requirements for a Reserve Class “B” Business Improvement Grant (Grant) valued at \$9,500.00. Applicants who have already participated in the grant program established by Village of Poynette Ordinance 04 – 348 are not eligible for this Grant.
  2. Timing: Eligible businesses can apply for the Grant at the same time as the application for a Reserve Class “B” liquor license is submitted, or at any time thereafter. Current holder of a Reserve Class “B” liquor license are eligible if they still are in possession of the Reserve Class “B” liquor license when application for a Grant under this Paragraph is made.
  3. Purpose: To encourage improvements to local places of business.
  4. Process: Eligible businesses must submit a completed Grant Application form
  5. Actions Upon Application: Following submission of the above, the Grant application is reviewed by the Village Board and is denied or approved as submitted. If the Grant is approved, the Village Treasurer will issue a check to the license holder for the amount of the grant.
- (f) Issuance process.
1. The Village Clerk shall publish the availability of any regular or reserve “Class B” intoxicating liquor licenses in the official Village newspaper as a Class I notice prior to April 15 of each year.
  2. The Village Clerk shall maintain a list of persons who have expressed an interest in a “Class B” intoxicating liquor license, including name of point of contact; mailing address; and telephone number. The Clerk shall immediately notify persons on such list, in writing by mail, of any regular or reserve “Class B” intoxicating liquor license that shall become available in the Village.
  3. Time For Issuance Of Licenses. The Village Board shall meet not later than May 15 of each year for the purpose of acting upon license applications filed with it on or before April 15. The Village Board shall grant, issue or deny each application not later than June 15 of the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The Village Board may accept and act upon any application filed at any other time. The Village Board may not deny an application

for renewal of an existing license unless a statement of the reason for the denial is included in the Village Administrator's minutes.

(g) Licenses for Less Than One Year. (AMD 07-396)

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30. Licenses valid for six months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The six month license may not be renewed during the calendar year in which issued.
2. A provisional license in accordance with Wisconsin Statutes §§ 125.185(1) may be issued to provide for continuity of business operations when a new license has been requested for an existing business site where the current business holds any of the above licenses, and where the timing of notice and approval of the new license would cause a disruption to business at the site. Such provisional license be dependent upon a favorable background investigation and shall expire after 60 days or upon issuance of any of the above licenses to the applicant. The fee for a provisional license shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. Only one such license shall be issued to an applicant in any calendar year.

(h) Retail "Class B" Intoxicating Liquor License For Restaurants and Hotels.

1. A retail "Class B" Intoxicating Liquor License may be issued for a full service restaurant with a seating capacity of 300 or more persons, or to a hotel that has 100 or more rooms and sleeping accommodations, and has either an attached restaurant with a seating capacity of 150 or more persons, or a banquet room in which banquets attended by 400 or more persons may be held.
2. When issued by the Village Clerk under authority of the Village Board, the 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 in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off premises.
3. There shall be a minimum of two-thirds (2/3) of the total seating capacity inside. Any license issued under this sub-section shall require the applicant for such license to certify the premises covered by such license to meet all State of Wisconsin requirements for a restaurant and hotel as described in 7.01(f)(1).
4. Transfer of this restaurant and hotel liquor license shall be only to another restaurant or hotel that meets the restrictions set forth in this section.

- (i) The fee for a retail "Class B" Intoxicating Liquor License for a full service restaurant and hotel shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.

(4) Operator's Licenses.

(a) License Required.

