CHAPTER 12

LICENSES AND PERMITS

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12.01 LICENSE FEES. Unless otherwise indicated, fees for licenses issued under this chapter shall be as follows:

(1) ALCOHOL BEVERAGES. (a) Retail Class A Fermented Malt Beverage License. $20 per year.

(b) Retail Class B Fermented Malt Beverage License. $100 per year.

1. Part time. 3/4 of the annual fee.

2. Special Event (picnic). No fee.

(c) Retail Class A Intoxicating Liquor License. $200.

(d) Retail Class B Intoxicating Liquor License. $300.

(e) Operator's License. $10 new, $10 renewal.

(2) DOGS. As determined by resolution of the Town of Ottawa Town Board, pursuant to Section 174.05, Stats.

(3) MOBILE HOMES AND MOBILE HOME PARKS. (a) Mobile Homes. See §66.058, Wis. Stats.

(b) Mobile Home Parks. $2 per space, $25 minimum.

(4) PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS. $25.

12.02 GENERAL PROVISIONS AS TO LICENSES. (1) LICENSES OR PERMITS REQUIRED. No person shall engage in any trade, profession, business or privilege in the Town for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the Town in the manner provided in this section, unless otherwise specifically provided.

(2) APPLICATION. Unless otherwise provided, application for a license or permit shall be made in writing to the Town Clerk upon forms provided by the Town, and applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

(3) PAYMENT OF FEE. The fees required for any license or permit shall be paid at the office of the Town Clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied.

(4) BOND AND INSURANCE. All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the Town Board. Where policies of insurance are required, such policies shall be approved as to substance and form by the Town Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Town before the license or permit is issued.

(5) APPROVAL OR DENIAL OF LICENSES. Where the approval of any Town or State officer is required prior to the issuance of any license or permit, such approval shall be presented to the Town before any license or permit is issued.

(6) CERTIFICATE. Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit and shall be signed in the name of the Town by the Chairman and Town Clerk and be impressed with the Town seal. The Clerk shall keep a record of all licenses and permits issued.

(7) TERMS. (a) Unless otherwise provided, the license year shall end on June 30 of each year.

(b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

(c) Permits shall be issued for the term set forth in the permit.

(8) EXHIBITION OF CERTIFICATE. Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. He shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(9) TRANSFER. Unless otherwise provided, no license or permit shall be transferable or assignable.

(10) DETERMINATIONS OF THE TOWN BOARD. All determinations made by the Town Board shall be subject to the provisions of Ch. 68, Wis. Stats.

(11) INSPECTION. Town officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

(12) REVOCATION AND SUSPENSION OF LICENSES. (a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the Town Board. No license shall be revoked except upon written verified complaint filed with the Town Board by the Chairman, a member of the Town Board, the Chief of Police or a resident of the Town. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Town Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Chairman or presiding officer of the Board to compel the attendance of witnesses.

(c) After hearing the evidence, the Board may revoke such license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Ch. 68, Wis. Stats., provided the licensee shall not be entitled to a further hearing unless granted by the Town Board.

(d) The Police Department shall repossess any license revoked hereunder.

(e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Town Board.

12.03 <u>ALCOHOL BEVERAGES</u>.

(1) STATE STATUTES ADOPTED.

The current and future provisions of Chapter 125, WIS. STATS., defining and regulating the types, sale, procurement, dispensing, and transfer of alcohol beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made part of this section by reference. A violation of any such provision shall constitute a violation of this section. Any

future amendments, revisions, modifications or additions of the statutes incorporated herein, are intended to be made part of this Ordinance in order to secure uniform statewide regulations of alcohol beverages in this State.

(2) BASIC REQUIREMENTS.

(a) Occupancy Permit and/or Approved Plan of Operation Required. No person on any licensed premises, as defined in this Ordinance, shall conduct any transactions regulated by this Ordinance unless a Licensee holds a valid Occupancy Permit and/or an approved Plan of Operation, as may be required, issued by the Municipality. The Occupancy Permit and/or approved Plan of Operation shall be specific in detail as to what area of the premises shall be licensed for the sale of alcoholic beverages. Any violation is grounds for suspension or revocation of any license or permit issued under this Chapter.

(b) Seller's Permit Required. No person on any licensed premises, as defined in this Ordinance, shall conduct any transactions regulated under this section unless a licensee holds and maintains a valid Seller's Permit as required under 77.52 WIS. STATS., issued to the premises and licensee described in the license during the period of licensing. Any violation is grounds for suspension or revocation of any license or permit issued under this Chapter.

(3) APPLICATIONS.

A written application for any license or permit by the provisions of this Ordinance shall be on the form(s) provided by the Municipal Clerk.

(a) Content. All applications other than operator's licenses shall contain all the information required under Section 125.04(3), WIS. STATS., and any other information required by the Municipal Clerk. Operator's license applications shall be on a form prescribed by the Municipal Clerk containing all information deemed necessary, including but not limited to name, residence, age, plus a written request of the holder of the alcohol beverage license hiring the applicant.

