

TITLE 5. LICENSING AND REGULATION

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SECTION 5.1.04 DOMESTIC AND EXOTIC ANIMALS**(1) Dog License Required.**

(a) Fees/Penalties. No person in the Village of Lake Hallie shall own, harbor or keep any domestic or exotic animal more than six months of age without complying with the provisions of sec. 174 of the Wisconsin Statutes, and any amendments thereto, and the provisions of this section. The annual license fee shall be paid to the Clerk/Treasurer.

(b) Application for such license must be made before March 31st of the current license year. Persons who apply after March 31st, shall be subject to a late fee in the amount specified in Section 1.4.06. The late fee shall be added to the license fee.

(c) The late fee may be waived upon a showing of good cause by the owner of an unlicensed domestic or exotic animal for why the animal is unlicensed.

(d) The determination of good cause shall be in the sole discretion of the Village of Lake Hallie personnel.

(e) The provisions of this section requiring animals to be licensed shall not apply to any animal owned by a non-Village resident which is temporarily kept within the Village.

(2) Impounding Animals.

(a) Animals to be Impounded. Any unlicensed animals running at large in the Village of Lake Hallie shall be seized by the Police Department or the Village of Lake Hallie Animal Control Officer and impounded in such place as the Village Board shall designate.

(b) Care of Animals. The Village Board shall designate a person who shall be in charge of caring for and feeding impounded animals. They shall also maintain accurate records of all animals impounded, redeemed or disposed of, including charges collected for the care of animals and redemptions, if any. They shall turn over accounting receipts and impounded animal records monthly to the Clerk/Treasurer and shall perform such other and further duties as directed by the Village Board.

(c) Notice to Owner. As soon as practical after an animal has been impounded, notice shall be given to the owner, if ascertainable, in the manner designated by the Village Board.

(d) Redeeming Impounded Animals. An impounded animal may be redeemed by paying the fee specified in Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Said charges are to be paid to the Clerk/Treasurer, who shall tender a receipt for the sums so paid to the person paying said charges.

(f) Disposing of Impounded Animals. If an impounded animal is not redeemed within seven (7) days the Animal Control Officer shall dispose of the animal in a proper and humane manner. All receipts from impounded animals that have been disposed shall likewise be turned over to the Clerk/Treasurer and accounted for monthly.

(g) The owner of an animal that has been impounded, who is ascertained after the disposal of the animal, remains liable for the payment of the impoundment fee specified in Section 1.4.06 for the number of days the animal was impounded.

(3) Vaccination.

(a) Rabies Control. Every owner of a dog six (6) months of age shall have his/her animal inoculated with an anti-rabies vaccine by a licensed veterinarian. The tag received shall be firmly attached to the collar of the animal.

(b) Exceptions. No dog shall require the vaccination if a licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.

(c) Re-Vaccination. Every owner of a dog shall his/her dog re-vaccinated within one year of the initial vaccination and thereafter within every two years.

(d) Rabid Dog.

1. Any person who shall suspect that any dog in the Village of Lake Hallie is infected with rabies shall report his/her suspicions to the Police Department, describing the dog and giving the name of the owner, if known. Any person who shall observe that a dog has bitten any person shall give a similar report to the Police Department.

2. The Police Department or Animal Control Officer shall investigate such reports. If there appears a reasonable possibility that the dog is infected with rabies or has bitten a person, the Police Department or Animal Control Officer shall take up the dog

and cause it to be confined at a place provided by the veterinarian appointed by the Village Board, for such period as the veterinarian shall deem necessary to determine if the dog is infected with rabies.

(4) Bites by Animals.

(a) Report. Any person bitten or who suffers more than a superficial scratch by any animal shall report the fact to the Police Department.

(b) Quarantine. A healthy animal that bites a person shall be captured, confined and observed for 10 (ten) days by a veterinarian or at the animal shelter at the expense of the owner.

(5) Restrictions on the Keeping of Animals.

(a) Not to Run at Large. No person owning or harboring an animal shall permit it to run at large within the Village of Lake Hallie. An animal shall not be considered at large when on a leash or when the animal remains solely on the property of the owner. This section shall not be applicable to animals kept on farms or in an enclosed kennel.

(b) Vicious Animals Prohibited. No person shall harbor a vicious animal within the Village of Lake Hallie. An animal is vicious within the meaning of this paragraph when the animal has demonstrated a propensity to attack or bite people or other animals, or when there is good reason to believe the animal is mad, rabid, vicious or otherwise dangerous to the public.

(c) Noisy Animals Prohibited. No person shall own, keep or harbor an animal by which habitual yelping, barking, howling or making such other noises shall be the subject of frequent complaints, greatly annoy or disturb two or more persons residing in separate households within the Village, or pose a serious annoyance to persons passing to and from on the street.

(d) Snakes. Excepting zoos, educational institutions or exhibitions, no person may keep a venomous or poisonous snake, or a snake in excess of ten (10) feet in length.

(e) Cats. Excepting zoos, educational institutions or exhibitions, no person shall keep, feed or breed a member of the feline family other than a domestic cat.

(f) Abandonment. No person may abandon any animal.

(g) Unspayed Female Animals in Season. Any unspayed female animal in season shall be kept in a building or secure kennel enclosure,

veterinary hospital or boarding kennel during the duration of such season.

(h) Injured Animals.

1. Medical Attention. No person who owns harbors or keeps any animal shall fail to provide proper medical attention to such animal when such animal becomes injured. If the owner of such injured animal cannot be located, the Police Department or Animal Control Officer shall have the authority to acquire such animal for the purpose of providing medical treatment and the owner thereof shall be responsible for reimbursement of any and all medical costs incurred by the Village of Lake Hallie.

2. Accidents. The operator of any vehicle involved in an accident resulting in the injury or death of any domestic animal shall stop such vehicle at the scene of the accident or as close thereto as possible and, if possible, remove the animal to the side of the roadway and notify the Police Department.

(6) Maximum Number of Dogs and Cats. Unless otherwise approved by the Village Board, no person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than 3 dogs, over 5 months of age, or 3 cats, over 5 months of age, or any combination of such dogs and cats exceeding 4, within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within the Village. All dogs and cats over 5 months of age shall be counted. This section shall not be applicable to animals kept on farms or in a licensed kennel.

(7) Providing Proper Food and Drink to Confined Animals. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and potable water. In order to be sufficient, the supply of food must be adequate to maintain the animal in good health. In order to be sufficient, a supply of potable water shall be provided daily to the animal, fresh and in sufficient quantities for the health of the animal to be maintained.

(8) Providing Proper Shelter to Confined Animals. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter from sunlight and inclement weather. Proper shelter from sunlight shall require that when sunlight is likely to cause heat stress or exhaustion of an animal tied or caged outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. Sufficient ventilation shall be provided to prevent any animal confined within a vehicle from suffering heat stress or exhaustion. If a dog or cat is tied or confined unattended outdoors under weather conditions which are likely to adversely affect the health of the animal, a shelter of suitable size to accommodate the animal shall be provided which is sufficient to protect the animal from such weather conditions.

(9) Animal Control Officer.

(a) Powers and Duties. The Animal Control Officer shall have the powers and duties conferred by Sec. 174 of Wis. Stats. The Police Department shall give this Officer such assistance in capturing dogs or other animals as may be required. The Officer shall also enforce the provisions of this section and may issue citations for violations thereof.

(10) Animal Excreta. The owner or person in charge of an animal shall promptly remove and dispose of in a sanitary manner any excreta or feces deposited by such animal upon any public or private property.

(11) Liability. The Village of Lake Hallie and/or its designated agents shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this section.

(12) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(13) Severability of Provisions. If any section, subsection, sentence, clause or phrase herein is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision should not affect the validity of the remaining portions.

(14) Replacement of Previous Ordinances. This section supersedes any previous Ordinance relating to dogs and other domestic animals (please note detailed history listed below).

(Formerly Dogs Ordinance #109 adopted by the Hallie Town Board May 1, 1978, Ordinance #3-87 adopted June 1, 1987 and Ordinance #80-6 adopted on December 15, 1980; Ordinance "Ordinance Relating to Dogs" #100109 adopted November 17, 1997)

Section 5.1.06. CHICKENS WITHIN THE RESIDENTIAL 1 ZONING DISTRICT

(A). Purpose. The purpose of this section is to outline conditions under which village residents in the Residential 1 District may safely keep and maintain a limited number of chickens to provide eggs for household use; to assure appropriate setbacks for proposed chicken coops or structures in which to house chickens; and to protect the health, safety, and welfare of the general population of the Village of Lake Hallie

(B). Definitions. For the purposes of this section, the following terms have the meaning indicated:

- (1).** “Backyard” shall mean for purposes of this chapter that portion of a lot enclosed by the property’s rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the two side lot lines.
- (2).** “Chicken” shall mean a female gallinaceous bird or hen of any age, including chicks. This definition does not include other kinds of fowl, such as, but not limited to: ducks, quail, pheasant, geese, turkeys, peacocks, emus or ostriches.
- (3).** “Coop” shall mean an enclosed structure, building or pen within which chickens roost or are housed.

(C). License Required.

- (1).** No person shall own, harbor, keep, or maintain chickens within the corporate limits of the village without first obtaining a license from the Village Clerk/Treasurer.
- (2).** Applications shall be made to the Village Clerk/Treasurer on such forms as provided by the Village.
 - (a).** Applications shall be submitted before March 1st of the current license year, or within six (6) weeks of acquiring a licensable chicken. Persons who apply after March 1st shall be subject to a late fee in the amount specified in Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. The late fee shall be added to the license fee.
 - (b).** The license year shall commence on March 2, shall end on the following March 1st, and shall be renewed annually.
 - (c).** As part of the license application, the property owner shall provide a Premises Registration Number, which is obtained by filing a “Livestock Premises Registration Application” (Form AH-LP-100) with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). The registration is free and can be completed online.
- (3).** Applicants shall state on the licensing application a plan to dispose of chicken manure in a safe and adequate manner. Failure to follow this plan is grounds for revocation of a given license.

(D). Fees.

- (1).** The annual license fee and late fee shall be as cited in section 1.4.06 of the village ordinances.
- (2).** Licenses shall not be transferable, and license fees shall not be prorated or refundable.

(E). Property Requirements.

- (1).** Chickens shall be kept and maintained on a single lot zoned Residential 1 (R1) in accordance with section 70-68 of the Lake Hallie Zoning Ordinance.
- (2).** Chickens shall not be kept or maintained upon a vacant lot.
- (3).** A coop and any attached enclosure shall be located in the backyard of the license holder’s property.

(F). Coop Requirements & Design.

- (1).** A coop and any attached enclosure shall have the minimum following setbacks:

(a). Rear Property Line: 20'

(b). Side Property Line: 15'

(c). Well: Five or less chickens shall have an 8' setback, while 6 or more shall have a 50' setback per Wis. Admin. Code NR 812, Table A.

(d). Septic Absorption System: 10'

(e). Septic Tank: 5'

(f). Any other setback requirements as indicated in applicable ordinances.

(2). All coops, including any attached enclosure, shall be enclosed with wire or avian netting or equivalent material including a protective overhead that will prevent chickens from escaping the coop or the attached enclosure.

(G). Conditions for Keeping of Chickens on Residential 1 Zoned Property

(1). A person keeping or maintaining chickens on property zoned Residential 1:

(a). Shall keep or maintain not more than ten (10) chickens.

(b). Shall keep or maintain chickens within a coop or attached coop enclosure at all times.

(c). Shall not keep or maintain roosters.

(d). Shall not sell eggs.

(e). Shall not slaughter chickens on the property.

(2). Chickens shall be provided with access to feed and clean water per section 5.1.04(7).

(3). Chickens shall be provided with proper shelter per section 5.1.04(8).

(4). Chickens ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including but not limited to, salmonella, avian influenza, are prohibited and shall be immediately disposed of per appropriate local, state or federal regulations.

(5). A dog or cat which kills or injures a chicken shall not, for that reason alone, be considered a vicious animal under section 5.1.04(5)(b).

(6). Deceased chickens should be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased chicken in a sealed bag. Burying or composting of deceased chickens on the property shall not be allowed.

(H). Sanitation.

(1). Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential dwelling.

(2). Chicken feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds and predators.

(3). All coops and backyards where chickens are kept or maintained shall be reasonably free from substances, including but not limited to chicken manure, such that it does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

(I). Inspection and Enforcement.

(1). The police department and/or animal-humane officer shall have the power, whenever it or they may deem reasonably necessary, to enter a building, structure, or property related to a license under this chapter to ascertain whether the license holder is in compliance with this chapter. The above-listed department(s) or individuals may issue compliance orders and citations pursuant to the provisions of this chapter, county code and state law.

