

**CHAPTER 12**  
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**12.01 GENERAL PROVISIONS.**

- (1) **LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the Village for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the Village in the manner provided in this chapter, unless otherwise specifically provided.
- (2) **APPLICATION.** Unless otherwise provided, application for a license or permit shall be made in writing to the Clerk-Treasurer upon forms provided by the Clerk-Treasurer and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit.
- (3) **PAYMENT OF FEE.** The fees for any license or permit shall be paid at the office of the Clerk-Treasurer with the application for such license or permit, except as otherwise specifically provided in this chapter.
- (4) **PRORATION OR REFUND OF LICENSE FEE.** Except as otherwise prohibited by law, initial license fees shall be prorated, but no fee shall be refunded unless the license is denied.
- (5) **FORM.** Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the Village by the Clerk-Treasurer. The Clerk-Treasurer shall keep a record of all licenses and permits issued.
- (6) **LICENSE AND PERMIT TERM.**
  - (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.
  - (b) When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.
  - (c) Permits shall be issued for the term set forth in the permit.
- (7) **EXHIBITION OF LICENSES OR PERMITS.** Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.
- (8) **TRANSFER.** Unless otherwise provided, no license or permit shall be transferable or assignable.
- (9) **RENEWAL.** Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.
- (10) **SUSPENSION AND REVOCATION OF LICENSES AND PERMITS.** Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Village Board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:
  - (a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
  - (b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.
  - (c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Village upon recommendation of the appropriate Village official.
  - (d) Expiration or cancellation of any required bond or insurance.
  - (e) Actions unauthorized or beyond the scope of the license or permit granted.
  - (f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.
  - (g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

- (11) VILLAGE TAXES AND CLAIMS. No license or permit shall be granted under this chapter to any person who is legally responsible for any delinquent and unpaid personal property assessments or other financial claims of the Village.

**12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

- (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision, or future amendments thereto, shall constitute a violation of this section.
- (2) DEFINITIONS. As used in this section, the following definitions apply:
- (a) Legal Drinking Age. Twenty-one years of age.
  - (b) Underage Person. A person who has not attained the legal drinking age.
- (3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3), Wis. Stats., and shall be filed together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats., with the Clerk-Treasurer not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under §§125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk-Treasurer not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall permit the Village to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant. The license fee shall be paid at least 15 days before the license is issued and no license shall be issued until the fee has been paid.
- (4) APPLICATION INVESTIGATION. The Clerk-Treasurer shall notify the Legislative Committee of each new license and permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Village Board, in writing, the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Board.
- (5) LICENSE FEES. The fees for issuance of the following fermented malt beverage and intoxicating liquor licenses are incorporated in the Village Fee Schedule on file in the office of the Clerk-Treasurer:
- (a) Class "A" Fermented Malt Beverage License. See §125.25, Wis. Stats.
  - (b) Class "A" Intoxicating Liquor License. See §125.51(2), Wis. Stats.
  - (c) Temporary Class "B" Licenses.
    1. Picnic License, Beer. Issued to organizations enumerated in §125.32(4)(a)7., Wis. Stats., to sell or serve fermented malt beverages at a picnic, meeting or gathering. The application for a picnic license shall be submitted to the Clerk-Treasurer not less than 15 days prior to the meeting of the Village Board. The Board may grant picnic licenses for no more than 3 consecutive days subject to such conditions imposed by the Board. See also §125.26(6), Wis. Stats.
    2. Picnic License, Wine. No fee shall be charged in the event a license under subpar. 1. above is simultaneously issued. Issued to organizations enumerated in §125.32(4)(a)7., Wis. Stats., to sell or serve wine at a picnic, meeting or gathering. See §125.51(10), Wis. Stats.
    3. Annual Quota. No more than 2 licenses may be issued in any 12-month period.
  - (d) Wholesaler's Fermented Malt Beverage License. See §125.51(2), Wis. Stats.
  - (e) Operator's License. No new operator's license shall be granted unless the applicant has successfully completed a VTAE responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a), Wis. Stats. The Clerk-Treasurer may issue a provisional operator's

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license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course.