1. No premises operated under a Class "A", Class "B", or Class "C" license or permit may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, the agent named in a Class "B" permit, or some person who has an operator's license and who is responsible for the acts of all persons selling or receiving any alcohol beverages to customers. For the purposes of this subsection, any member of the licensee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's immediate family, other than the licensee or agent, may serve or sell alcohol beverages in any place operated under a Class "A", Class "B", or Class "C" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent, or a person holding an operator's license, who is on the premises at the time of the service.
2. (AM 03-328 07/14/03) Operators licenses may be issued for periods of one or two years, and shall expire on June 30.
  - i. The annual fee for an operator's license issued under §§125.17(1) and 125.17(3) shall be as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.
  - ii. The fee for a license issued for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
  - iii. Provisional licenses may be issued under §§125.17(5). Such provisional permits are issued to applicants who are currently scheduled to take the responsible beverage server training course. The license is only valid for a single period of up to 60 days or until a regular license is issued. The provisional license is not renewable. The provisional license fee is as specified on the Administrative Fees, Charges and Deposits Schedule in Chapter 29 Administrative Fees, Charges and Deposits.

- (b) Applications for operator's licenses shall be filed with the Village Clerk. Upon payment of the annual fee, a copy of each application shall be referred to the Chief of Police. The Chief of Police may issue an operator's license after conducting a thorough background investigation of the applicant. An applicant who is denied an operator's license may appeal the decision to the Village Board.

(5) Closing Hours.

- (a) Class "A" Retailers. No premises for which a Class "A" license or permit has been issued may remain open for the sale of alcohol beverages between the hours of 9:00 PM and 6:00 AM.

- (b) Class "B" and Class "C" Retailers.

1. No premises for which a Class "B" or Class "C" license or permit has been issued may remain open between the hours of 2:00 AM and 6:00 AM, except as otherwise provided in this subdivision and subdivision 3. On January 1 premises operating under a Class "B" or Class "C" license or permit are not required to close. On Saturday or Sunday, no premises may remain open between 2:30 AM and 6:00 AM.
2. Between 12 midnight and 6:00 AM no person may sell alcohol beverages on Class "B" licensed premises in an original unopened package, container or bottle, or for consumption away from the premises.
3. Hotels and restaurants, the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conducting of their regular business, but may not sell alcohol beverages during the closing hours under subdivision 1.

(6) Delinquent Taxes, Assessments, etc.

- (a) Premises. No initial or renewal license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.
- (b) Persons. No initial or renewal license shall be granted to any person who is delinquent in payment of any taxes, assessments or other claims owed to the Village, or delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

(7) Revocations, Suspensions, Refusals To Issue Or Renew. The Village Board may revoke, suspend, or refuse to renew any license issued under this section in accordance with the provisions of § 125.12, Wis. Stats.

(a) Alcohol License Demerit Point System.

1. Purpose. In addition to the regulations found in Chapter 125 of the Wisconsin Statutes and this Chapter of the Village of Poynette Ordinances, the following point system is hereby established to provide a guide for the Village Board in the suspension or revocation of alcohol licenses. This system is intended to identify habitually troublesome alcohol license holders who repeatedly violate Wisconsin Statutes and/or Village Ordinances or those license holders who repeatedly permit such violations and to assist the Village Board in taking consistent action in matters involving alcohol licenses.
  
2. Point Schedule. The following is a list of demerit points for each type of listed violation.

<b>Type of Violation</b>	<b>Point Value</b>
Sale of alcohol beverages without license or permit	100
Unauthorized transfer/use of license	75
Sale of alcohol beverages to under aged person	50
Sale of alcohol beverage to intoxicated person	35
Under aged person on premises	35
Intoxicated bartender	50
After hours consumption	35
Refusal to allow police to search premises or refusal to cooperate with lawful police investigation	75
Licensee, Agent or Licensed Operator to be on premises at all times	35
Agent responsibility violations – for example lack of control of business holding the License, lack of control of premises, etc.	35
Patron(s) on premise after closing hours	25
No carry-out, restricted to appropriate hours	10
Permit person to leave licensed premises with open alcohol beverage	10
Failure to post license	50
Employee selling/possessing controlled substance with intent to sell	75

