

## **Title 5**

### **BUSINESS REGULATIONS AND LICENSES**

#### **Chapters:**

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## Chapter 5.04

### CERTAIN BUSINESSES PROHIBITED

#### Sections:

#### **5.04.010 Certain Businesses Prohibited.**

#### **5.04.010 Certain Businesses Prohibited.**

A. It is unlawful for any person, firm or corporation to establish, operate or maintain any dog kennel, tannery, slaughterhouse, or commercial greenhouse, within five hundred (500) feet of any residence, church or schoolhouse in the Village.

B. It is also unlawful for any person, firm or corporation to establish, operate or maintain any garbage disposal works or dumps, or deposit or dump garbage or other refuse injurious to health within the corporate limits of the Village, except in places and at times prescribed by the Village Board.

C. Any person, firm or corporation who violates any provision of this Section shall be subject to penalty as provided in Section 1.12.010. (Prior Code § 8.06).

## Chapter 5.08

### EXHIBITIONS, SHOWS, AMUSEMENTS

#### Sections:

**5.08.010 License Required.**

**5.08.020 License Application And Fee.**

#### **5.08.010 License Required.**

No person or persons shall exhibit to public view for which an admission charge will be made, within the Village, any animal or animals, wax or other figures or painting, feats or circus, riding, rope or wire dancing, sleight of hand performance, or any circus, caravan, shooting gallery, carousel, or any other exhibition, show or amusement, or carry on or operate or be concerned in carrying on or operating within the Village any such show, exhibition or business hereinbefore specified, without being first thereunto duly licensed. (Part of Ord. passed 9/27/73; prior Code § 8.01).

#### **5.08.020 License Application And Fee.**

Any person or persons within the provisions of Section 5.08.010 shall, prior to engaging in any such exhibition or putting on any show or amusement, make application to the Village Clerk for a license thereof. Said application shall be in writing and signed by the person or persons making such application and the person or persons making application shall pay a license fee of one hundred dollars (\$100.00) to the Village Treasurer. Churches, service organizations, seasonal businesses, and any other not for profit organizations duly licensed by the State, shall pay a license fee of one dollar (\$1.00). All persons making application for said license, at the time of application, shall file with the Village Clerk adequate evidence that sufficient liability insurance coverage is provided for the protection of the public.

(Ord. 2019-7-1 (part); Ord. 2015-6-3; Part of Ord. passed 9/27/73; prior Code § 8.02).

## Chapter 5.12

### CIGARETTE AND TOBACCO PRODUCTS RETAILER LICENSE

#### Sections:

**5.12.010 Requirement.**

**5.12.020 Application.**

**5.12.030 State Statutes Adopted.**

**5.12.010 Requirement.**

No person shall engage in, sell, barter, dispose of, or give away any cigarettes or tobacco products within the Village without first securing from the Village Clerk the required license. The fee for such license shall be provided in Section 3.06.010(F) of this Code and shall be paid at the time of application.

(Ord. 2015-6-12; Ord. 2009-4-1; Ord. 2007-8-1; Ord. 2003-10-4; Ord. 99-1-2; Ord. 95-11-1; prior Code § 17.01).

**5.12.020 Application.**

Applications for the same shall be made upon forms furnished by the State of Wisconsin Department of Revenue and by the Village Clerk. (Ord. 2015-6-12; Ord. 2009-4-1; Prior Code § 17.02).

**5.12.030 State Statutes Adopted.**

The provision of Chapter 134.65, Wisconsin Statutes, as may be from time to time amended, relating to the licensing of cigarette and tobacco products retailers, except paragraph 134.65 2(b), are adopted and made part of this Chapter by reference. (Ord. 2009-4-1; Prior Code § 17.03).

## Chapter 5.16

### PEDDLERS, SOLICITORS, CANVASSERS AND TRANSIENT MERCHANTS\*

#### Sections:

- 5.16.010 Declaration Of Purpose.**
- 5.16.020 Definitions.**
- 5.16.030 Exemptions.**
- 5.16.040 Permit Required.**
- 5.16.050 Application For Permit.**
- 5.16.060 Granting Permit.**
- 5.16.070 Denial Of Permit.**
- 5.16.080 License Fee.**
- 5.16.090 Exhibiting Permit.**
- 5.16.100 Bond.**
- 5.16.110 Regulation Of Direct Sellers And Solicitors.**
- 5.16.120 Permit--Revocable When.**
- 5.16.130 Appeal.**
- 5.16.140 Penalties.**
- 5.16.150 State Law Effective.**

\* Prior Ordinance history: prior Code § 8.23(1) through 8.23(12).

#### **5.16.010 Declaration Of Purpose.**

The purpose of this Chapter is to regulate the activities of peddlers, solicitors, canvassers and transient merchants in the interest of the health, safety, prosperity and general welfare of the residents of the Village. (Ord. 76-3-2 (part)).

#### **5.16.020 Definitions.**

When used in this Chapter the following terms shall have the following meanings:

A. "Transient Merchant" includes anyone who engages in, does or transacts any temporary or transient business in the Village, either in one location or by moving from place to place in the Village, and whether or not for the purpose of carrying on such temporary or transient business, the transient merchant hires, leases, occupies or uses a building, structure, vacant lot or vehicle for the exhibition and sale of goods, wares and merchandise.

B. "Solicitor" includes any person going from place to place, or from house to house, or who stands in any street or public place, soliciting funds or taking orders or offering to take orders for the sale of goods, wares and merchandise or who engages a room or space on a temporary basis of less than ninety (90) days for soliciting by telephone for funds or for the sale of merchandise or services of any kind.

C. "Hawker" and "Peddler" include all persons who go about the Village from place to place transporting goods, wares or merchandise for the purpose of vending, selling, disposing or delivering the same to any person or persons. (Ord. 76-3-2 (part)).

#### **5.16.030 Exemptions.**

A. This Chapter shall not apply to the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of resident merchants or their employees in delivering goods in the regular course of business, nor shall this Chapter apply to any farmer or truck gardener who shall vend, sell or dispose of the products of the farm or garden occupied and cultivated by him.

B. This Chapter shall not prohibit any sale required by Statute or order of any Court or prevent any person conducting bona fide auction sales pursuant to law, nor shall this Chapter apply to any disabled person or any other person or organization that is exempt under Section 440.42(5) of Wisconsin Statutes.

C. This Chapter shall not apply to any community activity, program or festival for which a permit is granted by the Village Board. (Editorially amended per approval by Village Board 7/8/96; Ord. 85-6-1 (part); Ord. 83-9-1; Ord. 76-3-2 (part)).

#### **5.16.040 Permit Required.**

Except for activities involving sales, solicitations or other transactions between business or commercial enterprises, no transient merchant, solicitor, hawker or peddler shall vend, sell, dispose of or solicit funds, or orders for the sale of goods or services without first having applied for and obtained a permit from the Chief of Police. (Ord. 2009-8-1; Ord. 85-6-1 (part); Ord. 76-3-2 (part)).

#### **5.16.050 Application For Permit.**

A. Applicants for a permit under this Chapter must file with the Chief of Police a sworn application in writing on a form to be furnished by the Village Clerk which shall give the following information:

1. Name and address of applicant;
2. Permanent home address and full local address of the applicant and in the case of transient merchants, the local address from which proposed sales will be made;
3. The name and address of the applicant's employer, together with credentials establishing the exact relationship;
4. Name and contact information for team leader/supervisor;
5. The length of time for which the right to solicit or do business is desired;
6. The nature or character of the goods, wares, merchandise or services to be offered by the applicant;
7. The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivering;
8. A copy of the applicant's photo identification card;
9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any Municipal Ordinance in which the offense shall relate to the nature of the activities for which an application for permit is being made;
10. The three (3) cities or Villages where applicant solicited or carried on business immediately preceding date of application and addresses from which such business was conducted in those municipalities.

B. At the time of filing of the application a fee as provided in Section 3.06.010(I)(2) shall be paid to the Village Treasurer to cover the cost of administration of such permit.

(Ord. 2015-6-1; Ord. 2004-1-1; Ord. 85-6-1 (part); Ord. 76-3-2 (part)).

#### **5.16.060 Granting Permit.**

If the Chief of Police shall determine after reasonable investigation for the protection of the public that the applicant is of good moral character and proposes to engage in a lawful and legitimate enterprise, he shall then issue the permit applied for, which permit shall be valid for such period of time as is indicated on the permit. The determination by the Chief of Police shall be made within ninety-six (96) hours after the application is submitted. (Ord. 76-3-2 (part), 1976).

#### **5.16.070 Denial Of Permit.**

If as a result of investigation, in the interest of the public safety and welfare, the character or business responsibility of the applicant is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and reasons for same and shall notify the applicant of the disapproval.

(Ord. 76-3-2 (part)).

**5.16.080 License Fees.**

If the Chief of Police approves a permit to the applicant, the applicant shall, before they engage in the activity for which the permit is issued pay to the Village Treasurer an annual license fee as provided for in Chapter 3.06.010(I)(1) and such fee shall be paid at the time of the issuance of the permit. Permit term expires December 31 of each year. (Ord. 2015-6-1; Ord. 2004-1-1 § 2; Ord. 2001-7-3; Ord. 76-3-2 (part)).

**5.16.090 Exhibiting Permit.**

The permit issued to the applicant shall be carried at all times by the applicant to whom issued when engaging in the soliciting, canvassing, hawking or peddling in the Village and shall be exhibited by any such applicant whenever he or she shall be required to do so by any Police Officer or any person solicited. (Ord. 76-3-2 (part)).

**5.16.100 Bond.**

Every applicant not a resident of the Village or who, being a resident, represents a firm or organization whose principal place of business or activity is located outside of the State of Wisconsin, shall file with the Village Clerk a surety bond running to the Village in the amount of one thousand dollars (\$1,000.00) with surety acceptable to and approved by the Village President, conditioned that the applicant shall comply fully with the Ordinances of the Village and Statutes of the State regulating and concerning peddlers, solicitors, canvassers and transient merchants and guarantee to any resident of the Village that all moneys paid will be accounted for and applied according to the representations of the solicitor and further guarantee to any resident of the Village doing business with such solicitor, canvasser, peddler or transient merchant that the property purchased will be delivered according to the representations of the solicitor or canvasser. Action on any such bond may be brought in the name of the Village to the use or benefit of the aggrieved person. (Ord. 2015-6-1; Ord. 76-3-2 (part)).

**5.16.110 Regulation Of Direct Sellers And Solicitors.**

A. No person who shall be granted a permit under this Chapter shall, except by appointment, call at any residential dwelling or engage in the permitted activity after the hour of eight (8:00) in the evening nor before ten (10:00) in the morning.

B. No person shall call at or solicit any dwelling where there is a sign displayed bearing the words “No Solicitors” or “No Peddlers,” or words of similar meaning, or remain on any premises after being asked to leave by the occupant or any other person having any authority over such premises.

C. A direct seller representing a charitable organization shall specifically disclose what portion of the price of goods or merchandise being offered shall actually be used for the charitable purpose represented by the solicitor. Such portion shall be expressed as a percentage of the total price of the goods, wares or merchandise.

D. Any person shall, upon request of the resident or owner, display a copy of the permit issued under this Chapter. Any person who shall solicit or offer to sell shall immediately disclose his name, name of company or organization represented, and the purpose of the solicitation. (Ord. 2001-7-3 § 2; Ord. 85-6-1 (part); Ord. 76-3-2 (part)).