- (f) Provisional Operator's License. See §125.17(5), Wis. Stats.
  - (g) Provisional Retail Alcohol Beverage License. See §125.195, Wis. Stats.
  - (h) Temporary Operator's License. See §125.17(4) Wis. Stats.
  - (i) Transfer of License to Another Premises Fees.
- (6) OPERATOR'S LICENSE. All applications for an annual operator's license shall be filed in the office of the Clerk-Treasurer on or before May 31 of each year, provided that nothing shall prevent the Village Board from granting any license which is applied for at least 5 working days before a Board meeting at any other time for a fraction of the year for the annual fee.
- (7) LICENSE REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all Statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.
- (8) QUALIFICATIONS FOR LICENSES AND PERMITS.
- (a) Natural Persons. Licenses related to alcohol beverages, issued to natural person under this section, may be issued only to persons who:
    - 1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.
    - 2. Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.
    - 3. Have attained the legal drinking age, except that operators' licenses may be issued to any person who has attained the age of 18.
  - (b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.
  - (c) Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under §125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of pars. (a)1. and 3. and (b) above, except that par. (a)2. does not apply to agents.
- (9) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of Class "A" fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:
- (a) Sales to Underage Persons Restricted. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
  - (b) Transfer of License. No license shall be transferable from person to person except as provided in §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.
  - (c) Operator on Duty Required. The licensee, a member of his immediate family or a licensed operator must be present at all times in the immediate area open to the public where alcohol beverages are being served.
  - (d) Village Taxes and Claims. No license shall be granted for operation on any premises upon which personal property taxes or assessments or other financial claims of the Village are delinquent and unpaid.
  - (e) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

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- (10) **CLOSING HOURS.** No premises for which a Class "A" Intoxicating Liquor License has been issued shall remain open for the sale of alcohol beverages between the hours of 9:00 P.M. and 8:00 A.M. No premises for which a Class "A" Fermented Malt Beverage License has been issued shall remain open for the sale of malt beverages between the hours of 12:00 A.M. (midnight) and 8:00 A.M.
- (11) **POSSESSION AND CONSUMPTION OF ALCOHOL BEVERAGES RESTRICTED.**
- (a) **Possession Outside Picnic Areas Prohibited.** No person shall consume alcohol beverages or carry about an open container of alcohol beverages off the premises of an established picnic area where such possession and consumption is permitted. This section shall not be construed so as to prevent consumption of alcohol beverages outside private residences on private property in such a manner as is normally associated with use at a private home or residence.
  - (b) **Special Events.** The Village Board may grant permits for consumption in designated areas during special occasions in connection with picnic beer licenses.
  - (c) **Parked Vehicles.** No person shall consume any alcohol beverages while in a vehicle parked on a public thoroughfare or any public parking lot.
  - (d) **Open Containers in Vehicles Prohibited.** No person shall possess or permit to be possessed in any moving or parked vehicle under his control any open container of alcohol beverages.
- (12) **UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.**
- (a) **Restrictions.** Pursuant to §125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.
  - (b) **Exceptions.** An underage person may possess alcohol beverages if employed by any of the following:
    1. A brewer.
    2. A fermented malt beverages wholesaler.
    3. A Class "A" or "Class A" permittee.
    4. A facility for the production of alcohol fuel.
    5. A retail licensee or permittee under the conditions specified in §§125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
  - (c) **Selling or Serving Alcohol Beverages.** Pursuant to §§125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class "A" premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.
- (13) **REVOCAION AND SUSPENSION OF LICENSES.**
- (a) **Procedure.** The provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Village President or by the Village Board upon its own motion. No license shall be suspended, revoked or nonrenewed for a single violation of selling to an underage person in a one-year period and no more than one citation may be issued for a single violation.
  - (b) **Repossession of License or Permit.** Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Clerk-Treasurer shall notify the licensee or permittee of such revocation or suspension and shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk-Treasurer.
  - (c) **Effect of Revocation of License.** No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

**12.03 CIGARETTE RETAILER LICENSE.**

- (1) **REQUIRED.** No person shall sell cigarettes in the Village without first obtaining a license from the Clerk-Treasurer. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.
- (2) **LICENSE FEE.** The license fee shall as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer.