(b) Filing. All applications for licenses and permits to sell alcohol beverages shall be filed with the Clerk of the Municipality in which the premises are located as required by State law. Operator's licenses and licenses

issued under Section 125.26(6), WIS. STATS., for a picnic or other gathering lasting less than four (4) days must be filed with the Clerk at least 24 hours prior to granting of the license or permit.

(4) FEES.

(a) Licenses and permits may be issued by the Municipal Clerk under the authority of the Governing Body after payment of the appropriate fees and satisfaction of all conditions, which when so issued shall permit the holder to sell, deal or traffic in alcoholic beverages as provided in Chapter 125.

(b) Fees for the above-noted licenses and permits shall be in such amount as may be established by the Governing Body from time to time by separate resolution.

(c) Any applicable publication fee and/or application fee and/or investigation fee shall be submitted with the license or permit application as may be established by the governing body from time to time by separate resolution.

(d) The fees for licenses or permits which are not granted shall be refunded after deducting the application fee and all actual publication fees and investigation fees.

(e) Fees for partial licensing years may be prorated at the discretion of the Governing Body. In all cases when an alcohol beverage license is issued for a partial year, a minimum fee of $25.00 and all actual publication fees and investigation fees must be paid.

(f) Once any license or permit is issued, no return of any payment shall be made regardless or whether the license or permit is used for the entire year.

(5) INVESTIGATION.

Upon receipt of a license application under the provisions of this Ordinance, the Municipal Clerk shall forward a copy of the application to the appropriate persons to conduct an investigation of the applicant(s) as set forth below.

(a) <u>All Alcoholic Beverage Licenses</u>. The Police Department, Fire Department, Health Department, and Building Inspector and other persons authorized, may conduct an investigation and inspection of the premises mentioned in the applications, to determine if the premises comply with all applicable regulations, ordinances and laws. The Police

Department shall investigate all persons included in the application to determine the suitability and character of the applicants.

(b) Operator's Licenses. The Police Department shall conduct an investigation of all applicants to determine the suitability and character of the applicant.

(c) Reports. Upon completion of all investigations, written reports shall be submitted to the Municipal Clerk. The Clerk will then forward the application to the Governing Body for action.

(d) Review. The Governing Body may refer any and all licenses to the appropriate committee for review and recommendation prior to action by the Governing Body.

(e) Fingerprinting Discretionary. Any applicant for a license under this section may be fingerprinted by an appropriate authority designated by the Town Board.

(6) OPERATOR'S LICENSE.

(a) Kinds of Licenses and Permits.

1. Regular Operator's License. Regular operator's licenses may be granted to individuals by the Governing Body and thereinafter issued by the Municipal Clerk for the purposes of complying with Section 125.32(2) and 125.68(2), WIS. STATS., and this Chapter. The fee for said license shall be set by Resolution.

2. Provisional Operator's License.

a. The Municipal Clerk upon authorization by the chief presiding officer, may issue a provisional operator's license to an applicant in case of a bona fide emergency. An emergency shall be caused by such things as death, disability, absence of the regular operator on the premises and the like. The chief presiding officer before authorizing such issuance, shall determine that the applicant has a satisfactory record, and probably would be issued a regular operator's license. The license shall be valid for a period of not to exceed 60 days unless sooner revoked by the Governing Body. The fee for said license shall be set by Resolution.

b. A Municipal Governing Body or its authorized designee may issue a provisional operator's license to a person who is enrolled in a training course and has applied for a regular operator's license pursuant to Section 125.17(6). The fee for said license shall be set by resolution.

3. Temporary Operator's Licenses. Temporary operator's licenses may be granted to individuals pursuant to Section 125.17(4), WIS. STATS., by the Governing Body for the purpose of allowing said individuals to dispense and serve alcohol beverages under a license issued under Section 125.26(6) or Section 125.51(10), WIS. STATS., to a non-profit organization. No person may hold more than one license of this kind per year. Any temporary operator's license issued under this section shall be valid for any period from one day to 14 days, and the period for which it is valid shall be on the license. The fee for said license shall be set by resolution.

(b) The Governing Body may grant operator's licenses pursuant to this section as it deems fit.

(c) All operator's licenses issued under this section shall expire on June 30 of each year.

(d) All operator's licenses issued under this section entitle the holder thereon to be an operator in any licensed premise in the municipality.

(7) RESTRICTIONS ON GRANTING LICENSES.

(a) Statutory Requirements. Licenses and permits shall be issued only to those persons eligible under Chapter 125 WIS. STATS. Licenses and permits granted in error shall be void.

(b) Health and Sanitation Requirements. No retail Class A or Class B alcohol beverage license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State of Wisconsin, Department of Industry, Labor, and Human Relations pertaining to buildings electrical and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, if the premise is licensed to serve food, and to all such rules and regulations as to building, health and sanitation adopted by the Municipality, the County, the State or the Federal government.

