

**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)	ADULT ORIENTED ESTABLISHMENTS	\$250.00
(2)	ALCOHOL BEVERAGES	
(2) (a)	RETAIL CLASS A FERMENTED MALT BEVERAGES	\$ 25.00
(2) (b)	RETAIL CLASS B FERMENTED MALT BEVERAGES	\$100.00
(2) (a) (1) & (2) (b) (1)	PART TIME.	3/4 of the annual fee.
(2) (a) (2) & (2) (b) (2)	SPECIAL EVENT	\$ 10.00
(2) (c)	RETAIL CLASS A INTOXICATING LIQUOR	\$200.00
(2) (d)	RETAIL CLASS B INTOXICATING LIQUOR	\$400.00
(2) (e)	OPERATOR'S LICENSE	\$25/year.
(3)	AMUSEMENT DEVICES, GAMES & JUKEBOXES	\$40 each.
(4)	BICYCLES	\$2 for 2 years.
(5)	CLOSING-OUT SALES	
(5) (a)	FOR A PERIOD NOT EXCEEDING 15 DAYS	\$25.
(5) (b)	FOR A PERIOD OF UP TO 30 DAYS	\$50.
(6)	DIRECT SELLERS	
(6) (a)	INVESTIGATION FEE	\$25
(6) (b)	PEDDLER, CANVASSER, SOLICITOR	\$10/ one to 10 days
(6) (c)	TRANSIENT MERCHANT. (LICENSE EXPIRES EVERY DECEMBER 31.)	\$100/location.
(6) (a)	DOGS - NEUTERED MALES & SPAYED FEMALES	\$5
(6) (b)	DOGS -UNNEUTERED MALES & UNSPAYED FEMALES	\$10
(7)	NEWSRACKS	\$50
(8)	TAXICAB LICENSE	\$25 plus \$25 for each vehicle over one
(9)	TAXICAB DRIVER'S LICENSE	\$5

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) BONDS AND INSURANCE. All required bonds shall be executed by two (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 specified 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. The licensee or permittee 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) TOWN BOARD DETERMINATIONS. 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 ALCOHOL BEVERAGES, (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.

(a) WHEN REQUIRED. Except as provided by §125.06, Wis. Stats., no person shall within the Town, serve, sell, manufacture, rectify, brew or engage in any

other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See §125.04(1), Wis. Stats.

(b) SEPARATE LICENSE REQUIRED FOR EACH PLACE OF SALE. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See §125.04(9), Wis. Stats.

(3) CLASSES OF LICENSES AND FEES. The following classes and denominations of licenses may be issued by the Town Clerk under the authority of the Town Board upon compliance with law and payment of the fee herein specified which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced State statute.

(a) CLASS A FERMENTED MALT BEVERAGE RETAILER'S LICENSE. See §125.25, Wis. Stats.

(b) CLASS B FERMENTED MALT BEVERAGE RETAILER'S LICENSE. See §125.26, Wis. Stats.

1. Six Months. A Class B license may be issued at any time for 6 months in any calendar year for 314 of the applicable license fee. Such license shall not be renewable during the calendar year in which issued. See §125.26(5), Wis. Stats.

2. Special Event (Picnic). See §125.26(6), Wis. Stats.

(c) WHOLESALER'S FERMENTED MALT BEVERAGE LICENSE. May not exceed \$25 per year or fraction thereof. See §125.28, Wis. Stats.

(d) RETAIL CLASS A LIQUOR LICENSE. See §125.51(2), Wis. Stats. (Update 09/21/93)

(e) RETAIL CLASS B LIQUOR LICENSE. A retail Class B liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed 4 liters at anyone time to be consumed off the licensed premises. See §125.51(3), Wis. Stats.

1. A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.

2. The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued. See §125.51(9), Wis. Stats.

(f) CLASS C WINE LICENSE. A Class C wine license shall allow the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. The same regulations which

govern the sale of intoxicants by "Class B" license holders shall apply to Class C wine license holders. The fee for a Class C wine license shall be established by resolution approved of the Town Board, from time to time, but in all events shall be in conformance with the fees permitted by Ch. 125, Wis. Stats.

(g) **OPERATOR'S LICENSE.** See §125.17, Wis. Stats.

1. Operators' licenses may be granted to individuals by the Town Board for the purposes of complying with §125.32(2) and §125.68(2), Wis. Stats.
2. Operators' licenses may be issued only on written application on forms provided by the Town.
3. Operators' licenses shall be valid for one or 2 years and shall expire on June 30 of each year or on June 30 of the second year after issuance.

(4) **LICENSE APPLICATION.** (a) **FORM.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue and filed with the Town Clerk at least 15 days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(c) **APPLICATION TO BE NOTARIZED.** The application shall be signed and sworn to by the applicant as provided by §887.01, Wis. Stats.