(2). Violations of this chapter may constitute a public nuisance under Wisconsin Statutes Chapter 823. The village may maintain an action to recover damages or abate a public nuisance pursuant to Wisconsin Statutes Chapter 823.

(3). A license issued hereunder may be revoked by the Village Clerk/Treasurer upon determination that the property owner has failed to comply with the provisions of this chapter, this code, or state law, or the chickens or property has been declared a public nuisance.

(4). Appeals from orders for compliance or license revocation shall be heard by the Village Board if requested by the property owner. An appeal does not limit the Village's right to seek court intervention in the form of injunctive or other relief.

(J). Other methods not excluded. The provisions of this chapter are not exclusive and may be used in combination with each other or with any other section of this code or state statute applicable to this subject matter.

(K). Severability. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

(L). Violation and Penalty. Any person who shall violate any provision of this section shall be subject to the penalty as specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances.

SECTION 5.2.04 CIGARETTE AND TOBACCO PRODUCTS RETAILER'S LICENSE

(1) License Required. It is unlawful for any person, firm or corporation, in any manner, upon any pretense, by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person not holding a license as herein provided under Sec. 139.30 to 139.41 or 139.79 Wis. Stats., as may be amended, without first obtaining a license from the Village of Lake Hallie, wherein such privilege is sought to be exercised pursuant to Sec. 134.65(1).

(2) Authority. The Village Board is vested with the statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Section and/or by its adoption of village powers under Sec. 60.10 Wis. Stat. to regulate, control, license, register or permit certain uses, activities, businesses and operations in the Village of Lake Hallie. The Village Board's authority includes, but is not limited to, the assessment of appropriate fees for the licenses as contained herein and the authority to enforce by revocation or penalty, the licensing provisions of this section.

(3) Coverage/License Term. Every person, pursuant to Sec. 134.65 Wis. Stat., and this Section, who sells cigarettes in the Village of Lake Hallie to a person who does not hold a Village of Lake Hallie Cigarette License or who does not hold a permit under Sec. 139.30 to 139.41, or 139.79, Wis. Stat. shall obtain a cigarette sales license from the Village of Lake Hallie. The license shall be issued on July 1st or thereafter whenever applied for and approved, and shall continue in force from date of issuance until June 30th of the next year, unless sooner revoked.

(4) Application/License. The application and license shall designate the premises. Such licenses are not transferable from one person to another and are not to be amended from one premise to another. The application for the license shall be in writing to the Village of Lake Hallie. The applications shall be filed with the Clerk/Treasurer, who shall prepare and forward the appropriate license application form to the applicant. The application form for licenses from the Village of Lake Hallie shall contain appropriate requests for relevant information as may be required by state statute, or as required by the Village of Lake Hallie Code of Ordinances, or as otherwise required by order of the Village Board. All application fees are to be paid to the Clerk/Treasurer upon submittal of the completed application form by the applicant or the agent of the applicant.

The application shall, at minimum contain:

- (a)** Name of local governing body (Village of Lake Hallie).
- (b)** Name of County (Chippewa).
- (c)** Name of Applicant.
- (d)** The address of the premises (described premises) of the applicant.
- (e)** Year. July 1st of the year when the license is applied for, to June 30th of the next year (subject to all the provisions of the Wisconsin Statutes and this section).

(5) Application Fees. The annual license fee shall be paid to the Clerk/Treasurer as specified in Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances. No license shall be issued unless the applicant has duly tendered the license fee. If the license is not issued, the the application fee will be returned along with a written denial letter by the Clerk/Treasurer. The denial letter shall state the reasons why the license application was denied. Once a license is issued, no refunds shall be made by the Clerk/Treasurer, unless by order of the Village Board.

(6) License.

(a) Any person subject to this Section shall comply with Sec.134.65 Wis. Stat. and this Section.

(b) The Clerk/Treasurer shall provide copies of this Section at no cost to any applicant requesting copies.

(c) The applicant and any other person subject to this Section shall comply as follows:

1. No person shall be issued or re-issued a cigarette retail sales license in the Village of Lake Hallie until the appropriate fee has been paid to the Clerk/Treasurer.

2. No person shall be issued or re-issued a cigarette retail license in the Village of Lake Hallie who has failed to properly and fully complete and submit to the Clerk/Treasurer the application form as developed and provided by the Village of Lake Hallie.

3. No person shall be issued or re-issued a cigarette retail sales license in the Village of Lake Hallie until the person owns or has leased premises in the Village of Lake Hallie.

4. No person shall be issued or re-issued a cigarette retail sales license in the Village of Lake Hallie until all outstanding

assessments that are due or delinquent taxes due to the Village of Lake Hallie have been paid to the Clerk/Treasurer.

(7) Violation-Penalty. Any person who violates any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances. Penalties for second or subsequent offenses for violations shall be as set forth in Sec. 134.65 (5) Wis. Stats., and any amendments thereto. Section 134.65(5), Wis. Stats. is hereby adopted by reference and made a part of this section as if fully set forth herein. Each day any cigarettes or cigarette paper or wrappers are manufactured, sold, or disposed of within the Village without a license shall constitute a separate offense.

(8) Severability of Provisions. If any section, subsection, sentence, clause or phrase herein is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision should not affect the validity of the remaining portions.

(Formerly Hallie Ordinance #141 adopted by the Hallie Town Board April 5, 1999)

SECTION 5.3.02. LIQUOR AND MALT BEVERAGE LICENSES

(1) Strict Compliance Required. It shall be unlawful for any person, firm, association, corporation or limited liability company, to sell, or keep for sale, at wholesale or retail, or permit to be sold, or kept for sale, at wholesale or retail, within the Village of Lake Hallie, any alcohol beverages except in strict accordance with the provisions of this section .

(2) Statute Adopted. The Statutory provisions of Sec. 125 Wis. Stats., describing and defining regulations with respect to alcoholic beverages are hereby adopted and by reference made a part of this section as if set forth in full herein; except for those provisions requiring imprisonment or provisions permitting the Village to enact standards different from that set forth by the legislature. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section unless there is specific provision to the contrary. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this section. In the event of a conflict between the provisions of this section and any statute, the section controls unless expressly forbidden by the statute. If the statute authorizes the Village to enact a provision in its sole discretion and the section does not so provide, the Village shall be deemed to have declined to act.

(3) Definitions. Whenever the following terms are used in this section, they shall be construed as follows:

"Alcohol beverages" means fermented malt beverages, wine and intoxicating liquor. Wis. Stat. sec. 125.02 (1).

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

"Brewery premises" means all land and buildings used in the manufacture or sale of fermented malt beverages at a brewer's principal place of business.

"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.

"Fast Food Restaurant" means a restaurant serving food primarily prepared in advance and sold to its customers at a counter, and/or a restaurant utilizing a drive through facility.

"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 un-malted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume. Wis. Stat. sec. 125.02(5). Although fermented malt beverage licenses are commonly referred to as "beer" licenses, fermented malt beverages also include other beverages (e.g., wine coolers) that have a fermented malt beverage base.

"Full-service Restaurant" means a restaurant where meals are primarily prepared individually for the customer and are served to customers at their table by wait staff. A restaurant which is a fast food restaurant, or which has drive-through facilities is not considered a full-service restaurant.

"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 0.5% or more of alcohol by volume, which are beverages, but does not include 'fermented malt beverages.' Wis. Stat. sec. 125.02(8).

"Legal drinking age" means twenty-one (21) years of age or older. Wis. Stat. sec. 125.02(8m).

"License" means an authorization to sell alcohol beverages issued by a municipal governing body under this section.

"Permit" means any permit issued by the department under this section.

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

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

"Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight.

"Restaurant" has the meaning as defined in Wis. Stats. Sec. 254.61(5) and whose sale of alcohol beverages accounts for less than 50% of the establishment's gross receipts.

"Sell", "sold", "sale" or "selling" means any transfer of alcohol beverages with 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.

"Under the influence" means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol beverages and which tends to deprive a person of the clearness of intellect and control of himself or herself which he or she would otherwise possess.

"Underage person" means a person who has not attained the legal drinking age.

"Wholesaler" means a person, other than a brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit or license to sell alcohol beverages at wholesale.

"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 (made from pears), mead (made from fermented honey and water), and sake, if such products contain not less than 0.5% or more than 21 percent of alcohol by volume. Wis. Stat. sec 125.02(22). Wine is classified as liquor in Wisconsin.

(4) License Classifications.

(a) Class A Licenses.

1. A Class "A" license authorizes retail sales of fermented malt beverages, in original packages or containers, within the Village of Lake Hallie, for consumption elsewhere than on the premises where sold. A Class "A" license also allows the licensees to provide up to two free taste samples of not more than three fluid ounces not in the original package or container to customers and visitors of legal drinking age.

2. A "Class A" license authorizes retail sales of intoxicating liquor to consumers only in original packaging within the Village of Lake Hallie, for consumption elsewhere than on the premises where sold. "Class A" licensees may also provide customers of legal drinking age no more than 2 (two) free wine taste samples per person of not more than 3 (three) fluid ounces each, for consumption on the premises between the hours of 11 a.m. and 7 p.m. Sec. 125.06 (13). Between 11 a.m. and 7 p.m., "Class A" licensees can also provide persons of legal drinking age no more than one taste sample, not exceeding 0.5 fluid ounces of intoxicating liquor other than wine for consumption on the premise.

(b) Class B Licenses.

1. A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises, provided that only fermented malt beverages in original packages or containers may be removed from the premises where sold. A Class "B" license issued to a person operating a hotel authorizes that person to furnish a registered guest who has attained the legal drinking age with a selection of beer in the guest's room which is not part of the Class "B" premises. Sec. 125.26(2m). A Class "B" license issued to a coliseum (a multipurpose facility designed principally for sports events with a capacity of 18,000 or more persons) operator or concessionaire also allows the provision of coliseum suites. Sec. 125.26 (2s).

2. A "Class B" license authorizes retail sales of wine and intoxicating liquor for consumption on the premises where sold by the glass and to be consumed on the licensed premises where sold. A "Class B" license also authorizes the sale of wine, fermented malt beverages and intoxicating liquor in the original package or container to be consumed off the licensed premises. A "Class B" license issued to a person operating a hotel authorizes that person to furnish a registered guest who has attained the legal drinking age with a selection of intoxicating liquor in the guest's room which is not part of the "Class B" premises.

3. "Class C" wine licensees may sell wine by the glass or in an opened original container for consumption on the premises where sold. "Class C" wine licenses may be granted to an applicant only if: (1) the applicant meets the qualifications set out in sec. 125.04(5) for other retail licensees; (2) the license is for a restaurant in which the sale of alcohol beverage accounts for less than 50 percent of gross receipts; and (3) wine is the only intoxicating liquor sold in the barroom. Sec. 125.51 (3m), Stats.

(5) Training Course. No licenses shall be issued unless the applicant has successfully completed a responsible beverage server training course offered by a vocational, technical, and adult education district that conforms to curriculum guidelines specified by the board of vocational, technical, and adult education or a comparable training course that is approved by that department or the educational approval board.

(a) The applicant shall be excused from the training course requirement if:

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

(b) Those who complete a training program shall have an appropriate endorsement recorded and placed on their licenses.

(c) Where application is made for a license on behalf of a sole proprietorship, the sole proprietor shall have successfully completed the beverage server training course. Where such application is made on behalf of a partnership, all partners shall have successfully completed the beverage server training course. Where such application is made on behalf of a corporation or a limited liability company, the agent appointed shall have successfully completed the beverage server training course.

(6) Refusals to Issue New License or Permit. If the Village Board decides not to issue a new license or permit under this section, such denial shall state the reason for denial. The Clerk/Treasurer shall transmit to the applicant by first class mail, the decision of the Village Board and shall state the reason for the denial.

(7) Procedure on Receiving an Application.

(a) No license shall be granted hereunder unless a public hearing is held on such application.

(b) No such hearing shall be held except upon proper notice in the agenda for such hearing and notice to the public by a Class I Notice, together with the posting of such notice in three public places in the Village.

(c) Such hearing shall be conducted and recorded with either a Court Reporter or a tape recording, unless this condition is unanimously waived by vote of the Village Board.

(d) The order of procedure shall be that the persons appearing in favor of the granting of the license shall appear first and make their presentation; the persons appearing in objection shall then make their presentations, and the persons appearing in favor shall then have an opportunity to present rebuttal. The Village Board shall have the right to limit the amount of time for each presentation, to receive petitions for or against, to request that persons signing such petitions sign either a form or a sheet stating who they are, who they represent, whether they are electors or otherwise, their address and whether or not they are for, against or have no position on the matter.