(c) Delinquent Taxes, Assessments, Claims, et al.

1. No initial or renewal alcohol beverage license shall be issued for any premises or property for which taxes, assessments, forfeitures, or claims for the Municipality are delinquent and unpaid.

2. No initial or renewal license or permit shall be issued under this Code to any person who is:

   a. Delinquent in the payment of any taxes, assessments, or other claims owed the Municipality.
   b. Delinquent in the payment of a forfeiture resulting from the violation of any ordinance of the Municipality.
   c. Delinquent in the payment of any taxes to the State or County.
   d. Who has any outstanding warrant or capias from any other municipal, state or federal court.

(e) Unenclosed Premises.

1. No licensee shall permit the consumption of fermented malt beverages or intoxicating liquor on any part of the licensed premises not enclosed within the building, except under permit granted by the Town Board. Application for permit may be made at the time of application for the fermented malt beverage or intoxicating liquor license or may be made at any time during the license year. Such permit may be revoked by the Board at its pleasure at any time.

2. No person shall consume or have in his possession fermented malt beverages or intoxicating liquor on any unenclosed part of the licensed premises which is not described in such permit.

(8) CONDITIONS OF LICENSE.

(a) Consent to Inspection. Every applicant obtaining a license thereby consents to the entry of the police or other authorized representatives of the Municipality or the State at any reasonable time for the purpose of inspection and search, and consents to the removal from said premises all things found in violation of Municipal Ordinances or State Law and consents to the introduction of such things as evidence in any prosecution that may be brought for such offenses.

(b) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose being used.

(c) Sales on Credit Prohibited. No retail licensee shall sell or offer to sell any alcohol beverage to any person on credit except by a hotel to a resident guest, by a restaurant to a patron, a club to a bona fide member, and by grocers and pharmacists who maintain a credit system in connection with other purchases. No licensee shall sell alcohol beverages on a passbook or store order, or receive goods, wares, or merchandise in exchange for alcohol beverages.

(d) Orderly Conduct Required. Every licensed premises shall be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed.

(e) Gambling Prohibited. Gambling shall not be permitted on a licensed premises, unless authorized by State law. Slot machines or other devices of chance are prohibited and shall not be kept on the premises, unless authorized by State Law.

(f) Lewd, Obscene Performances, etc. Prohibited. No licensee shall advertise, produce, perform or allow any lewd, obscene, or indecent performance of any kind on the premises.

(g) Sale to Intoxicated Persons Prohibited. No licensee, agent, operator or server shall sell, give, procure or otherwise furnish any alcohol beverages to an intoxicated person.

(h) Underage Persons. No licensee shall employ any underage person to serve, sell, dispense, or give away an alcohol beverage unless authorized by State Law or the General Codes of the Municipality. The current and future provisions of Section 125.10(2), WIS. STATS., and Sections 125.07(4)(a), (b) or (bm), 125.08(3)(b) and 125.09(2), are adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions, modifications or additions of the statutes incorporated herein are intended to be made part of this ordinance in order to secure uniform statewide regulations of alcohol beverages in this state.

(i) Controlled Substance Use Prohibited. Any licensee, partner, agent, authorized representative or employee who is convicted of the use, possession, delivery or intent to deliver, any controlled substance defined and regulated under Chapter 161, WIS. STATS., may be considered grounds for the revocation or suspension of any license provided for in this ordinance.

(j) Regulation of Entertainment and Entertainers. No Class B licensee shall employ or permit to perform on the premises any entertainer, except a member of a band, a vocalist, a piano or organ player or a comedian. All such entertainers shall be fully clothed in such a manner as is acceptable in all public places. No licensee shall allow any entertainment which makes an appeal to prurient interests. Dancing among patrons, but not between patron and employee is permitted upon permit and with the approval of location by the Fire Chief.

(k) Solicitation of Drinks Prohibited. No person shall solicit or be allowed to solicit drinks on a licensed premise.

(l) Sign Restricting Consumption of Alcohol Beverages Beyond Licensed Premises. Each license holder shall be required to have a sign posted at the exit door of the premises stating that open alcohol beverages shall not be allowed outside of the premises. This shall not apply to licenses issued to hotel or resort facilities where there is not a door leading directly to the outside from the portion of the building used for the sale of intoxicating liquor or fermented malt beverages.

(9) MISCELLANEOUS GENERAL PROVISIONS.

(a) Transfer of Licenses.

1. The transfer of every alcohol beverage license shall be governed by 125.04(12), WIS. STATS.

2. No transfer of operator's license is permitted.

3. If the transfer is approved by the Governing Body pursuant to 125.04(12)4, all conditions set forth under this Code shall be complied with.

4. Failure to conform with the terms of license transfer shall be grounds for denial, suspension or revocation of license.

(b) Non-Use of License.

If a license or permit issued under this ordinance is not used within sixty (60) days after its issuance or its usage is discontinued for a period of (60) days or more, such non-use shall be grounds for cancelation, suspension, revocation or non-renewal of the license or permit in accordance with the provisions of this ordinance and the laws of Wisconsin.