(d) **PUBLICATION.** Prior to issuance of a license under this section, the Town Clerk shall publish notice of the application in the official Town newspaper.

(e) **DUPLICATE.** Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk to the State Department of Revenue.

(5) **LICENSE RESTRICTIONS.**

(a) **STATUTORY REQUIREMENTS.** Licenses shall be issued only to persons eligible therefor under §125.04 and §125.33(3)(b), Wis. Stats.

(b) **LOCATION.**

1. No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300' from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.
2. This paragraph shall not apply to premises licensed as such on June 30, 1947, nor to any premises licensed as such prior to the occupation of real property within 300' thereof by any school,

hospital or church building.

(c) **VIOLATORS OF LIQUOR OR BEER LAWS OR ORDINANCES.** No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or State liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under §125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) **HEALTH AND SANITATION REQUIREMENTS.** No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town Board.

(e) **LICENSE QUOTA.** The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in §125.61(4), Wis. Stats.

(f) **CORPORATIONS.** No corporation organized under the laws of this State or of any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of § 125.04(6), Wis. Stats.

(g) **AGE REQUIREMENT.** No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

(h) **EFFECT OF REVOCATION OF LICENSE.** Twelve months shall elapse before another license shall be granted to the person whose license was revoked.

(i) **DELINQUENT TAXES, ASSESSMENTS AND CLAIMS.** No license for the sale of alcohol beverages shall be granted for any premises in the Town for which real estate taxes, personal property taxes, special assessments or other claims of the Town are delinquent and unpaid or to any person delinquent in the payment of such real estate taxes, personal property taxes, special assessments or other claims, including forfeitures or judgments, to the Town.

(j) **ISSUANCE FOR SALES IN DWELLINGS PROHIBITED.** No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(6) **FORM AND EXPIRATION OF LICENSES.** All licenses

shall be numbered in the order in which issued and shall state clearly the specific premises for which granted, date of issuance, fee paid and name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law. The Town Clerk shall affix his affidavit as required by §125.04(4), Wis. Stats.

(7) TRANSFER OF LICENSES. (a) **AS TO PERSON.** No license shall be transferable as to licensee except as provided by §125.04(12), Wis. Stats.

(b) **AS TO PLACE.** Licenses issued under this section may be transferred to another premises once during any license year as provided in §125.04(12), Wis. Stats. Application for transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be \$10.

(c) **POST AND CARE OF LICENSES.** Every license or permit required under this section shall be framed, posted, and at all times displayed as provided in §125.04(10), Wis. Stats. No person shall post such license or permit upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(8) REGULATION OF LICENSED PREMISES AND LICENSEES. (a) **GAMBLING AND DISORDERLY CONDUCT PROHIBITED.** Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(b) **EMPLOYMENT OF UNDERAGE PERSON.** No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense, or give away any alcohol beverage.

(a) **SALES BY CLUBS.** No club shall sell alcohol beverages except to members and guests invited by members.

(b) **SAFETY AND SANITATION REQUIREMENTS.** Each licensed premises shall be maintained and conducted in a sanitary manner and a safe and proper place for the purpose for which used.

(9) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(a) If a retail Class A fermented malt beverage license, between 9 p.m. and 8 a.m.

(b) If a retail Class A intoxicating liquor license, between 9 p.m. and 8 a.m.

(c) If a retail Class B license, between 2 a.m. and 6 a.m. on weekdays and 2:30 a.m. and 6 a.m., Saturdays and Sundays. On January 1 premises operating under a

Class B license are not required to close. No package, container or bottle sales may be made after midnight.

(d) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, bowling alleys and golf courses, may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(10) REVOCATION AND SUSPENSION OF LICENSES.

(a) **PROCEDURE.** Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by §125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

(b) **EFFECT OF REVOCATION.** See sub. (5) (h) of this section.

(11) NONRENEWAL OF LICENSES. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Town Board.

(12) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

12.04 AMUSEMENT DEVICES, GAMES AND JUKEBOXES.

(1) LICENSE REQUIRED. No person shall own, possess, maintain, or permit to be maintained within the Town any amusement device, game, or juke box without being licensed under this section.

(2) DEFINITIONS. As used in this section, the following terms shall mean:

(a) **AMUSEMENT DEVICE.** Any device used for amusement which is coin operated or for which the owner, operator, custodian or bailee makes a charge for the use thereof, the successful play of which is accomplished to a substantial degree by the skill of the player. This definition includes, without limitation by enumeration, pinball game, marble game, or similar devices operated by plunger and spring, quiz game or similar devices, but specifically excluding "amusement games," and not including slot machines or other gambling devices.