**12.04 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS.**

- (1) **DEFINITIONS.**
  - (a) Peddler. A person who goes from place to place within the Village offering for sale property which he carries with him. It includes vendors who distribute their products to regular customers on established routes.
  - (b) Canvasser or Solicitor. A person who goes from place to place within the Village soliciting orders for the future delivery of property or for services to be performed in the future. It does not include any person who occupies any place within the Village for the purpose of exhibiting samples and taking orders for future delivery.
  - (c) Transient Merchant. A person who engages, at a fixed location in the Village, in the temporary business of selling property at such location. It does not include a person who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.
- (2) **LICENSE REQUIRED.** Except as provided by sub. (3) below, no person shall conduct any of the activities enumerated in sub. (1) above without a license therefor, as provided by this section.
- (3) **EXEMPTIONS.** No license shall be required hereunder of the following:
  - (a) Persons selling personal property at wholesale to dealers in such articles.
  - (b) Newsboys.
  - (c) Children under 18 years of age who are residents of the Village.
  - (d) Merchants or their employees delivering goods in the regular course of business.
  - (e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.
  - (f) A veteran holding a special State license under §440.51, Wis. Stats., but he shall comply with subs. (7) through (11) below.
  - (g) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization, but shall comply with subs. (8), (10) and (11) below.
  - (h) Sales required by statutes or order, of a court.
  - (i) Bona fide auction sales conducted pursuant to law.
- (4) **INVESTIGATION FEE.** At the time of filing his application, the applicant shall pay to the Clerk-Treasurer the fee as provided in the Village Fee Schedule to cover the cost of investigation of the facts stated in the application.
- (5) **INVESTIGATION.**
  - (a) The Police Chief shall cause the applicant and the facts stated in the application to be investigated and shall, within 5 days approve or disapprove the application.
  - (b) The Clerk-Treasurer shall refuse to issue a license to the applicant if it is determined, pursuant to the investigation provided in par. (a) above, that the application contains any material omission or materially inaccurate statement, complaints of a material nature have been received against the applicant by

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authorities in the most recent cities, villages and towns, not exceeding 3, in which the applicant conducted similar business, the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling, or the applicant failed to comply with any applicable provision of this section.

(6) **BOND.**

(a) When Required. Every applicant who is not a resident of this County or who represents a firm whose principal place of business is located outside of the State shall file with the Clerk-Treasurer a surety bond in the amount of \$500, approved by the Village President, conditioned that the applicant will comply with all provisions of the ordinances of the Village and State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee.

(b) Action on Bond. Action on such bond may be brought by any person aggrieved.

(7) **EXCESSIVE NOISE PROHIBITED.** No person licensed hereunder shall, in hawking his wares, create any noise annoying to a person of ordinary sensibilities.

(8) **USE OF STREETS.** No licensee shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(9) **DISPLAY OF LICENSE.** Any person licensed hereunder shall carry his license with him while engaged in licensed activities and shall, upon request, display such license to any officer of the Village or any person with whom he seeks to do business.

(10) **HOURS RESTRICTED.** No person licensed hereunder shall call at any residence or other place between 9:00 P.M. and 9:00 A.M., except by appointment.

(11) **PROHIBITED PRACTICES.** No licensee shall:

(a) Call at any place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning.

(b) Remain on the premises after being requested to leave by the owner, occupant or person in authority.

(12) **APPEAL.** An applicant who is aggrieved by the disapproval of the application may, within 10 days, file an appeal with the Village Board.

### **12.05 JUNK DEALERS.**

(1) **LICENSE REQUIRED.** No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefor, and all articles and things discarded as manufactured articles commonly referred to as "junk," without first obtaining a license from the Village Board.

(2) **EXCEPTION.** No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site, as provided in sec. 10.06 of this Code.

(3) **APPLICATION.** Applications for such license shall be made on forms supplied by the Clerk-Treasurer and filed with the Clerk-Treasurer.

(4) **LICENSE FEE.** The license fee shall be as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer. The license year shall commence on July 1 of each year.

(5) **REFERRAL TO VILLAGE BOARD.** The application shall be referred to the Village Board which may grant, grant with conditions, or deny the license.

(6) **RESTRICTIONS APPLICABLE TO JUNK DEALERS.**

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

(b) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.