Employee possessing controlled substance	35
Owner/License holder selling/possessing controlled substance with intent to sell	150
Owner/License holder possessing controlled substance	75
Exceeding posted occupancy by more than 30%	25
Disorderly Conduct Prohibited	35
All other violations of Wisconsin State Statutes Section 125 or ordinances of the Village of Poynette	10-75
Any points assessed for the above violations shall double if the violation results in Serious bodily injury to or the death of any person	
Any warning issued by the Poynette Police Department for any of the above violations Shall be counted as one half the points specified for that violation	

3. Calculating Violations. In determining the accumulated demerit points against a license, the Village shall use the date each violation was committed as the basis for the determination. In addition, the violation must occur on the licensed premises or be directly related to the use of the licensed premises.
  - a. Demerit points shall be assessed after entry of a judgment of conviction in a federal, state or municipal court for violation of any statute or ordinance provision listed under the types of violations in Section 2 above. The Village Board may take notice of any such convictions without the need for further evidence to establish the violation.
  - b. The Board of Trustees or their appointee/s shall have the exclusive authority to assign a point value for any violation which the point value is not specified above. The designation of a point value for a particular violation shall be made at the same hearing that the Committee takes up the possible suspension, revocation or nonrenewal of an alcohol license.
4. Notice and Hearing. The Board of Trustees or their appointee/s shall provide for and conduct any hearing which could result in the suspension, revocation or nonrenewal of any alcohol license pursuant to Wisconsin Statute Section 125.12 or its' successors and shall use subsections a. through c. below as a guide to determine the appropriate sanction, if any, for the license holder following such hearing.
  - a. For demerit points accumulated in the current and most recently completed license year of at least 100, but less than 150, suspension of the license for a period of 3 to 10 days.

- b. For demerit points accumulated in the current and most recently completed license year of at least 150, but less than 200, suspension of the license for a period of 10 to 90 days.
  - c. For demerit points accumulated in the current and most recently completed license year of 200 or more, revocation or nonrenewal of the license.
5. Scope of Ordinance. Nothing in this section shall be construed to conflict with, abridge or modify the rights or procedures established for the suspension, revocation or nonrenewal of alcohol licenses stabled by the Wisconsin Statutes and does not restrict the Village, or any other party, from seeking suspension, revocation or nonrenewal of an alcohol license regardless of the total number of demerit points assessed against a license.
6. Transfer/sale of licensed business. Upon transfer or sale of any licensed business, all accumulated demerit points shall be cancelled unless any of the following apply:
- a. The new license is related to the former licensee by blood, adoption, marriage or is his/her domestic partner.
  - b. The new license held an ownership interest in the previous licensed business, real estate or equipment.
  - c. The former license retains an ownerships interest in the business, real estate or equipment used by the business.

For the purposes of this section, an “ownership interest” is defined to mean that a person, partnership, corporation, limited liability company, or other legal entity either owns all or part of or controls directly or indirectly, the license business. This is not intended to include a relationship that is strictly related to a security interest or a vendor’s interest under a land contract unless otherwise maintaining an ownership interest. It is presumed that control of or ownership interest in a business is an “ownership Interest” under this subsection.

If any of the subsections (a) through (c) apply, the new licensee will inherit the demerit points previously assessed and be subject to all of the applicable provisions of this section.

7. Persons who are holding a license at the time this ordinance is enacted but would not be in compliance with this ordinance will be allowed to obtain a license. In the event the person holding a license commits another violation which would prohibit them from holding a license after the enactment of this ordinance, that person’s license shall be revoked, suspended or non-renewed.

(8) Nude Dancing In Licensed Establishments Prohibited. (See Title IV, Chapter 2)

(9) Penalties.

- (a) Any person who sells, or possesses with intent to sell, alcohol beverages and who does not hold the appropriate license or permit shall, upon conviction, forfeit not more than \$10,000 together with the costs of prosecution.
- (b) Any person who violates any provision of this section for which a specific penalty is not provided, shall forfeit not more than \$1,000. Any license or permit issued to the person under this section may be revoked by the court. If a person is convicted of a second or subsequent offense in the same license year as a prior conviction, in addition to the penalty herein provided, any license issued to the person under this section shall be forfeited.

