

TITLE VI: LICENSING AND REGULATIONS

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CHAPTER 1: LICENSING OF DOGS AND CATS AND REGULATION OF ANIMALS

Section

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§ 6-1-1 DOG AND CAT LICENSE REQUIRED.

It shall be unlawful for any person in the Village of Almond to own, harbor or keep any dog or cat more than 5 months of age without complying with the provisions of Wis. Stats. §§ 174.05 through 174.10, relating to the listing, licensing and tagging of the same.

Penalty, see § 1-1-7

§ 6-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.

(A) The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reaches 4 months of age and revaccinated within 1 year after the initial vaccination.

(B) If the owner obtains the dog or cat or brings the dog or cat into the village after the dog or cat has reached 4 months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is obtained or brought into the village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state.

(C) The owner of the dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.
(Am. Ord. passed 11-5-1992)

§ 6-1-3 ISSUANCE OF LICENSES.

(A) Upon payment of the required dog or cat license fee and upon presentation of evidence that the dog or cat is currently immunized against rabies, the Village Clerk shall complete and issue to the owner a license for the dog or cat bearing a serial number and in an approved form stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat.

(B) The dog and cat license fee is per the Portage County Human Society schedule.

§ 6-1-4 LATE FEES.

The Village Clerk shall assess and collect a late fee of \$5 from every owner of a dog or cat 5 months of age or over, 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 cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the village.

§ 6-1-5 PENALTY FOR FAILURE TO OBTAIN RABIES VACCINATION.

An owner who fails to have a dog or cat vaccinated against rabies as required under § 6-1-2 above may be required to forfeit not less than \$50 nor more than \$100.

§ 6-1-6 RESTRICTIONS ON KEEPING OF DOGS AND CATS.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of any other person with the consent of the dog or cat's owner shall be deemed to be upon the owner's premises.

HABITUAL BARKING. Barking for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking must also be audible off the owner or caretaker's premises.

OWNERS. Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which a dog or cat remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this chapter.

(B) *Restrictions.* It shall be unlawful for any person within the Village of Almond to own, harbor or keep any dog or cat which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the village;
- (2) Assaults or attacks any person;
- (3) Is at large within the limits of the village;
- (4) Habitually barks or howls to the annoyance of 3 or more persons of different households;
- (5) Kills, wounds or worries any domestic animal; or
- (6) Is known by the person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(C) *Vicious dogs or cats.*

(1) No vicious dog or cat shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age.

(2) A dog or cat is declared to be vicious within the meaning of this section when it shall have bitten any person, or when a propensity to attack or bite human beings shall exist and is known, or ought reasonably to be known to the owner or any member of the owner's immediate family over 16 years of age. An animal who bites while protecting its owner from attack, or who is being attacked or otherwise provoked itself is not vicious.

(3) Any vicious dog or cat which is found off the premises of its owner other than as hereinabove provided, may be seized by any person, and delivered to the Portage County Human Society for proper disposition.

(D) *Duty of owner in cases of dog or cat bite.* Every owner or person harboring or keeping a dog or cat who knows that the dog or cat has bitten any person shall immediately report the fact to the Village Clerk and shall keep the dog or cat confined for not less than 14 days or for a period of time as the Village Clerk shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to the Village Clerk or their designee upon demand for examination.

(Am. Ord. passed 11-5-1992)

§ 6-1-7 IMPOUNDMENT OF DOG OR CAT.

(A) *Impounding of dogs or cats.* The Portage County Humane Society may seize and impound any dog or cat running at large, or any unlicensed dog or cat at large, or upon a person's premises or violating any of the provisions of § 6-1-6 above. The Village Board of the Village of Almond may, if it deems advisable, further authorize the animal control agency to assist in enforcing the provisions of this chapter.

(B) *Impounding of animals.* In addition, any penalty hereinafter provided for a violation of this chapter, any law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this village, assaults or attacks any person, is at large within the village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or it infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this section or have in his or her possession signed statements of 3 complaining witnesses made under oath alleging the facts regarding the violation and containing an agreement to reimburse the village for any damages it sustains for improper or illegal seizure.

(C) *Claiming animal; disposal of unclaimed animals.* After seizure of animals under this section by a law enforcement or Humane Officer, the animal shall be impounded. The impoundment facility shall notify the owner personally or through the U.S. Mail, if the owner be known to the animal control agency or can be ascertained with reasonable effort. But if the owner be unknown or unascertainable, the agency shall post written notice in 3 public places in the village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the animal control agency has taken such animal into his or her possession. If within 7 days after the notice, the owner does not claim the animal, the animal control agency may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 14 days for observation purposes. Within such times, the owner may reclaim the animal upon payment of the impoundment fees, as established by the agency, plus an additional maintenance fee for each day it remained in the animal shelter. No animal shall be released from the pound without being properly licensed if so required by state law.

(D) *Animals acquired from contracted animal control facility.* Any dog or cat acquired from the contracted animal control facility must be spayed or neutered in compliance with the animal control agency's contract.

(E) *Village not liable for impounding animals.* The village or its animal control agent or designated agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

(Am. Ord. passed 11-5-1992)

§ 6-1-8 DOGS AND CATS PROHIBITED ON PUBLIC GROUNDS AND CEMETERIES.

No dog or cat is permitted in any school ground, public playground, public park, other public grounds or cemetery within the village unless the dog or cat is entered in a contest approved by the Village Board. Every dog specially trained to lead blind persons shall be exempt from this section.

§ 6-1-9 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

No person, except a peace officer or health or humane officer in pursuit of his or her duties, shall within the village shoot or kill or commit an act of cruelty on any animal or bird.

§ 6-1-10 NEGLECTED OR ABANDONED ANIMALS; POLICE POWER.

(A) Any police officer may shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected or abandoned, and may deliver the animal to another person to be sheltered, cared for and given medical attention, if necessary.

(B) In all cases the owner, if known, shall be immediately notified and the person having possession of the animal shall have a lien thereon for his or her care, keeping, medical attention and expenses of notice. Whenever in the opinion of a police officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, the police officer may kill the animal.

§ 6-1-11 ANIMAL FECES.

Any person owning or having control of any dog, cat or other animal shall clean up the feces of the animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any private or public property.

§ 6-1-12 HOWLING ANIMALS.

(A) *Definitions.*

ANIMAL. Includes every living warm-blooded creature except a human being.

OWNER. Includes every person, firm or corporation who owns, harbors or keeps an animal.

(B) *Restriction.*

(1) No person, firm, or corporation shall own, keep, have in his or her or its possession, or harbor any animal within the village which by frequent or habitual howling, yelping or barking shall cause a serious disturbance to persons or to the neighborhood, provided that the provisions of this section

shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupied by the village for impounding animals.

(2) An animal is in violation of this section when 2 formal, written complaints regarding the animal's behavior are filed with the village's animal control officer with a 4-week period.