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- (c) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Village Board.
  - (d) Effective means for the elimination of the rodents and vermin commonly infesting junkyards shall be administered by all licensees hereunder.
  - (e) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by police officers at any time.
  - (f) No junk shall be purchased from any person under 16 years of age without the written consent of the parent or guardian of such person.
- (7) REVOCATION AND SUSPENSION OF LICENSE.
- (a) Upon complaint being made in writing by any official of the Village to the Village Board that any licensee hereunder has violated any of the provisions of this section, the Board shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than 10 days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Board shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the Building Inspector and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.
  - (b) Whenever a license is revoked, the licensee shall have a period of 45 days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

### 12.06 MOBILE HOMES AND MOBILE HOME PARKS.

- (1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of §66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.
- (2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS.
  - (a) Restricted. No occupied mobile home shall be permitted to be located in the Village unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.
  - (b) Exception. Paragraph (a) above is not intended to restrict the location of one- and 2-family manufactured homes which meet the applicable one- and 2-family standards set forth in Ch. 101, Wis. Stats., and the requirements of ch. 17 of this Code.
- (3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the village a mobile home park without having first secured a license therefor from the Clerk-Treasurer. The application for such license shall be accompanied by a fee as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer. Such parks shall comply with Wis. Adm. Code HSS 177, which is hereby adopted by reference. The license transfer fee is as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer.
- (4) ADDITIONS TO PARKS. Licensees of mobile home parks shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their parks within 5 days after their arrival on forms furnished by the Clerk-Treasurer.
- (5) PARKING PERMIT FEES. There is imposed on each mobile home located in the Village a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the Clerk-Treasurer, monthly, on or before the 10th day of the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park, and the owners of the land on which mobile

homes outside of mobile home parks are located, to collect such fees from each mobile home therein and to remit such fees to the Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats.

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

**12.07 RUMMAGE, GARAGE AND YARD SALES REGULATED.**

- (1) LICENSE REQUIRED. No person shall conduct a rummage, garage or yard sale within the Village without having obtained a license from the Clerk-Treasurer, except as provided in sub. (2) below.
- (2) EXCEPTIONS TO LICENSE REQUIREMENT. No person shall be required to obtain a license if:
  - (a) The sale is conducted in a business district and is a permitted use in such district.
  - (b) The person conducts, on his own residential premises, no more than 3 sales in anyone year. Each sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.
  - (c) The sale is conducted by religious, educational, charitable or civic organizations on premises located in a residential district no more than 3 times in anyone year. Each such sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.
- (3) LICENSE FEE. The license fee shall be as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer, such sale not to exceed 3 days.

**12.08 REGULATION AND LICENSING OF DOGS.**

- (1) DOG LICENSE REQUIRED. It shall be unlawful for any person in the Village to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.
- (2) LICENSE FEES. The license fees for dogs shall be as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer. In the event a dog becomes 5 months of age after July 1, 1/2 of the appropriate fee shall be charged.
- (3) LATE FEES. The Village Treasurer shall assess and collect a late fee as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.
- (4) KENNEL LICENSE OPTION. The owners of kennels may opt to pay a kennel license fee as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer and the Village Treasurer shall issue tags for each dog owned by the kennel owners. After the effective date of this section, no kennel may be located in a residential district, except upon issuance of a conditional use permit by the Village Board.
- (5) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the Village which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.
- (6) DEFINITIONS. In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:
  - (a) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

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- (b) At Large. A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.
- (c) Kennel. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.
- (7) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the village to own, harbor or keep any dog which:
  - (a) Habitually pursues vehicles upon any street, alley or highway.
  - (b) Molests passersby or assaults or attacks any person without provocation.
  - (c) Is at large within the limits of the Village.
  - (d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the Village Pound.
  - (e) Kills, wounds or worries any domestic animal.
- (8) DOGS RUNNING AT LARGE AND UNTAGGED DOGS.
  - (a) Dogs Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (6)(b) above.
  - (b) Untagged Dogs. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
  - (c) Dogs Subject to Impoundment. Police officers shall attempt to capture and restrain any dog running at large and any untagged dog.
  - (d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit \$10 for the first offense and \$20 for subsequent offenses.
- (9) DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the County Sheriff.
- (10) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.
  - (a) Quarantine or Sacrifice of Animal. The County Health Officer or a peace officer may order a dog or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
  - (b) Quarantine Order. If a quarantine is ordered, the owner of the dog shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.
- (11) NUMBER OF DOGS PER HOUSEHOLD LIMITED. No person, except a kennel licensee, shall own, harbor or keep more than 3 dogs that are more than 5 months of age. No kennel license shall be issued in any residential district or within 100 feet of any residential district. If a total of more than 3 dogs are owned, harbored or kept in or by anyone household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such animals. Persons who have more than 3 dogs which are licensed on the effective date of this section are exempt from the provisions of this section; however, no further licenses shall be issued until fewer than 3 dogs are owned, harbored or kept in the household.
- (12) SETTING ANIMALS AT LARGE PROHIBITED. No person shall open any door or gate of any private premises for the purpose of setting any dog or other animal at large, except the owner of such animal.
- (13) IMPOUNDING AND DISPOSITION OF DOGS.