(10) Investigation of License Applicants. The Chief of Police shall promptly investigate each applicant for a license issued under this section to determine whether the applicant meets all of the qualifications specified in § 125.04(5), Wis. Stats. Upon completion of the investigation, the Chief of Police shall file a written report of his findings with the Village Board.

(11) Severability and Conflict. If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

## 1.02 Transient Merchants.

(1) Registration Required. It shall be unlawful for any transient merchant to engage in sales within the Village without being registered for that purpose as provided herein.

(2) Definitions. In this section:

- (a) "Transient Merchant" means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greater part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.
- (b) "Permanent Merchant" means any person who, for at least one year prior to the consideration of the application of this section to said merchant: (1) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or, (2) has continuously resided in the local

trade area among the communities bordering the place of sale and now does business from his/her residence.

- (c) "Merchandise" shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.
- (d) "Charitable Organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) "Clerk" shall mean the Village Clerk.

(3) Exemptions. The following shall be exempt from all provisions of this section:

- (a) Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes;
- (b) Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) Any person selling agricultural products which the person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under § 440.41, Stats. Any charitable organization engaging in the sale of merchandise and not registered under

§ 440.41, Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Ordinance;

- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least one year prior to the date the complaint was made;
- (k) Any individual licensed by an examining board as defined in § 15.01(7), Stats.
- (l) This Ordinance does not apply to transient merchants while doing business at special events authorized by the Village Board.

(4) Registration.

- (a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk, which shall require the following information:
  1. name, permanent address and telephone number, and temporary address, if any;
  2. age, height, weight, color of hair and eyes;
  3. name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
  4. temporary address and telephone number from which business will be conducted, if any;
  5. nature of business to be conducted and brief description of the merchandise, and any services offered;
  6. proposed methods of delivery of merchandise, if applicable;
  7. make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
  8. most recent cities, villages, towns (not to exceed three) where applicant conducted his/her business;
  9. place where applicant can be contacted for at least seven days after leaving this Village; and,

10. statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

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

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

(c) At the time the registration is returned, a fee shall be paid to the Clerk to cover the cost of processing said registration as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. 5(b).

(5) Investigation.

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

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

(7) Regulation of Transient Merchants.

(a) Prohibited Practices.

1. A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 PM and 9:00 AM, except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or, remaining on the premises after being asked to leave by the owner, occupant, or other person having authority over such premises.
2. A transient merchant shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity, or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
3. No transient merchant shall impede the free use of sidewalks or streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
4. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100 foot radius of the source.
5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
2. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in § 423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§ 423.203(1)(a), (b), and (c), (2) and (3), Stats.

3. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (8) Records. The Chief of Police shall report to the Clerk all convictions for violations of this Ordinance and the Clerk shall note any such violation on the record of the registrant convicted.
- (9) Revocation of Registration.
  - (a) Registration may be revoked by the Village Board after notice of hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive, or misleading statement or representation in the course of engaging in transient sales, violated any provision of this Ordinance, or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.
  - (b) Written notice of the hearing shall be served personally or pursuant to sub. 4(c) on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (10) Penalty. Any person adjudged in violation of any provision of this Ordinance shall forfeit not less than \$25.00 nor more than \$100.00 for each violation per day, plus costs of prosecution. Each violation shall constitute a separate offense.

1.03 **Junk; Motor Vehicle Salvage**. (AM 3 25 02 ORD 02-313)

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

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

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

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

#### 1.04 Mobile Homes.

- (1) Definitions. Whenever used in this Ordinance, unless a different meaning expressly appears from the context;
- (a) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
- (b) "Licensing Authority" means the Village of Poynette.
- (c) "Park" means mobile home park.
- (d) "Person" means any natural individual, firm, trust, partnership, association or corporation.
- (e) "Mobile Home" is that of which is, or was originally, constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be so used;

and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations, and appurtenances equals or exceeds 50 per cent of the assessable value of the house trailer.