**5.16.120 Permit--Revocable When.**

Any permit issued under the provisions in this Chapter may be revoked by the Chief of Police for violation by the holder thereof, of any of the Ordinances of the Village, or of any state or federal law, or whenever the holder of such permit shall, in the judgment of the Chief of Police, cease to possess the qualification required by this Chapter for the issuance of such permit, or if there has been any fraud, misrepresentation or false statement contained in the application for permit or any fraud, misrepresentation or false statement made in the course of carrying on the activity for which a permit was issued. (Ord. 76-3-2 (part)).

**5.16.130 Appeal.**

Any person who shall be denied a permit by the Chief of Police may file notice of appeal with the Village Clerk, who shall refer the matter to the police and safety committee of the Village Board for the initial consideration, and initial determination may be reviewed by an administrative appeal to the Village Board. Notice of determination and appeal procedures shall be as set forth in Chapter 68, Wisconsin Statutes. (Ord. 2015-6-1; Ord. 85-6-1 (part); Ord. 76-3-2 (part)).

**5.16.140 Penalties.**

Any person who shall be convicted of violation of this Chapter shall suffer the penalties set forth in Section 1.12.010 of the Municipal Code. (Ord. 85-6-1 (part); Ord. 76-3-2 (part)).

**5.16.150 State Law Effective.**

Nothing contained in this Chapter is intended to supplant or supersede any of the provisions of Chapter 440 of the Wisconsin Statutes. (Ord. 76-3-2 (part)).



**Chapter 5.20**

**LIQUOR AND BEVERAGE LICENSE AND REGULATIONS**

**ARTICLE I. GENERALLY**

**Sections:**

- 5.20.010 Definitions.**
- 5.20.020 License Fees.**
- 5.20.030 State Statutes Adopted.**
- 5.20.031 Agents.**
- 5.20.040 License Required.**
- 5.20.050 License Application.**
- 5.20.060 Form And Expiration Of Licenses.**
- 5.20.070 Transfer Of Licenses.**
- 5.20.080 Posting And Care Of Licenses.**
- 5.20.090 Revocation And Suspension Of Licenses.**
- 5.20.100 Nonrenewal Of Licenses.**
- 5.20.110 Inactive Licenses Prohibited.**

**ARTICLE II. RESTRICTIONS AS TO LICENSE**

**Sections:**

- 5.20.120 License Restrictions-- Generally.**
- 5.20.130 Regulation Of Licensed Premises And Licensees.**
- 5.20.140 Closing Hours.**
- 5.20.150 Separation Of Licensed Premises.**

**ARTICLE III. RESTRICTIONS RELATING TO UNDERAGE PERSONS**

**Sections:**

- 5.20.160 Sales Of Alcohol Beverages To Underage Persons.**
- 5.20.170 Presence Of Underage Persons In Places Of Sale.**
- 5.20.180 Underage Persons Prohibitions.**
- 5.20.190 Defense Of Sellers.**
- 5.20.200 Underage Employee Exemption.**

**ARTICLE IV. OTHER RESTRICTIONS**

**Sections:**

- 5.20.220 Sales To Intoxicated Persons.**
- 5.20.230 Public Place.**
- 5.20.240 Place To Place Deliveries.**
- 5.20.250 Possession On School Grounds.**

**ARTICLE V. PENALTY**

- 5.20.260 Penalty.**
- 5.20.270 Licensee Responsible For Acts Of Employees.**

**ARTICLE I. GENERALLY**

- 5.20.010 Definitions.**

As used in this Chapter, the following terms have the meanings indicated:

“Alcohol beverages” means fermented malt beverages and intoxicating liquor.

“Brewer” means any person who manufactures fermented malt beverages for sale or transportation.

“Club” means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

“Department” means the State Department of Revenue.

“Fermented malt beverages” means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing one-half ( 1/2/) of one percent (1%) or more of alcohol by volume.

“Hotel” means all places where accommodations are offered for pay to transients, in five (5) or more rooms, and all places used in connection therewith and including a restaurant. (See Chapter 50.50(1) Wisconsin Statutes.)

“Intoxicating liquor” means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half ( ½) of one percent (1%) or more of alcohol by volume, which are beverages, but does not include “fermented malt beverages” which contain less than one-half ( ½) of one percent (1%) of alcohol by weight.

“Legal drinking age” means any person who is twenty-one (21) years of age or older. “Underage person” means any person who has not attained the legal drinking age.

“License” means an authorization to sell alcohol beverages issued by the Village Board under this Chapter. Licenses issued under this Chapter are described as follows:

1. Class A Fermented Malt Beverage License. Authorizes retail sales of fermented malt beverages in original packages, containers and bottles for consumption off the premises where sold;

2. Class B Fermented Malt Beverage License. Authorizes retail sales of fermented malt beverages to be consumed whether on the premises where sold or off the premises;

3. Special Event. A fermented malt beverage license issued to bona fide clubs, state, county or local fair associations or agricultural societies, lodges or societies that have been in existence for not less than six (6) months prior to the date of application or to posts or veterans’ organizations, authorizing them to sell fermented malt beverages at a particular picnic or similar gathering, or at a meeting of any such post, or during a fair conducted by such fair association or agricultural society. Licenses for a special event as defined herein shall be filed with the Village Clerk at least seven (7) days prior to issue;

4. Retail Class A Intoxicating Liquor License. Authorizes the retail sale of intoxicating liquor in original packages, containers and bottles for consumption off the premises where sold;

5. Retail Class B Intoxicating Liquor License. Authorizes retail sales of intoxicating liquor for consumption on the premises where sold by the glass and in original package or containers, in multiples not to exceed four liters at any one time for consumption off the premises. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity; a temporary Class B license may be issued to a church or an organization with a church which has been in existence for not less than six (6) months prior to date of application and such license authorizes the licensee to serve or sell wine containing not more than six percent (6%) alcohol by volume, at the meeting or other gathering specified on the license.

6. Operator’s License. A license which authorizes a person who has met the requirements of Wisconsin Statutes and who is neither the licensee nor the agent of the licensee, to serve or sell alcohol beverages in any place operated under any license or permit without the immediate supervision of the licensee or agent or a person holding an operator’s license on the premises at the time;

a. Provisional Operator’s License. A provisional license may be issued by the Village Clerk provided that the Clerk makes a summary investigation of the applicant’s qualifications, which shall include reference to the Police Department. A provisional license may be revoked by the Village Clerk upon discovery that the holder of such license has made a false statement on the application or is otherwise not qualified under Wisconsin Statutes or this Chapter. A provisional license shall be valid only until the Village Board shall hold its next Regular Board Meeting. The Village Board may extend the period of time in which a provisional

license is valid, but in no event shall a provisional license be valid for more than sixty (60) days after its initial issue by the Village Clerk;

b. Temporary Operator's License. A temporary license may be issued to any qualified person only as an operator employed by or donating services to a nonprofit corporation, no person may hold more than one (1) temporary license per year; a temporary license is valid for a period of one (1) to fourteen (14) days, which period must be stated on the license.

"Manufacturer" means a person, other than a rectifier, who ferments, manufactures or distills intoxicating liquor.

"Peace Officer" means a Sheriff, Undersheriff, Deputy Sheriff, Police Officer, Constable, Marshal, Deputy Marshal or any employee of the Department of Revenue or the Department of Justice authorized to act under Chapter 125, Wisconsin Statutes.

"Permit" means any permit issued by the Department of Revenue under Chapter 125, Wisconsin Statutes.

"Person" means a natural person, sole proprietorship, partnership, corporation or association.

"Premises" means the area described in a license or permit.

"Regulation" means any Rule or Ordinance adopted by the Village Board.

"Restaurant" means any building, room or place where meals or lunches are prepared, served or sold to transients or the general public, and all places used in connection therewith. (See Chapter 50.50(3) Wisconsin Statutes.)

"Retailer" means any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or license under this Chapter.

"Sell," "sold," "sale" or "selling" means any transfer of alcohol beverages for a consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for or the sale for future delivery of alcohol beverages.

"Village" means the Village of Twin Lakes, Wisconsin.

"Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain one-half of one percent (1%) or more of alcohol by volume.

7. Provisional Retail License. A Provisional Retail License may be issued by the Village Clerk in circumstances where the continued operation of a business undergoing an owner change or other situation that would necessitate the issuance of a new license will be negatively impacted by the temporary loss of license due to the Village Board meeting schedule. The Clerk must make a summary investigation of the applicant's qualifications, which shall include reference to the Police Department. A Provisional License may be revoked by the Village Clerk upon discovery that the holder of such license has made false statement on the application or is otherwise not qualified under Wisconsin Statutes or this Chapter or is found to be in violation of Wisconsin Stats or this Code.

A Provisional Retail License may be issued only to a person who has applied for a Class A Fermented Malt Beverage, Class B Fermented Malt Beverage, Retail Class A Intoxicating Liquor, or Retail Class B Intoxicating Liquor Licenses, and authorizes only the activities that the type of retail license applied for authorizes.

A Provisional Retail License expires sixty (60) days after its issuance or when the Class A Fermented Malt Beverage, Class B Fermented Malt Beverage, Retail Class A Intoxicating Liquor, or Retail Class B Intoxicating Liquor license is issued to the holder or, by action of the Village Board, is denied, whichever is sooner. (Ord. 2015-6-4; Ord. 2009-4-2 § 1; Ord. 2000-9-1 § 1, 2000: editorially amended per approval by Village Board 7/8/96; Ord. 87-4-4 (part), 1987; Ord. 84-8-1 (part), 1984).

## **5.20.020 License Fees.**

Fees for such licenses (including Operator's Licenses) shall be provided in Section 3.06.010(F) of this Code and shall be paid at the time of application. Annual business license fees are due by June 15 of each licensing year. (Ord. 2003-10-4 § 2; Ord. 99-1-3; Ord. 96-9-2; Ord. 95-11-2; Ord. 91-12-3; Ord. 88-10-2; Ord. 87-4-4 (part); Ord. 84-8-1 (part); Ord. 17-10-1(part)).

#### **5.20.030 State Statutes Adopted.**

The provisions of Chapter 125, Wisconsin Statutes, as may from time to time be amended, relating to the licensure and sale of intoxicating liquor and fermented malt beverages, except Chapters 125.09(6), 125.14(3), (4), 125.56(2), 125.60, 125.61, 125.62 and 125.66(3), exclusive of any provisions relating to the penalty to be imposed or the punishment for violation of such Statutes, are adopted and made a part of this Chapter by reference. The provisions of Chapter 66.053, Wisconsin Statutes, as may from time to time be amended, relating to the licensing of nonintoxicating and soda water beverages, are adopted and made a part of this Chapter by reference. A violation of any of such provisions shall constitute a violation of this Chapter. (Ord. 98-9-6; Ord. 91-12-4; Ord. 87-4-4 (part); Ord. 84-8-1 (part)).

#### **5.20.031 Agents.**

A. In addition to the qualifications for Agents of a Wisconsin or foreign corporation and nonprofit organization, set forth in the Wisconsin Statutes, the Agent for any Wisconsin or foreign corporation and nonprofit organization doing business and licensed in Twin Lakes, Wisconsin, must reside within a twenty-five (25) mile distance from the Village boundary. (Ord. 91-5-1).