(c) Non-Renewal of Licenses.

Before renewal of any license or permit issued under this ordinance is refused, the licensee or permittee shall be given written notice of any charges or violations or reasons proposed for non-renewal, and shall have an opportunity to be heard before the Governing Body.

(d) Violations by Agents and Employees.

A violation of this ordinance by an authorized agent or employee of the licensee shall constitute a violation by the licensee.

(e) Closing Hours.

Closing hours shall be as set by State Statute with the following applicable local options:

1. If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.

2. If a Retail Class "A" Fermented Malt Beverage License, between 9 p.m. and 8 a.m.

3. If a Retail "Class A" Intoxicating Liquor License, between 9 p.m. and 8 a.m.

(f) Local Option.

The holder of a Retail "Class B" Liquor License shall be permitted to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises and in the original packages or containers in multiples not to exceed four (4) liters at any one time and to be consumed off the licensed premises. Off premise sales shall cease at midnight of each day. It is intended by this Section that the packaged sales from Class "B"

licensed premises will not be permitted after midnight under the option granted herein.

(10) REVOCATION AND SUSPENSION OF LICENSES.

(a) Whenever the holder of any alcohol beverage license under this Ordinance violates any portion of this ordinance, proceedings for the revocation or suspension of the license may be instituted in the manner and under the provisions established under Chapter 125.12, WIS. STATS. In addition, the Governing Body, by its own motion by adoption of a resolution may begin proceedings for the revocation or suspension of such license.

(b) Whenever the Governing Body or the Municipal Clerk, as agent thereof, is made aware of an incompatibility in the operation of a licensed premises in relation to its surrounding or nearby environment or a licensed premises is in violation of any condition established or required at the issuance of the license or of this Code or the State law including all requirements regarding the duty to supervise employees, proceedings for the purpose of revoking, establishing new conditions, or continuing the license under previous conditions will be initiated under the same procedures as provided in sub. (a).

(c) Operator's Licenses. Suspension or revocation of operator's licenses granted pursuant to this ordinance shall be governed as follows:

1. Any committee as established by the Governing Body may revoke or suspend an operator's license following a hearing held by the Committee. Notice shall be mailed to the licensee not less than eight (8) days prior to the hearing or upon personal service of notice not less than (2) days prior to the hearing.

2. Appeal from the decision of the Committee may be made by the licensee upon filing a petition for review by the full Governing Body by presenting the petition any paying a fee of $100.00 to the Municipal Clerk. The Governing Body shall schedule a hearing not more than (30) days from the date the appeal is filed.

(d) Automatic Revocation. Any license or permit issued under this ordinance may be revoked without further proceedings upon the conviction of the licensee, agent employee or representative thereof, pursuant to Section 125.11, WIS. STATS.

(11) PENALTIES.

Any person, firm, corporation or the employee or agent of any licensee under this ordinance, who shall violate any provisions set forth, shall upon conviction be punished by a forfeiture not less than $20.00 nor more than $400.00 plus costs of prosecution; and in default of payment of the forfeiture and costs, shall be imprisoned in the County Jail for not more than ninety (90) days. Each day of which the violation continues shall constitute a separate offense.

12.04 REGULATION OF DOGS.

(1) ADOPTION OF STATE STATUTES. Except as otherwise specifically provided in this Code, the current and future statutory provisions of Chapter 174, Wisconsin Statutes describing and defining regulations with respect to dogs, exclusive of any provisions therein relating to penalties to be imposed are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Section. Any future additions, amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of dogs.

(2) LICENSES REQUIRED.

(a) WHEN DOG LICENSE REQUIRED. Every owner, keeper or person having physical care or custody of a dog shall license the same as required in Chapter 174, Wisconsin Statutes, and all fees for licenses shall be established by resolution of the Town Board.

(b) PHYSICAL CARE OR CUSTODY. Care or custody shall include to mean the owning, boarding, confinement and general maintenance of a dog on the premises.

(c) QUANTITY. The number of dogs kept on a single lot of record within the Town is controlled by the Zoning Code in Waukesha County. Any commercial kennel

permit or hobby kennel permit issued under the Waukesha County Zoning Code shall be subject to a yearly administrative fee as set by resolution of the Town Board.

(d) HARBORING STRAY DOG. Any person harboring in any manner a stray dog for ten (10) days or more shall be considered its owner and shall be subject to the terms and regulations of this ordinance.

(e) EXEMPTIONS. Every dog specially trained to lead blind or deaf persons is exempt from the dog license tax herein. The owner of such dog may apply for and receive each year a free license for said dog upon application therefor.

(3) DOGS RUNNING AT LARGE. It shall be unlawful for the owner, keeper or person having physical possession of any dog or dogs to permit the same to run at-large at any place within the Town unless accompanied by and under the control of the owner, keeper or person having physical custody of said dog or dogs. A dog will be considered running at-large under this Section if it is upon the property of another without consent of the owner or occupant of that property. The restriction set forth herein shall not be construed as to prevent any dog or dogs running at-large upon the premises of the owner, person having physical custody, or keeper of said dog or dogs as long as the dog or dogs remain on said premises.

