

## CHAPTER 12

### LICENSES AND PERMITS

12.01	Licenses Required
12.02	General Provisions as to Licenses
12.03	Intoxicating Liquor and Fermented Malt Beverages
12.04	Dog and Cat Licensing
12.05	Peddlers, Convassers and Transient Merchants
12.06	Mobile Homes and Mobile Home Parks
12.07	Pool Tables
12.08	Entertainment
12.09	Bowling Alleys and Shooting Ranges
12.10	Auctions and Auctioneers
12.11	Park Use Permit
12.14	Provisional Operator's License
12.20	Penalty

12.01 LICENSES REQUIRED. A license shall be required for each of the following businesses or activities at the indicated license fee, which shall be for one year unless otherwise indicated.

- (1) OPERATORS LICENSES.
  - (a) REGULAR OPERATORS LICENSE. **See fee schedule.**
  - (b) Provisional (60 day) Operators License. **See fee schedule.**
  
- (2) DOG LICENSES. (a) Males and Females. **See fee schedule.**  
(b) Neutered males and spayed females. **See fee schedule.**
  
- (3) CAT LICENSES. (a) Males and Females. **See fee schedule.**  
(b) Neutered males and spayed females. **See fee schedule.**
  
- (4) INTOXICATING LIQUOR LICENSES.
  - (a) Retail Class "A". **See fee schedule.**  
a prorated fee shall be charged for licenses issued for any part of the year.
  
  - (b) Retail Class "B". **See fee schedule.**  
a prorated fee shall be charged for licenses issued for any part of the year.
  
  - (c) Transfer. **See fee schedule.**
  
- (5) FERMENTED MALT BEVERAGE LICENSES.
  - (a) Retail Class "A". **See fee schedule.**  
a prorated fee shall be charged for licenses issued for any part of the year.
  
  - (b) Retail Class "B". **See fee schedule.**  
a prorated fee shall be charged for licenses issued for any part of the year.
    - (1) Part-time. **See fee schedule.**
    - (2) Picnic. **See fee schedule.**
  
  - (c) Wholesaler's. **See fee schedule.**
  
- (6) PEDDLER'S, CANVASSER'S, SOLICITOR'S AND TRANSIENT MERCHANT'S LICENSES. **See fee schedule.**
  
- (7) PARK USE PERMIT. **See application.**

12.02 GENERAL PROVISIONS AS TO LICENSES. (1) TERMS INTERCHANGEABLE. The words "license" and "permit" as used throughout this chapter shall be interchangeable.

(2) LICENSE REQUIRED. No person shall engage in any business or activity enumerated §12.01 without a license therefore as provided by this chapter.

(3) APPLICATION. Application for a license required by this chapter shall be made to the Village Clerk on a form furnished by the Village and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the Village Board.

(4) LICENSE AND PUBLICATION FEES. (a) Fees to Accompany Application.

(1) License fees imposed under §12.01 shall accompany the license application. If a license is granted, the Village Clerk/Treasurer shall issue the applicant a receipt for his license fee.

(2) Publication fees (**See fee schedule**) shall accompany the license application.

(b) Refunds. License fees paid shall be refunded if the license is denied. Publication fees are nonrefundable for any reason.

(5) GRANTING OF LICENSES. Unless otherwise designated, licenses required by this chapter shall be issued by the Village Clerk/Treasurer only with the approval of the Board; except the Clerk/Treasurer may issue the following license subject to the standards established by this chapter without prior approval of the Board:

(a) Cigarette licenses.

(b) Temporary licenses (until the succeeding Village Board meeting) for beverage operators, peddlers and transient merchants.

(6) TERMS OF LICENSES. All licenses issued hereunder shall expire on December 31 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license, or unless otherwise provided by these ordinances or State Laws.

(7) FORM OF LICENSE. All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the Village Clerk/Treasurer.

(8) RECORDS. The Chief of Police shall report to the Clerk/Treasurer all convictions for violations of this chapter and the Clerk/Treasurer shall maintain a record for each license issued and record the reports of violation therein.

(9) DISPLAY OF LICENSES. All licenses hereunder shall be displayed upon the premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the Village upon request.

(10) COMPLIANCE WITH ORDINANCES REQUIRED. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the Village. Failure to do so shall be cause for suspension or revocation of the license.

(11) TRANSFER OF LICENSES. All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Board.

(12) EXEMPTIONS. No license other than a liquor or beer license shall be required under this chapter for any nonprofit educational, charitable, civic, military or religious organization if the activity which would otherwise be licensed is conducted for the benefit of the members or for the benefit of the public generally.

(13) RENEWAL OF LICENSES. All applications for renewal of licenses hereunder shall be made to the Village Clerk/Treasurer by October 17.