(b) **AMUSEMENT GAME.** Any table shuffle board, skee ball, miniature baseball diamond, miniature basketball court, miniature bowling alley, poolette, or other games of like nature.

(c) **GAMBLING DEVICE.** Any instrument or device

used for gambling or playing any game of chance or skill for money or other thing of value.

(d) JUKE BOX. Any coin operated device furnishing music.

(e) SLOT MACHINE. Any instrument or device which is operated by the insertion of a coin or token, and which may entitle the operator to any money, token, merchandise or thing of value as a prize or reward for the result of such operation.

(3) APPLICATION FOR LICENSE. Any person desiring a license for any amusement device, game or jukebox shall file an application therefor with the Town Clerk on forms furnished by the Clerk. Such application shall be signed and sworn to by, the applicant, or by the president and secretary if applicant is a corporation, and shall " state the name and address of the premises in which the device, game or juke box is to be located and maintained, and such other information as the Town Board may require.

(4) ATTACHMENT TO DEVICES. Each license shall identify the licensee, the amusement device, game or jukebox licensed and the premises for which the license is issued. The Chief of Police shall keep a record of all licensees, amusement devices, games and juke boxes licensed and the location of the premises where such devices are located. Licenses shall not be transferable as to person, device or game, jukebox or premises.

(5) GAMBLING PROHIBITED. No gambling shall be permitted in any form with, by, or upon any amusement device or amusement game.

(6) PRIZES PROHIBITED. No money, tokens, merchandise or other thing of value as a prize or reward for any result of operation of any amusement device or game shall be offered or given to anyone who plays or engages in the play of an amusement device or game or to anyone else.

(7) DISTURBING THE PEACE. No amusement device, game or juke box shall be operated at any place or in any manner which will disturb the peace outside the premises where it is located, nor shall any immoral and indecent selections be played on any juke box in the Town.

12.05 DIRECT SELLERS.

(1) REGISTRATION REQUIRED. No direct seller shall engage in direct sales within the Town without being registered for that purpose as provided herein.

(2) DEFINITIONS. For the purposes of this section, the following words and phrases shall be defined as:

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

(b) DIRECT SELLER. Any individual who, for himself

or for a partnership, association or corporation, sells goods for or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such individual, partnership, association or corporation and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

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

(d) PERMANENT MERCHANT. A direct seller who, for at least one year prior to the consideration of the application of this section to such merchant, has continuously operated an established place of business in the Town, or has continuously resided in the Town and now does business from his residence.

(e) TRANSIENT MERCHANT. One who engages in the sale of merchandise at any place in the town temporarily and shall include the sale of fruit and vegetable products.

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

(b) Any person selling goods at wholesale to dealers in such goods.

(c) Any person selling agricultural products which such person has grown in the Town.

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such 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 such 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) Any employee, officer or agent of a charitable organization who engages in direct sales for or on

behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Wis. Stats. Any charitable organization not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.

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

(4) **REGISTRATION.** (a) Applicants for registration shall 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 the direct seller represents, is employed by or whose merchandise is being sold.
4. Temporary address and telephone number from which business shall 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 business.
8. Last cities, villages, and towns, not to exceed three (3), where applicant conducted similar business.
9. Place where applicant can be contacted for at least 7 days after leaving the Town.
10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's direct seller's business within the last 5 yrs.; the nature of the offense and the place of conviction.

(b) **APPLICANTS SHALL PRESENT TO THE CLERK FOR EXAMINATION:**

1. A driver's license or some other proof of identity as may be reasonably required.
2. A State certificate of examination and approval from the sealer of weights and measures where

applicant's business requires use of weighing and measuring devices approved by State authorities.

3. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall 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) **PAYMENT OF FEE REQUIRED.** At the time the registration is returned, the fee required by §12.01 shall be paid to the Clerk to cover the cost of processing such registration, and the applicant shall sign a statement appointing the Clerk his 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, if the applicant cannot, after reasonable effort, be served personally. 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. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. (5) (b) below.

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

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which, the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 yrs., the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of sub. (4) (b) above.

(6) **APPEAL.** Any person denied registration may appeal under the appeal procedure of Ch. 68, Wis. Stats.

(7) **REGULATION OF DIRECT SELLERS.**

(a) **PROHIBITED PRACTICES.**

1. A direct seller shall be prohibited from calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or person having authority over such premises.

2. 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 visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such 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' radius of the source.

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

6. All persons selling fruit or vegetable products in the Town must raise such products that are offered for sale on land either owned or rented by them. Proof of such ownership or rental of property shall be filed with the Town Clerk at the time the application for such license or permit is filed. Any person selling fruit or vegetable products at a location on a public highway adjacent to any property not owned or rented by him shall file with the Town Clerk at the time the application for the license or permit is filed, written permission from the owner of such land permitting such sales to take place.