(4) DOG EXCREMENT DISPOSITION. The owner, keeper or person having physical possession of a dog or dogs shall remove and properly dispose of any dog excrement deposited by said animal.

(5) VICIOUS DOGS. It shall be unlawful to keep a vicious dog within the Town. A visual confirmation that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such a dog is vicious. Upon finding a dog to be vicious the Court shall order immediate destruction of the dog or removal from the Town after passage of any retention period required for rabies or other health reason.

(6) IMPOUNDMENT OF DOGS.

(a) It shall be the duty of the humane officer or any other officer duly appointed by the Town Board to apprehend any dog or dogs running at-large within the Town, as defined in subsection (3) above, and confine the animal in the Waukesha County Animal Shelter.

(b) The owner, person who has physical custody, or keeper of any dog so confined by the dog pound or Humane Officer may reclaim such dog before the same is disposed of by payment of all costs and charges incurred by the Town in impounding and

keeping said dog. Before said dog shall be released to the owner, person who has physical custody, or keeper, said dog shall be licensed as provided for herein and its owner, person who has physical custody, or keeper shall receive a receipt from the Town Clerk authorizing the Animal Shelter or dog pound to release said dog.

(7) BARKING OR HOWLING DOGS A NUISANCE. A dog that barks or howls to such an extent that the noise disturbs any neighbor residing nearby by reason of excessive sound or unusual hours is hereby declared a nuisance.

(8) COMPLAINT BY CITIZEN. Should a violation of this Ordinance be reported by a citizen, the Town shall not be required to pursue prosecution unless and until the complaining citizen shall present his/her complaint in writing on forms supplied by the Town and have same complaint notarized or witnessed by a Town Official. Said citizen shall also agree in writing that, in the event said complaint is filed with the Court for prosecution, he/she will cooperate fully with the Town Attorney in said prosecution including, if necessary, testifying in a Court trial to support said complaint. Any failure by a complaining citizen to cooperate with the Town shall result in immediate dismissal of the complaint.

(9) PENALTY. Any person who shall violate any provisions of this Ordinance shall upon conviction be punished by a forfeiture not less than Ten ($10.00) Dollars nor more than One Hundred ($100.00) Dollars together with the costs of prosecution for each offense and in default of the payment of such penalty shall be imprisoned for not more than ten (10) days. Each day in which the violation continues shall constitute a separate offense. In addition to the penalty provided for in this section, the Town Treasurer may collect the delinquent license taxes pursuant to the procedure contained in Section 74.11, Wis. Stats., for the collection of personal property taxes. Further, the Court shall have the power to order abatement of any illegal activity under this Ordinance including the power to order destruction of the offending animal.

12.05 MOBILE HOMES AND MOBILE HOME PARKS. (1) DEFINITIONS. Whenever used in this section unless a different meaning appears from the context, the following terms shall have the meanings indicated below:

MOBILE HOME. Any coach, cabin, trailer, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle.

8. Plan for lighting of units and rubbish disposal.

9. Such plans shall clearly set forth the location of all sewer and water pipes and connections.

10. Proof of financing in the form of a letter from lender or proof of financial responsibility; if financing is not required, in the form of a letter from an adequate credit reference.

11. Applicant shall also submit detailed rules of operation and proposed lease agreements.

(6) INSPECTION AND ENFORCEMENT. (a) No mobile home park license or permit for location outside of a licensed mobile home park shall be issued until the Town Clerk shall notify the Town Board and officials of the Town Board shall have inspected each application and the premises on which a mobile home will be located to insure compliance with the regulations, ordinances and laws applicable thereto. No license will be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

(b) Upon receipt of application and supporting data as required by this section, the Town Board shall, in considering the application, consider the following factors:

1. The zoning district in which the proposed mobile park will be located.

2. Suitability of the land for the proposed use.

3. The need for such a use.

4. Whether the location will cause or create any problems to surrounding landowners or the Town as far as general health, pollution, noise, depletion of underground water sources, esthetic values, adequacy of public roads to carry the increased load of traffic.

5. Whether the proper State and local health, sanitation, fire, building and education agencies have been or should be consulted before a decision is reached.

6. Whether the application, plans, rules and supporting data as submitted are in complete compliance with this section and the intent of the Town in adopting the same.

(c) Upon receipt of an application for renewal of a license, the Town Board may, in addition to the inspection provided for in this section, review the operation of the mobile home park keeping in mind all of the factors enumerated in par. (b) above.

(7) PARK PLAN. (a) Every mobile home or mobile home park shall be located on a well drained area properly graded so as to prevent the accumulation of storm or other waters. No mobile home park shall be situated in any area that is located so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

(b) Spaces shall be clearly defined and shall consist of a minimum of 15,000 sq. ft. and a width of not less than 100'.