B. Pursuant to paragraphs 125.04 (6) 2 (b) through (e) of the Wisconsin Statutes, a Successor Agent may be approved by the Village Board upon appropriate application to the Village Clerk, including payment of the fee identified in this Code, and review of the Successor Agent's qualifications under Wisconsin Statutes. (Ord. 2015-6-4; Ord. 2009-4-2 § 2).

#### **5.20.040 Licenses Required.**

A. When Required. No person, except as provided by Chapter 125.06, Wisconsin Statutes, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in or, for the purpose of evading any Law or Ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license as provided in this Chapter, nor without complying with all the provisions of this Chapter and all Statutes, Ordinances and Regulations of the State and Village applicable thereto (See Chapter 125.04(1) Wisconsin Statutes).

B. Separate License Required for Each Place of Sale. A license shall be required for each stand, place, room or enclosure or for suite of rooms or enclosures in which intoxicating liquor or fermented malt beverages are sold, offered for sale, or kept for sale. (Ord. 84-8-1 (part)).

#### **5.20.050 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 State Department of Revenue and filed with the Village Clerk. The fee prescribed for such license in Section 5.20.020 shall accompany the application. 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.

B. Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by Chapter 887.01 of Wisconsin Statutes.

C. Subsequent Changes. If any fact given in an application subsequently changes, the licensee shall file a notice in writing of such change with the Village Clerk within ten (10) days.

D. License Investigation:

1. Each application for license shall be subject to an investigation by the Police Department, Fire Chief or designee, Building Inspector and Health Officer, and such inspection officials shall furnish, in writing, the information derived from such investigation accompanied by a recommendation as to whether the license

should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required. In determining the suitability of an application, consideration should be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and the premises, and the general fitness of the applicant;

2. Inspections required by this Section for renewal applications shall be made by the appropriate officials as soon as practicable. Initial applications for licenses which shall be effective during the licensing year, but after July 1st, may be granted by the Board but not issued by the Village Clerk until the required inspections have been made and reports to the Board, which shall, if satisfied with the reports of inspections made, instruct the Village Clerk to issue the license;

3. Operator's licenses shall be reviewed according to the following guidelines as established herein. The guidelines are not intended to cover all situations that may become evident in the processing of an application for license;

a. Applicants that have multiple convictions for offenses that substantially relate to the activity or circumstances of the licensed activity for which they are applying will not be considered for licensing until a two (2) year period has elapsed from the most recent conviction or pending offense. Convictions must be within a five (5) year period unless a pattern of conduct exists.

b. Convictions that occur in other states for offenses that parallel Wisconsin Law (e.g. operating a motor vehicle while under the influence of intoxicants) shall not be differentiated from one another.

c. Convictions with supervision agreements shall be considered a conviction until the applicant has satisfactorily completed supervision and is released by the respective Court.

d. Applicants that provide any false information in the application process will be denied a license for two (2) years.

e. Applicants that have a felony conviction or felony pending that substantially relates to the licensed activity for which the application is made will not be considered for licensing for two (2) years. Those arrests that fall outside the two (2) year window will be considered on a case-by-case basis.

f. Applicants that have exhibited a pattern of conduct that substantially relate to the activity or circumstances of the licensed activity for which the application is made may not be considered for licensing.

g. The definition of "substantially relates" is as follows: It is an arrest or pending charge of which the circumstances bear logical or natural association to the licensed activity the person would be performing. It is the circumstances that might foster criminal or illegal activity, the opportunity for criminal behavior, the reaction to responsibility, or the character traits of a person. It would include, but not be limited to, offenses such as operating a motor vehicle while under the influence of intoxicants, disorderly conduct, illegal possession of controlled substances, battery, underage alcohol consumption and furnishing intoxicants to underage persons.

h. There is no distinction between Class A and Class B Operators licenses in the application approval/denial process.

i. For arrests that are in a "pending status" and which substantially relate to the activity or circumstances of the licensed activity for which the application is made, the criteria established above shall be applicable.

E. Contents of Application. Statements made in each application to sell or deal in intoxicating liquor or fermented malt beverages shall be truthful and not made under circumstances as to mislead any Village personnel involved in the approval process. (Ord. 2015-6-4; Ord. 2009-4-2 § 3 (part); Ord. 2003-7-2; Ord. 2000-9-1 § 2; Ord. 99-6-7; Ord. 84-8-1 (part)).

#### **5.20.060 Form And Expiration Of Licenses.**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which they are granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided. The Village Clerk/Treasurer shall affix his or her affidavit as required by Chapter 125.04(4) of Wisconsin Statutes. (Ord. 84-8-1(part)).

#### **5.20.070 Transfer Of Licenses.**

A. As to Person. No license shall be transferable as to licensee except as provided by Chapter 125.04(12)(b) of Wisconsin Statutes.

B. As to Place. Licenses issued pursuant to this Chapter may be transferred as provided in Chapter 125.04(12) of Wisconsin Statutes. Application for such transfer shall be made on blanks furnished by the Village. Proceedings for transfer shall be had in the same manner and form as the original application.

C. The following will be notified by the Village Clerk of any pending license transfer: Kenosha County Health Department, Twin Lakes Building Inspector, Twin Lakes Fire Department, Twin Lakes Police Department, Twin Lakes Treasurer, Twin Lakes Assessor. The transfer applications will then be investigated to determine whether the place to be licensed complies with all the laws and regulations applicable thereto. Findings of the individual investigations will be forwarded to the Village Clerk who will record the recommendations and forward them to the licensing department. The licensing department shall review the recommendations received. When all deliberations are completed, the Licensing Committee shall furnish to the Village Board a recommendation as to whether the license should be granted or denied.

D. The Village Board shall either adopt or reject such recommendation. If such recommendation is adopted, the Board shall, by majority, vote on the granting of the license. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Village Clerk.

E. All licensees must comply with Section 14.12.050 of the Twin Lakes Municipal Code.

F. Each license granted under this Section shall expire on June 30th of each year, and each license shall be subject to revocation as provided in Section 5.41.040 of this Chapter. (Ord. 2015-6-4; Ord. 98-5-3; editorially amended per approval by Village Board 7/8/96; Ord. 84-8-1 (part)).

**5.20.080 Posting And Care Of Licenses.**

Every license issued under this Chapter shall be posted and at all times displayed as provided in Chapter 125.04(10) of Wisconsin Statutes. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. (Ord. 84-8-1 (part)).

**5.20.090 Revocation And Suspension Of Licenses.**

A. A violation of this Chapter by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder. The Village Clerk may suspend any license for cause until the Village Board can meet and formally review the suspension. Any license issued under this Chapter may be suspended or revoked for cause by the Village Board. Any licensee whose license is suspended or revoked may apply within ten (10) days of the suspension or revocation for a public hearing before the Village Board. At such hearing, the licensee shall be entitled to be represented by counsel and the procedure on hearing shall follow Section 125.12 of Wisconsin Statutes as they may be amended from time to time. After the evidence, the Village Board may confirm or reverse the suspension or revocation or modify the suspension or revocation. The determination of the Village Board shall be final. The Police Department shall repossess any license revoked hereunder.

B. Effect of Revocation. See Section 5.20.120(G) of this Chapter. (Ord. 2015-6-4; Ord. 2005-2-1: Ord. 84-8-1(part)).

**5.20.100 Nonrenewal Of Licenses.**

Before renewal of any license issued under this Chapter is refused, the licensee shall be given written notice of any charges or violations against him 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 Village Board. (Ord. 84-8-1 (part), 1984).

**5.20.110 Inactive Licenses Prohibited.**

A. Within three hundred sixty-five (365) days from issuance, the licensee shall be open for business with adequate stock and equipment. In the event of his failure to do business within such time, his license shall be

subject to revocation by the Board after a public hearing. The Board may, upon application of the licensee and for good cause shown by the licensee, extend the time for opening for an additional period of time.

B. If any licensee shall be suspended or cease doing business for a period of three hundred sixty-five (365) consecutive days, the license shall be subject to revocation by the Board after public hearing. (Ord. 98-8-3; Ord. 84-8-1 (part)).

## **ARTICLE II. RESTRICTIONS AS TO LICENSES**

### **5.20.120 License Restrictions--Generally.**

A. **Statutory Requirements.** Any license issued under this Chapter shall be issued only to persons eligible therefor under Chapters 125.04(5) and 125.33(7) of Wisconsin Statutes.

B. **Location.**

1. No license shall be issued for premises the main entrance of which is less than three hundred (300) feet 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 or the main entrance to such premises. This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.

2. There shall be no Class B fermented malt beverage license granted to any premises unless it shall be in combination with a Class B intoxicating liquor license.

3. There shall be no Class A intoxicating liquor license issued for any premises unless there shall be in combination therewith a Class A fermented malt beverage license.

C. **Violators of Alcohol Beverage Laws or Ordinances.** No 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 Chapter during one (1) 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 (1) year.

No license shall be granted to any corporation when more than fifty percent (50%) of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this Chapter.

D. **Health and Sanitary Requirements.** No 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 Village.

E. **License Quota.**

1. Section 125.51(4), Wisconsin Statutes, relating to quotas for Class B retail licenses is adopted as if set forth in full in this provision; provided, however, that the Board, in its discretion, may continue to grant such licenses issued or in force August 27, 1939, but in no event shall such licenses exceed the number of nineteen (19) for the entire Village except that:

a. The Board may grant licenses to any applicant who at the time of his application is the holder of such license and is actively engaged in business.

b. The Board may grant licenses to an applicant who has procured the surrender and cancellation of another such license, provided the license so surrendered and cancelled is not in jeopardy due to any pending legal proceeding which has been commenced for the purpose of revoking or suspending such license, and providing the licensee who is surrendering the license is not indebted to any licensed wholesaler in violation of the credit restriction set forth in Section 125.69, Wisconsin Statutes.

c. If a licensee shall die, his administrator may continue or sell the business. If there is a sale, however, the purchaser must obtain a new license and must qualify as any other applicant.

d. If any applicant within subsections a, b and c above shall die during the pendency of his application, his administrator may nominate a successor who must, however, qualify and be subject to all the requirements imposed by law for such license.

e. No license shall be issued to any person who shall owe any taxes to the State of Wisconsin or owe any taxes, fines or forfeitures to the Village.

Any person desiring to transfer a license between January 1st of any year and February 28th of the following year shall be required to show proof of payment of his personal property tax bill based upon the January 1st assessment if the bill is available. If such personal property tax bill has not been issued, then such transfer shall be required to show proof of payment into escrow with the Village an amount equal to the prior year's mill rate times the current year's assessment valuation.

F. Age Requirement. No license hereunder shall be granted to any person under the legal drinking age.

G. Effect of Revocation of License. Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.

H. 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. (Ord. 87-4-4 (part); Ord. 84-8-1 (part)).

#### **5.20.130 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 licensed premises.

B. Performances. No person shall perform any of the following acts in any premises licensed under this Chapter:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation or flagellation.

2. The actual or simulated displaying of pubic hair, anus, vulva or genitals. Clothing or costumes worn by females shall be of nontransparent material and must encircle the body and the areola of the breast must be completely covered. The lower portion of the costume must completely cover the mons pubis and the cleavage of the buttocks; costumes worn by males must completely cover pubic hair, genitals and buttocks.

C. Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

D. 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 for which used.

E. Solicitation of Drinks Prohibited. No person shall solicit or be allowed to solicit drinks on a licensed premises.

F. Sales to Underage Person. No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person. (Ord. 84-8-1 (part)).

#### **5.20.140 Closing Hours.**

No premises for which a Class B combination license has been issued shall remain open for the sale of alcohol beverages outside of those hours prescribed under Wisconsin State Statutes 125.68(4)(c). (Ord. 98-3-3; Ord. 84-8-1 (part)).

#### **5.20.150 Separation Of Licensed Premises.**

A. There shall be no Class A intoxicating liquor license and Class B combination liquor license and fermented malt beverage license issued to the same or connecting premises.



B. No business conducted under a Class A fermented malt beverage license or combination Class A intoxicating liquor and fermented malt beverage shall be conducted in connection with any other business on the same premises unless there shall be a method or a facility by which the alcohol beverage locations can be closed and secured during the times when such sales are prohibited.  
(Ord. 92-11-1; Ord. 84-8-1 (part)).

### **ARTICLE III. RESTRICTIONS RELATING TO UNDERAGE PERSONS**

#### **5.20.160 Sales Of Alcohol Beverages To Underage Persons.**

A. No person shall procure for, sell, dispense or give away any fermented malt beverages to an underage person not accompanied by his or her parent, guardian or spouse of legal drinking age.

B. No licensee or permittee shall sell, vend, deal or traffic in alcoholic beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained legal drinking age.

C. No adult may knowingly permit or fail to take any action to prevent the illegal consumption of alcoholic beverages by any underage person on premises owned by the person or under the person's control. This subsection does not apply to alcoholic beverages used exclusively as part of a religious service.

D. No adult may intentionally encourage or contribute to a violation of Section 5.20.180 of this Chapter.  
(Ord. 87-4-4 (part); Ord. 84-8-1 (part)).

#### **5.20.170 Presence Of Underage Persons In Places Of Sale.**

No underage person, not accompanied by his or her parent, guardian or spouse who has attained a legal drinking age, may enter or be on the premises for which a license or permit for the retail sale of alcoholic beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement, or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer on the premises. This Section does not apply to:

A. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part;

B. An underage person who enters a Class A retail licensed premises for the purpose of purchasing edibles or beverages other than alcohol and such underage person shall not remain on the premises after making such purchase;

C. Hotels, drugstores, grocery stores, bowling alleys, regularly established athletic field, stadiums or public facilities as defined in Chapter 125.51(5)(b)1.d., Wisconsin Statutes, which are owned by a county or municipality;

D. Ski chalets and golf clubhouses;

E. Premises under a Class B combination intoxicating liquor and fermented malt beverage license or permit and a restaurant permit where the principal business conducted on the premises is that of a restaurant. And a premises operating under the combination Class B license and a restaurant permit the principal business conducted is presumed to be the sale of alcohol beverages but the presumption may be rebutted by competent evidence;

F. An underage person who enters or remains on a licensed premises for the purpose of transacting business at an auction or market as defined in Chapter 125.32(4)(b)1., Wisconsin Statutes, if the person does not enter or remain in a room where alcohol beverages are sold or furnished;

G. Underage persons may enter and remain in a room in a Class B licensed premises separate from any room where alcoholic beverages are sold or served if no alcoholic beverages are furnished or consumed by any person in the room when underage persons are present, subject to the following conditions:

1. A licensee of a Class B licensed premises who shall desire to have a social occasion or event on the premises at which underage persons are to be present, shall make application to the Village Police Department for an authorization to permit such underage persons to be on the Class B licensed premises. Said application shall contain the following information:

- a. The name and address of the licensee and the premises on which the event is to take place,
  - b. The name or identification of the underage organization to be present on the premises, times during which the event will take place, date and hours, names of chaperons who will be present on the premises during the underage event, name of the licensee or operator who will be on the premises during the underage event, the conditions or precautions the licensee will take to ensure that no alcoholic beverages will be sold, served or consumed by any person in the room where underage persons are present, and what steps or conditions the licensee has taken to ensure that the conditions of the application will be complied with,
  - c. Applications shall be filed with the Police Department not less than fifteen (15) days prior to the planned event. The Chief of Police or his designee shall make an inspection of the licensed premises and interview the licensee or operator who will be present on the premises during the event, and the chaperons listed on the application. The Chief of Police shall issue an authorization for the particular event only after having made a determination that the premises are suitable for underage persons to be present, that the presence of underage persons will not endanger their health, welfare or safety or that of other members of their community. Applications shall be granted only to organizations or groups which are chaperoned by responsible adult advisers or parents;
2. The Chief of Police in granting or denying the authorization shall confer with the applicant and make some suggestions or requirements as to the specific conditions under which the authorization will be granted. In the event that the Chief of Police shall deny the application, an appeal may be made to the Police and Judicial Committee of the Village Board who shall review the reasons for not issuing the authorization and may reverse the decision of the Chief of Police only if such decision was based on an arbitrary and capricious act of the Chief of Police. (Ord. 87-4-4 (part); Ord. 84-8-1 (part)).

**5.20.180 Underage Persons Prohibitions.**

- A. Any underage person who does any of the following shall be guilty of a violation of this Chapter:
  - 1. Procures or attempts to procure alcoholic beverages;
  - 2. Knowingly possesses or consumes alcoholic beverages;
  - 3. Enters or is on licensed premises in violation of the provisions of this Chapter;
  - 4. Falsely represents his or her age for the purpose of receiving alcoholic beverages from a licensee or permittee;
  - 5. Intentionally carries an official identification card not legally issued to the person or an official identification card obtained under false pretenses, or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall have the authority to confiscate any such card that violates this Section.
- B. Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcoholic beverages is guilty of a violation.
- C. Any person violating this Section shall be subject to the penalties as set forth in Section 5.20.260. (Ord. 2000-3-2; Ord. 84-8-1 (part)).

**5.20.190 Defense Of Sellers.**

- A. Proof of the following facts by a seller of alcoholic beverages to an underage person is a defense to any prosecution for a violation of Section 5.20.180:
  - 1. That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age;
  - 2. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age;
  - 3. That the sale was made in good faith and reliance on written representation and appearance of the purchaser. A belief that the purchaser had attained legal drinking age.
- B. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this Section. The licensee or permittee or his or her employee shall require any person who has shown documentary proof which substantiates the person has attained the legal drinking age to sign the book if the

person's age is in question. The book shall show the date of the purchase of alcohol beverages, the identification used in making the purchase, and the address of the purchaser and the purchaser's signature. (Ord. 84-8-1 (part)).

**5.20.200 Underage Employee Exemption.**

Nothing in this Chapter shall prohibit an underage person who has reached his eighteenth (18) birthday from selling, serving or dispensing fermented malt beverages under the supervision of a person licensed under this Chapter. (Ord. 84-8-1 (part)).

**ARTICLE IV. OTHER RESTRICTIONS**

**5.20.220 Sales To Intoxicated Persons.**

No person shall procure for, sell, vend, dispense, traffic in, or give away alcoholic beverages to a person who is intoxicated. (Ord. 84-8-1 (part)).

**5.20.230 Public Place.**

A. No owner, lessee or person in charge of a public place, or any parking lot open to and available to the public, shall permit the consumption of alcohol beverages on the premises of the said public place or said parking lot, unless the person has an appropriate retail alcohol license or permit.

B. Public consumption of alcoholic beverages and penalties shall be as set forth in Chapter 9.56 of this Code. (Ord. 84-8-1 (part)).

**5.20.240 Place To Place Deliveries.**

No person shall peddle any alcoholic beverage from house to house where the sale and delivery are made concurrently. (Ord. 84-8-1 (part)).

**5.20.250 Possession On School Grounds.**

A. Prohibited. Except as provided by subsection B of this Section, no person shall possess or consume alcoholic beverages:

1. On school premises;
2. In a motor vehicle, if a pupil attending the school is in the motor vehicle;
3. While participating in school-sponsored activities.

B. Exceptions. Alcoholic beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and Ordinances.

C. Definitions. In this Section, terms shall have the meanings prescribed below:

1. "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
2. "School" means a public, parochial or private school which provides an educational program for one or more grades between grades one (1) and twelve (12) and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
3. "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
4. "School premises" means premises owned, rented or under the control of a school.(Ord. 84-8-1 (part)).

**ARTICLE V. PENALTY**

**5.20.260 Penalty.**

A. Any person who is convicted of violation of this Chapter shall upon conviction be subjected to a forfeiture of no less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for the first offense, and not less than three hundred (\$300.00) dollars nor more than five hundred (500.00) dollars for

the second offense within one (1) year. Upon failure to pay said forfeiture the person convicted of a violation of this Chapter shall be committed to the county jail for not less than ten (10) nor more than thirty (30) days.

B. An underage person who shall commit a violation of this Chapter shall be subject to the fines, forfeiture and suspension of operating privileges as provided in Section 125.07(4), Wisconsin Statutes.

C. Any license or permit issued to a person who commits a violation of this Chapter may be revoked by the Court.

D. A violation of this Chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee. (Ord. 84-8-1 (part)).

**5.20.270 Licensee Responsible For Acts Of Employees.**

In addition to any penalties against an agent or employee of a licensee or owner, a violation of any of the provisions of this Chapter by an agent or employee of a licensee shall constitute a violation by the licensee or owner, with the applicable violation proceedings and penalties applying to such licensee or owner. In addition, a violation by an agent or employee of a licensee or owner shall permit the appropriate institution of proceedings for the revocation or suspension of the license by the Village against such licensee or owner. (Ord. 98-3-2).

## Chapter 5.28

### VEHICLES FOR HIRE--TAXICABS/LIMOUSINES

#### Sections:

- 5.28.010 Definitions.**
- 5.28.020 Business And Chauffeur's License Required.**
- 5.28.030 Licenses Expiration And Renewals.**
- 5.28.040 Licenses Nontransferable.**
- 5.28.050 Permit To Be Displayed.**
- 5.28.060 Liability Of Licensee.**
- 5.28.070 Number Of Passengers.**
- 5.28.080 Restrictions.**
- 5.28.090 Rates To Be Posted.**
- 5.28.100 Taxicabs To Be Marked.**
- 5.28.110 Insurance Requirements.**
- 5.28.120 Safety And Sanitation.**
- 5.28.130 Exceptions.**
- 5.28.140 Refusal To Pay Taxi Fare Prohibited.**
- 5.28.150 Revocation Of License.**
- 5.28.160 Appeals.**
- 5.28.170 Penalty For Violations.**
- 5.28.180 Licensing Fees**

#### **5.28.010 Definitions.**

The following terms as they appear in this Section, shall have the following respective meanings:

- A. Taxicab/Limousine. A motor vehicle regularly engaged in the business of carrying passengers for hire, not always operated on a fixed route.
- B. Taxicab/Limousine Business License. A license issued by the Village Board to a person, firm or corporation having the ownership, control or use of one or more vehicles for hire, and authorizing the operation thereof within the Village of Twin Lakes.
- C. Taxicab/Limousine Driver's/Chauffeur's Licenses. A valid State driver's license and a chauffeur's license issued by the Village Board to the drivers of vehicles for hire under the terms and provisions of this Section and authorizing the holder thereof to drive vehicles for hire.
- D. Taximeter. A meter instrument or mechanical device attached to a taxicab by which the fare is mechanically calculated on the basis of distance traveled and waiting time. (Ord. 2003-10-3 (part)).