(b) DISCLOSURE REQUIREMENTS.

1. After initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, name of the company or organization he is affiliated with, if any, and the identity of goods or services he 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 §423.203, Wis. Stats., the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is

taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) RECORDS. The Chief of Police shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

(9) REVOCATION OF REGISTRATION. (a) Registration may be revoked by the Town Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application of registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this section 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; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

12.06 ADULT ORIENTED ESTABLISHMENTS.

(1) DEFINITIONS. The following terms shall have the meanings indicated below:

(a) **ADULT BOOKSTORE.** An establishment having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals 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.

(b) **ADULT CABARET.** A cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

(c) **ADULT ENTERTAINMENT.** 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.

(d) **ADULT MINI-MOTION PICTURE THEATER.** An

enclosed building with a capacity of less than 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 MOTION PICTURE THEATER. An enclosed building with a capacity of 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.

(f) ADULT-ORIENTED ESTABLISHMENT. Includes, but is not limited to, "adult bookstores", "adult motion picture theaters", "adult mini-motion picture establishments", or "adult cabarets", 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.

(g) BOARD. The Town Board for the Town of Brookfield, Waukesha County, Wisconsin.

(h) OPERATORS. Any person, partnership or corporation operating conducting, maintaining or owning any adult-oriented establishment.

(i) SPECIFIED ANATOMICAL AREAS.

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.

(j) SPECIFIED SEXUAL ACTIVITIES. 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.

(2) LICENSE. (a) Except as provided in sub. (d) below, from and after the effective date of this section, no adult-

oriented establishment shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town.

(b) A license may be issued only for one 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 shall 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 section shall submit an application for a license within 90 days thereafter.

(3) APPLICATION FOR LICENSE. (a) Any person 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 Town Police 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 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, date and state of incorporation, name and address of the registered agent and all shareholders owning more than 5% of the stock and all officers and directors of the corporation.

(c) Within 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 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the 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.

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

1. If the applicant is an individual:
 - a. The applicant shall be at least 18 years of age.
 - b. The applicant shall not have been found to have previously violated this section within 5 years immediately preceding the date of the application.
2. If the applicant is a corporation:
 - a. All officers, directors, and stockholders required to be named under § 3(b) shall be at least eighteen (18) years of age.
 - b. No officer, director, or stockholder required to be named under par. (3)(b) shall have been found to have previously violated this section within 5 years immediately preceding the date of the application.
3. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
 - a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.
 - b. 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 section within 5 years immediately preceding the date of application.

(5) FEES. The license fee in § 12.01 shall be submitted with the application for a license. If the application is denied, one-half of the fee shall be returned.

(6) DISPLAY OF 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 section will terminate at the expiration of one year from date of issuance, unless sooner revoked, and shall 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 shall be filed not later than 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) The license renewal fee in §12.01 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100 shall be assessed against any applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the total fees collected shall be returned.

(c) If the Town Police 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 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 section or any rules or regulation adopted by the Board pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
 3. The operator becomes ineligible to obtain a license or permit.
 4. Any cost or fee required to be paid by this section 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 Board, before revoking or suspending any license or permit, shall give the operator at least 10 days written notice of the charges against him and the opportunity for a public hearing before the Board, as provided below.
- (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 year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for 6 months from the date of revocation of the license.

(9) PHYSICAL LAYOUT OF ADULT-ORIENT 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 6' and be light colored, nonabsorbent, smooth textured and easily cleanable.
4. The floor shall be light colored, nonabsorbent, smooth textured and easily cleanable.
5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of 10 foot candles at all times, as measured from the floor.

(c) **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 OPERATOR.** (a) Every act or omission by an employee constituting a violation of any provision of this section shall be deemed the act or 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 this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employees of an adult-oriented establishment shall allow any minor to loiter around, 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 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 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 section.

(11) **ADMINISTRATIVE REVIEW PROCEDURES.** The Town Code of Ordinances 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 and public schools, as defined in Ch. 115, Wis. Stats., located within the Town are exempt from obtaining a license hereunder when instructing pupils in sex education as part of the curriculum.

(13) **PENALTIES AND PROSECUTION.** Any person who shall violate any provisions of this section or who shall fail to obtain a license or permit as required hereunder shall be subject to penalty as provided in §25.04 of this Code of Ordinances.

12.07 DOGS AND OTHER DOMESTICATED ANIMALS. (Cr. 06/07/1994)

(1) **PUBLIC POLICY.** It is hereby declared necessary in the interests of public health, safety, and welfare that the keeping of dogs and other domesticated animals within the Town be regulated to prevent them from becoming public nuisances.