(c) There shall be no more than 2 1/2 spaces per acre of land and the area occupied by the service building, recreation area and roads shall be deleted from the gross total area before computing the number of spaces.

(d) The mobile home park shall be so arranged that all spaces shall face or abut on a driveway of not less than 33'. The traveled portion on a one way road shall be not less than 16' and on a 2 way road the traveled portion shall be no less than 24'. Such driveway shall give easy access from all units to a public street and shall be paved and maintained in good condition, having natural drainage, be well lighted at night and shall have no obstructions. It is intended that such driveways shall be permanently maintained by the owners and shall not become Town roads.

(e) Walkways to service buildings shall be paved and well lighted at night.

(f) Every space shall be furnished with an electric service outlet equipped with an externally operated switch or fuse of not less than 30 amps capacity and a heavy duty outlet receptacle. Each unit shall have both 110 and 220 volt service available to it.

(g) No unit shall be parked in a park outside of a designated space.

(h) Every mobile home shall conform to applicable State laws and to requirements of Ch. HSS 177, Wis Adm. Code.

(i) No dependent units shall be located within any mobile home park.

(j) All electrical and phone service lines shall be underground. Television aerial service shall be provided from one central location.

(k) The Town Board may in its discretion require screening in the form of shrubs or trees along public roadways or boundary lines where it feels it necessary for the protection of esthetic values.

(l) The plan shall provide for a setback of at least 50' from any exterior boundary line. Side yard offsets shall be a minimum of 20'.

(8) WATER SUPPLY. (a) An adequate supply of pure water shall be furnished for drinking and domestic purposes in all parks.

(b) Individual water service connections provided for direct use of any nondependent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide a minimum of 20 lbs. per square inch and capable of furnishing a minimum of 125 gallons per day per space.

(c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet rooms.

(d) Every mobile home park serving shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

(9) SERVICE BUILDING AND ACCOMMODATIONS. (a) Every mobile home park shall have erected thereon suitable buildings for housing toilets, lavatories, showers, sinks and laundry facilities as required by this section, such buildings to be known as service buildings. Service buildings shall be located not closer than 15' from any trailer space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.

(b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one toilet for each 20 nondependent units or fraction thereof and shall have separate compartments. Every male toilet room shall also contain one urinal for each 16 dependent units but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with running water in the ratio of one lavatory to every 2 or less water closets.

(c) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least 4 feet square for each 20 dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least 12 feet square.

(d) Laundry facilities shall be provided at the ratio of one double tray unit and one conventional type washing machine, or one automatic washing machine with electric outlet for each 8 units. Sufficient drying facilities shall be available.

(e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building at the ratio of one slop sink for each 16 units.

(f) The above accommodations shall be based upon the total camp capacity according to the accepted plans.

(g) 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.

(10) WASTE AND GARBAGE DISPOSAL. (a) All liquid wastes from showers, toilets laundries, faucets, lavatories, etc., shall be discharged into a sewerage disposal system approved by the Town Building Inspector in accordance with the Town Building Code and any rules and regulations of the State Plumbing Code.

(b) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the State Plumbing Code. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor free condition.

(c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby prohibited.

(d) Each faucet shall be equipped with facilities for drainage of waste and excess water.

(e) Every unit shall be provided with a substantial flytight, watertight metal garbage depository from which contents shall be removed and disposed of in a sanitary manner by the park custodian at least 3 times weekly between May 1 and October 15, and otherwise weekly.

(11) LIMITATIONS ON LENGTH OF STAY AND NUMBER OF OCCUPANTS. (a) No person shall occupy any mobile home within the Town for permanent occupancy, unless the same is located in a mobile home park licensed under this section, except as provided in sub. (3).

(b) The Town Board may, in its discretion and by a uniform rule, limit the number of occupants in any mobile home occupying a space in a licensed park, for reasons of health and public welfare.

(12) MANAGEMENT. (a) In every mobile home park there shall be located the office of the attendant or person in charge of the park. A copy of the park license and of this section shall be posted therein and the register shall at all times be kept in such office.

(b) The attendant or person in charge together with the licensee, shall:

1. Keep a register of all guests, to be open at all times to inspection by county, State, and federal officers and by the Town Board, which shall show for all guests:

a. Names and addresses.

b. Number of school age children.

c. State of legal residence.

d. Dates of entrance and departure.

e. License number of all mobile home and towing or other vehicles.

f. States issuing such license.

g. Purpose of stay in park.

h. Place of last location and length of stay.

i. Place of employment of each occupant.

2. Maintain the park in clean, orderly and sanitary condition at all times.

3. Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violation of law which may come to their attention.

4. Report to the Town Chairman all cases of persons or animals affected or suspected of being affected with any communicable disease.

5. Maintain in convenient places, approved by the Town Chairman or Fire Department, hand fire extinguishers in the ratio of one to each 8 units. In the alternative, operator may provide such other system as may be acceptable both to the Town and State fire authorities.