- (f) "Dependent Mobile Home" means a mobile home that does not have complete bathroom facilities.
- (g) "Nondependent Mobile Home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.
- (h) "Unit" means a mobile home unit.
- (i) "Mobile Home Park" means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- (j) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(2) Location of Mobile Homes Restricted.

- (a) From and after the effective date of this Ordinance, it shall be unlawful for any person to park, locate, or occupy any mobile home at any place in the Village, except as provided herein.
- (b) No mobile home shall be used for living quarters upon any street, alley or public way in the Village.
- (c) Emergency or temporary stopping or parking of mobile homes shall be permitted on any public highway for not longer than one hour, subject to any other laws, regulations or ordinances limiting the parking or stopping on any such public highway unless written approval is obtained from the Village Administrator.
- (d) To the end and purpose that the health and cleanliness of mobile home occupants and of the public generally may be preserved and not endangered, and further in the interest of the public welfare generally, the Village Board does hereby direct and provide that no dependent mobile home shall be used, located, or maintained for the purpose of human occupancy, and no nondependent mobile home shall be used, located or maintained for the purpose of human occupancy unless it is located in a licensed mobile home park.

(3) Mobile Home Parks.

- (a) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the Village unless such person shall first obtain a license therefore from the Village Clerk. Such license shall expire one year from the date of issue, but may be renewed pursuant to this Ordinance for additional one-year periods.
- (b) The application for a mobile home park license shall be filed together with the license fee by the applicant with the Village Clerk. The application shall set forth all information required by § 66.0435(4), Wis. Stats., and any other applicable statute and in addition shall set forth sufficient information and material so as to show that the proposed mobile home park plan and facilities in all respects comply with the requirements and provisions of the Wis. Admin. Code, Chapter H 77 setting forth rules of the Wisconsin State Board of Health for mobile home parks and the requirements and provisions of this Ordinance and any other applicable ordinance or law. The applicant shall also submit with his application a verified statement of the owner of the site, if other than the applicant, to the effect that the applicant is authorized by the owner to construct and maintain a mobile home park thereon. A legal description and complete plan showing all mobile home spaces, roadways, recreation areas, screening, utilities, laundry, toilet and other service facilities shall also accompany the application.
- (c) License renewal applications shall be filed with the Village Clerk and shall be accompanied by plans and specifications of any proposed alterations and construction in the mobile home park.
- (d) Applications for original licenses and for renewals shall be accompanied by a license fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. Licenses may be transferred after approval of the application by the Village Board and upon payment of a fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits.
- (e) Original licenses and renewals of licenses shall be issued by the Village Clerk after inspection and approval by the Village Board. The application shall not be approved by the Village Board until it has determined that all provisions of § 66.0435 of the Wisconsin Statutes, Chapter H 77 of the Wis. Admin. Code, and all provisions of this Ordinance and of any other applicable law or ordinance have been fully complied with.
- (f) The Village Board may limit the number of mobile homes that may be parked or kept in any one mobile home park, and may limit the number of licenses for mobile home parks in any common school district, if the mobile housing development would cause the schools costs to increase above the state average.

(g) Management of Mobile Home Parks.

1. In every mobile home park there shall be located the office of the person in charge of the park and a copy of this Ordinance shall at all times remain posted in such office.
2. A park register shall be kept in the mobile home park office and shall show the names of all mobile home occupants, number of children of school age, dates of entrance and departures, state of legal residence of each occupant, license numbers of all mobile homes and towing vehicles and states of issuance, purposes of stay, place of last location, length of stay thereat, and place of employment of each occupant.