(2) **DOGS RUNNING AT LARGE.** (a) **LEASH REQUIRED.** No owner or keeper of any dog shall permit the same to run at large at any place within the Town unless accompanied by and under the control of the owner or keeper, or any member of the household, of such dog. For purposes of this section, a dog shall not be deemed to be under control unless the dog is secured by a leash or other restraining device. This section shall not prevent any dog running at large upon premises owned or occupied by the owner or keeper of such dog.

(b) **RESIDENCE LIMITED TO TWO DOGS.** No person shall keep more than two (2) dogs over the age of 5 months upon any premises within any residential district within the Town, except in a dog pound or licensed kennel. The residential district is any part of

the Town in which two (2) or more occupied residences are within 500' of each other. Premises include contiguous lands owned or occupied by the same owners or tenants.

(c) **CARE OF DOGS.** The owner or keeper of any dog shall properly water and feed it at regular intervals and shall keep the premises occupied by it in a sanitary condition.

(d) **DOG PROHIBITION.** No owner or keeper of any dog shall permit, for any reason whatsoever, their dog to be upon any grounds or premises publicly owned by the Town used for park and recreation purposes, except persons who are led by a dog specially trained to lead blind persons.

(e) No owner or keeper of any dog shall permit or allow the dog to:

1. Excessively bark, yelp or howl so as to annoy or disturb any neighbor or neighborhood.
2. Deposit feces on any public or private property unless immediately picked up by the owner or keeper, his own property excepted.

(3) **CATS.** (a) **RESIDENCE LIMITED TO TWO CATS.** No person shall keep or maintain more than two (2) cats over the age of 6 months in any household in the Town.

(b) **RUNNING AT LARGE PROHIBITED.** No owner or keeper of any cat shall permit or allow his cat to run at large within the Town. The definition of running at large in subpar. (2) above is applicable in the paragraph.

(4) **HARBORING CERTAIN ANIMALS PROHIBITED.** No person shall own, harbor or keep any dog, cat or other animal in a domesticated environment which:

- (a) Habitually pursues any vehicle upon any public street, alley or highway or is allowed to run at large.
- (b) Assaults or attacks any person.
- (c) **IS VICIOUS.** A showing that a dog or other animal has bitten, attacked or injured any person shall constitute a prima facie showing that such dog or animal is vicious.
- (d) Habitually barks, crows, cries, screeches, howls or makes any other loud or annoying sound which greatly disturbs the peace and quiet of a neighborhood or of any 2 or more persons within the Town.
- (e) Has not been licensed as required by the ordinances of the Town and the laws of the State.

(5) **DOG LICENSE.** Every owner of a dog more than 5 months of age on January 1 of any year shall annually, at the time and in the manner provided by law, pay for dog license tax and obtain a license therefor. The license year shall commence on the first day of each January and end

on the 31st day of the following December.

(6) CONFINEMENT AND DISPOSITION.

(a) **CONFINEMENT OF OFFENDING, OR RUNNING ANIMALS.** The Police Department or any officer appointed by the Town Board may apprehend any dog or other animal found running at large within the Town or which does any of the things prohibited under sub. (3), except par. (c), and confine the same in a suitable place.

(b) **DISPOSITION OF UNCLAIMED ANIMALS.** The Police Department or the keeper of a pound shall keep all dogs or other animals apprehended for 7 days (unless sooner claimed by the owner or keeper). If any dog or other animal is not reclaimed by the rightful owner within such time, the dog or other animal may be delivered to the Humane Society.

(c) **OWNER TO PAY COSTS.** The owner or keeper of any animal so confined in the pound may reclaim such animal at any time before the same is disposed of upon payment of all costs and charges incurred by the Town in impounding and keeping such animal.

12.08 TAXICABS AND TAXI DRIVERS.

(1) **CERTIFICATE OF PUBLIC CONVEYANCE AND CERTIFICATE REQUIRED.** No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the Town without having first obtained a certificate of public convenience and necessity from the Town Board.

(2) **APPLICATION FOR CERTIFICATE.** An application for a certificate shall be filed with the Town Clerk upon forms provided by the Town. Such application shall be verified under oath and shall furnish the following information.

- (a) The name and address of the applicant.
- (b) Financial status of the applicant, including amounts of all unpaid judgments against the applicant and nature of the transaction or acts giving rise to the judgments.
- (c) The experience of the applicant in the transportation of passengers.
- (d) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (f) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (g) Such further information as the Town Board may require.

(3) **PUBLIC HEARING.** Upon the filing of an application,

the Town Board shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and all persons to whom certificates of public convenience and necessity have been issued. Due notice shall also be given to the general public by publishing a notice of such hearing in the official newspaper used by the Town for the publication of notices at least once each week for 2 successive weeks prior to the date of the hearing. Any interested person may file with the Town Clerk a memorandum in support of or opposition to the issuance of a certificate.