(e) After the conduct of the hearing, which shall follow regular rules of order, the Village Board may meet in open or closed session. Closed sessions shall be held only if properly noticed in the agenda. The Village Board shall then act upon the application at such time or later, as the Village Board feels sufficient information has been received on which to act properly, and either grant, deny or table the application for a period of time.

(8) Qualifications for Licenses and Permits. Qualifications for licenses issued under this Section are as set forth in this Section and the requirements of Sec. 125 Wis. Stat.

(9) Criteria for Granting the License.

(a) Certain questions shall be answered by the Village Board in the affirmative before it shall be proper to grant a license. Among the questions, but not limited thereto, shall be those questions following, and it is mandatory for the Village Board to consider these conditions on any request for a Class A or Class B Licenses, or combination thereof, and the Village Board shall not issue such a license until it finds the answers to the following questions to be in the affirmative:

1. Are the premises and the building in which the licensee is to be conducting business in accord with the Zoning and Building Codes of the State of Wisconsin, Chippewa County and Village of Lake Hallie codes, and in compliance with other regulating bodies?
2. Is the building sightly and will its construction and operation be suitable for the intended purpose?
3. Is it in the commercial and general welfare of the Village of Lake Hallie, Chippewa County, Wisconsin?
4. Does the granting of the license have a valid purpose?
5. Will the aesthetic propensities of the building and the operation generally, including fencing, grounds, parking and otherwise, contribute to the general attractiveness of the community?
6. Will the effect of granting this license have any socially redeeming values effectuated for the benefit of the people of the community of the Village of Lake Hallie?
7. Has the traffic situation been reviewed by a proper traffic reviewing authority such as the Police Department, and is such report on file for the benefit of the Village Board's consideration?
8. Has the Village Board considered the availability of the sale of the product that will be sold under this license in its total quantum capacity available to the residents, tourists, passers-through and others that will be affected and have access to same and is it the decision of the Village Board that the addition of this license will not create an oversupply that would be adverse to the health, safety, general welfare and public peace, safety and order of the community?
9. Has the Village Board carefully considered the application in its entirety, including such background material as shall be within proper inquiry in this respect, and also the personnel involved in the operation, and is the Village Board satisfied that there is no one

operating who is a convicted felon or who is not a person of good character and that every applicant and all employees and/or agents etc. are people of good character and that the application itself meets with all of the legal requirements of the laws of the State of Wisconsin and the Code of the Village of Lake Hallie.

10. Has the Village Board, or a majority of those members voting, made a personal inspection of the premises, or if a proposed structure, the plans and specifications for same, and if necessary, has it consulted with engineers?

11. Has the Village Board consulted, should it deem necessary to do so, with special experts such as engineers, legal counsel, or otherwise, to check out the validity of allegations made by way of the application, the plans and specifications or other documents that the Board shall, in its reasonable wisdom, require in order that it may be properly advised as to the entire structure of the organization, its principal, the type and nature of the building and operation, and has the Board satisfied itself that it has met the legal requirements and the ethical requirements that would go with an operation so that it will not be a detriment to the health, safety and general welfare of the people of the Village of Lake Hallie?

(10) Discretionary Authority of the Village Board. The fact that a particular premises meets the qualifications set forth in subsection (9) above does not entitle said premises to a license, the issuance of which remains the sole discretion of the Village Board considering all factors relevant to the issuance of said license.

(11) License Period/Expiration Dates. Except as otherwise provided in this Section all licenses and permits issued shall expire on June 30 of each year. A license may be issued after July 1 in any license period. The license shall expire June 30 the next year. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the next June 30.

(12) License Framed and Posted. Licenses for the sale of alcohol beverages shall be enclosed in a frame having a transparent front which allows the license to be clearly read. All licenses shall be conspicuously displayed for public inspection at all times in a room or place where the activity subject to licensure is carried on.

(13) Transfer of Licenses and Permits.

(a) From Place to Place. A license may only be transferred to another place or premises with the approval of the Village Board. The Village Board may permit one transfer during the license period provided that the licensee proves to the satisfaction of the Village Board that the new premises is in full and complete compliance with all state and Village law, regulations and Codes; that the owner and/or lien holder of the existing premises consents to the transfer in writing, and that such transfer is not detrimental to the public interest. Application to transfer shall be filed with

the Clerk/Treasurer along with payment of a transfer fee in the amount specified in Section 1.4.06 of the Village of Lake Hallie Code.

(b) From Person to Person.

1. Licenses to sell alcohol beverages may not be transferred to persons other than the licensee without the approval of the Village Board. If the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license period or after filing the application, then under such circumstances or others deemed sufficient by the Village Board in its discretion, the Village Board may, upon application, transfer the license to the licensee's designee provided that such designee complies with all of the requirements under this section applicable to original applicants, except that a surviving spouse shall be exempt from payment of the license fee for the period in which the transfer takes place.

2. Upon the happening of any of the events under paragraph 1. above, the personal representative, the surviving spouse, if a personal representative is not appointed, the trustee, or the receiver may continue or sell or assign the business.

3. Businesses may be continued under paragraph 2 above only if the personal representative or surviving spouse is a U.S. citizen.

(14) Limitation Upon Issuance of Licenses.

(a) Class A Licenses.

1. Issuance restricted. The number of "Class A" Fermented Malt Beverage and Intoxicating Liquor licenses that will be issued within the Village for the operation of liquor stores will be approved by the Village Board in its discretion sees fit to authorize and issue.

2. Authorized sales personnel. All sales in or on the premises for which any Class A license has been issued shall be made by the owner (licensee) or by licensed employees, each of whom shall be responsible for checking the ages of such customers so as to prevent sales to customers not authorized to purchase such beverages and liquors because of age, and who shall be deemed to be aware of all the laws governing the sale of fermented malt beverages and intoxicating liquors with respect to such licensed premises and the types of sales that may lawfully be made under such license.

3. No person shall sell or keep for sale or permit to be sold or kept for sale in or about any premises for which a "Class A" or a Class "A" license has been issued any fermented malt beverage except in original unopened packages, containers or bottles, not to be consumed in or about the premises where sold.

(b) Class B Fermented Malt Beverage License.

1. Issuance restricted. The number of Class “B” licenses that will be issued within the Village will be limited to one for every 1500 of population and one license for each fraction thereof as determined by the last Federal decennial census in the Village, or such lesser number thereof as the Village Board in its discretion sees fit to authorize and issue.

2. Authorized sales personnel. All sales in or on the premises for which any Class B license has been issued shall be made by the owner (licensee) or by licensed employees, each of whom shall be responsible for checking the ages of such customers so as to prevent sales to customers not authorized to purchase such beverages and liquors because of age, and who shall be deemed to be aware of all the laws governing the sale of fermented malt beverages and intoxicating liquors with respect to such licensed premises and the types of sales that may lawfully be made under such license.

(c) Temporary Licenses.

1. Temporary Class “B” license for the sale of fermented malt beverages. Temporary Class “B” licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans’ organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the Hallie Village Board but shall not exceed \$10. An official authorized by the Hallie Village Board to issue temporary Class “B” licenses may, upon issuance of any temporary Class “B” license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. The Hallie Village Board may issue a temporary Class “B” license for premises that are covered by a “Class B” license or permit, if the applicant meets the requirements of this subsection.

2. Temporary “Class B” license for the sale of wine. Temporary “Class B” licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans’ organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine

is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be \$10, except that no fee may be charged to a person who at the same time applies for a temporary "Class B" license for the sale of fermented malt beverages for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair are being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. Not more than two (2) licenses may be issued under this subsection to any club, county or local fair association, agricultural association, church, lodge, society or veterans' post in any 12-month period.

3. Temporary Class "B" application procedure. Application for a temporary Class "B" license shall be filed with the Village Board at least thirty (30) days prior to the granting of the license. The Village Board may issue a license for an application that is not timely provided that it finds that it has all of the information necessary to make an informed decision. The license shall be issued upon written application, and for such time, not to exceed four (4) days, unless otherwise agreed by the Village Board. The license shall be subject to such restrictions as the Village Board determines are in the public interest. The Village Board retains authority to deny any application that it deems not to be in the public interest, including but not limited to health, safety, or supervision concerns.

(d) Temporary Class "B" licenses may be issued to other groups, organizations, or businesses that are not included in the named categories of applicants in subsections (c)1.-2., supra, including "Class B" license holders who wish to serve fermented malt beverages, wine, or both outside of the area described as the premises on a "Class B" license or permit. The application procedures and restrictions shall be the same as those set forth in subsection (c)3., supra, except that the licensing fee shall be as follows:

- 1.** ≤ 50 persons: \$10
- 2.** >50 , but < 200 persons: \$25
- 3.** ≥ 200 persons: \$50

(e) Class "B" License (Social Use Permit) (more than 200 persons). Original Class "B" licenses may be issued by the Village Board for social gatherings and non-commercial events at which more than 200 persons attend. The application procedures and restrictions shall be the same as those set forth in subsection (c), above, for beer picnic licenses. The licensing fee in the amount specified in Section 1.4.06, for social use permits, shall be paid to the Clerk/Treasurer prior to the issuance of the

license, unless the Village Board waives or otherwise modifies the licensing fee.

(15) General Provisions and Hours.

(a) No License Where Pending Violation. No license shall be issued, renewed or granted to any person, firm, corporation, limited liability company or organization for any premises as a result of the sale or transfer of the business, stock in trade or furnishings of said premises, to a new applicant while there is pending violation against the former licensee for the violation of any provisions of this Code, or any county or state law or statute which on conviction would result in automatic forfeiture of said license.

(b) Licensee, Agent or Operator on Premises at All Times. There shall be at all times, upon the licensed premises the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or some person who shall have an Operator's or Manager's license and who shall be responsible for the acts of all persons serving, as waiters or in any other manner, any alcohol beverages to customers. No person other than the licensee, or the agent named in the license if the licensee is a corporation or limited liability company, shall serve alcohol beverages in any place operated under a license unless he/she shall possess such Operator's or Manager's license, or unless he/she shall be under the immediate supervision of the licensee or a person holding an Operator's or Manager's license who shall be at the time of such service upon said premises. No person may manage premises operating under a license or permit, unless the person is the licensee or permittee, an agent of the corporation or Limited Liability Company or the holder of a manager's license.

(c) Sign to be Posted. A sign bearing the words "Bar closed after 2:00 a.m., 2:30 a.m. on Saturday and Sunday" shall be conspicuously displayed over the bar in all premises for which a Class "B" or "Class B" license shall have been issued.

(d) "Class A" and Class "A" Hours.

1. Premises Hours. No premises for which a Class "A" Fermented Malt Beverage license has been issued shall sell fermented malt beverages between the hours of 12 a.m. midnight and 6 a.m. No premises for which a "Class A" Intoxicating Liquor license has been issued shall sell intoxicating liquors between the hours of 9 p.m. and 6:00 a.m.

2. No-Carryout Law. Between the hours indicated above no seller shall permit nor shall any person carry out or remove from a Class "A" or "Class A" licensed premises, any alcohol beverages in an original unopened package, container or bottle or for consumption away from the premises.

3. No On-Premises Consumption. It shall be unlawful for any person to possess or drink from any open container which contains alcohol beverages within any Class A licensed premises at any time unless said premises also holds a Class B license.

(e) "Class B" and Class "B" Hours.

1. No-Carryout Law. Between 12:00 a.m. and 6:00 a.m., no seller shall permit nor shall any person carry out or remove from the "Class B" licensed premises, any alcohol beverages in an original unopened package, container or bottle or for consumption away from the premises.

2. Premises Hours. No premises for which a "Class B" or Class "B" license has been issued shall be permitted to remain open between the hours of 2:00 a.m. and 6:00 a.m., on weekdays and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1 premises operating under a Class B license or permit are not required to close.

(f) Regulation of Closed Retail Space. Only the permittee, licensee, employees, salespersons, employees of wholesalers licensed under Sec. 125.28(l) or 125.54(l), Wis. Stats., or service personnel may be present on Class B premises during hours when the premises are not open for business if those persons are performing job-related activities.

(g) Wine may be removed from a class "B" premise under these conditions. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is reinserted at a time prior to 12 am.

(h) No After-Hours Consumption. It shall be unlawful for any person to possess or drink from any open container which contains alcohol beverages within a "Class B" or Class "B" licensed premises between 2:00 a.m. and 6:00 a.m. on weekdays and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1 premises operating under a Class B license or permit are not required to close.