(h) No mobile home shall be permitted to locate or remain in any license mobile home park unless such mobile home in all respects complies with the provisions of the State of Wisconsin Electrical, Plumbing and Building Codes, which codes are adopted and incorporated herein by reference and made a part hereof as if set forth in full herein, and any and all plumbing, electrical, building and other work or improvements on or at any mobile home park licensed or on any mobile home located in a licensed mobile home park shall be done in accordance with all requirements of the State Plumbing, Electrical and Building Codes, regulations of the State Board of Health, and any other applicable ordinances or laws.

(4) Mobile Home Park Plan. Every mobile home park shall conform to the following requirements:

- (a) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose, which would expose persons or property within or without the park to hazards.
- (b) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screening or other solid material or protected with a vegetable growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (c) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (d) Each space shall be clearly defined and the mobile home park shall be so arranged that no space is less than 5,000 square feet. All spaces shall abut on a driveway of not less than 40 feet in width, giving easy access from all units to a public street. Such driveway shall be paved and maintained in good condition, have natural drainage, be well lighted at night and shall not be obstructed at any time.

- (e) No unit shall occupy in excess of 25% of the area of any space. The units shall be so located that there shall be at least a 20 foot clearance between units. No unit shall be located less than 50 feet from any building within the park and no unit shall be located less than 100 feet from any boundary line of the premises on which it is located.
- (f) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide a pure, potable water supply of six gallons per minute at a minimum pressure of 20 psi and capable of furnishing a minimum of 150 gallons per unit per day. Fire hydrants shall be installed within 500 feet of every mobile home stand and park building.
- (g) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such system shall comply with all provisions of the State Code and Village Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three-inch water-tight sewer connection protected from damage by heaving and thawing or parking of the unit, and located within the rear one-third of the stand, with a continuous grade, which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
- (h) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the health officer. Open burning of waste or refuse is prohibited.
- (i) An electrical outlet supplying at least 100-115/220-250 volts, 5 amperes, shall be provided for each space.
- (j) Substantial fly-tight metal or plastic garbage depositories shall be provided for each mobile home unit. Garbage, rubbish, and other waste combustible materials shall be placed in such containers for collection by the Village department involved in such collections and at times specified by such department.
- (k) Each mobile home park shall contain a playground having an area of not less than 1,000 square feet for each space. Such playground shall be suitably equipped with swings, slides, climbing towers and other apparatus commonly found in public parks for use by children.
- (l) Each mobile home park shall be completely surrounded except for authorized entrances and exits, by a grass yard in addition to all other required yards and open spaces, which shall not be less than 100 feet wide. Within such yard there shall be established, within six months after issuance of the mobile home park license, a temporary planting of fast growing shrubs, capable of reaching a height of eight feet or more, such as honeysuckle, and a permanent evergreen planting. The temporary shrubs shall be of such number and so arranged that within three growing seasons they will have formed a screen equivalent in capacity to a solid fence or wall. The

individual evergreens shall be of such number and so arranged that within ten growing seasons they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown and maintained to a height of not less than 15 feet.

- (m) Each space, and any buildings and recreational areas, shall be landscaped with a permanent planting of grass, shrubs, and trees.

(5) Monthly Parking Permit Fees.

- (a) In addition to the license fee, the Village shall collect from each occupied mobile home occupying space or lots in a mobile home park in the Village a monthly parking permit fee computed as follows: The Village Assessor shall determine the total fair market value of each occupied mobile home in the Village subject to the monthly parking permit fee. The fair market value, minus the tax-exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the Village. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the Village anytime during the year.
- (b) It shall be the full and complete responsibility of each licensee of a mobile home park to collect the proper fee from the owner or occupant of each occupied mobile home occupying space in a mobile home park. Said licensee shall pay the Village Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this Ordinance, and such regulations as the Village Administrator may reasonably promulgate.
- (c) The licensee of a mobile home park shall furnish information to the Village Clerk on occupied mobile homes added to his park within five days after their arrival, on forms prescribed by the Wisconsin Department of Revenue. As soon as the Village Clerk receives the notice of an addition of an occupied home to a park, he/she shall determine its fair market value, equalize same, apply the tax rate for that year, divide the annual parking permit fee thus determined by 12, and notify the mobile home park licensee of the monthly fee to be collected.
- (d) A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Wisconsin Statutes.
- (e) The Village shall retain 10% of the monthly parking permit fees collected in each month to cover the costs of administration, and shall pay to the school district in which the mobile home park is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of

the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the Village.