(4) ISSUANCE OF CERTIFICATE. If the Town Board finds that further taxicab service in the Town is required by the public convenience and necessity and the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this section, Board shall issue a certificate stating the name and address of the applicant, number of vehicles authorized under the certificate and date of issuance, otherwise, the application shall be denied. In making the above findings, the Town Board shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant.

(5) LIABILITY INSURANCE REQUIRED. No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to write such policies in Wisconsin, for each vehicle authorized in the amount of \$100,000 for bodily injury to anyone person, in the amount of \$300,000 for injuries to more than one person which are sustained in the same accident and \$10,000 for property damage resulting from anyone accident.

(6) LICENSE FEES. No certificate shall be issued or continued in operation unless the holder thereof has paid the annual license fee in §12.01. License fees shall apply to the license year ending June 30th of each year and shall be in addition to any other license fees or charges established by proper authority and applicable to said holder or the vehicle or vehicles under this operation and control.

(7) TRANSFER OF CERTIFICATE. No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the Town Board.

(9) SUSPENSION AND REVOCATION OF CERTIFICATES. A certificate issued under this section may be revoked or suspended by the Town at any time when, in its judgment, the public safety so requires. Prior to suspension or revocation, the holder shall be given notice of the

proposed action to be taken and have an opportunity to be heard.

(10) TAXICAB DRIVER'S LICENSE. No person shall operate a taxicab for hire upon the streets of the Town, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the Town shall be so driven at any time for hire unless the driver of the taxicab has obtained and has then in force a taxicab driver's license issued under this section.

(11) APPLICATION FOR DRIVERS LICENSE. (a) An application for a taxicab driver's license shall be filed with the Town Clerk on forms provided by the Town and such application shall contain the following information, verified under oath:

1. The experience of the applicant in the transportation of passengers.
2. A concise history of his employment.

(b) Each application shall be accompanied by a certificate from a reputable physician certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

(12) EXAMINATION OF APPLICANT AND CURRENT STATE MOTOR VEHICLE OPERATOR'S PERMIT REQUIRED. Before any application is finally passed upon by the Town Board, the applicant shall be required to pass a satisfactory examination as to his knowledge of the Town and prove he has a current motor vehicle operator's permit issued by the State of Wisconsin.

(13) POLICE INVESTIGATION OF APPLICANT'S TRAFFIC AND POLICE RECORD. The Police Department shall conduct an investigation of each applicant for a taxicab driver's license and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Town Board.

(14) CONSIDERATION OF APPLICATION. The Town Board shall, upon consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Town Board to offer evidence why his application should be reconsidered.

(15) ISSUANCE OF LICENSE, DURATION, ANNUAL FEE. Upon approval of an application for a taxicab driver's license, the Town Board shall issue a license to the applicant which shall bear the name, address, color, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the license year ending June 30th. A license for every license year thereafter ending June 30th shall be issued upon the payment of the fee in §12.01 unless the license for the

preceding license year has been revoked.

(16) DISPLAY OF LICENSE. Every driver licensed under this section shall post his driver's license in full view of all passengers while such driver is operating a taxicab.

(17) SUSPENSION AND REVOCATION OF LICENSE. The Town Board may suspend any driver's license issued under this section for a driver's failing or refusing to comply with the provisions of this section, such suspension to last for a period of not more than 30 days. The Town Board may revoke any driver's license for failure to comply with the provisions of this section. However, a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.

(18) FAILURE TO COMPLY WITH LOCAL, STATE AND FEDERAL LAWS. Every driver licensed under this section shall comply with all Town, State, and federal laws. Failure to do so will justify the Town Board suspending or revoking a license.

(19) VEHICLE EQUIPMENT AND MAINTENANCE.

(a) INITIAL INSPECTION. Prior to the use and operation of any vehicle under the provisions of this section, the vehicle shall be thoroughly examined and inspected by the Police Department and found to comply with such reasonable rules and regulations as may be prescribed by the Town Board. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices, as the Town Board shall deem necessary therefor.

(b) PERIODIC INSPECTIONS. Every vehicle operating under this section shall be periodically inspected by the Police Department at such intervals as shall be established by the Town Board to insure the continued maintenance of safe operating conditions.

(c) VEHICLES TO BE KEPT IN CLEAN AND SANITARY CONDITION. Every vehicle operating under this section shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the Town Board.

(20) DESIGNATION OF TAXICABS. Each taxicab shall bear on the outside of each rear door the name of the owner, in painted letters readable from a distance of 20'; and may also bear an identifying design approved by the Town Board. No vehicle shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the Town Board, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this section in such a manner as to be misleading or tend to deceive or defraud

the public and after a license has been issued for a taxicab hereunder, if the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the Town Board, in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked.