§ 6-1-13 KEEPING OF LIVESTOCK OR FOWL.

(A) *Permit required.* No horse, mule, donkey, pony, cow, goat, swine, sheep or animal raised for fur bearing purposes shall be kept within the village limits, except in an outlying district where there are not more than 3 residences, other than that occupied by the owner or occupant of the premises upon which the animals are kept, within a distance of 500 feet of the structure housing or enclosing the animal, unless a special written permit therefor is issued by the Village Board after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. The special permit shall be issued for the keeping of any of the animals on any lot only in the following 2 cases:

(1) Where the animals were being lawfully kept on the lot prior to the enactment of this chapter; and

(2) Where the animals were being lawfully kept on the lot after the enactment of this chapter in an area in which there were not 3 residences within 500 feet of the structure enclosing the animals, and subsequently other residences were built, bringing the structure housing the animals within a restricted district.

(B) *Sanitary measures.*

(1) Every stable or other building wherein any such animal listed in division (A) above is kept shall be constructed of the material and in a manner so that it can be kept clean and sanitary at all times.

(2) Every such stable or other building occupied by authority of a special permit shall, if located within 200 feet of any tenement, or apartment house or, hotel, restaurant, boarding house, retail food store, building used for school purposes, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which the structures are kept, be provided with a water-tight and fly-tight receptacle for manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. The receptacle shall be kept securely covered at all times except when open during the deposit or removal of refuse. No manure shall be allowed to accumulate, except in the receptacle.

(3) The health officer shall, if he or she deems the measures necessary in order to avoid a nuisance require that any such building be screened tightly against flies, and/or that it be provided with running water, drain sewer construction, flooring impervious to water and that the other measures be taken as may be necessary to insure proper protection to public health and safety, and as conditions precedent to the issuance of any such special permit.

(C) *Restrictions on numbers.*

(1) No chicken coop, dove cot, dog kennel, rabbit warren or other yard establishment where small animals or fowls are kept shall be maintained closer than 40 feet to any tenement house, apartment house, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes or residence, other than that occupied by the owner or occupant of the premises upon which the creatures are kept.

(2) Not more than 2 dogs, cats, rabbits, guinea pigs, ducks, geese or turkeys, more than 4 months old, shall be kept on any premises within the village limits, except in an outlying district where there are not more than 3 residences other than that occupied by the owner or occupant of the premises upon which the creatures are kept, within a radius of 500 feet of the structure or area enclosing the creatures, without a special written permit issued by the health officer after an inspection of the premises and a finding of fact that no nuisance will be created thereby. The special permit shall be issued for the keeping of any such creatures on any lot only in the following cases:

(a) Where the animals were being lawfully kept on the lot prior to the enactment of this chapter; and

(b) Where the animals were being lawfully kept on the lot after the enactment of this chapter in an area in which there are not 3 residences within a distance of 500 feet of the structure enclosing the animals, and subsequently other residences were built, bringing the structure housing the animals within a restricted district. The permit shall be for the term of 1 year and shall not be renewed without a reinspection.

(D) *Miscellaneous sanitary requirements.* All structures, pens, coops and yards wherein animals or fowls are kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of all the structures shall be whitewashed or painted annually or oftener, as the health officer shall direct. The health officer, upon the complaint of any individual, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this ordinance.

(E) *Animals at large.* No person shall suffer or permit any horses, mules, donkeys, ponies, cattle, sheep, goats, swine, rabbits, chickens, geese, ducks or turkeys of which he or she is the owner, caretaker or custodian to be at large within the Village of Almond. Any such creature shall be deemed at large when it shall be off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner.

(F) *Manure.* No manure shall be dumped or left on any street, alley, sidewalk nor on any open area or lot in any inhabited portion of the village.

(G) *Effective date.* The effective date of this section shall be June 1, 1953.

CHAPTER 2: FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

Section

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Article B: Operator's License

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Article C: Penalties

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ARTICLE A: FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR**§ 6-2-1 STATE STATUTES ADOPTED.**

(A) The provisions of Wis. Stats. Ch. 125, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein.

(B) Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

(C) Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of alcohol beverage control.

Statutory reference:

Wis. Stats. Ch. 125

§ 6-2-2 DEFINITIONS.

As used in this chapter the terms ***ALCOHOLIC BEVERAGES, INTOXICATING LIQUORS, PRINCIPAL BUSINESS, LEGAL DRINKING AGE, PREMISES, SELL, SOLD, SALE, RESTAURANT, CLUB, RETAILER, PERSON, FERMENTED MALT BEVERAGES, WHOLESALERS, RETAILERS, OPERATORS*** and ***NON-INTOXICATING BEVERAGES*** shall have the meaning given them by Wis. Stats. Ch 125.

§ 6-2-3 LICENSE REVOCATION.

The holder of any license to be considered for revocation shall be notified in writing 10 days prior to the Board's meeting to consider the revocation. At this time, the holder may present evidence and testimony as to why the license should not be revoked.

§ 6-2-4 LICENSE REQUIRED.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his or her possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away

any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this chapter nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by Wis. Stats. §§ 125.16, 125.27, 125.28 and 125.51.

§ 6-2-5 CLASSES OF LICENSES.

(A) *Retail "Class A" Intoxicating Liquor License.* A retail "Class A" intoxicating liquor license, when issued by the Village Clerk under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

(B) *Retail "Class B" Intoxicating Liquor License.* A retail "Class B" intoxicating liquor license, when issued by the Village Clerk under authority of the Village Board, 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 4 liters at any one 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.

(C) *Class "A" Fermented Malt Beverage Retailer's License.* A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. the license may be issued after July 1. The license shall expire on the following June 30.

(D) *Class "B" Fermented Malt Beverage Retailer's License.*

(1) *License.* A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from the premises. The holder may also sell beverages containing less than ½ of a percentum of alcohol by volume, without obtaining a special license to sell the beverages. The license may be issued after July 1. The license shall expire on the following June 30.

(2) *Application.* Class "B" licenses may be issued to any person qualified under Wis. Stats. § 125.04(5). The licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least 6 months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter. Except as provided in Wis. Stats. § 125.31, Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(E) *Temporary Class "B" Fermented Malt Beverage License.*

(1) *License.*

(a) As provided in Wis. Stats. § 125.26(1) and (6), temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.

(b) A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. The license is valid for dates as approved by the Village Board.

(2) *Application.* Application for the license shall be signed by the president or corresponding officer of the society or association making the application and shall be filed with the Village Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a temporary Class "B" license for 1 year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Village Board at which the application will be considered for events of more than 3 consecutive days. If the application is for a license to be used in a village park, the applicant shall specify the main point of sale facility.

(F) *Temporary "Class B" Wine license.*

(1) *License.*

(a) Notwithstanding Wis. Stats. § 125.68(3), temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than 6% alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.