- (f) Failure to timely pay the monthly parking permit fee shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Wisconsin Statutes.
- (6) Exemption From Monthly Parking Permit Fee. No parking permit fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any 12 months, or if the occupants of the mobile home are nonresident tourists or vacationists. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Exemption certificates in duplicate shall be accepted by the Village Administrator from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees.
- (7) Penalties For Violation Of Ordinance.
  - (a) The penalty for violation of any provision of this section shall be a forfeiture of not less than \$10.00 nor more than \$100.00, together with the costs of prosecution, except that the forfeiture for violation of the reporting requirements of Sub. (5)(c) shall not exceed \$25.00. Each and every day during which such violation continues shall be deemed a separate offense.
  - (b) Any license or permit granted under this section shall be subject to revocation or suspension by the Village Board for any violation of this Ordinance. Upon a complaint filed with the Village Administrator signed by any law enforcement officers, health officer, fire Administrator, or any other Village official, the Village Board shall order a public hearing. At least five days prior to the hearing, the holder of the license shall be furnished with a copy of the Complaint and shall be given written notice of the time and place of the hearing where at he may appear and show cause why such license should not be suspended or revoked.

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

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

(2) License Fees

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

1.06 Cigarette Licenses.

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

Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2  
Administrative Fees, Charges and Deposits to the Village Clerk. In case of a change of ownership in any license location, the Village Board may authorize a transfer of such license to the new owner.

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

#### 1.07 **Transmission Line Construction.**

- (1) **Construction Permit Required.** No domestic corporation organized to furnish telegraph or telephone service or transmit heat, power, or electric current to the public, or for public purposes, including any cooperative association organized under Chapter 185 of the Wisconsin Statutes, shall construct a transmission line or system in, across, or beneath any public highway, bridge or any stream or body of water without first obtaining a permit therefor. Construction permits may be issued on proper application to the Village Clerk. The application shall be placed on the agenda for the next regular meeting of the Village Board and shall thereupon be referred by the Village Board to the Plan Commission for its consideration and report. Unless such report is made within thirty (30) days, or such longer period as may be stipulated by the Village Board, the Village Board may direct the Village Administrator to issue a construction permit without said report.
- (2) **Form of Application.** The application shall contain: the name and address of the applicant; a statement of the proposed route or location of any transmission lines or systems; the names of highways, bridges, streams or bodies of water in, across or beneath which any transmission line or system is to be constructed; the approximate date that the proposed construction will commence and the estimated date of completion of construction; the location of any structures and a description thereof; the location of any proposed excavations; and the names and addresses of the owners of any real estate from which utility easements have been or will be acquired. Each application shall be signed by the applicant and shall contain a statement that applicant shall rectify, at its expense, all electronic interference to radio and television reception which is caused or aggravated by its transmission line or system.
- (3) **Addendum To Application.** At the time of filing an application for a construction permit, applicant shall also file with the Village Plan Commission: (a) a copy of the certificate or order issued by any state regulatory agency which authorizes the construction of the transmission line or system; (b) a scale map showing the proposed route or location of any transmission line or system, including the location of any proposed structures, the relationship of existing public highways, bridges, streams and bodies of water, and the location of any existing structures which lie within a distance of 150 feet from each margin of the utility easement; and, (c) a profile map of the transmission line or system.

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

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

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

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