(21) REFUSAL TO CONVEY PROHIBITED. No driver shall refuse or neglect to convey any orderly person or persons upon request, unless previously engaged or unable or forbidden by the provisions of this section to do so.

(22) POSTING OF FARE SCHEDULE REQUIRED. Every taxicab shall have posted in the passenger compartment and in a conspicuous place plainly visible to all occupants of the taxicab a card showing the rate of fare under which the taxicab operates.

(23) COMPLAINTS AND HEARING. If any owner fails to furnish reasonable safe and adequate service for the accommodation of the public or if such fact shall appear by written complaint of any interested party, filed with the Town, the Board may hold a hearing thereon after notice to the licensee. If the record in such hearing discloses any failure to furnish reasonable safe and adequate service for the accommodation of the public, the Town Board may order the owner to make any reasonable changes in and additions to its service so as to provide reasonably safe and adequate service, or may revoke the license of any operator or the certificate of any owner.

12.09 CLOSING-OUT SALES. (1) LICENSE REQUIRED. No person shall conduct, in the Town, a "closing-out sale" of merchandise until a license therefor is obtained from the Town.

(2) DEFINITIONS. The following terms shall have the meanings indicated below:

(a) CLOSING-OUT SALE. The retailing or advertising for retail any merchandise of a bankrupt, insolvent, assignee, liquidator, adjuster, administrator, trustee, executor, receiver, wholesaler, jobber, manufacturer or of any business that is in liquidation, closing out, closing or disposing of its stock or a particular part or department thereof, has lost its lease or been or is being forced out of business, disposing of stock on hand because of damage by fire, water, smoke or other cause, or for any reason is forced to dispose of stock on hand.

(b) DECEPTIVE ADVERTISING. It is deceptive advertising to represent the retailing of merchandise to be a selling-out or closing-out sale if the merchandise is not of a bankrupt, insolvent, assignee, liquidator, adjuster, administrator, trustee, executor, receiver, wholesaler, jobber, manufacturer or business in

liquidation which is closing out, closing or disposing of its stock, has lost its lease or been or is being forced out of business or is disposing of stock on hand because of damage by fire, water or smoke. This subsection does not apply to any "closing-out sale" of seasonable merchandise or any merchandise having a designated model year, if the person conducting the sale is continuing in business.

(c) **UNFAIR TRADE METHOD.** It is an unfair trade method of competition in business to represent the retailing of merchandise to be a selling-out or closing-out sale if the merchandise is not of a bankrupt, insolvent, assignee, liquidator, adjuster, administrator, trustee, executor, receiver, wholesaler, jobber, manufacturer or any business in liquidation closing out, closing or disposing of its stock, has lost its lease, been or is being forced out of business or is disposing of stock on hand because of damage by fire, water or smoke. This subsection does not apply to any "closing-out sale" of seasonable merchandise or any merchandise having a designated model year, if the person conducting the sale is continuing in business.

(3) **APPLICATION.** (a) **AFFIDAVIT TO BE FILED.** Every person requiring a closing-out sale license shall make application in writing to the Town Clerk on a form provided by the Clerk and attach thereto an inventory containing a complete and accurate list of the stock of goods, wares and merchandise on hand to be sold at such sale and an affidavit by the applicant for such license or his agent from which it shall appear that the information set forth in the inventory is true and correct to the knowledge of the person making the affidavit. The application shall further set forth all taxes previously levied or assessed on such stock of goods in the inventory, whether against the applicant or any former owner thereof, and no license shall be granted until all taxes owing as a result of assessment or levy have been paid, regardless of whether or not the taxpayer shall have elected to pay the personal property taxes on the installment plan. No additional goods, wares, or merchandise shall be added to the stock of merchandise listed in the inventory as provided herein for the purpose of sale as part of the closing out sale.

(b) **INVENTORY.** The affidavit shall include the names and addresses of the principals, such as the partners, officers, directors, the principal stockholders owners of the business and the inventoried merchandise. The inventory shall contain the cost price of the respective articles enumerated therein, together with the date of purchase or purchases and the identity or identities of the seller or sellers. If the goods, wares and merchandise were purchased by the applicant or the person acting as agent for a lump sum or other circumstances that make the listing of the cost price for

each article impracticable, the inventory shall state the lump sum paid for the goods, wares and merchandise and the circumstances of their purchase.

(4) **DATE OF SALE.** Such application shall contain a time and date of sale, shall not exceed 30 days unless such sale is extended by the Town Board for not to exceed 30 days. Any change or extension of the date of sale shall be granted only if applicant files an affidavit with the Clerk that no newly added merchandise will be sold as a part of such sale. A request for extension of the date of the sale shall be accompanied by an additional fee of \$ 50.