(i) It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed premises.

(j) No retail license shall be issued to any person who has not attained the legal drinking age.

(k) Police Record and Report. Before any original license shall be issued or granted under this section, the Chief of Police may, upon the Village Board's request, file a written report showing the applicant's complete police record in accordance with any policy.

(l) Place-to-Place Deliveries. No person may peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

(16) Fees. The annual license fee shall be paid to the Clerk/Treasurer as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances. In addition to the fees required for liquor and malt beverage licenses in the Village of Lake Hallie, the applicant shall pay to the Clerk/Treasurer at the time of filing application an amount equal to the actual costs of publication where publication is required by law. No license shall be issued unless the applicant has duly tendered the license fee and the publication costs.

(17) Revocation, Suspension or Non-Renewal of License. The following provisions shall apply to the revocation, suspension or non-renewal of any license issued pursuant to this Section.

(a) Complaint. Any resident of the Village may file a sworn written complaint with the Clerk/Treasurer alleging one or more of the following about any person or other entity licensed pursuant to this Section:

1. The person has violated any provision of this Section.
2. The person keeps or maintains a disorderly or riotous, indecent or improper house.
3. The person has sold or given away any intoxicant to any underage person, or to persons intoxicated or bordering on intoxication, or to known habitual drunkards.
4. The person has failed to maintain the premises according to standards prescribed for sanitation by the State Division of Public Health, or in whose premises persons are permitted to loiter for purposes of prostitution.
5. The person has not observed and obeyed any lawful order of the Village Board or police officers of the Village.
6. The person does not possess the qualifications required under this section to hold the license.
7. The person has been convicted of manufacturing or delivering a controlled substance under Sec. 161.41 (1), Wis. Stats.; of possessing, with intent to manufacture or deliver, a controlled substance under Sec. 161.41 (1m), Wis. Stats.; or of possessing, with intent to manufacture or deliver, or of

manufacturing or delivering a controlled substance under a substantially similar federal law or a substantially similar law of another state.

8. The person knowingly allows another person, who is on the premises for which the license under this section is issued, to possess, with the intent to manufacture or deliver, or to manufacture or deliver a controlled substance.

(b) Notice of Hearing on Complaint. Upon the filing of the complaint, the Village Board shall issue a Notice of Hearing on Complaint, signed by the Clerk/Treasurer and directed to any peace officer in the municipality who shall serve said Notice upon the licensee in the manner provided under Ch. 801, Wis. Stats., for service in civil actions in circuit court. The Notice shall set forth the nature and content of the complaint filed with the Village and shall command the licensee complained of to appear before the Village Board on a day and time and at a place named in the Notice, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why the license should not be revoked or suspended. The Notice and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear.

(c) Procedure on Hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Village Board finds the allegations sufficient, the license shall be revoked. The Clerk/Treasurer shall give notice of the revocation to the person whose license is revoked.

2. The President of the Village Board, or his or her designee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Sec. 227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.

3. If the licensee appears as required by the notice and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, Village personnel shall make the necessary arrangements, but the expense shall be borne by the requesting party. The Clerk/Treasurer shall mark and receive all exhibits admitted into the record.

(d) Decision of the Village Board.

1. In a timely manner after completion of the hearing, the Village Board shall submit its findings of fact, conclusions of law and decision. The Village Board shall provide the complainant and the licensee with a copy of the decision.

2. The decision of the Village Board shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the Village of Lake Hallie the actual cost of the proceedings.

3. If the Village Board finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Village Board finds the complaint is true, it shall determine the sanctions to be imposed against the licensee. Sanctions include a warning, a fine not to exceed \$500, plus costs, suspension of license or revocation of license.

4. The Clerk/Treasurer shall give notice of the sanctions imposed to the licensee.

(e) Effect of Revocation. When a license is revoked under this section, the revocation shall be recorded by the Clerk/Treasurer and no other license issued under this section shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation.

(f) Judicial Review. The action of the Village Board in granting or failing to grant, suspending or revoking any license, or the failure of the Village Board to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the Village.

(g) Non-renewal of License. The Village Attorney, or special counsel appointed for such purposes may, after investigation, commence an action before the Village Board to hear evidence that a license issued pursuant to this section should not be renewed. The Village Board shall, in writing, notify the licensee of the consideration of non-renewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the non-renewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for non-renewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subdivisions (a) and (b) shall apply. The commencement of this action shall stay action by the Village Board on the licensee's application until the decision of the Village Board is final.

(h) Inactive Licenses. Liquor licenses and malt beverage licenses, both Class A and Class B, shall not be issued to parties not actively engaged in the business for which the license is intended.

1. Original applications for licenses will only be issued if the applicant has a legal interest in the licensed premises for which the applicant intends to operate the business and said premises meets all applicable local and state requirements and regulations.

2. Applications for renewal of any liquor or malt beverage license shall not be renewed if, during the preceding license year, the applicant has not continuously and substantially engaged in the business for which the license was intended.

(i) No license shall be issued or renewed if property taxes of the licensed premises are delinquent.

(18) Other Provisions. Any license issued pursuant to this section shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this section or by the enactment of new Codes. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this section in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(19) Penalties.

(a) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances. .

(b) Nothing in this subsection shall in any way diminish the authority of the Village Board to suspend, revoke or non-renew any license issued pursuant to this section for any violation of Village Code or laws of the county and state.

(20) Severability. The provisions of this section are severable. If any section, subsection, sentence, clause, phrase or portion herein is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(21) Repeal of Ordinances. All ordinances adopted by the Village Board prior to the adoption of this section, which are in conflict, are hereby repealed.

(Formerly Hallie Ordinance No. 111 "Liquor Sales Ordinance" as amended by Hallie Ordinance Nos. 82-3, 3-85, 4-87 and 2-92 (4(b) Revised 3/5/2012))

SECTION 5.3.06 OPERATOR'S LICENSE

(1) Operator's License. The Village of Lake Hallie shall issue an operator's license for service or sale of alcoholic beverages pursuant to Sec. 125.17(1) Wis. Stat to any applicant who is qualified under Sec. 125.04(5), and who otherwise satisfies the criteria and conditions for granting a license that are set forth in this Code.

(2) Provisional License. A provisional license pursuant to Sec. 125.17(5) Wis. Stat. may only be issued to those persons that have not completed a responsible beverage service course and exhibited proof of compliance with that training standard set forth in sec. 125.17(6) Wis. Stat., as may be from time to time amended. A provisional license allows time to obtain training required for working without supervision of another licensed person in a Class A or B business or organization.

(a) Eligibility. Each applicant must be at least 18 years of age, and have completed an application form supplied by the Clerk/Treasurer in order for the Village Board to consider approval. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet. The applicant for a provisional license must present, with the application, proof that the applicant is enrolled in a training course under sec. 125.17(6)(a) of Wis. Stats.

(b) Term. The provisional license shall be effective until a certificate or other proof of compliance with training requirements is presented to the Clerk/Treasurer. In no case will the provisional license be effective more than sixty (60) days after issuance. The issuance date, final date of validity, or both, shall be placed on the license form when issued.

(c) Issuance. A Provisional Operators License shall only be issued in conformance with one of the below:

1. Only those persons initially approved by the Village Board shall receive a provisional license. The Clerk/Treasurer is authorized to issue such a license. In the event a person requests issuance of a provisional license extension, and has had no arrests or convictions since prior board approval, the Clerk/Treasurer is authorized to issue a further license, under the standards contained herein, and payment of the fee.

2. Upon written application for a provisional license, the Clerk/Treasurer shall conduct a record check for past crimes or arrests. If the applicant has no past crimes or arrests as verified by the record check, the Clerk/Treasurer is authorized to issue a provisional license to the applicant which shall be reviewed by the Village Board at the next regularly scheduled Village meeting. In the event a person requests issuance of a provisional license extension, and has received prior Village Board approval of the original provisional license, the Clerk/Treasurer is authorized to

issue a renewal of the provisional license upon payment of the proper fee.

(3) Temporary License. The Village of Lake Hallie may, pursuant and subject to Sec. 125.17 Wis. Stats., issue a temporary operator's license, except that:

(a) A temporary license may be issued only to an operator employed by, or donating services to, a non profit organization.

(b) No person may be issued more than one temporary license per calendar year.

(c) The license may be valid from one to fourteen days, which period shall be stated on the license.

(4) Fees. The license fee shall be paid to the Clerk/Treasurer as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances. No license shall be issued unless the applicant has duly tendered the license fee.

(5) Revocation.

(a) In the event, following issuance, it is discovered that any part of a license application is false, that might have affected the Village Board's decision to grant the license, including but not limited to past arrests or crimes, then such license may be revoked. Upon revocation the clerk shall mail or have delivered to the license holder, notification of the action taken, the cause for such action, and inform the license holder of a the right to have a review hearing before the Village Board, upon the applicant's written request.

(b) When a request for a hearing is made, the Village Board shall follow the general procedures as set forth in Sec. 125.12 Wis. Stats., although no complaint is required. The Clerk/Treasurer shall notify the licensee of the time scheduled for the hearing, by mail or personal service. Any mail notice shall be deemed delivered if sent by first class mail to the licensee's last known address, in an envelope containing the return address of the Clerk/Treasurer. No request for the review hearing for a provisional license shall be heard if the request for review is received past the final day that such license is effective.

(c) A provisional license shall be revoked if the applicant fails to successfully complete the training course in which he or she enrolls.

(6) Other Provisions. Any license issued pursuant to this section shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this section or by the enactment of new Codes. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance

with this section. In case of revocation of any license for any violation of any provision of this section, or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(7) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(Formerly Hallie Ordinance No. 7-91, "Ordinance for Provisional Operator's License" adopted July 15, 1991)

SECTION 5.3.08 UNDERAGE AND INTOXICATED PERSONS

(1) The Village Board hereby adopts and incorporates herein by reference as if fully set forth herein the statutory provisions of Sec. 125.07 Wis. Stat., as may be from time to time amended, describing and defining restrictions and penalties with respect to underage and intoxicated persons; presence on licensed premises and possession and penalties. Any act required to be performed or prohibited by sec. 125.07 is required or prohibited by this Section. Any further amendments, revisions or modifications of the statute incorporated herein are intended to be made a part of this Section effective the date such amendments become law.

(2) The following subsection headings of sec. 125.07 are set forth for reference:

- (1) Sales of Alcoholic Beverages to Underage Persons.
- (2) Sale of Alcoholic Beverages to Intoxicated Persons.
- (3) Presence in Place of Sale.
- (4) Underage Persons; Prohibitions; Penalties.
- (6) Defenses.
- (7) Book Kept by Licensees and Permittees.

(3) Enforcement and Penalties. Any person who violates any provision of this section shall be subject to the penalty specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances. Nothing in this Section shall prevent the Village of Lake Hallie from imposing the higher penalties set forth in Sec. 125.07, Stats., as an alternative to the penalty specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances.

(Formerly Hallie Ordinance No. 84-7 "Underage and Intoxicated Persons," Adopted August 6, 1984, repealing and re-enacting Section 105.3 of the Hallie Code of Ordinances)

SECTION 5.3.10 SPECIAL EVENT PERMIT

- (1)** Scope. The Village Board may grant a special event permit for public events at which the number of participants exceeds 1,000 persons, as estimated by the Police Department.
- (2)** General Requirements. The application procedures and restrictions shall be the same as those set forth in Sec. 5.3.02(14)(c), for beer picnic licenses, and 5.3.02(14)(d), for social use permits. The license fee for special event permits shall be determined by the Village Board on an event by event basis. The license fee shall be paid to the Clerk/Treasurer prior to the issuance of the special event permit.
- (3)** Special Rules. The following special rules shall apply to special event permits within the scope of (1) above.
- (a)** All alcoholic or malt beverages shall be consumed only within the building of a duly licensed premises or within a fenced enclosure.
- (b)** The fenced enclosure shall be constructed of snow fence or other like material and contain but one entrance. The width of the entrance shall allow safe ingress and egress for all inhabitants therein. The entrance point shall be manned by a law enforcement officer at all times beverages are served or consumed.
- (c)** The fenced area shall not exceed 10,000 square feet in size.
- (4)** Garbage Disposal. The licensee shall maintain dumpsters or garbage cans throughout the grounds to adequately collect all debris and waste. It is the obligation of the licensee to properly dispose of all collected waste and return the grounds to a clean and neat condition, free of all debris.
- (5)** Toilets. The licensee shall maintain not less than three portable toilet facilities on site during the term of the license.
- (6)** Lighting. The licensee shall install and maintain adequate overhead lighting throughout the area where beverages are consumed.
- (7)** Closing Hours. Closing hours shall conform to Sec. 125.68(4) Wis. Stat., as may from time to time be amended. No alcoholic beverages or malt liquor may be permitted on the premises, whether acquired on site or conveyed to the site by patrons, contrary to the closing hour restrictions.
- (8)** Penalties. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.
- (9)** Repeat Violations. In the event any licensee shall be found guilty of violation of more than one provision of this section or of the same provisions two or more times in one year, said licensee may be denied a beer picnic license by the Village Board for the next ensuing year.