- (a) Impounding of Dogs. A police officer or other person restraining a dog running at large shall take such animal to a pound designated by the Village Board. The police officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.
  - (b) Release of Dog to Owner or Representative. The pound may release the dog to the owner or his representative if the owner or representative:
    - 1. Gives his name and address.
    - 2. Presents evidence that the dog is licensed and vaccinated against rabies.
    - 3. Pays the dog's boarding fee.
  - (c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the pound may release the dog to a person other than the owner if such person:
    - 1. Gives his name and address.
    - 2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.
- (14) **PENALTIES.** In addition to other penalties provided in this section, the following penalties are imposed:
- (a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.
  - (b) Refusal to Comply With Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Village Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

**12.09 KEEPING OF VICIOUS DOGS REGULATED.**

- (1) **DEFINITIONS.** The terms used in this section are defined as follows:
- (a) Vicious Dog.
    - 1. Any dog or hybrid dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
    - 2. Any dog or hybrid dog which attacks a human being or another domestic animal without provocation.
    - 3. Any dog or hybrid dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.
    - 4. Any pit bull dog. **(See Ordinance 5 dated 4-13-04.)**
  - (b) Pit Bull Dog.
    - 1. The pit bull terrier breed of dog.
    - 2. The Staffordshire bull terrier breed of dog.
    - 3. The American pit bull terrier breed of dog.
    - 4. The American Staffordshire terrier breed of dog.
    - 5. Dogs of mixed breed or of other breeds than listed under subpars. 1 to 4 above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.
  - (c) **See Ordinance 5 dated 4-13-04.**
- (2) **REQUIREMENTS AND PROHIBITIONS.**
- (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be

leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown in a sanctioned American Kennel Club show.

- (b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
  - (c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
  - (d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.
  - (e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public with letters not less than 2 inches in height stating "Danger -Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.
  - (f) Insurance. All owners, keepers or harborers of vicious dogs or hybrid dogs shall, within 30 days of the effective date of this section, provide proof to the Protective Service Committee of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs or hybrid dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Protective Service Committee. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.
- (3) **VICIOUS DOG DETERMINATION**. The Legislative Committee shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Committee makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this section.
  - (4) **APPEAL OF VICIOUS DOG DETERMINATION**. Any person aggrieved by the determination of the Legislative Committee, as provided in sub. (3) above, may appeal such determination, as provided in ch. 6 of this Code.
  - (5) **COMPLIANCE**. Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub. (4) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.
  - (6) **DISPOSITION OF VICIOUS DOGS**. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a peace officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.
  - (7) **PENALTY**. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

**12.10 KEEPING OF WOLF-DOG HYBRIDS REGULATED.**

- (1) **DEFINITIONS**. The terms used in this section are defined as follows:

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- (a) Wolf-Dog Hybrid. Any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo or resulting from the mating of any wolf-dog hybrid and another wolf-dog hybrid or a domesticated dog.
  - (b) Canine Animal. Includes all members of the family canidae except foxes.
  - (c) Domesticated Dog. *Canis familiaris*.
  - (d) Wolf. Includes both *canis lupus* and *canis niger*.
  - (e) Coyote. *Canis latrans*.
  - (f) Jackal. *Canis aureus*.
  - (g) Dingo. *Canis dingo*.
- (2) ENCLOSURE REQUIREMENTS. A wolf-dog hybrid may be kept only in an enclosure that meets the following minimum requirements:
- (a) The enclosures shall be constructed of woven, galvanized after weaving wire, securely anchored by stainless steel or copper rings. Such enclosure shall be not less than 500 square feet in extent plus 250 square feet for each additional canine animal kept therein and shall be the location in which the animal is primarily kept.
  - (b) The enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of 4 feet by 1/2 inch galvanized mesh screening.
  - (c) The base and top of the enclosure shall be constructed of securely anchored wire mesh and extend inward a distance of not less than 2 feet at the top of each enclosure at an angle of not less than 45°, and at the base shall be covered by at least 4 inches of crushed stone.
  - (d) The enclosure shall be kept locked with a case hardened lock at all times when the animal is unattended and the enclosure shall have double entrance gates or doors so as to prevent an animal from escaping past an open gate or door.
  - (e) Any person who was, at the time of the enactment of this section, the owner of a single wolf-dog hybrid may obtain an exemption from the requirements of pars. (a) through (d) above by obtaining an inspection by the Building Inspector. The inspection fee shall be \$50. The Inspector shall file a report with the Village Board as to the adequacy of the enclosure to protect the safety of the public and provide for the well being of the animal. The Board shall review the report and, if the Board is satisfied that the owner has provided a secure enclosure that is adequate for the protection of the public and the well being of the animal, it may issue a written exemption from the terms of pars. (a) through (d) above. Such exemption shall be valid for the animal's lifetime, provided, however, that a conviction of the owner for allowing the animal to run at large in violation of this section shall void such exemption. In issuing exemptions, the Board shall consider the size and observed behavior of the animal and any prior convictions of the owner for allowing any animal to run at large. The Board may require modifications to be made to existing enclosures as a condition of issuing an exemption.
- (3) WOLF-DOG BITES; SACRIFICE OF ANIMAL. Every person, including the owner of a wolf-dog hybrid, who knows such animal has bitten any person shall immediately report such fact to the Police Chief. Pursuant to §95.21(4)(b) and (6), Wis. Stats., the Chief may kill such animal, taking care to preserve the head and deliver such animal to a veterinarian for preparation of the carcass to be sent to the State Laboratory of Hygiene for testing.
- (4) TRANSPORTATION. A wolf-dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with fine mesh screen. This subsection does not prohibit the walking of such animal on a leash, provided that said animal is muzzled at all times.
- (5) REGISTRATION PAPERS. In order to insure compliance with the terms of this section, no person in possession of any registration papers, certificate, advertisement or other written evidence by which the blood lines of a canine animal found within the Village or its ownership might be ascertained may refuse to produce the same for the inspection of any law enforcement, conservation or public health officer or court upon demand.
- (6) EXCEPTION. The provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of such animals in the ordinary course of their practices.

- (7) RELEASE PROHIBITED. No person shall willfully or negligently release or abandon a wolf-dog hybrid.
- (8) PENALTY. Violation of any provision of this section, except sub. (7) above, shall be subject, upon conviction, to a forfeiture of not less than \$75 nor more than \$500 plus the costs of prosecution for each violation. Any person who violates sub. (7) above shall forfeit not more than \$1,000 plus the costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the County Jail for up to 30 days for each violation or until payment has been made.

**12.11 ADULT-ORIENTED ESTABLISHMENTS.**

- (1) INTENT. The Village Board intends that the enforcement of this section shall be used primarily to combat the obscenity industry and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational or scientific value. The Board further intends that the enforcement of this section shall be consistent with the first amendment to the United States Constitution; Article I, Section 3 of the Wisconsin Constitution; and the compelling State interest in protection of the free flow of ideas.
- (2) DEFINITIONS. The terms used herein shall be defined as follows:
  - (a) Adult-Oriented Establishment. This term includes, but is not limited to, adult entertainment stores, adult theaters, adult mini-theaters, adult cabarets and any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult entertainment, whether or not such adult entertainment is held, conducted, operated or maintained for commercial gain.
  - (b) Adult Entertainment Store. An establishment, including in its stock in trade for sale, rent, lease, inspection or viewing, books, films, video cassettes, novelties, magazines or other periodicals which have as their dominant theme or are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
  - (c) Adult Theater. An enclosed building with a capacity of 50 or more persons used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.
  - (d) Adult Mini-Theater. An enclosed building with a capacity of less than 50 persons, used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.
  - (e) Adult Cabaret. An establishment which features topless dancers, strippers or similar entertainers.
  - (f) Adult Entertainment. Any exhibition of any motion picture, video cassette, live performance, display or dance of any type which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities," "specified anatomical areas," the removal of articles of clothing or partial or total nude appearance.
  - (g) Operator. Any person, partnership, corporation or other organization operating, conducting, maintaining or owning any adult-oriented establishment.
  - (h) Specified Anatomical Areas.
    - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.
    - 2. Human male genitals in a discernible turgid state, even if opaquely covered.
  - (i) Specified Sexual Activities. Simulated or actual:
    - 1. Showing of human genitals in a state of sexual stimulation or arousal.