(b) No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Wis. Stats. § 125.26(6), or the same event.

(c) A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than 6% alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license

is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than 6% alcohol by volume from the stands while the fair is being held.

(2) *Application.* Application for the license shall be signed by the president or corresponding officer of the society or association making the application and shall be filed with the Village Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a temporary "Class B" wine license for 1 year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Village Board at which the application will be considered for events of more than 3 consecutive days. If the application is for a license to be used in a village park, the applicant shall specify the main point of sale facility.

(G) *Wholesaler's license.* A wholesaler's fermented malt beverage license, when issued by the Village Clerk under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of the wholesaler.

Cross-reference:

See § 6-2-17

§ 6-2-6 LICENSE FEES.

There shall be the following classes of licenses which, when issued by the Village Clerk under the authority of the Village Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in § 6-2-5 above and Wis. Stats. Ch. 125:

(A) *Class "A" Fermented Malt Beverages Retailer's License.* The annual fee for this license shall be \$125. 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;

(B) *Class "B" Fermented Malt Beverage License.* The annual fee for this license shall be \$100. This license may be issued at any time for 6 months in any calendar year, for which 50% of the applicable license fee shall be paid, but the license shall not be renewable during the calendar year in which issued. 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;

(C) *Temporary Class "B" Fermented Malt Beverage License.* The fee for this license shall be \$5 per event;

(D) *Temporary "Class B" Wine License.* The fee for this license shall be \$5 per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License;

- (E) *Fermented Malt Beverage Wholesalers' License*. The annual fee for this license shall be \$25;
- (F) *"Class A" Intoxicating Liquor Retailer's License*. The annual fee for this license shall be \$175; and
- (G) *"Class B" Intoxicating Liquor Retailer's License*. The annual fee for this license shall be \$175. This license may be issued at any time for 6 months in any calendar year, for which 50% of the applicable license fee shall be paid, but the license shall not be renewable during the calendar year in which issued.

§ 6-2-7 APPLICATION FOR LICENSE.

- (A) *Contents*. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Wis. Stats. §§ 887.01 to 887.04, and shall be filed with the Village Clerk not less than 15 days prior to the granting of the license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (B) *Corporations*. The application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (C) *Publication*. The Village Clerk shall publish each application for a Class "A," Class "B," "Class A" or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Wis. Stats. § 125.26, or temporary "Class B" picnic wine licenses under Wis. Stats. § 125.51(10) The application shall be published once in the official village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Wis. Stats. § 985.08.
- (D) *Amending application*. Whenever anything occurs to change any fact set out in the application of any licensee, the licensee shall file with the issuing authority a notice in writing of the change within 10 days after the occurrence thereof.
- (E) *License quotas*. Retail intoxicating liquor and fermented malt beverage licenses issued by the Village Board shall be limited in number to the quota prescribed by state law.

§ 6-2-8 QUALIFICATIONS OF APPLICANTS AND PREMISES.

- (A) *Residence requirements*. A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least 90 days prior to the date of the application.

(B) *Applicant to have malt beverage license.* No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.

(C) *Right to premises.* No applicant will be considered unless he or she has the right to possession of the premises described in the application for the license period, by lease or by deed.

(D) *Age of applicant.* Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.

(E) *Corporate restrictions.*

(1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Wis. Stats. § 125.04(5)(a)1 and 4 and (b), unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) and the officers and directors of the corporation meet the qualifications of Wis. Stats. § 125.04(5)(a)1 and 3 and (b) and unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) meets the qualification under Wis. Stats. § 125.04(5)(a)2. The requirement that the corporation meet the qualifications under Wis. Stats. § 125.04(5)(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(2) Each corporate applicant shall file with its application for the license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by the person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk a statement of transfers of stock within 48 hours after the transfer of stock.

(3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Wis. Stats. § 125.12, when more than 50% of the stock interest, legal or beneficial, in the corporation is held by any person or persons not eligible for a license under this chapter or under the state law.

(F) *Sales tax qualification.* All applicants for retail licenses shall provide proof, as required by Wis. Stats. § 77.61(11), that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

(G) *Separate license required for each place of sale.* A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

§ 6-2-9 INVESTIGATION.

(A) The Village Clerk shall notify the Chief of Police and Fire Inspector and any other inspection and law enforcement officials deemed necessary of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license.

(B) These officials shall furnish to the Village Clerk in writing, who shall forward to the Village Board, the information derived from the investigation, accompanied by a recommendation as to whether a license should be granted or refused.

(C) No license shall be renewed without a re-inspection of the premises and report as originally required.

§ 6-2-10 APPROVAL OF APPLICATION.

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

(B) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the village.

(C) Consideration for the granting or denial of a license will be based on:

(1) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322 and 111.335;

(2) The financial responsibility of the applicant;

(3) The appropriateness of the location and the premises where the licensed business is to be conducted; and

(4) Generally, the applicant's fitness for the trust to be reposed.

(D) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, **HABITUALLY BEEN A LAW OFFENDER** is generally considered to be an arrest or conviction of at least 2 offenses which are substantially related to the licensed activity within the 5 years immediately preceding the license application. Because a

license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of 2 or more offenses which are substantially related to the licensed activity within the 5 years immediately preceding, act to suspend the license for a period of 1 year or more.

§ 6-2-11 GRANTING OF LICENSE.

(A) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the village. The full license fee shall be charged for the whole or fraction of any year.

(B) If the Village Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. The written notice shall be mailed or served upon the applicant at least 10 days prior to the Village Board meeting at which the application is to be reconsidered.

§ 6-2-12 TRANSFER AND LAPSE OF LICENSE.

(A) In accordance with the provisions of Wis. Stats. § 125.04(12), a license shall be transferable from one premises to another if the transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk. Proceedings for the transfer shall be had in the same form and manner as the original application. The fee for the transfer is \$10. Whenever a license is transferred, the Village Clerk shall forthwith notify the Wisconsin Department of Revenue of the transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of the business or business premises must apply to the village for reissuance of the license and the village, as the licensing authority, shall in no way be bound to reissue the license to the subsequent purchaser.

(B) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Village Clerk written notice of the replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, the license shall cease to be in effect upon receipt by the Village Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt

of the notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the village.

§ 6-2-13 NUMBERING OF LICENSE.

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

§ 6-2-14 POSTING LICENSES; DEFAACEMENT.

(A) Every person licensed in accordance with the provisions of this chapter shall immediately post the license and keep the same posted while in force in a conspicuous place in the room or place where the beverages are drawn or removed for service or sale.

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

§ 6-2-15 CONDITIONS OF LICENSE.

All retail Class "A," Class "B," "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the village applicable thereto.

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

(B) *Employment of minors.* No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.