(10) Underage and Intoxicated Persons: Presence on Licensed Premises: Possession: Penalties. Sec. 125.07 Wis. Stat. as adopted in this Section, including the penalty sections thereof, applies to any applicant or permittee under this section.

(Formerly Hallie Ordinance No. 2-92 "Ordinance Amending Beer Picnic Licenses" adopted April 18, 1992 amending Ordinance No. 111, Section 5(b) and creating Ordinance No. 111, Section 7)

SECTION 5.3.12 NUDE AND EXOTIC ENTERTAINMENT

(1) It is unlawful for any person to perform or engage in, or for any licensee, manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of any establishment licensed by the Village of Lake Hallie that:

- (a)** Displays his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than an opaque covering; or,
- (b)** Displays any portion of the female breast below a point immediately above the top of the areola; or,
- (c)** Shows covered male genitalia in a discernibly turgid state.

(2) This section does not apply to licensed theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and where the predominant business or attraction is not the offering of entertainment intended for sexual stimulation or gratification and where the establishment is not distinguished by the emphasis or promotion of nude or erotic dancing.

(3) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(4) Severability of Provisions. If any section, subsection, sentence, clause or phrase herein is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision should not affect the validity of the remaining portions.

SECTION 5.4.02 SALVAGE DEALERS

(1) Permit Required. No person or persons, association, partnerships, corporation or other entity shall in the Village of Lake Hallie, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities or for commercial purposes, whether temporarily, irregularly or continually, used or second hand materials of any kind, including

cloth, paper, wood, glass, plastics rubber, metal or other articles which from its condition renders it unused for the purpose it was made, and which is commonly classed as salvage or junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided.

(2) Application. Every applicant for a license to engage in the salvage business shall file with the Clerk/Treasurer a written application upon a form prepared and provided by the Village, signed by the applicant or applicants. Said application shall state:

- (a)** The name and residence of the applicant, if an individual or partnership, or the names of the principal officers and their residences, if the applicant is an association or corporation.
- (b)** The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.
- (c)** The premises where the business is to be conducted or carried on.
- (d)** Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be revoked for cause by the Village Board.

(3) Conditions of Application. The Clerk/Treasurer shall report such application to the Village Board who shall inspect or cause to be inspected such premises to determine whether it complies with all federal, state, county, or Village laws, ordinances, rules and regulations and this section. Prior to issuance of the permit, the applicant shall file with the Clerk/Treasurer a written statement from the Department of Natural Resources and Chippewa County Zoning Department that the premises are in compliance with their respective rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the salvage business may be carried on in a safe and sanitary manner, shall contain no fire or environmental hazards, and it shall be arranged so that there can be a thorough inspection at any time by proper authorities. Each of the premises upon which the business of salvage dealer is to be carried on shall be enclosed by a solid, painted fence or other structure not less than seven (7) feet in height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No articles shall be piled so as to protrude above said enclosure.

(4) Setbacks. No premises shall be used for carrying on the salvage business within a distance of three hundred (300) feet of premises used solely for residential purposes. Said enclosure shall be located a minimum of twenty-five (25) feet from the street line and nine (9) feet from the side of the lot line. Two or more adjoining salvage yards may be constructed wall to wall if approved by the Village Board. The licensed premises shall comply with all land use requirements of Chippewa County Zoning. Where the setback provisions of County Zoning or this ordinance may differ, the more restrictive conditions shall apply.

(5) Special Conditions for Revocation. The license may be revoked as provided in subsection 9 if, at any time, the licensee has been found to have violated Environmental Protection Agency or Department of Natural Resources rules or regulations regarding waste management or environmental safety and an order has been issued by either agency.

(6) Fee. Every salvage dealer shall pay the annual permit fee to the Clerk/Treasurer as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances. No license shall be issued unless the applicant has duly tendered the license fee. All licenses shall be issued as of July 1st, and shall continue in force until June 30th next succeeding the date of issuance thereof, unless revoked.

(7) Place of Business.

(a) Every salvage dealer's license shall designate the place of business in or from which the salvage dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Village Board, and the same shall have been endorsed upon the license.

(b) No salvage dealer shall carry on the business at or from any other place than the one designated in the license therefore, nor shall business be carried on after such license has been revoked or has expired.

(8) Lost or Stolen Property. If any goods, articles or things whatsoever shall be advertised in Eau Claire or Chippewa Falls newspapers as having been lost or stolen, and the same or any answering the description advertised or any portion or part thereof shall be or come into possession of any salvage dealer, that dealer shall give information thereof in writing to the Village of Lake Hallie Police Department. Any salvage dealer who has or receives any goods, articles, or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer.

(9) Violations of Procedure and Revocation.

(a) Upon complaint being made in writing by any Village, county, state or federal official or resident of the Village of Lake Hallie to the Clerk/Treasurer that any licensee has violated any of the provisions of this section, the Village Board shall notice such licensee to appear before it at the time specified in the notice, which shall be not less than three (3) days after the date of the service thereof, to show cause why this license shall not be revoked. The Village Board shall proceed to hear the matter and if they find the allegations of said complaint are correct, they shall revoke said salvage license.

(b) Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall

be granted to any person, firm, partnership, association or corporation whose license has been revoked until the cause for revocation shall be fully removed. Notice of such revocation and the reason or reasons therefore in writing shall be served by an officer upon the person or entity named in the application by mailing the same to the address given in the application. Applications for reinstatement shall be accompanied by a full annual fee.

(10) Penalty. Any license holder under this section, or his agent or employee, who shall:

(a) Violate, neglect or refuse to comply with the provisions of this section.

(b) Conduct a salvage business as herein defined without the license required herein.

(c) Having had a license revoked, shall continue as a salvage dealer.

(d) Shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(e) Injunction. As a substitute for, and in addition thereto, the Village may seek judicial injunction or restraining order to enforce the provisions of this ordinance.

(11) Severability. If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision should not affect the validity of the remaining portion of this ordinance.

(Formerly Hallie Ordinance No. 7-89 Adopted November 6, 1989 amending Ordinance No. 110)

SECTION 5.4.06 EARTH MATERIAL EXTRACTION

(1) Preamble. Preservation of the natural environment and protection of its inhabitants are manifest duties of the Village Government in maintaining the good order of the Village. Unrestricted open pits and excavations pose real and present dangers to the safety of residents and frequenters in the Village of Lake Hallie. By this section it is intended to perpetuate the usefulness and integrity of the land by preserving the top soil and restoring excavated surfaces.

(2) Removal of Top Soil. The removal of top soil from lands in the Village of Lake Hallie for commercial purposes is prohibited except:

(a) For laying of roadways.

(b) Building sites.

(c) In normal farming operations in the course of regularly established land conservation practices.

(3) Pits and Excavations. Pits are defined as a depression of the earth's natural surface caused by excavation or removal of earthen materials, except:

(a) Building sites.

(b) Irrigation and drainage systems.

(c) Roadways.

(d) Pits used in normal farming operation and not for the commercial extraction of earthen materials.

(4) Types of Pits.

(a) "Operating Pits." Are defined as pits where the excavation of earthen material is conducted and the volume of material removed exceeds 100 cubic yards in any two-year period.

(b) "Dormant Pits." All other pits and excavations not as defined operating pits, existing or hereafter created, are deemed as dormant pits.

(5) Operating Pit Regulations.

(a) Gates. All roadways entering a pit area shall be secured with a gate which shall be locked when pit is not being used.

(b) Signs. Operating pits shall be signed to warn of danger and prohibit public access.

(c) Slopes. When an operating pit shall exist for three months without extraction excavation slopes shall not exceed thirty-three (33) degrees. At the end of each season of operation all operating pits shall be sloped to an angle not to exceed thirty-three (33) degrees. Operating pits existing for two years without removal of a minimum of 100 cubic yards shall be sloped according to dormant pit provisions.

(6) Dormant Pits.

(a) All dormant pits heretofore or hereafter created in the Village of Lake Hallie shall have an angle of slope from the deepest soil point to the top edge of the bank in all directions not in excess of twenty-five (25) degrees. The shoreline of water filled pits shall be considered the deepest soil point for such pits.

(b) General Exception for Existing Pits. The angle of slope of existing dormant pits which have not had any extraction for over twenty years preceding the enactment of this section may be greater than twenty-five

(25) degrees as the Board may permit consistent with the intent of this section.

(7) License.

(a) All existing pits except those which qualify as dormant shall require a land use permit granted by the Village Board.

(b) Application. The applicant for a license shall provide:

1. Scale map of the area showing elevation and topography.
2. Name of owners or lessees.
3. Statement of proposed use and amount of proposed extraction together with acknowledgment that applicant and all parties described in (2) are cognizant of this section.

(8) Fee. A land use permit fee shall be paid to the Clerk/Treasurer as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances. In addition any operating pit, not a qualified dormant pit, shall pay an annual operating fee in accordance with Section 1.5.04. Such fee shall be paid annually prior to July 1st each year.

(9) No permit shall be permitted where the total land area of the applicant is insufficient to provide the twenty-five (25) degree angle of slope.

(10) Penalties.

(a) Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(b) Injunction. In addition to monetary penalties, violation of any provision of this section pertaining to the removal of topsoil, pits or extraction may be enjoined as a Public Nuisance.

(11) Severability. The provisions of any part of this section are severable. If any provision or subsection thereof or the application thereof to any person or corporation or entity is held invalid the other provisions, subsections and applications of such section shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, had not been included therein.

(Formerly Hallie Ordinance No. 118 adopted June 6, 1977 as Section 118)

SECTION 5.4.08 PAWNBROKERS AND SECONDHAND DEALERS

(1) License Required. It shall be unlawful within the Village of Lake Hallie for any person, firm, association, corporation or limited liability company, to offer to buy or sell any secondhand or used article of personal property, or to engage in the business of lending money on a deposit or pledge of personal property with an expressed or implied agreement to sell it back at anytime to the seller at a stipulated price, without first obtaining a license from the Village. Excepted from are federal or state licensed dealers of firearms, vehicles or trailers dealing in goods they are licensed to buy, sell or convey and items incidental thereto.

(2) Definitions. The following definitions apply to this section:

(a) “Article.” Means any item of value, including jewelry.

(b) “Auctioneer.” Means an individual who is registered as an auctioneer under Chapter 480, Wis. Stats., and who sells secondhand articles or secondhand jewelry at an auction, as defined in Sec. 480.01(1) Wis. Stat.

(c) “Billable Transaction.” Means every reportable transaction conducted by a pawnbroker, secondhand article dealer or secondhand jewelry dealer except renewals, redemption’s or extensions of existing pawns on items previously reported and continuously in the licensee’s possession

(d) “Charitable Organization.” Means a corporation, trust or community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(e) “Customer.” Means a person with whom a pawnbroker, secondhand article dealer, secondhand jewelry dealer or agent thereto engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article or jewelry.

(f) “Dealer.” Means pawnbroker, secondhand article dealer or secondhand jewelry dealer.

(g) “Jewelry.” Means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal mineral or gem customarily regarded as precious or semiprecious.

(h) “Pawnbroker.” Means any person who engages in the business of

lending money on the deposit or pledge of any article or jewelry or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at stipulated price.

(i) “Reportable Transaction.” Means every transaction conducted by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer in which an article is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number is generated by filling out a transaction form, and is reportable except:

- 1.** The bulk purchase or consignment of new or used articles from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker, secondhand article dealer or secondhand jewelry dealer maintains a record of such purchase or consignment.
- 2.** Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

(j) “Secondhand.” Means owned by any person, except a wholesaler, retailer, secondhand article dealer or secondhand jewelry dealer licensed under this section, immediately before the transaction at hand.

(k) “Secondhand Article Dealer.” Means any person, other than an auctioneer, who primarily engages in the business of purchasing selling or exchanging of secondhand articles except when engaging in any of the following:

- 1.** Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, a convention or auction.
- 2.** Any transaction entered into by a person while engaged in a business as a pawnbroker or secondhand jewelry dealer for which the person is licensed under this section, or any transaction entered into by a person while engaged in the business of junk collector, junk dealer, auctioneer or scrap processor as described in Section 70.995(2)(x), Wis. Stats.
- 3.** Any transaction while operating as a charitable organization or conducting a sale where the proceeds of which are donated to a charitable organization.
- 4.** Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:

- A.** The return of the article.