6. Collect the monthly parking permit fee as provided in sub. (14). A book shall be kept current showing the names of the persons paying such service charges and the amount paid, which moneys are the property of the Town.

7. Prohibit the lighting of open fires on the spaces.

(13) APLICABLILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES. All plumbing, electrical, building and other work done on or at any park licensed under this section shall be in accordance with the ordinances of the Town and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Department of Industry, Labor and Human Relations. Licenses and permits granted under this section grant no right to erect or repair any structures, to do any plumbing work or to do any electrical work.

(14) PARKING FEE. There is hereby imposed on each owner or operator of a mobile home park licensed herein, for each occupied space a monthly parking permit fee equal to the actual cost of school and municipal services as set forth in

§66.058(3)(c), Wis. Stats., or amendments thereto, the amount of which shall be determined in the manner set forth in §66.058(3)(d), or amendments thereto.

(15) PERMISSION TO OCCUPY: REVOCATION AND SUSPENSION. (a) No operator of a licensed mobile home park shall be allowed to permit any mobile home in such park until the entire park is completed in accordance with plans submitted with the application and upon inspection and permission to occupy from the Town Board or its authorized agent.

(b) The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this section in accordance with the provisions of §66.058, Wis. Stats.

(16) COUNTY ZONING ORDINANCE APPLIES. All provisions of the Waukesha County Zoning Ordinance relating to mobile home parks and trailers as such ordinance may be amended from time to time is adopted by reference as though fully set forth herein.

(17) PENALTIES. Any person violating any provisions of this section shall, upon conviction thereof, forfeit not less than $100 nor more than $500 and the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such payment, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offence.

12.06 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS. A license fee shall be required for the conduct of peddling, canvassing and transient merchants at the license fee as provided in §12.01. The license fee shall be for one year, unless otherwise indicated.

(1) DEFINITIONS.

Canvasser or Solicitor. A canvasser or solicitor is a person who goes from place to place within the Town soliciting orders for the future delivery of property or for services to be performed in the future, including any person who occupies any place within the Town for the purpose of exhibiting samples and taking orders for future delivery.

Peddler. A peddler is a person who goes from place to place within the Town offering for sale property which he carries with him, including vendors who distribute their products to regular customers on established routes.

Transient Merchant. A transient merchant is a person who engages at a fixed location in the Town in the temporary business of selling property at such location, excluding a person who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only, and including a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

(2) EXEMPTION. No license shall be required hereunder of the following:

(a) Persons selling personal property at wholesale to dealers in such articles.

(b) Newsboys.

(c) Children under 18 years of age who are residents of the Town.

(d) Merchants or their employees delivering goods in the regular course of business.

(e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.

(f) A veteran holding a special State license under §440.82(2), Wis. Stats.

(g) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization.

(h) Sales required by statute or order of a court.

(i) Bona fide auction sales conducted pursuant to law.

(3) LICENSE REQUIRED. No person shall engage in the business of a transient merchant, peddler, canvasser or solicitor in the Town without first obtaining a license therefor as provided hereunder.

(4) INVESTIGATION FEE. At the time of filing his application, the applicant shall pay to the Town Clerk a fee as provided §12.01 to cover the cost of investigation of the facts stated in the application.

(5) ISSUANCE OF LICENSE. Upon approval of the application by the Town Board and payment of the required fee, but not less than 72 hours after the application was first submitted to the Clerk, the Town Clerk shall issue such applicant a license. No license shall be granted to a person under 18 years of age and no applicant to whom a license has been refused or whose license has been revoked shall make further application until at least 6 months has elapsed since last previous revocation or rejection, unless he can show that the reason for such revocation or rejection no longer exists.

(6) BOND. If complaint is made to the Town Chairman that any person doing business as a transient merchant claims to be a permanent merchant, he may be required as a condition of transacting business, without the payment of the investigation fee, to give a bond to the Town in the amount of $300 to secure the payment for the State and Town license, if such person fails to become a permanent merchant under the terms of the State law defining the same.

(7) USE OF LICENSE. Any licensee using a vehicle may employ not more than 2 persons to assist in preparing and delivering the goods, wares and merchandise, but such persons shall so act only while accompanying the licensee.

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

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

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

(11) TEMPORARY PERMIT. Whenever charges are filed against any licensee or whenever his application for a license is pending, a temporary permit may be issued by the Town Clerk, which temporary permit shall be effective for not more than 30 days.

(12) PENALTY. Any person who shall violate the provisions of this section shall, upon conviction thereof, pay a forfeiture to the Town of not less than $50 nor more than $100, together with costs of prosecution.

12.07 ADULT-ORIENTED ESTABLISHMENTS.

(1) DEFINITIONS. For the purpose of this ordinance, the following words and phrase shall mean:

(a) "Adult-oriented establishment", shall include, but is not limited to, "adult bookstores", "adult motion picture theaters, "adult mini-motion picture establishments", or "adult cabaret", and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(b) "Adult bookstore" means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines, other periodicals or toys or other novelties which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, including adult oriented films, movies or live performances, for observation by patrons therein.