(C) *Disorderly conduct prohibited.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(D) *Licensed operator on premises.* There shall be upon premises operated under a "Class B" or Class "B" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall

be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B" or Class "B" license unless he or she possesses an operator's license, or there is a person with an operator's license upon the premises at the time of the service.

(E) *Health and sanitation regulations.* The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor licenses issued under this chapter. No "Class B" license shall be issued unless the premises to be licensed conform to the rules and regulations.

(F) *Restrictions near schools and churches.*

(1) No retail Class "A," Class "B," "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church.

(2) The distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of the school, church or hospital to the main entrance to the premises.

(3) This division shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

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

(H) *Gambling prohibited.* Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this chapter or the laws of the State of Wisconsin.

(I) *Credit prohibited.*

(1) No retail Class "A," Class "B," "Class A" or "Class B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member.

(2) It shall be unlawful for the licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.

(J) *Licensee or permittee responsible for acts of help.*

(1) A violation of this chapter by a duly authorized agent or employee of a licensee or permittee under this chapter shall constitute a violation by the licensee or permittee.

(2) Whenever any licensee or permittee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this chapter.

(K) *Improper exhibitions.* It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

(1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(3) Exposes any portion of the female breast at or below the areola thereof; or

(4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

Case reference:

See Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S. Ct. 774 (1970); and State v. Erickson, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises

§ 6-2-16 CLOSING HOURS.

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

(A) *Class "B" Licenses.*

(1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1.

(2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of division (A)(1) above.

(B) *Carry-out hours.* Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

§ 6-2-17 RESTRICTIONS ON TEMPORARY FERMENTED MALT BEVERAGE OR WINE LICENSES.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any village-owned property or privately-owned property within the Village of Almond, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Village Board in accordance with Wisconsin Statutes and as set forth in this section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met.

(A) *Compliance with eligibility standards.* The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Wis. Stats. § 125.26(6), and shall fully comply with the requirements of this section. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.

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

(C) *Fencing.* If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only 1 point of ingress and egress. When required, the double fence shall be a minimum of 4 feet high and a minimum of 6 feet between fences.

(D) *Underage persons prohibited.* No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.

(E) *Licensed operators requirement.* A licensed operator shall be stationed at all points of sales at all times.

(F) *Waiver.* The Village Board may waive or modify the requirements of this section due to the physical characteristics of the licensed site.

(G) *Insurance.*

(1) The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

(2) As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the Village of Almond.

(3) The applicant may be required to furnish a performance bond prior to being granted the license.

§ 6-2-18 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL.

(A) *Procedure.* Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation of the license may be instituted in the manner and under the procedure established by this section.

(B) *Abandonment of premises.* Any licensee holding a license to sell alcohol beverages who abandons the business shall forfeit any right or preference he or she may have to the holding of or renewal of the license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least 6 months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the village for which a quota exists limiting the number of licenses that may be issued by the village shall cause the business described in the license to be operated on the premises described in the license for at least 150 days during the terms of the license, unless the license is issued for a term of less than 180 days, in which event this division shall not apply.

(C) *Non-renewal.*

(1) No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the village are unpaid.

(2) An application may be denied if the applicant fails to demonstrate business continuation. **BUSINESS CONTINUATION** is hereby defined to be conducting business publicly at least 5 business hours on each of at least 150 days during the previous yearly licensing period and in possession of all valid permits required by that business. The Village Board may request evidence of business continuation from the applicant including, but not limited to:

- (a) Specific dates and hours of operation for the period in question;
- (b) Employee time sheet records made on the dates and at the times they were present;
- (c) Canceled checks, wage stubs or other documents evidencing wages or salaries paid to employees or other workers during the period in question;
- (d) Advertising and/or promotion of the operation during the period in question;
- (e) Records of liquor/beer purchased during the period in question;
- (f) Records of liquor/beer sales during the period in question;
- (g) Records of sales tax paid to the State of Wisconsin, particularly sales tax returns filed with the state;
- (h) Any other relevant evidence, including testimony and documentation, bearing on the issue of business activity during the period in question.

(D) *License revocation or suspension.* License revocation or suspension procedures shall be as prescribed by Wis. Stats. Ch. 125 and § 6-2-3 of this chapter. (Am. Ord. passed 5-14-2018; Am. Ord. passed 8-13-2018)

§ 6-2-19 NON-ALCOHOL EVENTS FOR UNDERAGE PERSONS ON LICENSED PREMISES.

The presence of underage persons on a licensed premises as provided under Wis. Stats. § 125.07(3)(a)10, shall be subject to the following:

(A) The licensee or agent of a corporate licensee shall notify the Police Department at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Chief of Police during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the village. After

a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this division. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license;

(B) During the period of any non-alcohol event a notice card prescribed by the village shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. The notice cards shall be made available by the village to a requesting licensee;

(C) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises; and

(D) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

§ 6-2-20 KEG REGISTRATION.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

KEG. Any container capable of holding 4 gallons or more of beer, which is designed to dispense fermented malt beverages (beer) directly from the container for purposes of consumption.

REGISTRATION/SEAL. Any document, stamped declaration, seal, decal, sticker or device approved by the County Sheriff's Department, which is designed to be affixed to kegs, and which displays a registration number and such other information as may be prescribed by the County Sheriff's Department.

(B) *Registration/seal requirement.* No licensee of fermented malt beverages may sell fermented beverages in a keg without having registered the sale, on a form provided for by the County Sheriff's Department.

(C) *Registration/declaration.* The registration/declaration shall contain the following:

(1) Require the purchaser of fermented malt beverages to sign a declaration and receipt for the keg or other container in substantially the form provided for in division (C)(3) of this section.

(2) Require the purchaser to provide 2 pieces of identification, one must contain the purchaser's picture.

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(3) Require the purchaser to sign a statement on the declaration that:

(a) The purchaser is of legal age to purchase, possess, or use fermented malt beverages.

(b) The purchaser will not allow any person, contrary to state law under the age of 21 years to consume the beverage.

(c) The purchaser will not remove, obliterate or allow to be removed or obliterated, the identification required under this section to be affixed to the container in southern Portage County.

(4) Require the purchaser to provide their name and address.

(5) Such other information as may be required by the Portage County Sheriffs Department.

(D) *Keg return/procedure to be followed by licensee.* When a registered keg is returned to the licensee, the registration seal shall be removed or obliterated and note of such action shall be made on the registration records of the licensee.

(E) *Seizure or forfeiture of keg.* If a person is in possession of a keg used for or containing beer in violation of the ordinance, then the keg and its contents shall be subject to seizure by the Portage County Sheriff's Department.

(F) *Responsibility to maintain records.* All licensees of fermented malt beverages shall maintain a complete and accurate record of all registration forms and other documentation of the sale of kegs at the place of business selling kegs for a period of not less than 1 year. Such records regarding keg sales shall be open to inspection by the County Sheriff's Department at reasonable times.