#### **5.28.020 Business And Chauffeur's License Required.**

No person shall operate any taxicab or limousine in the Village unless such person is licensed by the Village. The taxicab/limousine business and drivers must also have any applicable licenses and permits from the State of Wisconsin and conform to the provisions of the Ordinance codified in this Chapter.

An application form as provided by the Village Clerk for the licensing of a taxicab or limousine business and for a chauffeur's license shall be addressed to the Village Board and shall be filed with the Village Clerk, together with the required license fee. The Village Clerk shall present such application to the Village Board at its next regular meeting, and the Board shall consider such application and shall instruct the Village Clerk to issue the license or deny the application upon a majority vote of the Board.

No one shall operate said vehicles unless the Village Board has issued a chauffeur's license and has found that by investigation the operator is of moral character, with safe and lawful driving habits. The Police Department will do an investigation and report on the applicant and shall investigate qualifications and fitness

to hold a chauffeur's license. If at anytime a breach of these provisions, as to the driver or chauffeur, comes to the attention of the Board, it may summarily revoke or suspend the chauffeur's license.

Licensees must be of good moral character, capable of meeting all the terms and requirements of this Section, financially responsible and possess physical abilities and skills necessary to provide safe, reliable transportation to serve the public convenience and necessity in the Village. (Ord. 2015-6-5; Ord. 2003-10-3 (part)).

**5.28.030 Licenses Expiration And Renewals.**

All licenses/permits shall expire on December 31 of each year. Renewal applications as supplied by the Village must be returned to the Village Clerk by October 31 of each year. (Ord. 2015-6-5; Ord. 2003-10-3 (part)).

**5.28.040 Licenses Nontransferable.**

Business licenses issued or granted under this Chapter shall be non-assignable and nontransferable unless permitted by the Village Board. Chauffeur's licenses are not transferable or assignable.(Ord.2003-10-3 (part)).

**5.28.050 Permit To Be Displayed.**

Permits issued by the Village shall be kept at all times in a conspicuous place inside such vehicle so as to be visible to the passengers therein. (Ord. 2003-10-3(part)).

**5.28.060 Liability Of Licensee.**

Any licensee shall be liable for any violations of Ordinances or Statutes by any and all persons operating taxicabs or limousines under its license. (Ord. 2003-10-3 (part)).

**5.28.070 Number Of Passengers.**

No licensee or person driving a taxicab or limousine shall carry or permit to be carried in any such vehicle a passenger or passengers in excess of the seating accommodations in the vehicle, provided that an infant in arms shall not be deemed a passenger within the meaning of this Section. (Ord. 2003-10-3 (part)).

**5.28.080 Restrictions.**

Cruising, loitering upon the streets of the Village in such a manner as to interfere with the orderly movement of traffic or orderly ingress and egress to public and private buildings is prohibited. Any licensee hereunder shall be subject to such further regulations and restrictions as may be imposed at any time by the Village Board. (Ord. 2003-10-3 (part)).

**5.28.090 Rates To Be Posted.** Every person operating a taxicab shall have at all times prominently posted and displayed in said taxicab so as to be visible to the passengers therein the rates or fares for the use of such cab. (Ord. 2003-10-3 (part)).

**5.28.100 Taxicabs To Be Marked.**

Every taxicab shall be distinctly marked on two (2) sides, in letters not less than one and one-half (1½) inches in height with the words "TAXICAB," together with the licensee's name. Limousines are exempt from these markings unless used on a daily basis as a taxicab. (Ord. 2003-10-3 (part)).

**5.28.110 Insurance Requirements.**

It shall be unlawful to operate a vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposit with the Village Clerk a Certificate of Liability Insurance for the vehicles for which licenses are sought, and Certificate of Liability Insurance to be acceptable and approved by the Village Board and issued by a company authorized to do business in the State of Wisconsin, indemnifying the applicant in the amount of fifty thousand dollars

(\$50,000.00) for damage to property, and one hundred thousand dollars (\$100,000.00) for injury to one (1) person and three hundred thousand dollars (\$300,000.00) for injury to more than one (1) person caused by the operation of said vehicles in the Village.

Each taxicab or limousine insurance policy shall contain a provision that the same may not be cancelled before the expiration of its term except upon thirty (30) days written notice to the Village. Every day upon which any vehicle is operated for the conveyance of passengers for hire or when taxicab, limousine, cab or similar transportation is offered to the public without an insurance policy as required herein being, in effect and on file with the Village Clerk shall be deemed a separate violation. The cancellation or other termination of any insurance policy issued in compliance with this Section shall automatically revoke and terminate all licenses issued for the taxicab or limousine covered by such insurance policy, unless another policy shall be provided and in effect at the time of such cancellation or termination. (Ord. 2015-6-5; Ord. 2003-10-3(part)).

**5.28.120 Safety And Sanitation.**

Vehicles shall be inspected by a licensed garage as to overall safety, especially tires, brakes, steering, fluids, belts, hoses, seat belts and lights. Upon receipt of an inspection approval by the licensed garage, same will be sent to the Police Department for their approval prior to being reported to the Village Board for approval. The Police Department may require a visual sanitation check. Refusal to permit inspection shall be cause for suspension of the taxicab/limousine or chauffeur's license. (Ord. 2003-10-3 (part)).

**5.28.130 Exceptions.**

This Chapter shall not apply to persons, firms, or corporations engaged in the business of carrying passengers for hire, both interstate and intrastate, between regularly established points and on regularly established time schedules nor to the operator of a motor vehicle engaged in the business of transporting school students for hire, or to municipality sponsored taxicab services.

No license shall be required under this Section either as to owner or driver for the operating or driving of a vehicle licensed by another municipality which is only delivering a passenger(s) to a point in the Village of Twin Lakes. (Ord. 2003-10-3 (part)).

**5.28.140 Refusal To Pay Taxi Fare Prohibited.**

No person who has been transported by a taxicab shall refuse to pay the fare for such transportation as such fare is shown on the taximeter, zone meter or posted fares. (Ord. 2003-10-3 (part)).

**5.28.150 Revocation Of License.**

Licenses granted under the Ordinance codified in this Chapter may be suspended or revoked at any time by the Village Administrator, or designee or the Village Board for any violation of the Ordinance codified in this Chapter or for conduct by any operator or his servants, agents or employees which threatens the public safety, or which provokes or tends to provoke violence or which defrauds or endangers any person or passenger, or for failure to render adequate and timely service. When a taxicab or limousine license is revoked or canceled as herein provided, the Village Administrator or designee shall immediately notify the owner to cease at once to operate the vehicle for which the license has been revoked as a taxicab or limousine.(Ord. 2003-10-3 (part)).

**5.28.160 Appeals.**

Any person who received a revocation of license and objects to all or part thereof may appeal to the Village Board within seven (7) days of the receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of such written notice of the appeal. After such hearing the Village Board may reverse, affirm or modify the order or determination. (Ord. 2003-10-3 (part)).

**5.28.170 Penalty For Violations.**

Any person, firm, or corporation who violates the provisions of this Chapter shall be subject to penalty as provided in Chapter 1.12. (Ord. 2003-10-3 (part)).

**5.28.180 Licensing Fees.**

There shall be non-refundable annual fees for each permit requested pursuant to this Chapter. The fee for such permit shall be provided in Section 3.06.010(F) of this Code and shall be paid at the time of application. (Ord. 2003-10-3 § 2)



## Chapter 5.32

### MOVING BUILDINGS

#### Sections:

**5.32.010 Permit Required.**

**5.32.020 Penalty For Violation.**

**5.32.010 Permit Required.**

No person, firm or corporation, their agent or employee, shall erect or move any building, fence or other structure upon any street, alley or sidewalk or other public grounds within this Village without a permit from the Village Board. (Prior Code § 3.10).

**5.32.020 Penalty For Violation.**

The penalty for violating the provisions of Section 5.32.010, in addition to the ordinary civil liability thereby created, shall be as provided in Section 1.12.010. (Prior Code § 3.11).

## Chapter 5.36

### MOBILE HOME PARKS, TRAILER CAMPS AND TOURIST CAMPS

#### Sections:

- 5.36.010 Definitions.**
- 5.36.020 License Revocation Or Suspension.**
- 5.36.030 License Fees.**
- 5.36.040 License Application.**
- 5.36.050 Plans And Specifications To Be Filed.**
- 5.36.060 Renewal Of License.**
- 5.36.070 Limitations, Restrictions And Regulations.**
- 5.36.080 Plumbing And Electrical Requirements.**
- 5.36.090 Drainage, Sewage, Water, Refuse And Lighting Requirements.**
- 5.36.100 Lot, Parking And Driveway Requirements.**
- 5.36.110 Parking Space Pavement.**
- 5.36.120 Access.**
- 5.36.130 Open Space And Setback.**
- 5.36.140 Yard Requirements.**
- 5.36.150 Conditions Insured.**
- 5.36.160 Park Register.**
- 5.36.170 Mobile Home Outside Park.**
- 5.36.180 More Restrictive Provision To Apply.**
- 5.36.190 Penalty For Violation.**

#### **5.36.010 Definitions.**

For the purpose of this Chapter:

- A. "Dependent Mobile Home" means a mobile home which does not have complete bathroom facilities.
- B. "Licensee" means any person licensed to operate and maintain a mobile home park under this Section.
- C. "Licensing Authority" means the Village of Twin Lakes, Kenosha County, Wisconsin, wherein a mobile home park is located;
- D. "Mobile Home" is that which is designed to be transported by any motor vehicle upon a public highway and designed, equipped and used for sleeping, eating and living quarters, or is intended to be so used.
- E. "Mobile Home Park" means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- F. "Nondependent Mobile Home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.
- G. "Park" means mobile home park.
- H. "Person" means any natural individual, firm, trust, partnership, association or corporation.
- I. "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.
- J. "Unit" means a mobile home unit. (§ 1 of Ord. passed 9/10/73).

#### **5.36.020 License Revocation Or Suspension.**

- A. It is unlawful for any person to maintain or operate within the limits of the Village any mobile home park unless such person first obtains from the Village a license therefor.
- B. Any license granted under the provisions of this Chapter shall be subject to revocation or suspension for cause by the Village Board that issued such license upon complaint filed with the Clerk of such Village signed by any Law Enforcement Officer, Health Officer or Building Inspector after a Public Hearing upon

such complaint, provided that the holder of such license shall be given ten (10) days notice in writing of such hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Village Board of the Village of Twin Lakes may within twenty (20) days of the date of such revocation or suspension appeal therefrom to the Circuit Court of the County in which the trailer camp or mobile home park is located by filing a written notice of appeal with the Village Clerk together with a bond executed to the Village of Twin Lakes in the sum of five hundred (\$500.00) dollars with two sureties or a bonding company approved by the Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him. (Ord. 2015-6-6; § 2 of Ord. passed 9/10/73).

#### **5.36.030 License Fees.**

A. Each licensee shall pay an annual fee to the Village Treasurer in advance for each calendar year or fraction thereof of one hundred (\$100.00) dollars for each fifty (50) spaces or fraction thereof within each mobile home park within the Village limits except where the park is in more than one municipality the fee shall be in such fraction as the number of spaces in the park within the Village bears to the entire number of spaces in the park.

B. Each transferee shall pay a fee of ten (\$10.00) dollars in advance to the (\$500.00) Village Treasurer for transfer of any license.