(c) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme, or

distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", as defined below, for observation by patrons therein.

(d) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", as defined below, for observation by patrons therein.

(e) "Adult cabaret" means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

(f) "Town Board" means the Town Board for the Town of Ottawa, Wisconsin.

(g) "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated "specified sexual activities", or "specified anatomical areas", as defined below, or the removal of articles of clothing or appearing partially or totally nude.

(h) "Operators" means any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

(i) "Specified sexual activities" means simulated or actual:

1. showing of human genitals in a state of sexual stimulation or arousal;

2. acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;

3. fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(j) "Specified anatomical areas" means:

1. less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola;

2. human male genitals in a discernible turgid state, even if opaquely covered.

(2) LICENSE.

(a) Except as provided in subsection (d) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the Town of Ottawa without first obtaining a license to operate issued by the Town of Ottawa.

(b) A license may be issued only for (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult-oriented establishment must have a license for each.

(c) No license or interest in a license may be transferred to any person, partnership or corporation.

(d) All adult-oriented establishments existing at the time of the passage of this ordinance must submit an application for a license within ninety (90) days of the passage of this ordinance. If an application is not received within said ninety (90) day period, then such existing adult-oriented establishment shall cease operations.

(3) APPLICATION FOR LICENSE.

(a) Any person, partnership or corporation desiring to secure a license shall make application to the Town Clerk. The application shall be filed in triplicate with and dated by the Town Clerk. A copy of the application shall be distributed promptly by the Town Clerk to the Waukesha County Sheriff's Department and to the applicant.

(b) The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license shall furnish the following information under oath:

1. Name and address.

2. Written proof that the individual is at least eighteen (18) years of age.

3. The address of the adult-oriented establishment to be operated by the applicant.

4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state

of incorporation, the name and address of the registered agents and the name and address of all shareholders owning more than five percent (5%) of the stock in said corporation and all officers and directors of the corporation.

(c) Within twenty one (21) days of receiving an application for a license the Town Clerk shall notify the applicant whether the application is granted or denied.

(d) Whenever an application is denied, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held within ten (10) days thereafter before the Town Board, as hereinafter provided.

(e) Failure or refusal of the applicant to give any information relevant to the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with regard to any information required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

(4) STANDARDS FOR ISSUANCE OF LICENSE. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

1. The applicant shall be at least eighteen (18) years of age.

2. The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

1. All officers, directors and stockholders required to be named under Section 3(b) shall be at least eighteen (18) years of age.

2. No officer, director, or stockholder required to be named under Section 3(b) shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

(c) If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

2. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of the application.

(5) FEES. A license fee of TWO HUNDRED FIFTY AND 00/100 ($250.00) DOLLARS shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(6) DISPLAY OF LICENSE OR PERMIT. The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(7) RENEWAL OF LICENSE OR PERMIT.

(a) Every license issued pursuant to this Ordinance will terminate at the expiration of one (1) year from date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed promptly by the Town Clerk to the operator. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) A license renewal fee of TWO HUNDRED FIFTY AND 00/100 ($250.00) DOLLARS shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of ONE HUNDRED AND 00/100 ($100.00) DOLLARS shall be assessed against any applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(c) If the Waukesha County Sheriff's Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Clerk.

(8) REVOCATION OF LICENSE.

(a) The Town Board shall revoke a license or permit for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

2. The operator or any employee of the operator, violates any provision of this Ordinance or any rule or regulation adopted by the Town pursuant to this Ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Town Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

3. The operator becomes ineligible to obtain a license or permit.

4. Any cost or fee required to be paid by this Ordinance is not paid.

5. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.

(b) The Town Board, before revoking or suspending any license or permit, shall give the operator at least ten (10) days written notice of the charges against him, and the opportunity for a public hearing before the Town Board, as hereinafter provided.

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented

establishment for six (6) months from the date of revocation of the license.

(9) PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT. Any adult-oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(b) Construction. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.

2. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.

3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.

4. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

(c) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(10) RESPONSIBILITIES OF THE OPERATOR.

(a) Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act of omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent

failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employees of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(d) The operator shall maintain the premises in a clean and sanitary manner at all times.

(e) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

(f) The operator shall insure compliance of the establishment and its patrons with the provisions of this Ordinance.

(11) ADMINISTRATIVE REVIEW PROCEDURE. The Ixonia Municipal Code and State Law shall govern the administrative procedure and review regarding the granting, denial, renewal, non-renewal, revocation or suspension of a license.

(12) EXCLUSIONS. All private schools, and public schools, as defined in Chapter 115, Wisconsin Statutes, located within the Town of Ottawa are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(13) PENALTIES AND PROSECUTION. Any person who shall violate any provisions of this ordinance or who shall fail to obtain a license or permit as required hereunder shall be subject to penalty as provided in Section 25.04 of the Ixonia Municipal Code.