(G) *Administration of keg registration.* The County Sheriff's Department, by its Sheriff, or his or her designee, shall provide for the implementation of this section, which is intended to prevent the misuse of alcohol consumption, as well as provide for orderly, compatible, livable neighborhoods.

(H) No person shall possess or control an unregistered keg within the village except as otherwise provided here within.

(Ord. 1-2007, passed 4-9-2007)

ARTICLE B: OPERATOR'S LICENSE

§ 6-2-30 OPERATOR'S LICENSE REQUIRED.

(A) *Operator's Licenses; Class "A" or Class "B" Premises.*

(1) Except as provided under Wis. Stats. §§ 125.32(3)(b) and 125.07(3)(a)10, no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers.

(2) An operator's license issued in respect to a vessel under Wis. Stats. § 125.27(2), is valid outside the municipality that issues it.

(3) For the purpose of this section, any person holding a manager's license under Wis. Stats. § 125.18, or any member of the licensee's or permittee's immediate family who has attained the age of 18, shall be considered the holder of an operator's license.

(4) No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" 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, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

(B) *Use by another prohibited.*

(1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.

(2) The license or permit of a person who violates division (B)(1) above shall be revoked per § 6-2-3 of this chapter.

Statutory reference:

Wis. Stats. §§ 125.17 and 125.32

§ 6-2-31 PROCEDURE UPON APPLICATION.

(A) The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the village.

(B) All applications may be subject to an investigation by law enforcement officers and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with

all regulations, ordinances and laws applicable thereto. The village may conduct an investigation of the applicant including, but not limited to, requesting information from the state, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon the investigation, the investigating officials shall recommend, in writing, to the Village Board approval or denial of the application. If the investigating officials recommend denial, the authority shall provide, in writing, the reasons for the recommendation.

§ 6-2-32 DURATION.

Licenses issued under the provisions of this chapter shall be valid for a period of 1 year and shall expire on June 30 of each even year.

§ 6-2-33 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSE.

(A) *Fee.* The annual fee for the operator's license or provisional license shall be for the term or part thereof per the village fee schedule.

(B) *Provisional license.*

(1) The Village Clerk may issue provisional operator's licenses in accordance with Wis. Stats. § 125.17(5).

(2) The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.

(3) The Village Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein.

(4) However, the temporary license shall be used only for the purpose of allowing the applicant the privilege of being licensed as a beverage operator pending his or her successful completion of the approved program.

(5) A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or who has had his or her operator's license revoked or suspended within the preceding 12 months.

(6) The Village Clerk shall provide an appropriate application form to be completed in full by the applicant.

(7) The Village Clerk may revoke the provisional license issued if he or she discovers that the holder of the license made a false statement on the application. Revocation of provisional license shall be per § 6-2-3 of this chapter.

§ 6-2-34 ISSUANCE OR DENIAL OF OPERATOR’S LICENSES.

(A) After the Village Board approves the granting of an operator’s license, the Village Clerk shall issue the license. The licenses shall be issued and numbered in the order they are granted and shall give the applicant’s name and address and the date of the expiration of the license.

(B) (1) If the application is denied by the Village Board, the Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. The notice must be sent by registered mail to, or served upon, the applicant at least 10 days prior to the Board’s reconsideration of the matter. At the reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

(2) If, upon reconsideration, the Board again denies the application, the Village Clerk shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Wis. Stats. § 125.12(2)(d), for review.

(C) (1) Consideration for the granting or denial of a license will be based on:

(a) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322 and 111.335;

(b) The financial responsibility of the applicant; and

(c) The appropriateness of the location and the premises where the licensed business is to be conducted.

(2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license. Revocation of provisional license shall be per § 6-2-3 of this chapter.

(D) An application may be denied based upon the applicant’s arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, **HABITUALLY BEEN A LAW OFFENDER** is generally considered to be an arrest or conviction of at least 2 offenses which are substantially related to the licensed activity within the 5 years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of 2 or more offenses which are substantially related to the licensed activity within the 5 years immediately preceding, act to suspend the license for a period of 1 year or more.

§ 6-2-35 TRAINING COURSE.

(A) Except as provided in division (B) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:

- (1) The person is renewing an operator's license;
- (2) Within the past 2 years, the person held a Class "A," Class "B," "Class A" or "Class B" license or permit or a manager's or operator's license; or
- (3) Within the past 2 years, the person has completed such a training course.

(B) The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under division (A) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

(C) The Village Board may not require that applicants for operators' licenses undergo training in addition to that under division (A) above, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under division (A) above. Note: this section shall take effect July 1, 1991.

§ 6-2-36 DISPLAY OF LICENSE.

Each license issued under the provisions of this chapter shall be posted on the premises whenever the operator dispenses beverages or be in his or her possession, or carry a license card.

§ 6-2-37 REVOCATION OF OPERATOR'S LICENSE.

Violation of any of the terms or provisions of the state law or of this chapter relating to operator's licenses by any person holding the operator's license shall be cause for revocation of the license. Revocation of provisional license shall be per § 6-2-3 of this chapter.

ARTICLE C: PENALTIES

§ 6-2-40 PENALTIES.

(A) Forfeitures for violations of Wis. Stats. §§ 125.07(1) through (5) and 125.09(2), adopted by reference in § 6-2-1 above, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.

(B) Any person who shall violate any provision of this chapter, except as otherwise provided in division (A) above or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this code of the Village of Almond.

(C) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

CHAPTER 3: CIGARETTE LICENSE

Section

6-3-1 Cigarette sales

§ 6-3-1 CIGARETTE SALES.

(A) *Sales to persons under 18.* No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device sell, give away or otherwise dispose of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, or any substitute therefor.

(B) *License required.* No person, firm or corporation shall in any manner, directly or indirectly, upon any premises, or by any device sell, exchange, barter, dispose of, or give away, or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.

(C) *Application for license; fee.* 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 wherein he or she is authorized to conduct the business, and the same shall not be delivered until the applicant shall pay to the Clerk a license fee per the village fee schedule. In case of a change of ownership in any license location, the Village Clerk may authorize transfer of the license to the new owner.

(D) *Issuance and term of license.* Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk.

Statutory reference:

Wis. Stats. § 134.65

CHAPTER 4: MOBILE HOMES

Section

- 6-4-1 State statutes adopted; effective date
- 6-4-2 Definitions
- 6-4-3 License
- 6-4-4 License fees
- 6-4-5 Application for license
- 6-4-6 Plans and specifications to be filed
- 6-4-7 Investigation
- 6-4-8 Monthly mobile home fee
- 6-4-9 Location
- 6-4-10 Water supply
- 6-4-11 Sewage disposal
- 6-4-12 Plumbing
- 6-4-13 Solid wastes
- 6-4-14 Service building
- 6-4-15 Management
- 6-4-16 Location outside park
- 6-4-17 Animals and pets
- 6-4-18 Penalties for violation of chapter
- 6-4-19 Age of mobile home

§ 6-4-1 STATE STATUTES ADOPTED; EFFECTIVE DATE.