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2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
  3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (3) ADULT-ORIENTED ESTABLISHMENT LICENSE REQUIRED.
- (a) No person may engage in, conduct or carry on the operation or maintenance of an adult-oriented establishment without first obtaining a valid adult-oriented establishment license issued under this section.
  - (b) A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person desiring to operate more than one adult-oriented establishment must have a license for each adult-oriented establishment.
  - (c) Any adult-oriented establishment existing at the time of the passage of this section must submit an application for a license within 60 days of the passage of this section.
- (4) APPLICATION FOR ADULT-ORIENTED ESTABLISHMENT LICENSE.
- (a) Any person desiring to obtain an adult-oriented establishment license shall pay the required fee as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer to defray the costs of administration and investigation of the application.
  - (b) Any person desiring an adult-oriented establishment license shall file a written application with the Clerk-Treasurer on a form provided in the Clerk-Treasurer's office. The information provided to the Clerk-Treasurer shall be given under oath.
    1. Corporation. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of incorporation together with the date and state of incorporation and the names and residence addresses of each of its officers, directors and each stockholder holding 5% or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation.
    2. Partnership. If the applicant is a partnership, the application shall set forth the name of the partnership and the name and residence address of each of the partners, including limited partners, and be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.
    3. Others. If the applicant is neither a corporation nor a partnership, the application shall set forth the true full name and residence address of the applicant and be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous 5 years.
  - (c) The application also shall set forth the proposed place of business of the adult-oriented establishment by business address, including suite number, and not by post office box and shall contain a description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant if an individual; each officer and director and all stockholders who own 5% or more of the stock or beneficial ownership if the applicant is a corporation; and each partner, including limited partners, if the applicant is a partnership:
    1. The previous residence address, if any, for a period of 3 years immediately prior to the date of application and the dates of such residence.
    2. Written proof that the individual is at least 18 years of age.
    3. A complete set of fingerprints.
    4. The business, occupation or employment history for 3 years immediately preceding the date of application, including, but not limited to, whether such person previously operated under any permit or license in another municipality in this or another state and whether any such permit or license had ever been suspended or revoked.

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5. All convictions in any state or Federal court within the past 5 years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.
  6. All pending criminal charges in any state or Federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.
  7. The names of persons who will have custody of the business records at the business location.
  8. The name and address of the person who will be the agent for service of process.
  9. Such other information relating to the application as may be required by the Protective Service Committee.
- (d) The application shall include the proposed hours of operation and a detailed floor plan.
- (e) The Clerk-Treasurer shall notify the Protective Service Committee, the Chief of the Fire Department, and the Building Inspector of any adult-oriented establishment license application and these officials shall inspect or cause to be inspected each such application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Village Board, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying within 5 business days of receipt of notice from the Clerk-Treasurer.
- (f) Within 30 days of receiving an application for license, the Village Board shall grant, with conditions, or deny a license to the applicant. The Clerk-Treasurer shall notify the applicant whether the application is granted or denied.
- (g) Whenever an application is denied, the Clerk-Treasurer shall advise the applicant, in writing, of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the Village Board.
- (h) Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding said application or refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial.
- (5) STANDARDS FOR ISSUANCE OF AN ADULT-ORIENTED ESTABLISHMENT LICENSE. The Village Board shall issue an adult-oriented establishment license if it finds that:
- (a) The required fee has been paid.
  - (b) The application conforms in all respects to this section.
  - (c) The location of the adult-oriented establishment is not within 500 feet of any church or synagogue building, school building or park nor within 150 feet of any residential district.
  - (d) The applicant has not knowingly made a material misstatement in the application.
  - (e) The applicant has supplied all the information required under sub. (3) above and the information requested by the Village Board regarding the investigation of his application.
  - (f) The adult-oriented establishment, as proposed by the applicant, would comply with all applicable laws, including, but not limited to, chs. 14 and 17 of this Code.
  - (g) The applicant has not had an adult-oriented establishment license or permit or other similar license or permit revoked or suspended in this State or any other state within 3 years prior to the date of application.
  - (h) The applicant, if an individual; any of the stockholders holding 5% or more of the stock or beneficial ownership of the corporation, and any officers, agents or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for or within 5 years prior to the date of application, has not been convicted of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Chs. 944 or 948, Wis. Stats.,

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as amended, or the laws of another state similar in nature to said Chs. 944 or 948, Wis. Stats., or other offense, subject to §111.335, Wis. Stats., as amended.