C. In addition to the license fee provided in subsections A and B, the Village shall collect from each occupied mobile home occupying space or lots in a mobile home park in the Village a monthly parking permit fee computed as follows: The Village Assessor shall determine the total fair market value of each occupied mobile home in the Village subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the Village. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1st assessment of general property. The parking permit fee shall first be reduced by the credit allowed under Section 77.63 of the Revised Statutes of the State of Wisconsin. The total annual parking permit fee thus computed shall be divided by twelve (12) and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the Village any time during the year. The park operator shall furnish information to the Village Clerk and the Assessor on occupied mobile homes added to his park within five (5) days after their arrival, on forms prescribed by the State of Wisconsin Department of Revenue. As soon as the Assessor receives the notice of an addition of an occupied home to a park, he shall determine its fair market value and notify the Village Clerk of his determination. The Village Clerk shall equalize the fair market value established by the assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by twelve(12) and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. Liability for payment of the fee shall begin on the first(1<sup>st</sup>) day of the next succeeding month and shall remain on the mobile home only for such months as the occupied mobile home remains in the Village. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Revised Statutes of the State of Wisconsin. If the Board of Review reduces a valuation on which previous monthly payments have been made the Village shall refund past excess fee payments. The monthly parking permit fee for mobile home owners within a mobile home park, shall be paid by the mobile home owner, to the licensee (mobile home park operator) on or before the tenth (10<sup>th</sup>) of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than the state of Wisconsin, for an accumulating period not to exceed sixty (60) days in any twelve (12) months or if the occupants of the mobile home are nonresident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the Village Clerk or the licensing authority from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in the state of Wisconsin, there shall be no exemption from the monthly parking permit fee. The

licensee of a park shall be liable for the monthly parking fee for any mobile home occupying space therein as well as the owner and occupant thereof.

D. The monthly parking permit fee shall be collected by the licensee (mobile home park operator) from each mobile home owner in the mobile home park of the licensee, required to pay such permit hereunder and shall remit said fees to the Village Clerk of the Village forthwith.

E. This Section shall not apply where a mobile home park is owned and operated by any county under the provisions of Section 59.07(13)(b) of the Revised Statutes of the State of Wisconsin.

F. Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Revised Statutes of the State of Wisconsin. (Ord. 2015-6-6; § 3 of Ord. passed 9/10/73).

#### **5.36.040 License Application.**

Original application for a mobile home park license shall be filed with the Clerk of the licensing authority. Applications shall be in writing, signed by the applicant and shall contain the following:

- A. The name and address of the applicant;
- B. The location and legal description of the mobile home park;
- C. The complete plan of the park. (Ord. 2015-6-6; § 4 of Ord. passed 9/10/73).

#### **5.36.050 Plans And Specifications To Be Filed.**

Accompanying and to be filed with an original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable Village Ordinances and provisions of the state Board of Health. The Village Clerk after approval of the application by the governing body and upon completion of the work according to the plans shall issue the license. (Ord. 2015-6-6; § 5 of Ord. passed 9/10/73).

#### **5.36.060 Renewal Of License.**

Upon application by any licensee and after approval by the governing body of the Village and upon payment of the annual license fee, the Clerk of the Village shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Village. (Ord. 2015-6-6; § 6 of Ord. passed 9/10/73).

#### **5.36.070 Limitations, Restrictions And Regulations.**

Not more than one license for a mobile home park may be issued under this Chapter in each common school district within the Village. No mobile home park shall contain spaces for more than fifty (50) mobile homes, except that the Village Board may permit additional spaces upon the following conditions:

- A. The mobile home park has been in operation for at least one (1) year prior to the request for additional spaces;
- B. The mobile home park complies with the requirements of this and any other applicable Ordinances;
- C. The licensee agrees to such reasonable limitations, restrictions and regulations as to the use and occupancy of all spaces in such mobile home park, as the Village Board believes are necessary to assure that the mobile home development will not cause school costs to increase above the state average. (§ 7(a) of Ord. passed 9/10/73).

#### **5.36.080 Plumbing And Electrical Requirements.**

Each mobile home park shall provide the following:

- A. One separate men's and one separate women's bathroom for each ten (10) spaces it contains equipped with hot and cold running water, lavatory, toilet and bath or shower with sewer system all to be installed in compliance with the Village plumbing and sewerage Codes, except such bathroom shall not be required if each mobile home is required by the mobile home park to be equipped with its own lavatory, toilet and bath or shower facilities;

B. An electrical system permitting connection with each mobile home installed in compliance with the electrical Code. (§ 7(b) of Ord. passed 9/10/73).

**5.36.090 Drainage, Sewage, Water, Refuse And Lighting Requirements.**

Each mobile home park shall be subject to the following requirements:

A. Drainage. Every mobile home park shall be located on a well drained site and shall be so graded and adequately drained as to eliminate collection of surface waters at any point in the mobile home park and drainage easements obtained when necessary.

B. Sewage. Adequate provisions shall be made for the disposal of all sewage from the mobile home park into a municipal sanitary sewer.

C. Water. Where a public water supply is not available within the mobile home park an adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons which can be accommodated in such mobile home park and shall be installed in compliance with plumbing and well Codes, and shall be approved by the state Board of Health.

D. Refuse. Every mobile home in the park shall have two (2) containers with close fitting covers for garbage and provision shall be made for the handling and removal of all garbage, trash or refuse from the park no less than twice each week.

E. Lighting. All entrances, exits, lanes and driveways between rows of trailers used or occupied in any mobile home park shall be lighted by electric lighting of at least one watt per foot. (§ 7(c) of Ord. passed 9/10/73).

**5.36.100 Lot, Parking And Driveway Requirements.**

Each mobile home park shall have the following lots, parking area and driveway requirements:

Each mobile home shall be located on a lot of not less than six thousand (6000) square feet with a minimum width of fifty (50) feet, less four hundred thirty (430) square feet for off-street parking within a reasonable distance of the mobile home lot. Each double mobile home shall be located on a lot of not less than nine thousand (9000) square feet with a minimum width of seventy-five (75) feet, less six hundred (600) square feet for off-street parking within a reasonable distance of the mobile home lot. (§ 7(d)(1) of Ord. passed 9/10/73).

**5.36.110 Parking Space Pavement.**

A. Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be paved with concrete or bituminous material. Each parking space shall not be less than ten (10) feet wide nor of less length than the length of the trailer to be parked therein, plus five (5) feet.

B. There shall be additional parking spaces for automotive vehicles within such park, paved with concrete or bituminous material, equal to not less than four hundred (400) square feet for each trailer space. Each automobile parking space shall not be less than nine (9) feet wide and one hundred sixty (160) square feet in area, exclusive of maneuvering and access space. (§ 7(d)(3), (4) of Ord. passed 9/10/73).

**5.36.120 Access.**

There shall be a system of driveways, with a minimum of thirty-six (36) feet widths, paved with concrete or bituminous material, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided, that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park. (§ 7(d)(4) of Ord. passed 9/10/73).

**5.36.130 Open Space And Setback.**

Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall not be less than fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park. (§ 7(d)(5) of Ord. passed 9/10/73).

**5.36.140 Yard Requirements.**

Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide. (§ 7(d)(6) of Ord. passed 9/10/73).

**5.36.150 Conditions Insured.**

Such Rules and Regulations shall be prescribed and enforced by licensee of mobile home park so as to insure:

- A. That the park shall be kept and maintained in a neat, sightly and orderly manner;
- B. That no public or private nuisance may be kept or maintained in the park;
- C. That no mobile home shall be used for illegal or immoral purposes;
- D. That no mobile home shall be used for other than residential purposes or by more than one (1) person, whether child or adult, for each one hundred twenty-five (125) square feet of floor area thereof;
- E. That no more than one family unit shall occupy any one mobile home. (§ 7(e) of Ord. passed 9/10/73)

**5.36.160 Park Register.**

Each mobile home park shall maintain a register for the registration of all occupants, which register shall contain information as follows:

- A. Name and address of each occupant;
- B. Trailer license number and manufacturer's name;
- C. Automobile license number and name and make of automobile;
- D. Number of site to which assigned;
- E. Last place of location;
- F. Date of arrival;
- G. Date of departure. (§ 7(f) of Ord. passed 9/10/73).

**5.36.170 Mobile Home Outside Park.**

No mobile home shall be used or kept for dwelling purposes within the Village outside of a mobile home park, except that in the event a principal residential dwelling shall be damaged by fire or other casualty, the building inspector may issue a permit for the use of a mobile home as a temporary dwelling for a period of six (6) months provided that:

- A. An application has been made for a building permit to rebuild or restore the damaged or destroyed dwelling;
  - B. The parcel of land shall be of sufficient size to accommodate a mobile home during the period of construction, and that the mobile home location shall not constitute a public nuisance;
  - C. Adequate provision has been made for water, sewage disposal and other health provisions;
  - D. The Building Inspector may, for good cause, extend the period of time the permit is valid but not to exceed an additional six (6) months;
  - E. There shall be no fee for issuance of the permit or any extension thereof.
- (Ord. 87-4-8, 1987: § 7(g) of Ord. passed 9/10/73).

**5.36.180 More Restrictive Provision To Apply.**

The provisions of this Chapter or of the County Zoning Ordinance or any County Mobile Trailer Ordinance, whichever is more restrictive shall apply. (§ 7(h) of Ord. passed 9/10/73).

**5.36.190 Penalty For Violation.**

Any person, firm or corporation violating any provisions of this Chapter shall be subject to penalty as provided in Section 1.12.010. (§ 8 of Ord. passed 9/10/73).

## Chapter 5.41

### CABARET LICENSES

#### Sections:

- 5.41.010 License Required.**
- 5.41.020 License Fees.**
- 5.41.030 Regulations.**
- 5.41.040 Revocation Of License.**
- 5.41.050 Closing Hours.**
- 5.41.060 Registration Required For Certain Entertainers.**
- 5.41.070 Penalty.**

#### **5.41.010 License Required.**

No holder of a Class B liquor or beer license within the Village shall afford to his patrons unless he first shall have obtained a cabaret license from the Village Clerk:

- A. The music of one or more musicians and dancing privileges.
- B. Specifically feature or advertise dancing in his premises using mechanical devices to produce music.
- C. Furnish entertainment by, or performance of, any act, stunt, or dance by performers under his auspices, whether such performers or dances are paid or not.
- D. This Section shall not apply to holders of temporary Class B licenses. (Ord. 2015-6-8; Ord. 79-5-1, (part)).

#### **5.41.020 License Fees.**

A. The application for such cabaret license shall be filed with the Village Clerk and directed to the Village Board, and shall be accompanied by the license fee.

B. The application shall contain the name and address of the applicant, and the location and description of the proposed licensed premises, accompanied by a sketch or drawing thereof showing the relationship to the remainder of the building in which the premises are situated.

C. Fees for such licenses shall be provided in Section 3.06.010(F) of this Code and shall be paid at the time of application. All fees are paid in advance except during renewal time. If such license is denied, such fee will be returned.

D. The following will be notified by the Village Clerk of any pending cabaret license application: Kenosha County Health Department, Twin Lakes Building Inspector, Twin Lakes Fire Department, Twin Lakes Police Department, Twin Lakes Clerk, Twin Lakes Assessor. The applications will then be investigated to determine whether the place to be licensed complies with all the laws and regulations applicable thereto. Findings of the individual investigations will be forwarded to the Village Clerk who will record the recommendations and forward them to the Licensing Committee. The Licensing Committee shall review the recommendations received. When all deliberations are completed, the Licensing Committee shall furnish to the Village Board a recommendation as to whether the license should be granted or denied.