(A) The provisions of Wis. Stats. § 66.0435, are hereby adopted as and for the general law of the Village of Almond and made applicable therein.

(B) The effective date on this chapter shall be July 5, 1977.

§ 6-4-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPENDENT MOBILE HOME. A mobile home which does not have complete bathroom facilities.

LICENSEE. Any person licensed to operate and maintain a mobile home park under this section.

LICENSING AUTHORITY. The Village of Almond.

MOBILE HOME. That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of the additions, attachments, annexes, foundations and appurtenances equals or exceeds 50% of the assessable value of the house trailer.

MOBILE HOME PARK. Any plot or pits 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 the accommodation.

NONDEPENDENT MOBILE HOME. A mobile home equipped with complete bathroom facilities.

PARK. Mobile home park.

PERSON. Any natural individual, firm, trust, partnership, association or corporation.

SPACE. A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

UNIT. A mobile home unit.

§ 6-4-3 LICENSE.

It shall be unlawful for any person to maintain or operate within the limits of the village any mobile home park unless that person shall first obtain from the village a license therefor.

§ 6-4-4 LICENSE FEES.

(A) The annual license fee for mobile home parks within the village shall be per the village fee schedule. The license fee is not be prorated.

(B) The license fee for each transfer of license from owner to owner, or from mobile home park to mobile home park, shall be per the village fee schedule.

(C) Upon application by any licensee and after approval by the Village Board, and upon payment of the annual license fee, the Village Clerk shall issue a certificate renewing the license fee for another year, unless sooner revoked. The application shall be in writing, signed by the applicant, on forms furnished by the village.

§ 6-4-5 APPLICATION FOR LICENSE.

- (A) Original application for mobile home park license shall be filed with the Village Clerk.
- (B) The application shall be in writing, signed by the applicant and shall contain the following:
 - (1) The name and address of the applicant;
 - (2) The location and legal description of the mobile home park; and
 - (3) The complete plan of the park.

§ 6-4-6 PLANS AND SPECIFICATIONS TO BE FILED.

(A) Accompanying, and to be filed with an original application for a mobile home park, shall be plans and specifications which shall be in compliance with all village ordinances and provisions of the Department of Health and Social Services.

(B) The Clerk after approval of the application by the Village Board and upon completion of the work according to the plan shall issue the license.

(C) A mobile housing development harboring only nondependent mobile homes as defined in § 6-4-2(G) above shall not be required to provide a service building.

§ 6-4-7 INVESTIGATION.

Upon application for an original license period, renewal of license, or transfer of license, the Village Board shall in addition to inspecting the proposed plans and specifications for approval, upon an original application, shall investigate the applicant and the transferee, if applicable, to determine if the person is of good moral character.

§ 6-4-8 MONTHLY MOBILE HOME FEE.

(A) In addition to the license fee provided above, 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 according to the provisions of Wis. Stats. § 66.0435(3)(c)(1).

(B) The mobile home park operator shall collect a monthly parking fee from the home owner. The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying space therein as well as the owner and occupant thereof.

(C) The park operator shall furnish information to the District Clerk and the Assessor for the Village of Almond on occupied mobile homes added to the park within 5 days after their arrival on forms prescribed by the Department of Revenue.

(D) On mobile homes located outside of a mobile home park in the Village of Almond, the monthly parking permit fee shall be paid by the owner of the mobile home, the occupant thereof or the owner of the land on which it stands, the same as in the manner provided for mobile homes located in mobile home parks, and the owner of the land shall be required to comply with the reporting requirements of division (C) above.

(E) Any owner of land or operator of a mobile home park who shall fail to comply with the reporting requirements of divisions (C) and (D) above shall upon conviction thereof forfeit not less than \$10 nor more than \$25, and cost of prosecution, and in default of payment of the forfeiture and costs shall be imprisoned in the Portage County Jail for a period not exceeding 30 days. Each failure to report shall be regarded as a separate offense.

§ 6-4-9 LOCATION.

(A) *Boundary.* Each boundary of the park must be at least 300 feet from any permanent residential building located outside the park.

(B) *General.* Every mobile home and mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

(C) *Site.*

(1) Each site shall be clearly defined or delineated. The basic unit shall not occupy in excess of 1/4 of the area of the site, and the complete unit including all accessory structures shall not occupy more than 1/2 of the area of the site.

(2) The unit shall be so located on a site that there shall be at least a 25-foot clearance between basic units. No unit shall be located closer than 10 feet to any building within the park or to any property line of the park. No unit shall be located closer than 25 feet to the right-of-way line of a highway or 10 feet to the right-of-way line of a public street or internal private street system or the park.

(D) *Streets.*

(1) All sites shall abut upon a street. For a two-way street the width must be at least 32 feet if parking is to be permitted on both sides of the street; 25 feet in width if parking is permitted on only 1 side; or 18 feet in width if parking on the street is prohibited. A one-way street must be at least 14 feet in width. One-way streets shall be no longer than 500 feet and parking is prohibited unless the width is appropriately increased.

(2) Driveways shall be paved, maintained in good condition, have natural drainage and be lighted at night.

(E) *Parking*. Parking spaces in a ratio of 1-1/2 for each home site shall be provided. All parking shall be off-street parking.

(F) *Recreation area*. Each park shall contain a recreation area. A minimum of 1/2 acre of area for the use shall be provided for each 100 sites. The minimum area in a park shall be 1/2 acre.

(G) *Area*. Mobile home spaces shall be provided consisting of a minimum of 2,450 square feet for each space, the space being of a minimum of 35 feet wide and clearly defined. Mobile homes shall be so harbored on each space that there shall be at least a 25-foot clearance between mobile homes. No mobile home shall be located closer than 25 feet from any property line bounding on the park.

§ 6-4-10 WATER SUPPLY.

(A) *Service availability*. The requirements covering the water supply facilities for all mobile home parks are based upon the availability of public utilities as well as the practicability of connection to the public utilities.

(B) *Public utilities*. When acceptable public water supply facilities are available and contiguous to the mobile home park, connection and use is required as soon as feasible.

(C) *Private wells*. Private wells are permitted as a source of water when a public water facility is not available to the premise. The well shall be located on the mobile home park property and be constructed and the pump installed in accordance with the regulations of the board of natural resources governing well drilling and pump installation.

(D) *Water connection*. A separate valved water service shall extend to each site.

§ 6-4-11 SEWAGE DISPOSAL.

(A) *Service availability*. The requirements covering the sewage disposal facilities for all mobile home parks are based upon the availability of public utilities as well as the practicability of connection to the public utilities.

(B) *Public utilities*. When acceptable public sewage facilities are available to the mobile home park, connection and use is required.