- (i) The applicant, if a corporation, is licensed to do business and is in good standing in the State.
  - (j) All individual applicants; all stockholders holding 5% or more of the stock or beneficial ownership, directors and officers if the applicant is a corporation; and all partners, including limited partners, if the applicant is a partnership, are at least 18 years of age.
- (6) **DISPLAY OF ADULT-ORIENTED ESTABLISHMENT LICENSE.** The adult-oriented establishment license shall be displayed in a conspicuous public place in the adult-oriented establishment.
- (7) **RESTRICTIONS ON CORPORATE LICENSES.** Any corporation holding an adult-oriented establishment license under this section shall report to the Clerk-Treasurer, in writing, within 15 days of the event described herein, any of the following:
- (a) Any change of officers of the corporation.
  - (b) Any change in the membership of the board of directors of the corporation.
- (8) **SALE OR TRANSFER.** Upon the sale or transfer of any interest in an adult-oriented establishment, the license shall be void. Any person desiring to continue to operate an adult-oriented establishment following sale or transfer shall apply for a license.
- (9) **RESPONSIBILITIES OF THE OPERATOR OF AN ADULT-ORIENTED ESTABLISHMENT.**
- (a) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
  - (b) No employees of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment.
  - (c) The operator shall maintain the adult-oriented establishment in a clean and sanitary manner at all times.
  - (d) The operator shall maintain at least 10 foot candles of light in the public portions of the adult-oriented establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.
  - (e) No alcohol beverage may be served or permitted on the premises.
  - (f) No sexual activity of any kind shall be permitted on the premises.
  - (g) The operator shall insure compliance of the adult-oriented establishment and its patrons with the provisions of this section.
  - (h) No person licensed as an adult-oriented establishment may, in any manner, advertise its establishment as licensed by the Village.
- (10) **PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT.** Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:
- (a) Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
  - (b) Every booth, room or cubicle shall meet the following construction requirements:
    - 1. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any nonpublic areas by a wall.
    - 2. Each booth shall have at least one side totally open to a lighted public aisle so that there is an unobstructed view at all times of anyone occupying the same.
    - 3. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, nonabsorbent, smooth textured and easily cleanable.

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4. The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.
  5. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of 10 foot candles at all times, as measured from the floor.
- (c) Only one individual shall occupy a booth, room or cubicle at any time. No occupant shall engage in any type of sexual activity.
- (11) RENEWAL.
- (a) Every license issued pursuant to this section will terminate at the expiration of one year from date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. All applications for the renewal of adult-oriented establishment licenses issued by the Village shall be filed with the Clerk-Treasurer's office on forms to be provided by the Clerk-Treasurer no later than 60 days prior to the expiration of the licenses. The renewal application shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. Applications to renew licenses shall be processed by the Village in the same fashion as new applications. No license shall be renewed without a reinspection of the premises as required under sub. (3)(e) above.
  - (b) A license renewal fee as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer shall be submitted with the renewal application. In addition to the renewal fee, a late penalty of \$100 shall be assessed against any applicant who files for renewal less than 60 days before the license expires. If the application is denied, 1/2 of the total fees collected shall be returned.
- (12) SUSPENSION OR REVOCATION.
- (a) Any adult-oriented establishment license may be suspended for not more than 90 days or revoked by the Village Board for any of the following reasons:
    1. Any of the grounds that would warrant the denial of the original application for the license.
    2. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
    3. The operator or any employee of the operator violates any provision of this section or any rules or regulations adopted by the Village Board pursuant to this section, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.
    4. The operator becomes ineligible to obtain a license or permit.
    5. Any cost or fee required to be paid by this section is not paid.
    6. Any intoxicating liquor or fermented malt beverage is served or consumed on the premises of the adult-oriented establishment.
    7. The establishment is operated outside of operation hours established by the Village Board.
    8. There is any substantial change in the floor plan approved by the Village Board without the approval of the Board.
  - (b) An adult-oriented establishment license may be suspended or revoked after notice and hearing before the Village Board to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and may be served by certified mail addressed to the licensee at the current address of the licensee on file with the Clerk-Treasurer's office. The notice shall state the grounds of the complaint against the licensee and shall designate the time and place where the hearing will be held.
  - (c) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for 6 months from the date of revocation of the license.
- (13) PENALTY. Any person violating this section shall, upon conviction, be subject to a forfeiture not to exceed \$500.

**12.20 PENALTY.** Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.