B. The exchange of the article for a different, new article.

5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

6. Any transaction as a seller of a secondhand article, which the person bought from a charitable organization if the secondhand article, was a gift to the charitable organization.

(l) “Secondhand Jewelry Dealer.” means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, convention or auction.

2. Any transaction with a licensed secondhand jewelry dealer.

3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new, which involves any the following:

A. The return of the jewelry.

B. The exchange of the jewelry for different, new jewelry.

5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

7. Any transaction while operating as a charitable organization or conducting a sale where the proceeds of which are donated to a charitable organization.

(4) Investigation of License Applicant. Before any license is issued under the

provisions of this section, an investigation into the background of the applicant and its members, officers and employees shall be made by the Police Department and a written report filed with the Clerk/Treasurer and made part of the application. This investigation shall include fingerprinting of the applicant and all employees who are directly involved in the receipt of secondhand articles or jewelry from customers as well as a determination by the Police Department whether the applicant or employees have been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. Where the applicant is a corporation or partnership, this provision shall apply to all its officers and each general partner respectively. If employees are hired after the license has been issued, the license holder shall notify the Police Department of this for the purpose of a criminal records check. The current state mandated charges for a criminal records check shall apply to this section as provided under the provisions of Sec. 12.02(7) Wis. Stat.

(5) License Issuance.

(a) The Village Board may grant the license if all the following apply:

- 1.** The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, does not have a criminal record, subject to Secs. 111.321, 111.322 and 111.335, Wis. Stats.
- 2.** With respect to the applicant, all or any part of whose secondhand dealer business involves transactions as pawnbroker, secondhand article dealer or secondhand jewelry dealer, the applicant shall provide to the Clerk/Treasurer a bond of \$2,500.00, for the observation of all ordinances relating to secondhand dealers and pawnbrokers and any expenses incurred by the Village of Lake Hallie related to the operation of pawnbrokers, secondhand article dealers and secondhand jewelry dealers.
- 3.** The appropriate license fee for each individual premises has been paid. The annual license fee shall be paid to the Clerk/Treasurer in the amount specified in Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances.
- 4.** In addition to the fees required for the license, the applicant shall pay to the Clerk/Treasurer at the time of filing application an amount equal to the actual costs of publication where publication is required by law. No license shall be issued unless the applicant has duly tendered the license fee and the publication costs.

(b) No license issued under this section may be transferred to another premises, person or legal entity.

(c) Each license issued for a pawnbroker, secondhand article dealer,

secondhand jewelry dealer or secondhand article dealer mall is valid from July 1 until the following June 30.

(d) Each applicant shall provide the following information.

- 1.** Name, address and date and place of birth of the applicant and all individuals with an ownership interest in the business.
- 2.** Name and address of the business and legal description of the premises.
- 3.** Criminal record of the applicant and all individuals with an ownership interest in the business.

(6) Restrictions and Requirements.

(a) Identification. No pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the dealer shall require the customer to present one of the following types of identification:

- 1.** A county identification card.
- 2.** A state identification card.
- 3.** A valid Wisconsin motor vehicle operator's license.
- 4.** A valid motor vehicle operator's license, containing a picture, issued by another state.
- 5.** A military identification card.
- 6.** A valid passport.
- 7.** An alien registration card.
- 8.** A senior citizen's identification card containing a photograph.
- 9.** Any identification document issued by a state or federal government, whether or not containing a picture, if the pawnbroker, secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

(b) Records. It shall be the duty of every license holder to keep a record of all articles and jewelry purchased by him/her and it is required that a detailed description be obtained of all property purchased. Said description shall contain such information as to identify said property correctly; and shall include the type of property, the make, model number,

serial number, color description and purchase price of said article. It shall also be recorded if the article has a PROJECT IDENTO number affixed to it, or if any identification number has been mutilated, altered or tampered with.

1. Any pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require customers to complete and sign, in ink, a form, as may be approved by the Village, for all articles acquired, pledged or purchased by the pawnbroker or dealer. No transaction shall take place until the form is reviewed by the person performing the transaction and pertinent information about the customer and article are properly recorded. All entries on such form shall be legible and may not be erased, mutilated or changed. All records of transactions shall be retained for not less than one year after the date of transaction and shall be made available to any law enforcement officer for inspection at any reasonable time.

2. Off-premises sales. For every secondhand article or jewelry purchased, received or exchanged by a second hand article dealer, or secondhand jewelry dealer, from a customer off the dealer's premises or consigned to the dealer for sale on the dealer's premises, the dealer shall keep a written inventory. In this inventory the dealer shall record the name and address of each customer, the date, time, and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article or jewelry. The dealer shall retain an original and duplicate of each entry and declaration of ownership relating to the purchase, receipt, or exchange of any secondhand article or jewelry. The dealer shall retain an original of each entry and declaration of ownership relating to the purchase, receipt of exchange of any secondhand article or jewelry for not less than one year after the date of transaction and shall make record of the transaction available to any law enforcement officer at any reasonable time.

3. Audio tapes, compact discs, laser discs, records and video tapes and other similar audio or audio-visual devices. All the provisions of paragraphs 1. and 2. shall apply to each transaction or purchase, receipt or exchange of every audio tape compact disc, laser disc, record, video tape or other similar audio or audio-visual recording device, except that for each transaction of these items, a dealer shall require the customer to complete and sign, in ink, a Village of Lake Hallie Police Department form entitled "Audio-Visual Recording Transaction Record."

4. Report to law enforcement agency. Subject to subsection (7) below, within 24 hours after purchasing or receiving a secondhand article or secondhand jewelry, the dealer shall make

available, for inspection by a law enforcement officer, the original form completed under this subsection. A law enforcement agency receiving the transaction form, inventory or declaration of ownership may disclose it only for purposes of law enforcement.

5. Exception for customer return or exchange. Nothing in this subsection applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of a previously purchased article.

(7) Daily Report to Police.

(a) Method. A pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall provide, to the police department, the information required by subsection (6), in writing, on approved forms, by the business day following the date of the transaction. Within 30 days of receiving a license under this section, a pawnbroker, secondhand article dealer or secondhand jewelry dealer must submit every reportable transaction to the Police Department by electronic mail or fax, or as otherwise directed by the Police Department.

(b) Billable Transaction Fees. Licensees will be charged for billable transactions at the rate as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances.

(8) Transactions with Minors. A pawnbroker, secondhand article dealer, or secondhand jewelry dealer may not engage in any transaction with any person under the age of 18 unless the minor is accompanied by his or her parent or guardian and the parent or guardian provides a form of identification specified in subsection (6)(a). Nothing in this section shall prohibit the sale of an article to a minor if it has been held for the required time period.

(9) Holding Period.

(a) Except as provided in subsection (e), any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the dealer's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or jewelry recovers it.

(b) Except as provided in subsection (e), any secondhand article purchased or received by a secondhand article dealer shall be kept 15 days.

(c) Except as provided in subsection (e), any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than 15 days after the date of purchase or receipt.

(d) During the period set forth in subsections (a), (b) or (c), the secondhand article or secondhand jewelry shall be held separate and apart and shall not be altered in any manner. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the article or secondhand jewelry during this period. Within 24 hours after a written request of law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off-premises for safekeeping. Any law enforcement officer who has reason to believe that any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or jewelry for reasonable length of time which the law enforcement officer considers necessary to identify it.

(e) Subsections (a) to (d) do not apply to any of the following:

- 1.** A secondhand article or secondhand jewelry consigned to a pawnbroker, secondhand article dealer or secondhand jewelry dealer.

(10) Secondhand Article Dealer Mall or Flea Market.

(a) The owner of any premises or land upon which 2 or more persons operate as secondhand article dealers may obtain secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

- 1.** Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as separate secondhand article dealer.
- 2.** The secondhand article dealer mall or flea market is operated under one name and at one address, and is under the control of the secondhand article dealer mall or flea market license holder.
- 3.** All sales are completed at a central location under the control of the secondhand article dealer mall or flea market license holder, who maintains a record of all sales.

(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with subsection.

(11) Revocation, Suspension or Non-Renewal of License. The following provisions shall apply to the revocation, suspension or non-renewal of any license issued pursuant to this Section.

(a) The Village Attorney, or special counsel appointed for such purposes may, after investigation, commence an action before the Village Board to hear evidence that a license issued pursuant to this section should be revoked or not renewed. The Village Board shall, in writing, notify the licensee of the consideration of revocation or non-renewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the non-renewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for revocation or non-renewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. The commencement of this action shall stay action by the Village Board on the licensee's application until the decision of the Village Board is final.

(b) In considering the non-renewal or revocation the Village Board may consider, without limitation:

- 1.** The person has violated any provision of this section.
- 2.** The person has not observed and obeyed any lawful order of the Village Board or police officers of the Village or has otherwise failed to comply with the laws of the Village, County, State or Federal government.
- 3.** The person does not possess the qualifications required under this section to hold the license.

(c) Notice of Hearing on Complaint. Upon the filing of the complaint, the Village Board shall issue a Notice of Hearing on Complaint, signed by the Clerk/Treasurer and directed to any peace officer in the municipality who shall serve said Notice upon the licensee in the manner provided under Ch. 801, Wis. Stats., for service in civil actions in circuit court. The Notice shall set forth the nature and content of the complaint filed with the Village and shall command the licensee complained of to appear before the Village Board on a day and time and at a place named in the Notice, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why the license should not be revoked or suspended. The Notice and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear.

(d) Procedure on Hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Village Board finds the allegations sufficient, the license shall be revoked. The Clerk/Treasurer shall give notice of the revocation to the person whose license is revoked.

2. The President of the Village Board, or his or her designee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Sec. 227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.

3. If the licensee appears as required by the notice and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, Village personnel shall make the necessary arrangements, but the expense shall be borne by the requesting party. The Clerk/Treasurer shall mark and receive all exhibits admitted into the record.

(e) Decision of the Village Board.

1. In a timely manner after completion of the hearing, the Village Board shall submit its findings of fact, conclusions of law and decision. The Village Board shall provide the complainant and the licensee with a copy of the decision.

2. The decision of the Village Board shall be a final determination for purposes of judicial review. If the allegations of the complaint are found to be true, the licensee shall pay to the Village of Lake Hallie the actual cost of the proceedings.

3. If the Village Board finds the allegations of the complaint are untrue, the proceeding shall be dismissed without cost to the accused. If the Village Board finds the allegations are true, it shall determine the sanctions to be imposed against the licensee. Sanctions include a warning, a fine or suspension of license or revocation of license.

4. The Clerk/Treasurer shall give notice of the sanctions imposed to the licensee.

(f) Effect of Revocation. When a license is revoked under this section, the revocation shall be recorded by the Clerk/Treasurer and no other license issued under this section shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation.

(g) Judicial Review. The action of the Village Board in granting or failing to grant, suspending or revoking any license, or the failure of the Village Board to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the Village.

(12) Application and Forms. The Police Department shall provide forms as required herein or may use such forms as may be provided by the Department of Agriculture, Trade and Consumer Protection or such other agency as applicable.

(13) Penalties.

(a) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances.

(b) Nothing in this subsection shall in any way diminish the authority of the Village Board to suspend, revoke or non-renew any license issued pursuant to this section for any violation of Village Code or laws of the county and state.

(14) Severability. The provisions of this section are severable. If any section, subsection, sentence, clause, phrase or portion herein is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

SECTION 5.5.02 MASSAGE ESTABLISHMENTS

(1) Regulation. No person shall suffer, cause or permit the operation of a massage establishment except in strict compliance with this section.

(2) Definitions. For the purposes of this section:

“Massage.” The manipulation of the soft tissue of the body for therapeutic purposes and may include, but is not limited to, effleurage, petrissage, tapotement, compression, vibration, friction, stroking or kneading, either by hand or with mechanical or electrical apparatus, for the purpose of body massage. This may include the use of oil, salt glows, hot and cold packs or other recognized forms of massage therapy.

“Massage Establishment.” A location where the primary or secondary function is to offer massage services.

“Massage Room.” The area where services are performed.

“Waiting Area.” An area adjacent to the main entrance that is separate from any other area where massages are given.

(3) Massage Establishment License.

(a) No person shall suffer, cause or permit the conduct of a massage establishment without having first obtained a license therefor from the Village Board. A separate license shall be acquired for each such establishment.

(b) Applications shall be made in writing on forms supplied by the Village of Lake Hallie.