(C) *Private sewage disposal.*

(1) Private sewage disposal systems are permitted when a public sewer facility is not available to the premise. The system shall be located on the premise and be designed and constructed in accordance with Wis. Adm. Code Ch. Comm. 83.

(2) Plans and installation details covering the design and construction, alteration or extension of private sewage disposal systems shall be approved by the section of plumbing and related services of the Department of Health and Social Services prior to construction.

(3) Sufficient area of suitable soils for the initial soil absorption system and 1 replacement system, of adequate size to serve the ultimate number of sites to be provided, shall be available in the park.

§ 6-4-12 PLUMBING.

All plumbing shall meet the requirements contained in the Wisconsin state plumbing code applicable to mobile homes and mobile home parks.

§ 6-4-13 SOLID WASTES.

(A) *Garbage.* All garbage which is not disposed of through a garbage disposal unit connected with the sewerage system shall be kept in separate, leakproof, nonabsorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects located within 100 feet of any site, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(B) *Cleanliness.* Garbage cans should be washed each time they are emptied unless provided with a single-service sanitary, removable waterproof liner.

(C) *Restriction.* The use of wooden or paper containers for garbage are prohibited.

(D) *Rubbish.*

(1) Fly-tight containers with covers shall be provided for cans, bottles and other rubbish.

(2) The contents shall be disposed of as often as necessary to prevent overflow.

(3) Garbage and rubbish shall be separated.

§ 6-4-14 SERVICE BUILDING.

(A) *General.* Every mobile home park occupied wholly or in part by dependent mobile homes shall have erected thereon suitable building or buildings for housing toilets, lavatories, showers, service sinks and laundry facilities pursuant to this regulation, those buildings to be known as ***SERVICE BUILDINGS***.

(B) *Toilets.* Separate toilet facilities shall be provided for each sex.

(C) *Lavatories.* Lavatories supplied with hot and cold running water shall be provided for each sex, the lavatories to be located in the toilet rooms.

(D) *Showers.* Separate shower bathing facilities with hot and cold running water shall be provided for each sex. Each shower unit shall be enclosed in a separate compartment at least 3-1/2 feet square. Each shower compartment for women shall be supplemented by an individual dressing compartment at least 10 square feet in area.

(E) *Service sinks.* Service sinks for disposal of liquid wastes originating at the mobile home park units shall be provided in a separate room in each service building. A separate toilet may be used for the disposal of liquid wastes.

(F) *Laundry facilities.* Laundry facilities consisting of double tray laundry units, equipped with hot and cold running water, shall be provided in each service building.

(G) *Construction.* Floors of toilets, showers and the laundry shall be of concrete, tile or similar material impervious to water and easily cleaned, and pitched to a floor drain.

(H) *Number of fixtures.* Number of fixtures shall be in accordance with state statutes.

§ 6-4-15 MANAGEMENT.

(A) *Office.* The park management shall maintain an office in the park.

(B) *Duties; owner.* It is the duty of the mobile home park owner or operator together with any attendants or persons in charge of a mobile home park to:

(1) Keep a register, which is to be open at all reasonable times to inspection by appropriate state and local officials, of all owners of mobile homes located in the park;

(2) Maintain the mobile home park in a clean, orderly and sanitary condition at all times;

(3) Report to the local health officers all cases of persons or animals affected or suspected of being affected with any communicable disease; and

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(4) Post copies of these regulations in one or more conspicuous places in the mobile home park where they can be easily seen by the mobile home park personnel and visitors.

(C) *Duties; occupants.* It is the duty of all occupants of mobile homes to:

(1) Maintain their site in a clean, orderly and sanitary condition at all times; and

(2) Abide by all applicable state and local regulations and the rules established by the park management.

§ 6-4-16 LOCATION OUTSIDE PARK.

Any placement of a newly set Singlewide Manufactured Housing Unit shall meet all the minimum requirements as set forth in the Village of Almond Zoning Ordinance for the respective zone it will be located within. The Singlewide Manufactured Housing Unit shall not be more than 8 years old from the time of the zoning permit application.

§ 6-4-17 ANIMALS AND PETS.

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

§ 6-4-18 PENALTIES FOR VIOLATION OF CHAPTER.

(A) If a statute requires that the penalty under any county or municipal ordinance conform to the penalty provided by statute, the ordinance may impose only a forfeiture and may provide for imprisonment if the forfeiture is not paid.

(B) A municipality may refuse to issue any license or permit to a person who has not paid an overdue forfeiture resulting from a violation of an ordinance of the municipality.

Statutory reference:

Wis. Stats. §§ 66.0109 and 66.0115(1)

§ 6-4-19 AGE OF MOBILE HOME.

To replace an existing mobile home, an application for replacement must be filled out. The replacement mobile home cannot be older than 8 years from the time of application.

CHAPTER 5: DIRECT SELLERS

Section

- 6-5-1 Registration required
- 6-5-2 Definitions
- 6-5-3 Exemptions
- 6-5-4 Registration
- 6-5-5 Appeal
- 6-5-6 Regulation of direct sellers
- 6-5-7 Records
- 6-5-8 Revocation of registration

§ 6-5-1 REGISTRATION REQUIRED.

It shall be unlawful for any direct seller to engage in direct sales within the Village of Almond without being registered for that purpose as provided herein.

Penalty, see § 1-1-7

§ 6-5-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARITABLE ORGANIZATION. Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CLERK. The Village of Almond Clerk.

DIRECT SELLER.

(1) Any individual who, for himself or herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of the individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants.

(2) The sale of goods includes donations required by the ***DIRECT SELLER*** for the retention of goods by a donor or prospective customer.

GOODS. Includes personal property of any kind, and shall include goods provided incidental to services offered or sold.

PERMANENT MERCHANT. A direct seller who, for at least 1 year prior to the consideration of the application of this chapter to the merchant:

- (1) Has continuously operated an established place of business in this village; or
- (2) Has continuously resided in this village and now does business from his or her residence.

§ 6-5-3 EXEMPTIONS.

The following shall be exempt from all provisions of this chapter:

(A) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

(B) Any person selling goods at wholesale to dealers in the goods;

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

(D) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by the merchant within this county and who delivers the goods in their regular course of business;

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

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

(I) (1) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of the organization, provided that there is submitted to the Clerk proof that the charitable organization is registered under Wis. Stats. § 440.42.

(2) Any charitable organization not registered under Wis. Stats. § 440.42, or which is exempt from that statute's registration requirements, shall be required to register under this chapter;

(J) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that the person is a transient merchant; provided that there is submitted to the Clerk, proof that the person has leased for at least 1 year, or purchased, the premises from which he or she is conducting business, or proof that the person has conducted the business in this village for at least 1 year prior to the date complaint was made; and

(K) Any church, charitable or fraternal organization whose principal location is in the village.

§ 6-5-4 REGISTRATION.