(5) **FEES.** The applicant shall pay all fees for closing-out sales, as presented in §12.01 of this chapter, to the Clerk before any such sale is advertised.

(6) **MERCHANDISE PRICE.** Only merchandise in the possession of the applicant for a period of at least 28 days prior to the commencement of the sale shall be offered for sale. Such merchandise shall be sold at the price of such merchandise in the place of business of the applicant immediately prior to the commencement of such sale.

(7) **EXEMPTIONS FROM LICENSES.** Sales by public officers or under judicial process are exempt from compliance with this section.

(8) **ALL MUNICIPAL FEES PAID.** No license under this section shall be issued until applicant has paid all charges or any other fees owed to the Town at the time of application.

(9) **ISSUANCE OF LICENSE.** The Town Board shall act upon such application at its next regularly scheduled meeting after the Clerk has determined the application is in order and all fees and charges have been paid.

(10) **PENALTIES.** Any person who sells, offers or exposes for sale any merchandise in violation of this section or merchandise not listed in the inventory on file with the Town Clerk, violates the dates or terms of such sale or violates any other provision of this section shall be subject to a penalty for each violation as provided in §25.04 of this Code of Ordinances.

12.15 NEWSRACKS. (1) **DEFINITION.** A newsrack is any outside container designed to receive newspapers or similarly printed materials which have a general circulation throughout the Town. Such devices may be freestanding or attached to the sides of buildings, posts, mailbox posts, or other outside structures.

(2) **LICENSE REQUIRED.** No person shall place or maintain a newsrack on public property within the Town limits without first procuring a license as provided by this section. No license shall be granted until the required fee has been paid and a completed application is filed with the Clerk and approved by the Plan Commission.

(3) **APPLICATION.** An application for a newsrack permit shall be made in writing to the Town Clerk on forms

furnished by the Clerk. The application shall include such information as may be required by the Town Clerk, including the location or locations of the newsracks, the size and color of the newsracks, and the name and address from which the business of the applicant is conducted. The application shall be signed by the owner of the business or his agent and shall be accompanied by the fee in §12.01.

(4) REGULATION. (a) NEWSRACK LOCATION. No newsrack on public property shall be located:

1. Within 15' of any fire hydrant, fire or police alarm box or other emergency facility.
2. Within 15' of any marked crosswalk or driveway.
3. Where it restricts access to a bus shelter or bench.
4. Where it interferes with loading or unloading at the front and rear doors of buses.
5. On any handicap access ramp.
6. In such a manner as to reduce the clear space for the passageway of pedestrians on sidewalks to a continuous and unobstructed width of less than 6 feet.
7. On the right-of-way of any street where parking is prohibited on both sides for all or any portion of the day or within 50 feet of such street on the right-of-way of any intersecting street.
8. In any location which would violate the terms of any other provision of this Code of Ordinances.

(b) NEWSRACKS ON PUBLIC STREET RIGHT-OF-WAY SHALL BE PLACED:

1. Not more than one foot back from the place of the curb; or
2. Not more than 6" from a public utility pole or a traffic sign pole located near the curb; or;
3. Parallel to the wall of a building and not more than 6" from the wall. News racks placed near the curb shall be placed so that the opening through which newspapers or news periodicals are dispensed does not face the curb line;
4. No newsracks shall exceed 5' in height or 2' in depth;
5. A licensed newsrack may be moved to a new site without a new application and fee provided a site plan showing the exact new location is filed with the Building Inspector no later than the next Town business day after the move and placement of the newsrack at the new site is in compliance with this section and any other applicable requirements.
6. In any location which would violate the terms of any other provision of this Code of Ordinances.

(5) DETERMINATION. The Plan Commission shall review all new and renewal applications applying the criteria of sub. (3) above. If an application is denied, the Plan Commission shall notify the applicant in writing its reasons for refusing to issue a license. An applicant may appeal the findings of the Plan Commission to the Town Board.

(6) VIOLATION. Any person placing a newsrack contrary to the provisions of this section will be given written notice by the Building Inspector advising that the newsrack will be removed by the Town within 10 days of receipt of the notice unless the newsrack is brought into compliance with this section and is licensed or the owner requests a hearing before the Plan Commission. If there is no such request, the Building Inspector is authorized to remove the newsrack after the expiration of the 10-day period. In emergency cases where the Building Inspector determines that a newsrack has been placed on public property so as to unreasonably interfere with or impede the flow of vehicular or pedestrian traffic, the Town may immediately remove the newsrack subject to a later hearing before the Plan Commission. Nothing in this section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of this section.

12.16 PENALTY. In addition to the suspension or revocation of any license or permit issued under this chapter any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.