(c) All applications shall include:

1. A nonrefundable annual license fee shall be paid to the Clerk/Treasurer in the amount as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances.

2. The location and mailing address of the proposed establishment.

3. For an individual or for each person of a partnership or joint venture or agent of a corporation:

A. Name and present address.

B. The 2 immediately previous addresses and dates of residence of each for the last 5 years.

C. Height, weight, color of hair and eyes, social security number, written proof of age and date of birth.

D. The business or occupation for the 3 years immediately preceding the date of application.

E. Whether a similar license has been revoked or suspended and, if so, a listing of the same and the locations thereof.

4. If the applicant is a corporation, the name and address of each officer and director and of the stockholders of such corporation, together with the extent of the ownership of each, and a statement whether such officer, director or stockholder holds office or stock in any other corporation conducting a similar business in the State. Such application shall be made by an agent registered as such who shall have been a resident of the Village for at least 90 days.

5. All phone numbers of the proposed establishment.

6. The names, addresses and phone numbers of all persons employed by the applicant at the proposed establishment at the time of application.

7. Certification of compliance of the proposed premises with all applicable building, fire and health codes and regulations. As to building alterations, applicants shall file a bond assuring that any

work required to be done to bring the premises into compliance therewith shall be accomplished prior to the opening of business. Compliance with such codes and the standards contained herein shall be conditions precedent to the opening of business.

8. The application shall contain a statement signed by the applicant and each individual of a partnership or joint venture that all information contained therein in true and correct.

(4) Granting of Licenses.

(a) The Clerk/Treasurer shall submit all applications for licenses hereunder to the Village Board. Approval will be subject to clearance by all appropriate departments.

(b) The Village Board shall not issue a license for a massage establishment if it is shown that the operation as proposed by the applicant does not comply with all applicable State laws and ordinances, and for all licenses that the applicant or any partner or any officer, director or stockholder of a corporate application has been convicted in a court of competent jurisdiction of any offense under Sec. 944, Wis. Stats.; involving substances included in Sub. 11 of Ch. 961, Wis. Stats.; or of an offense against the person or property of another within the past 3 years, that the information required on the application is incomplete or that any applicant has knowingly or with intent to deceive made any false, misleading or fraudulent statements of fact in the application or any other document required by the Village of Lake Hallie in conjunction therewith, or that the applicant has not resided in the Village of Lake Hallie for at least 90 days prior to date of application.

(c) In the event of denial, the, applicant shall receive written notification thereof setting forth the reason for the denial within 10 days after such denial.

(d) Licenses granted by the Village Board shall be valid from July 1 to June 30 each calendar year.

(e) No license shall be transferred between locations or persons and no massage establishment license shall be sold or be subject to transfer of corporate assets or change of corporate officers or directors.

(5) Regulations of Operations and Licenses.

(a) Each establishment shall at all times maintain and comply with the following regulations:

1. The establishment shall comply with all Village codes.

2. No establishment shall be open for business between the hours of 10 p.m. and 6 a.m.

- 3.** Only a massage therapist licensed pursuant to this Code may be employed as a massage therapist by the establishment.
- 4.** No intoxicating beverages or substances included in Sub. 11 of Sec. 961, Wis. Stats., shall be permitted in the licensed establishment. Food shall be permitted only when there is no charge therefore and when a food preparation area, including a sink with hot and cold running water, is a part of the establishment.
- 5.** The establishment shall provide a waiting area for patrons separate from any area wherein massages are given. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
- 6.** The establishment shall permit inspections of the premises at any time during business hours by building inspectors, fire inspectors, health inspectors or personnel of any law enforcement agency.
- 7.** The establishment shall keep current records of the names and addresses of its massage therapist and employees and the date of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in subsection 6., above.
- 8.** The establishment shall report any changes of fact required on the application form and all personnel changes in the Clerk/Treasurer's office within 10 days after the change.
- 9.** Rooms in which massage is to be practiced or administered shall have at least 70 sq. ft. of clear floor area and shall maintain a light level of no less than 40 foot candles as measured at 3' above the floor. Lighting in colors other than white shall be prohibited. Such rooms shall not be locked during business hours or during massage therapy sessions.
- 10.** Such rooms shall be equipped with massage tables having a surface impervious to liquids. The surface of such tables shall be positioned at least 2' from the surface of the floor.
- 11.** Massage establishments shall prominently and publicly display on the premises their licenses and permits during all hours of operation.
- 12.** Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Clean towels, coverings and linens shall be stored in cabinets or other appropriate facilities. Towels and linens shall not be used on more than one patron, unless they have first been laundered and disinfected. Soiled linens and paper towels shall be deposited in approved receptacles.

13. Instruments utilized in performing massage shall not be used on more than one patron, unless they have first been sterilized, using disinfecting agents or sterilizing equipment approved by the Health Department. Massage table pads and reusable table coverings shall be disinfected between each massage.

(6) Revocation or Suspension of License.

(a) Cause for Revocation or Suspension. The license granted herein may be revoked or suspended for up to 6 months by the Village Board:

1. If the applicant has made or recorded any statement by this section knowing it to be false or fraudulent or intentionally deceptive.

2. For the violation of any provision of this section, except for establishment license matters involving other violations of Village codes, in which case the license shall be revoked after the second conviction thereof in any license year.

3. After one conviction of any establishment personnel of an offense under Sec. 944, Wis. Stats.; an offense against the person or property of a patron; or of an offense involving substances in Sub. 11 of Sec. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant; and whether any such offense occurred on or off the premises of the establishment.

(b) Notice and Hearing.

1. No license shall be revoked or suspended by the Village Board, except upon due notice and a hearing to determine whether grounds for such action exist. The notice shall be in writing and shall state the grounds of the complaint against the licensee.

2. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented, to cross-examine opposing witnesses and to present witnesses in his own behalf under the subpoena of the Village Board, if such is required. The hearing shall be recorded and a copy of the transcript shall be available to the licensee at the expense of the licensee. The Village Board shall decide the matter and shall prepare a written decision which shall be filed with the Clerk/Treasurer and a copy thereof mailed to the licensee within 20 days after the hearing.

(7) Exceptions. This section does not apply to the following businesses or professional establishments:

(a) Office, clinics or establishments of physicians, surgeons, chiropractors, osteopaths, registered nurses or physical therapists existing for the provision of such occupational services.

(b) Barbershops and beauty parlors existing for the provision of such occupational services.

(8) Operation without License Public Nuisance. The operation of a massage establishment without a license is deemed a public nuisance and may be enjoined by the Village of Lake Hallie.

(9) Penalties. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02. Village of Lake Hallie Code of Ordinances.

(10) The terms and provisions herein are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5.5.04 MASSAGE THERAPISTS

(1) No person or entity shall engage in the practice of massage therapy or bodywork or perform massage therapy or bodywork for gain in the Village of Lake Hallie unless such person has previously been issued and holds a valid license of registration under Sec. 440 Wis. Stats, as may be amended.

(2) Penalties. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02. Village of Lake Hallie Code of Ordinances.

(3) The terms and provisions of this section are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5.6.04. ADULT ORIENTED ESTABLISHMENTS

(1) Purpose and Intent. The Village Board finds that adult-oriented establishments may by their nature, design and intended use be conducive to high-risk sexual behavior and constitute a potential disturbance to the public peace and good order. High-risk sexual behavior has the potential of exposing persons to, among other things, the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). AIDS is currently determined to be irreversible and often fatal. The operation of such establishments, although protected to a certain degree as an exercise of free speech rights under the State and Federal Constitutions, is also found to present a potential for disorderly and anti-social behavior requiring, for the good of the residents of the Village of Lake Hallie, that the Village Board regulate this type of activity. This section is created to provide minimum standards for such adult-oriented establishments in order to protect the general health, safety and welfare of the citizenry, by regulating those

features of adult-oriented establishments that tend to facilitate and promote high-risk sexual behavior and by providing regulations that aid in the surveillance and detection of unlawful activities within such premises. It shall be the further purpose of this section to protect and promote the public peace and good order through regulation of the conduct of business of adult-oriented establishments.

(2) Definitions. In this section the following words and phrases shall have the meaning as indicated, unless the context expressly requires otherwise:

(a) “Adult-oriented establishment” means, but is not limited to, adult bookstores, adult motion picture theaters and any other 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 areas of the premises for the purposes of viewing adult-oriented videotapes, films, motion pictures, or other offered adult entertainment, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(b) “Adult bookstore” means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, discs, digital files, motion pictures, magazines, periodicals or other media which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, video discs, digital files, films, motion pictures or other offered entertainment, for observation by patrons therein.

(c) “Adult motion picture theater” means an enclosed building 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, for observation by patrons therein.

(d) “Adult entertainment” means any exhibition of any videotape, film or motion picture 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.

(e) “Door, curtain or portal partition” means a nontransparent closure device which prevents activity taking place within a booth, room or cubicle from being seen or viewed.

(f) “Operator” means any person operating, conducting, maintaining or owning any adult-oriented establishment.

(g) “Specified sexual activities” means simulated or actual:

- 1.** Showing of human genitals in a state of sexual stimulation or arousal;

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

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

(h) “Specified anatomical areas” means:

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

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

(i) “Business premises” shall include property owned or leased or otherwise controlled by the adult-oriented establishment and contiguous with the building or other structure housing the adult-oriented establishment and shall include but not be limited to parking lots or sidewalk approaches.

(3) Regulation of Adult-Oriented Establishment.

(a) Any adult-oriented establishment having available for customers, patrons or members any booth, room, or cubicle for the private viewing of any adult entertainment shall comply with all of the following requirements:

1. Each such booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment, and shall be unobstructed, in total or in part, by any door, curtain or portal partition.

2. Each such booth, room or cubicle shall:

A. Be separated from all adjacent booths, rooms and cubicles and any non-public areas by a partition. All partitions shall be solid and without any openings, and shall extend from 18 inches off the floor to a height of not less than 6 feet. All partitions shall be non-absorbent, smooth textured and easily cleanable.

B. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying such booth, room or cubicle.

C. Have a floor that is light colored, non-absorbant, smooth textured and easily cleanable.

D. Be lighted in such a manner that a person in the

booth, room or cubicle is reasonably visible from the adjacent public rooms or areas, but such lighting shall not be of such intensity as to prevent the viewing of videotapes, motion pictures or other offered entertainment.

3. No more than one person shall occupy any such booth, room or cubicle at any time. No occupant of any such booth, room or cubicle shall engage in any sexual activity, or cause any bodily discharge, or litter while in the booth, room or cubicle. No person shall alter, damage or deface any portion of any such booth, room or cubicle in such a manner that it no longer complies with the provisions of this section .

4. The premises of the adult-oriented establishment shall be maintained in a clean and sanitary manner at all times.

(4) Minors Not Allowed on Premises of Adult-Oriented Establishment. No minor shall be allowed to enter or remain inside an adult-oriented establishment or be permitted to loiter on the business premises. For the purpose of this section the prohibition against loitering on the business premises shall include situations in which parents, guardians or other physical custodians enter or remain inside an adult-oriented establishment while leaving minor children who are in their care or charge or custody outside of the building or structure, in or outside of motor vehicles.

(5) Consumption of Alcoholic Beverages on Business Premises Prohibited. No person shall consume alcoholic beverages on the business premises of an adult-oriented establishment.

(6) Inspection. Each adult-oriented establishment shall be open to inspection at all reasonable times by the Police Department, Fire Department, Health Department and Building Inspector.

(7) Application of Section. The standards established in this section shall not apply to buildings, structures or premises which are lawfully operating as hotels, motels, apartment complexes or condominiums.

(8) Penalty.

(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. In such event, the operator shall be punishable under subsection (2) for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any person who shall violate any provision of this section shall be

subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(9) If any provision of this section is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sub-sections of this section are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific subsection or portion thereof directly specified in the decision, and not affect the validity of all other provisions, subsections or portions thereof of the section which shall remain in full force and effect.

(Formerly Hallie Ordinance 98-1 "Adult Oriented Establishments" adopted March 2, 1998, amending Ordinance 113 "Public Nuisances")

Section 5.8.04 FIREWORKS PERMITS

(1) Definitions. In this section "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion that does not have another common use, but does not include any of the following:

- (a)** Fuel or lubricant.
- (b)** A firearm cartridge or shotgun shell.
- (c)** A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d)** A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e)** A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is placed for explosion.
- (f)** A toy snake which contains no mercury.
- (g)** A model rocket engine.
- (h)** Tobacco or tobacco products.
- (i)** A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length that is designed to produce audible or visible effects.
- (j)** A device designed to spray paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

(k) A fuseless device that is designed to produce audible or visual effects that contains less than one-quarter grain of explosive mixture.