(A) *Applicants; form.* 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 direct seller represents or is employed by, or whose merchandise is being sold;
- (4) Temporary address and telephone number from which business will be conducted, if any;
- (5) Nature of business to be conducted and a brief description of the goods offered, and any services offered;
- (6) Proposed method of delivery of goods, if applicable;
- (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his or her business;
- (8) Last cities, villages, towns, not to exceed 3, where applicant conducted similar business;
- (9) Place where applicant can be contacted for at least 7 days after leaving this village; 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 5 years; 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;

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(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; and

(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; the certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(C) *License registration fee.*

(1) At the time the registration is returned, a fee per the village fee schedule shall be paid to the Clerk to cover the cost of processing the registration.

(2) The applicant shall sign a statement appointing the Clerk his or 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.

(3) Upon payment of the fee and the signing of the statement, the Clerk shall register the applicant as a direct seller and date the entry. The registration shall be valid for a period of 1 year from the date of entry.

§ 6-5-5 APPEAL.

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

§ 6-5-6 REGULATION OF DIRECT SELLERS.

(A) *Prohibited practices.*

(1) A direct seller shall be prohibited from:

(a) Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning;

(b) Calling at the rear door of any dwelling place; or

(c) Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over the premises.

(2) (a) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his or her visit, his or her identity or the identity of the organization he or she represents.

(b) A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting.

(c) The portion shall be expressed as a percentage of the sale price of the goods.

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

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

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

(B) *Disclosure requirements.*

(1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his or her name, the name of the company or organization he or she is affiliated with, if any, and the identity of goods or services he or she offers to sell.

(2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in Wis. Stats. § 423.203,; the seller shall give the buyer 2 copies of a typed or printed notice of that fact. The notice shall conform to the requirements of Wis. Stats. §§ 423.203(1)(a)(b) and (c), (2) and (3).

(3) If the direct seller takes a sales order for the later delivery of goods, he or 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.

§ 6-5-7 RECORDS.

The President shall report to the Clerk all convictions for violation of this chapter and the Clerk shall note any such violation on the record of the registrant convicted.
(Am. Ord., passed 4-11-2016)

§ 6-5-8 REVOCATION OF REGISTRATION.

(A) Registration may be revoked by the Village Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(B) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; the notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Editor's note:

This section is based on a model ordinance prepared by the Office of Consumer Protection of the Department of Justice. This section conforms with the repeal of Wis. Stats. § 440.85, and the uniform state plan recommended by the Department of Justice. Religious, patriotic, philanthropic or other organizations currently exempted from registration as charitable organizations under

Wis.

Stats. § 440.41, are no longer exempt from registration under this section

CHAPTER 6: VILLAGE PARKS AND RECREATIONAL AREAS

Section

- 6-6-1 Definitions
- 6-6-2 Park property

§ 6-6-1 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. Any vehicle which is self-propelled.

PARK. Includes the grounds, buildings thereon, waters therein, of the parks, river access sites and other recreational areas which are now or may hereafter be under the control of the Village of Almond.

PERSON. Includes any individual, firm, partnership, corporation or persons, and the singular number shall include the plural.

§ 6-6-2 PARK PROPERTY.

No person in a park shall:

(A) *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, tables, benches, fireplaces, railings, pavings or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(B) *Sanitation.*

(1) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

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(2) Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste, shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere; or

(3) Allow animals to run at large.

(C) *Motor vehicles.* Operate a licensed or unlicensed motorized vehicle in any park outside of areas specifically designated as parking areas or areas where the operation of vehicles is specifically permitted. Motor vehicles shall adhere to a speed limit of 5 mph while traveling in a park.

CHAPTER 7: REGULATION AND LICENSING OF FIREWORKS

Section

6-7-1 Regulation of fireworks

§ 6-7-1 REGULATION OF FIREWORKS.

(A) *Definition.* In this section, **FIREWORKS** means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (1) Fuel or a lubricant;
- (2) A firearm cartridge or shotgun shell;
- (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle;
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater;
- (5) A cap containing not more than 1/4-grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion;
- (6) A toy snake which contains no mercury;
- (7) A model rocket engine;
- (8) Tobacco and a tobacco product;
- (9) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate;
- (10) A device designed to spray out paper confetti or streamers and which contains less than 1/4-grain of explosive mixture;

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(11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight;

(12) A device that emits smoke with no external flame and does not leave the ground;

(13) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke; or

(14) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(B) *Sale*. No person may sell or possess with intent to sell fireworks, except:

(1) To a person holding a permit under division (C)(3) below;

(2) To a city, village or town; or

(3) For a purpose specified under division (C)(2)(b) through (f) below.

(C) *Use*.

(1) *Permit required*.

(a) No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the village as designated by the Village Board.

(b) No person may use fireworks or a device listed under divisions (A)(5) through (7) and (9) through (14) while attending a fireworks display for which a permit has been issued to a person listed under division (C)(3)(a) through (e) or under division (C)(3)(f) below if the display is open to the general public.

(2) *Permit exceptions*. Division (C)(1) above does not apply to:

(a) The village, except that village fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance;

(b) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations;

(c) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources;

(d) The possession or use of explosive or combustible materials in any manufacturing process;

(e) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions; or

(f) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.

(3) *Who permit may be issued to.* A permit under this division may be issued only to the following:

(a) A public authority;

(b) A fair association;

(c) An amusement park;

(d) A park board;

(e) A civic organization;

(f) A group of resident or nonresident individuals; and/or

(g) An agricultural producer for the protection of crops from predatory birds or animals.

(4) *Crop protection signs.* A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(5) *Bond.*

(a) The Village President issuing a permit under this division may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit.

(b) The bond or policy, if required, shall be taken in the name of the village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy.

(c) The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk-Treasurer.

(6) *Required information for permit.* A permit under this division shall specify all of the following:

- (a) The name and address of the permit holder;
- (b) The date on and after which fireworks may be purchased;
- (c) The kind and quantity of fireworks which may be purchased;
- (d) The date and location of permitted use; and
- (e) Other special conditions prescribed by ordinance.

(7) *Copy of permit.* A copy of a permit under this division shall be given to the Fire Chief and Chief of Police, if such a position is authorized, at least 2 days before the date of authorized use.

(8) *Minors prohibited.* A permit under this division may not be issued to a minor.

(D) *Storage and handling.*

(1) *Fire extinguishers required.* No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are quipped with fire extinguishers approved by the Fire Chief.

(2) *Smoking prohibited.* No person may smoke where fireworks are stored or handled.

(3) *Fire Chief to be notified.* A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.

(4) *Storage distance.* No wholesaler, dealer or jobber may store fireworks within 50 feet of a dwelling.

(5) *Restrictions on storage.* No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding 1 gallon.

(E) *Parental liability.* A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

Statutory reference:

Wis. Stats. § 167.10