E. The Village Board shall either adopt or reject such recommendation. If such recommendation is adopted, the Board shall, by majority, vote for the granting of the license. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Village Clerk.

F. Each license granted under this Section shall expire on June 30th of each year, and each license shall be subject to revocation as provided in Section 5.41.040.(Ord. 2015-6-8; Ord. 2003-10-4 § 5; Ord. 98-5-4; Ord. 79-5-1 (part)).

#### **5.41.030 Regulations.**

- A. No dancing shall be permitted within six (6) feet of a bar over which patrons are directly served.

- B. While dancing is in progress, the dance area shall be illuminated by at least two (2) foot candles per square foot.
- C. Good order shall be maintained at all times.
- D. The management shall obey all reasonable orders or directions of any Police Officer or official dance supervisor.
- E. The performance of any act, stunt, or dance by performers under the auspices of the management shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in any act, stunt or dance.
- F. No license holder, personally or through his agent or employees, shall permit any patron to participate in any act, stunt, or dance with performers who are under the auspices or furnished by the management.
- G. No patron shall participate in any act, stunt, or dance by performers who appear under the auspices of the management.
- H. No entertainer, other than a musician, shall associate or fraternize with customers on the premises of the licensed establishment in which he or she is currently performing.
- I. No license holder, personally, or through his agent or employee, shall permit any entertainer of any type, except a musician, to perform on the licensed premises unless said performer has complied with the requirements of Section 5.41.060 of this Chapter.
- J. Lewd or Indecent Performance. No license holder personally, or through his agent or employee shall advertise or produce lewd, obscene or indecent performances.
- K. Regulation of Costumes. The top portion of the costume worn by female entertainers shall be of nontransparent material. It must encircle the body, and the areola of the breast must be completely covered. The lower portion of the costume worn by male or female entertainers must completely cover the entire pubic area and the cleavage of the buttocks and be of nontransparent material. (Ord. 79-5-1 (part)).

**5.41.040 Revocation Of License.**

- A. The Village Board may, after a hearing thereon, revoke any cabaret license upon sufficient proof that the holder has permitted or suffered the licensed premises to be conducted in violation of Police Regulations, Health Regulations, or in a disorderly or improper manner, or in violation of the Laws of the State or Rules and Regulations of the Officers, Boards, or Commissions of the State applicable thereto.
- B. Conviction for the violation of any provision of the Wisconsin Liquor Laws shall be sufficient for the Board to revoke such license. In the event such license is revoked, the fee paid for such license shall be forfeited and not returned to the holder. (Ord. 79-5-1 (part)).

**5.41.050 Closing Hours.**

Closing hours shall be in conformity to the Rules and Regulations applicable to premises licensed for retail liquor sales. (Ord. 79-5-1 (part)).

**5.41.060 Registration Required For Certain Entertainers.**

Every entertainer or performer, except a musician, shall, prior to performing in or upon the premises covered by a Class B liquor or beer license, register with the Police Department. Such registration shall be made on forms supplied by the Police Department and prescribed by the Chief of Police. Every form shall require the applicant to state his or her name, address, full time occupation, age, whether or not the applicant has been arrested and the type of performance he or she will perform. Such form may require any additional information that the Chief of Police deems necessary. (Ord. 79-5-1 (part)).

**5.41.070 Penalty.**

Anyone who violates any of the provisions of this Chapter shall forfeit not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each offense, together with the costs of prosecution. If such forfeiture and costs are not paid, he shall be imprisoned in the county jail for not more than sixty (60) days. (Ord. 79-5-1 (part)).



## Chapter 5.42

### AMUSEMENT ESTABLISHMENTS

#### Sections:

- 5.42.010 Declaration Of Purpose.**
- 5.42.020 Definitions.**
- 5.42.030 Licensure Of Amusement Devices.**
- 5.42.040 Application For License.**
- 5.42.050 Premises Regulation.**
- 5.42.060 Supervision Of Premises.**
- 5.42.070 Operation Regulations.**
- 5.42.080 Revocation Of License.**
- 5.42.090 Penalty.**

#### **5.42.010 Declaration Of Purpose.**

This Chapter is declared to be for the good order of the Village and for the benefit of the health, safety, welfare and convenience of the public. (Ord. 82-2-2 (part)).

#### **5.42.020 Definitions.**

For the purposes of this Chapter:

A. "Amusement Device" means pool tables of all types, pinball machines, dart boards, and related machines or equipment designed to provide amusement or entertainment and does not afford the player an opportunity to obtain something of value.

B. "Amusement Establishment" means any place or location within the Village where amusement, entertainment or recreational activities are furnished by devices or equipment as defined in subsection (A) of this Section, whether or not for profit. (Ord. 2015-5-7; Ord. 2003-10-4 (part); Ord. 82-2-2 (part)).

#### **5.42.030 Licensor of Amusement Devices.**

No person, party, firm or corporation shall operate or maintain an amusement establishment containing amusement devices without first obtaining a license to do so from the Village Board. It shall be the responsibility of the licensee to notify the Village Clerk of any increase in the number of devices over those initially licensed for the license period. Licenses shall expire on June 30th of each year.

Fees for such licenses shall be provided in Section 3.06.010(F) of this Code and shall be paid at the time of application. All fees are paid in advance except during renewal time. (Ord. 2015-6-11; Ord. 2003-10-4 § 4 (part); Ord. 99-7-2; Ord. 98-7-6; Ord. 82-2-2 (part)).

#### **5.42.040 Application For License.**

A. Application for an Amusement Establishment License shall be to the Village Clerk in writing under oath, and shall contain the following information:

1. Name and address of applicant;
2. Location and description of the proposed licensed premises, accompanied by a sketch or drawing thereof showing the relationship to the building or remainder of the building in which the premises are situated;
3. Names and addresses of all persons, firms or corporations having a financial interest in the amusement establishment.

B. The application shall be accompanied by the license fee. If the license is denied, the fee shall be returned upon due demand.

C. Whenever an application is received by the Village Clerk, it shall be referred to the Building Inspector, Health Officer and Police Department. Within fifteen (15) days of such referral, the Building

Inspector and Health Officer shall report in writing whether the premises meet the requirement of the Twin Lakes Municipal Code and this Chapter. The Police Department shall within fifteen (15) days report in writing whether or not it has any information of any convictions of the applicant or persons interested in the establishment which bear a relationship to the responsibilities of a licensee under this Chapter. Such reports shall be delivered to the License Committee of the Village Board. The License Committee shall recommend to the Village Board either the granting or denial of the application for license. The Village Board shall act on the application for license at its next Regular Board Meeting after receipt of the reports by the License Committee. (Ord. 2015-6-11; Ord. 82-2-2 (part)).

**5.42.050 Premises Regulation.**

The premises to be occupied by an amusement establishment shall be located only in a district zoned commercial by Village Ordinance. It shall be located completely at ground or street level. Such establishment shall have at least two (2) marked and useful exits to the outside which shall be located for easy access for patrons and frequenters. Amusement establishments shall have separate washrooms and toilets for each sex which shall be immediately accessible and shall be maintained in a clean and adequate manner. (Ord. 82-2-2 (part)).

**5.42.060 Supervision Of Premises.**

There shall be an adult supervisor on the premises at all times the establishment is open to the public. In the event the supervisor is a person other than the licensee, the licensee shall be responsible for all acts of commission or omission of the supervisor. It shall be the obligation of the licensee to inform the Village Clerk of the name, address and age of any supervisor. (Ord. 2015-6-11; Ord. 82-2-2 (part)).

**5.42.070 Operation Regulations.**

A. No licensee or supervisor shall permit any person under the age of eighteen (18) years to be present on the premises from eight (8:00) a.m. to three-thirty (3:30) p.m. on days in which any public or private school classes are scheduled to be held in the County.

B. No licensee or supervisor shall permit any person under the age of eighteen (18) years to remain on the premises in violation of the Village curfew hours for minors.

C. No gambling shall be permitted on the premises.

D. Unless the premises are licensed under a combination retail Class B liquor license by the Village, no alcohol or fermented malt beverage shall be permitted on or to be consumed or brought into the premises. No controlled substance or marijuana, as defined in Chapter 161 of the Wisconsin Statutes shall be permitted to be consumed or used, or allowed on or permitted to be brought into the premises.

E. No amusement establishment shall have on the premises material harmful to minors as set forth in Section 944.25 of the Wisconsin Statutes.

F. No person shall operate any amusement device as defined in this Chapter which shall cause any interference with any radio or television reception or any other type of communication equipment. (Ord. 83-7-1; Ord. 82-4-1; Ord. 82-2-2 (part)).

**5.42.080 Revocation Of License.**

The Village Board may, after notice and hearing thereon, revoke any license upon proof that the licensee has violated any provision of this Chapter or permitted or suffered others to violate same. (Ord. 82-2-2 (part)).

**5.42.090 Penalty.**

In addition to the revocation of license as set forth in Section 5.42.080, any person, party, firm or corporation who violates any provision of this Chapter shall forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, together with the costs of prosecution. In the event such forfeiture and costs are not paid as directed by the Court, the Court may direct imprisonment in the County Jail until such forfeiture and costs are paid, but not exceeding sixty (60) days. (Ord. 82-2-2 (part)).

## Chapter 5.43

### LICENSING OF PAWNBROKERS AND SECONDHAND DEALERS

#### Sections:

#### **5.43.010 Licensing Of Pawnbrokers, Secondhand Article And Secondhand Jewelry Dealers.**

#### **5.43.010 Licensing Of Pawnbrokers, Secondhand Article And Secondhand Jewelry Dealers.**

A. Chapter 5.43--State Statutes Adopted. All provisions of Wisconsin Statutes 134.71 (1 through 14) as may from time to time be amended, relating to the licensing of pawnbrokers and secondhand article and jewelry dealers, exclusive of any provisions relating to the penalty to be imposed or the punishment for violations of such statutes, are adopted and made a part of this Chapter by reference. (Statute Chapter Editorially amended for WISS ref 7/6/11)

B. Fee. The fee for this permit shall be as identified in Section 3.06.010 (F) of this Code.(Ord. 2003-6-1).

## Chapter 5.44

### ADULT ORIENTED ESTABLISHMENTS.

#### Sections:

- 5.44.010 Definitions.**
- 5.44.020 License Required.**
- 5.44.030 Application For License.**
- 5.44.040 Standards For Issuance Of License.**
- 5.44.050 Fees.**
- 5.44.060 Display Of License Or Permit.**
- 5.44.070 Renewal Of License Or Permit.**
- 5.44.080 Revocation Of License.**
- 5.44.090 Physical Layout Of Adult Oriented Establishment.**
- 5.44.100 Responsibilities Of The Operator.**
- 5.44.110 Administrative Review Procedure.**
- 5.44.120 Penalties And Prosecution.**

#### **5.44.010 Definitions.**

As used in this Chapter, the following terms have the meanings indicated:

A. "Adult Oriented Establishment" means any premises required to be licensed under Section 5.44.020 including, but not limited to, "Adult Media Stores," "Adult Motion Picture Theatres," "Adult Mini-Motion Picture Establishments," or "Adult Cabarets." It 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. "Adult Oriented Establishment" further includes without being limited to any "Adult Entertainment Studio" or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

B. "Adult Media Store" means an establishment having at least thirty percent (30%) of its inventory or thirty percent (30%) of its floor space comprised of its stock in trade for sale, rent, lease, inspection or viewing that is classified as sexually oriented materials, as defined below, or an establishment that holds itself out to the public as providing sexually oriented materials. Establishments that have isolated and access controlled backrooms with sexually oriented materials are not considered adult media stores unless their percentage of inventory or percentage of floor space comprised of sexually oriented materials exceeds those percentages noted above.