(l) A device that is designed primarily to burn pyrotechnic smoke producing mixtures, at a controlled rate, and that produces audible and visual effects.

(m) A cylinder fountain that consists of one or more tubes, or a cone fountain, both as classified by the Federal Department of Transportation as Division 1.4 explosives, and as defined in 49 CFR 173.50.

(2) Prohibited. No person shall possess, sell or use fireworks within the Village of Lake Hallie. However, nothing in this section shall be construed to prohibit the Village President from authorizing pyrotechnic displays of fireworks in parks, and other public places, whenever so authorized by a resolution of the Village Board. Further, nothing in this section shall be construed to prohibit the lawful possession, custody or control of the above named articles by wholesale dealers when held in transit, or for sale or delivery to places for lawful pyrotechnic displays.

(3) Pyrotechnic Composition Device Seller's Permits. It shall be unlawful for any person, firm or corporation to sell any of the devices described in Section (1) (f), (i), (j), (k), (l) or (m) without first obtaining approval by the Village Board.

(4) Permit Fee – Conditions – Terms. The license fee shall be paid to the Clerk/Treasurer in the amount specified in Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. The entire permit fee shall be charged for every license for the whole or fraction of the year, and shall be paid when application is made for such a permit.

(a) The Clerk/Treasurer shall provide appropriate forms as approved, by the Fire Department, and shall maintain adequate record of the issuance thereof

(b) The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon the payment of a transfer fee.

(c) All vendors shall comply with all state or local codes, ordinances, statutes and federal regulations regarding the sale, transport, or storage of flammable, explosive or hazardous materials. (For statutory provisions prohibiting sale and use of fireworks see Sec. 167.10 Wis. Stats.).

(d) Permittees shall, upon application, provide certification of proof of liability insurance in an amount of not less than one million dollars (\$1,000,000.00). Such insurance shall be non-cancelable and be in effect for the term of the permit.

(5) Sale to Minors. It shall be unlawful for any person, firm or corporation to sell to any type of pyrotechnic composition device, as described in Section (1) (f), (g), (h), (i), (j), (k), (l), and (m), to any minor under the sixteen (16) years of age.

(6) Discharging Fireworks. No person shall discharge any fireworks within the Village of Lake Hallie unless permitted under Section (2).

(7) Inspection. All premises where permits to sell pyrotechnic devices are issued to shall be inspected by the Fire Department to insure compliance with local, state and federal regulations per Section (4) (c) herein.

(8) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(Formerly Hallie Ordinance #137 "Fireworks Permit Ordinance," adopted May 19, 1997)

Section 5.9.04 BICYCLES

(1) Voluntary Registration. Bicycle owners may register their bicycles with the Police Department. The Police Department will provide a registration form to any Village of Lake Hallie resident who wishes to register his or her bicycle. Registrations shall be serially numbered and kept on file by the Police Department as a public record. Upon registration, the Police Department will provide the owner with an identification tag bearing the registration number. The owner should affix the identification tag to the bicycle.

(2) Duration. Registration under this section is permanent for each bicycle so registered while owned by the registrant. However, if the owner sells, gives, or otherwise transfers ownership of the registered bicycle to another Village of Lake Hallie resident, the registration will not transfer to the new owner. The new owner must obtain a new identification tag if he or she wishes to register the bicycle in his or her name.

(3) Fee. The registration fee is \$5.00, payable when the bicycle is registered.

(4) Removal of Tags. No person shall willfully remove from a bicycle, deface or destroy any registration identification tag issued by the Police Department.

(5) Rules of the Road. All operators of a bicycle shall comply with the rules of the road set forth in Sec. 346.77 thru 346.82 Wis. Stats. and subsequent enactments to the same are adopted by reference.

(Formerly Hallie Ordinance No. 112-2-76 "Bicycle Ordinance of the Town of Hallie" adopted June 7, 1976, amended July 15, 1985 by Ordinance 6-85)

Section 5.10.02 REGULATING DANCES AND DANCE HALLS

(1) No person or entity shall offer or permit on any premises in the Village of Lake Hallie any public dancing without a license. The requirement for a license shall include both free and admissions dances where music is provided by live performance or by sound reproduction or recordings. The annual license fee shall be paid to the Clerk/Treasurer in the amount specified in Section 1.4.06 of the Village of Lake Hallie Code of Ordinances.

(2) Class of License.

(a) CLASS "A." A Class "A" License shall entitle the holder to charge a fee, either entrance or minimum charge.

(b) CLASS "B." A Class "B" License shall entitle the holder to hold no fee or charge dances.

(c) CLASS "C." A Class "C" License shall be granted to "non-profit" organizations to hold either fee or non-fee dances.

(d) CLASS "D." A Class "D" License shall be granted for a single day.

(3) Conditions of Licenses. All premises licensed hereunder shall comply with the following requirements.

(a) The interior of the dance premises shall be lighted at all times while open to the public.

(b) The ordinary sounds of music and dancing shall be permitted within the licensed premises. The sounds emitted from the premises shall not be audible to neighboring residences.

(c) No boisterous noises or disorderly conduct shall be permitted by patrons.

(d) All dances shall terminate one-half hour prior to the lawful closing time for retail liquor sales and premises shall be cleared of patrons by the liquor sale closing hour.

(e) No intoxicated persons shall be permitted to enter or remain at any dances.

(f) Except on premises duly licensed for that purpose, no alcoholic beverages shall be sold, consumed or possessed at any public dance. No "controlled substance" as defined by Wisconsin Statutes or paraphernalia pertaining thereto, shall be permitted on any premises licensed for dances.

(g) No dancing exhibition shall be permitted which shall be vulgar, suggestive, licentious or offensive to public morals or decency.

(h) Every licensed premises shall provide separate toilets for each sex,

in conformity to the laws and regulations of the State of Wisconsin.

(i) Exit lights shall be maintained at all exits. The premises must conform to all applicable Village, county and state zoning, building, fire and safety codes.

(j) Adequate lighted off street parking must be provided to patrons, guests and invitees during dances. The public streets and rights of way shall not be used for parking or for other dance purposes. Parking shall not be permitted within forty (40) feet of the entryways or exits of the premises.

(k) The permittee, or any adult agent, shall be on the premises at all times during dances.

(l) No license granted under this section shall be assignable to any other person or legal entity, or transferable to any other location, without the approval of the Hallie Village Board.

(m) A certificate of public liability insurance of at least one-hundred thousand dollars (\$150,000.00) for each person, and three-hundred thousand dollars (\$350,000.00) for each occurrence shall be provided by the applicant prior to the grant of any dance license.

(n) Licenses shall be granted only to persons eighteen (18) years of age or older.

(o) Revocation. Upon complaint, with notice to the licensee and hearing by the Village Board, the Village Board may revoke a license for violation of any of the conditions or for violation of any other local, state or federal code, statute or regulation.

(p) Any waiver or deviation from this section must be approved in advance, by the Village Board, after consultation and recommendation of the Police Department.

(q) Penalty. Any person who violates any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(Formerly Hallie Ordinance No. 122 "Regulating Dances in the Town of Hallie," adopted April 4, 1993, amending several prior versions of Ordinance No. 122)

Section 5.10.06 POOL AND BILLIARD ESTABLISHMENTS

(1) License required. No person or entity shall offer or permit in any premise in the Village of Lake Hallie the commercial use of pool or billiard tables without a license. The annual license fee shall be paid to the Clerk/Treasurer in the amount specified in Section 1.4.06 of the Village of Lake Hallie Code of

Ordinances.

(2) Exception. Licensed liquor or malt beverage premises maintaining two (2) or less tables are not required to be licensed hereunder, and said premises need not be licensed when using a greater number of tables for tournaments of five (5) days or less duration.

(3) Conditions of license.

(a) The premise shall be open to the public in compliance with the Code of the Village of Lake Hallie.

(b) The premises shall be closed to the public between 2:00 a.m. and 6:00 a.m., on weekdays and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday.

(c) No alcoholic beverages, beer, malt liquor or controlled substance shall be permitted on the premise, grounds, parking lots used in relation thereto.

(d) The owner and/or operator shall comply with all building codes of the Village, County and State of Wisconsin.

(e) The license may be revoked for violation of the provisions of this section or any other applicable laws of the Village, County or State.

(f) Boisterous noise or profane language that interferes with the peaceful use by adjoining property owners is prohibited.

(g) Insurance. A certificate of public liability insurance of at least one-hundred thousand dollars (\$150,000.00) for each person, and three-hundred thousand dollars (\$350,000.00) for each occurrence shall be provided by the applicant prior to the grant of any dance license.

(4) Penalty. Any person who shall violate any provision of this section shall be subject to the penalty specified in Section 1.4.02 Village of Lake Hallie Code of Ordinances.

(Formerly Hallie Ordinance No. 123 "Pool and Billiard Establishments" adopted September 4, 1979)

Section 5.11.01 PEDDLER PERMIT ORDINANCE

(1) Registration Required. It shall be unlawful for any merchant to engage in direct sales within the Village of Lake Hallie without being registered for that purpose as provided herein.

(2) Definitions: In this ordinance:

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

(b) "Permanent merchant" means any person who, for at least one year prior to the consideration of the application of this ordinance to a said merchant has continuously operated at an established place of sale or has continuously resided in the local trade area among the communities bordering the place and sale and now does business from his/her residence.

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

(d) "Charitable Organization" shall include any benevolent, philanthropic, patriotic, or partnership, association or corporation, or one purporting to be such.

(e) "Clerk" shall mean the village clerk.

(f) "Services" shall include but not be limited to any act, work, assistance, advice or consultation.

(3) Exemptions. The following shall be exempt from all provisions of this ordinance:

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

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

(c) Any person selling agricultural products which such person has grown;

(d) Children under 18 years, who are residents of the village.

(e) Any person who has made a prearranged appointment by or with the resident of a private household that did not involve door to door solicitation.

(4) Registration.

(a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

- (1)** Name, permanent address and telephone number, and temporary address, if any.
- (2)** Date of birth, weight, color of hair and eyes.
- (3)** Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold.
- (4)** Temporary address and telephone number from which business will be conducted, if any.
- (5)** Nature of business to be conducted and brief description of the merchandise, and any services offered.
- (6)** Proposed methods of delivery of merchandise, and any services offered.
- (7)** Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business.
- (8)** Place where applicant can be contacted for at least seven (7) days after leaving this village.
- (9)** Statement as to whether applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years; the nature of the offence and the place of conviction.

(b) Applicants shall present to the clerk:

- (1)** A driver's license or some other proof of identity, as determined by the Clerk's Office, is required;
- (2)** A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- (3)** At the time the registration is returned, a fee as determined by the Village Board indicated in section 1.4.06 shall be paid to the clerk to cover the cost of processing said registration and other costs.

(c) At the time of registration, the clerk shall issue a numbered registration form entitled "permit" to each applicant. All applicants must have their permit visible to the public, during all times that they conduct such business.

(5) Investigation.

(a) Upon receipt of each application, the clerk shall refer it to the police department who may take and complete an investigation of the statements made in such registration within 72 hours after it has been filed by the applicant with the Clerk.

(b) If as a result of such investigation, the applicants character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and reasons therefore. The Clerk will then notify the applicant that no permit will be issued.

(6) Regulation of merchants.

(a) Prohibited Practices.

(1) A merchant shall be prohibited from visiting at any dwelling or other place between the hours of 8:00 p.m. and 9:00 a.m. except by appointment; visiting at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; visiting at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(2) A merchant shall not misrepresent or make false, deceptive or misleading statements concealing the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

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

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

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

(b) Disclosure Requirements

- (1)** After the initial greeting and before any other statement is made to a prospective customer, a merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of the merchandise or services he/she offers to sell.
- (7)** Exhibition of Permit. All merchants are required to exhibit their permit at the request of any citizen.
- (8)** Records. The chief of police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.
- (9)** Revocation of Permit. A Permit may be revoked by the village clerk upon administrative determination that the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation.
- (10)** Reapplication. No merchant whose permit has been revoked shall make further application until a period of at least six (6) months have elapsed since the last previous revocation.
- (11)** Expiration of Permits. All permits shall expire one year after the issuing date.
- (12)** Fees. The permit fee shall be paid to the Clerk/Treasurer as specified by Section 1.4.06 of the Village of Lake Hallie Code of Ordinances. Late fees shall be assessed in accordance with Section 1.5.04 of the Village of Lake Hallie Code of Ordinances. No permit shall be issued unless the applicant has duly tendered the permit fee.