C. "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting materials 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 materials 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. "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.

G. "Sexually Oriented Materials" means any books, films, video cassettes, DVDs, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Anatomical Areas," or "Specified Sexual Activities," as defined below.

H. "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, sadomasochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

I. "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.

J. "Booth," "Room," or "Cubicle" means such enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure, which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "Booth," "Room" or "Cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any persons other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes. (Ord. 2003-9-3 (part)).

#### **5.44.020 License Required.**

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

B. A license may be issued only for one (1) adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one (1) adult oriented establishment must have a license for each.

C. No license or interest in a license may be transferred to any person.

D. All adult oriented establishments existing at the time of the passage of this Section must submit an application for a license within sixty (60) days of the passage of this Section.

E. Notwithstanding Section 5.44.040 below, an adult oriented establishment license shall not be granted to a premises in which the Village Board has determined that said premises operated as an adult oriented establishment without a license within one (1) year prior to the date of application. This prohibition applies to a premises for a period of one (1) year following the Village Board's determination. (Ord. 2003-9-3 (part)).

#### **5.44.030 Application For License.**

A. Any person desiring to secure a license shall make application to the Village Clerk. The application shall be filed in triplicate and dated by the Village Clerk. A copy of the application shall be distributed promptly by the Village Clerk to the Village Police Department and to the applicant.

B. The application for a license shall be upon a form provided by the Village 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 such corporation and all officers and directors of the corporation.

C. Within twenty-one (21) days of receiving an application for a new license or an application to renew a license, the Village Clerk shall notify the applicant whether the application is granted or denied.

D. Whenever an application is denied, or a license is not renewed, the Village 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 in conformity with Section 68.11(2), (3), Wisconsin Statutes. A final determination stating the reasons therefore, together with a copy of any official recording or transcript of the hearing, shall be rendered within twenty (20) days of the commencement of the hearing. Judicial review shall be governed by Section 68.13, Wisconsin Statutes.

E. Failure or refusal of the applicant to give any information relevant to the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or his refusal to submit to or cooperate with regard to any information required by this Section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Village Clerk/Treasurer. (Ord. 2003-9-3 (part)).

#### **5.44.040 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 must be at least eighteen (18) years of age;

2. The applicant shall not have been found to have previously violated this Section 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 5.44.030(B) shall be at least eighteen (18) years of age;

2. No officer, director, or stockholder required to be named under Section 5.44.030(B) shall have been found to have previously violated this Section 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 Section within five (5) years immediately preceding the date of the application. (Ord. 2003-9-3 (part)).

#### **5.44.050 Fees.**

A license fee of two hundred fifty dollars (\$250.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned. (Ord. 2003-9-3(part)).

#### **5.44.060 Display Of License Or Permit.**

The license shall be displayed in a conspicuous public place in the adult oriented establishment. (Ord. 2003-9-3 (part)).

#### **5.44.070 Renewal Of License Or Permit.**

A. Every license issued pursuant to this Section 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 Village Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be upon a form provided by the Village 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 dollars (\$250.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) 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 (½) of the total fees collected shall be returned.

C. If the Village Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Village Clerk.

D. The Building Inspector shall inspect the establishment prior to the renewal of a license to determine compliance with the provisions of the Ordinance codified in this Chapter.

E. In a zoning district in which a use licensed under this Section is a nonconforming use under the Zoning Provisions of this Code, no location or premises for which a license has been issued shall be used as an adult oriented establishment for one (1) year following the date the nonrenewal of the license takes effect. For purposes of this paragraph a nonrenewal of a license takes effect when the licensed premises ceases operations as an adult oriented establishment. (Ord. 2015-6-9; Ord. 2003-9-3 (part)).

#### **5.44.080 Revocation Of License.**

A. The Village Board may revoke or suspend a license 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 Regulations adopted by the Village Board pursuant to this Section provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Village 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.

B. The Village Board, before revoking or suspending any license or permit, shall give the operator at least ten (10) days written notice of the charges and an opportunity for a public hearing. If the operator does not file a timely request for a public hearing, the allegations set forth in the charges shall be taken as true, and if the Village Board finds the charges sufficient the license shall be revoked or suspended. If the operator files a written request for a hearing with the Village Clerk within ten (10) days of receipt of the charges, a public hearing shall be held within ten (10) days thereafter before the Licensing Committee of the Village Board. The Licensing Committee shall provide a written determination to the Village Board whether to revoke or suspend the license or permit within five (5) days of the public hearing. The Licensing Committee shall provide the operator with a copy of the written determination. The operator may file an objection to the written determination and shall have an opportunity to present written arguments supporting the objection to the Village Board. If the Village Board, after considering the Licensing Committee's written determination and any arguments presented by the operator, finds the charges to be true or if there is no objection to the written determination recommending suspension or revocation, the license shall be suspended or revoked. If the charges are found to be true the license shall be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.

Appeal from the Village Board's determination shall be taken pursuant to Section 68.10--68.12, Wisconsin Statutes. If the operator makes a timely appeal, no suspension or revocation shall be effective until a final determination is rendered under Section 68.12, Wisconsin Statutes. Judicial review shall be governed by Section 68.13, Wisconsin Statutes.

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. In a Zoning District in which a use licensed under this Section is a nonconforming use under the Zoning Provisions of this Code, no location or premises for which a license has been issued shall be used as an adult oriented establishment for one (1) year following the date the revocation of the license takes effect. For purposes of this paragraph a revocation of a license takes effect when the licensed premises ceases operations as an adult oriented establishment. (Ord. 2015-6-9; Ord. 2003-9-3 (part)).

#### **5.44.090 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 (1) 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 (1) individual shall occupy a booth, room or cubicle at any time. No occupants 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.

D. Inspections. The Building Inspector shall conduct monthly inspections of the premises to insure compliance with the provisions of this subsection. (Ord. 2003-9-3 (part)).

#### **5.44.100 Responsibilities Of The Operator.**

A. Every act or omission by an employee constituting a violation of the provisions 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 the provisions of this Section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

C. No employee 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 Section. (Ord. 2003-9-3 (part)).

**5.44.110 Administrative Review Procedure.**

The Village Ordinances and State Law shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license. (Ord. 2003-9-3 (part)).

**5.44.120 Penalties And Prosecution.**

In addition to those penalties provided earlier, 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 Section 1.12.010 of this Municipal Code. (Ord. 2003-9-3 (part)).

## Chapter 5.48

### WEIGHTS AND MEASURES

#### Sections:

- 5.48.010 Purpose.**
- 5.48.020 Adoption Of State Statute.**
- 5.48.030 Enforcement Of Regulations--State Contract.**
- 5.48.040 Compliance Required.**
- 5.48.050 Definitions.**
- 5.48.060 License Required.**
- 5.48.070 Application For License.**
- 5.48.080 Issuance Of License And Fees.**
- 5.48.090 License Term.**
- 5.48.100 Enforcement.**

#### **5.48.010 Purpose.**

This Section adopts the State of Wisconsin Weights and Measures Regulations and establishes a Weights and Measures Program wherein any person or entity subject to such regulations must obtain a license in order for the Village to comply with and recoup the costs of enforcing such regulations. This Section is adopted pursuant to the provisions of Chapter 98 of Wisconsin Statutes. (Ord. 2005-3-2 (part)).

#### **5.48.020 Adoption Of State Statute.**

Except as otherwise specifically provided in this Section, the provisions of Chapter 98 of Wisconsin Statutes, Weights and Measures, and applicable Chapters of the Wisconsin Administrative Code are adopted and by reference made a part of this Section as though fully set forth herein. Any act required to be performed or prohibited by any statute or Code incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the statutes and Codes incorporated herein are intended to be made a part of this Section. (Ord. 2005-3-2 (part)).

#### **5.48.030 Enforcement Of Regulations--State Contract.**

In order to assure compliance with the requirements of the State of Wisconsin related to the inspection and certification of weights and measures, the Village shall contract with the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, pursuant to Section 98.04(2) of Wisconsin Statutes, in lieu of the establishment of a department of weights and measures. (Ord. 2005-3-2 (part)).

#### **5.48.040 Compliance Required.**

All persons and entities required to be licensed hereunder shall comply with the enforcement of the statutes and regulations set forth herein, shall comply with the orders and inspections of the inspectors appointed herein and shall comply with the licensing requirements set forth herein. (Ord. 2005-3-2 (part)).

#### **5.48.050 Definitions.**

As used in this Section, the terms defined in Section 98.01 of Wisconsin Statutes shall have the meaning therein described. (Ord. 2005-3-2 (part)).

#### **5.48.060 License Required.**

A. Except as provided in subsection B of this Section, no person or entity shall use, operate or maintain any commercial weights and measures as defined in this Chapter unless the person or entity is licensed by a weights and measures license issued pursuant to the provisions of this Section.

B. Exemptions. Sales by a person registered as a direct seller or by a holder of a farmer's market, vendor vehicle or special event permit are exempt from licensing under this Section, but if any person exempted herein is required by the state to hold a state certificate of examination by the Sealer of Weights and Measures, a copy of such certificate shall be provided to the Village. (Ord. 2005-3-2(part)).

**5.48.070 Application For License.**

An application for a weights and measures license shall be made in writing on a form provided by the Village Clerk and shall be signed by the owner of the commercial business or by its authorized agent. Such application shall state the type of the business, the type and number of weighing, measuring and scanning devices used by the business, the location of the devices and other such information as required, the applicant's full name, post office address and telephone, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is a partnership, the application shall state the names and addresses of each partner. If the applicant is a corporation or limited liability company, the application shall state the names and addresses of all officers and agents of the applicant, including the registered agent thereof. (Ord. 2015-6-10; Ord. 2005-3-2 § 1 (part)).

**5.48.080 Issuance Of License And Fees.**

Upon compliance with this Section and payment of fees outlined in Section 3.06.010(F)(4) of this Code, the Village Clerk shall issue a license to the applicant. Each store or other business shall require a separate license. (Ord. 2015-6-10; Ord. 2005-3-2 (part)).

**5.48.090 License Term.**

The initial license term shall commence on July 1, 2005 and shall expire on June 30, 2006. Thereafter, licenses issued under this Section shall expire on June 30 of each year and the cost thereof shall not be prorated. (Ord. 2005-3-2 (part)).

**5.48.100 Enforcement.**

It shall be the duty of the Village Clerk to notify the Village Board, the Village Administrator, the Building Official and the Police Chief and to cause the immediate enforcement of the provisions of this Section in cases involving a failure to obtain or renew a weights and measures license. A licensee shall be prohibited from engaging in any business involved in weights and measures until such time as a valid license has been obtained under the provisions of this Section. (Ord. 2015-6-10; Ord. 2005-3-2 (part)).