(14) CONSENT TO INSPECTION. Any applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the Village upon the licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or State law.

(15) REVOCATIONS, SUSPENSIONS, REFUSALS TO ISSUE OR RENEW

(a) **REVOCACTION, SUSPENSIONS, NONISSUANCE OR NONRENEWAL OF LICENSE.** The Village Board may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b) **REVOCACTION OR SUSPENSION OF LICENSES BY VILLAGE BOARD.**

(1) Complaint; summons. Any resident of the Village of Plain may file a sworn written complaint with the Clerk of the Village alleging that a person holding a license issued under this chapter by the Village has violated a village ordinance or ordinances pertaining to said license or is in violation of any of the state's statutes adopted under Section 12.03 of this chapter, keeps or maintains a disorderly or riotous, indecent or improper house, has sold or given away alcohol beverages to known habitual drunkards or does not possess the qualifications required under this chapter to hold the license. Upon the filing of the complaint, the Village Board shall issue a summons signed by the Clerk, and directed to any peace officer complained of to appear before the Village Board on a day and place named in the summons, not less than three (3) days and not more than ten (10) days from license should not be revoked or suspended. The summons 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. Service shall be in the manner provided under Chapter 801 of the Wisconsin Statutes for service in civil action in circuit court.

(2) Procedure on Hearing. 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 shall give notice of the revocation to the person whose license is revoked. If the licensee appears as required by the summons 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. If, upon the hearing, the Village Board finds the complaint to be true, the license shall either be suspended for not less than ten (10) days or more than ninety (90) days or revoked. The Clerk shall give notice of the suspension or revocation to the person whose license is suspended or revoked. 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 to be malicious and without probable cause, the costs shall be paid by the complainant. The Village Board may require the complainant to provide security for such costs before issuing the summons under paragraph (1).

(3) Capital Effect of Revocation. When a license is revoked under this subsection, the revocation shall be recorded by the Clerk and no other license issued under the Chapter may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(c) **REFUSAL BY VILLAGE BOARD TO RENEW LICENSES.** The Village Board may refuse to renew a license for the causes provided in sub. (b)(1). Prior to the time for the renewal of the license, the Village Board shall notify the licensee in writing of its intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (b)(2).

(d) **REPORT OF SUSPENSION, REVOCATION OR IMPOSITION OF PENALTY.** Whenever the Village Board revokes or suspends a license or permit or imposes a penalty on a licensee or permittee for the violation of this chapter, the Clerk shall, within ten (10) days after the revocation, suspension or imposition of penalty, mail a report to the Wisconsin Department of Revenue at Madison, Wisconsin, giving the name of the licensee, the address of the licensed premises and a full description of the penalty imposed.

**12.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.** (1) **STATE STATUTES ADOPTED.** The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED. (a) When Required. No person except as provided by Section 125.06, Wis. Stats., shall within the Village of Plain, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or CH. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Section 125.04(1). Wis. Stats.

(b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises, which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Section 125.94(9), Wis. Stats.

(3) CLASSES OF LICENSES AND FEES. The following classes and denominations of licenses may be issued by the Village Clerk/Treasurer under the authority of the Village Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic alcohol beverages as provided in Sections 125.17, 125.25, 125.26, 125.28, 125.51, and 125.57, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole fraction of any year.

(a) Class "A" Fermented Malt Beverage Retailer's License. **See fee schedule**  
See Section 125.25, Wis. Stats.

(b) Class "B" Fermented Malt Beverage Retailer's License. **See fee schedule**  
See Section 125.26, Wis. Stats.

1. Six Month. A license may be issued at any time for 6 months in any calendar year, for which  $\frac{3}{4}$  of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.

2. Picnic. **See fee schedule**

(c) "Class C" Wine License. **See fee schedule**  
See 125.51 (3m), Wis. Stats.

(d) Wholesaler's Fermented Malt Beverage License. **See fee schedule**  
See Section 125.28, Wis. Stats.

(e) Retail "Class A" Liquor License. **See fee schedule**  
See Section 125.51(2), Wis. Stats.

(f) Retail "Class B" Liquor License. **See fee schedule**  
A retail "Class B" Liquor License shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the licensed premises. See Section 125.51(3), Wis. Stats.

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

2. Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

(g) Pharmacists:  
See Section 125.57, Wis. Stats.

**See fee schedule**

(h) Operators.  
See Section 125.17, Wis. Stats.

**See fee schedule**

1. Operators licenses may be granted to individuals by the Clerk/Treasurer for the purposes of complying with Sections 125.32(2) and 125.68(2), Wis. Stat. Anyone applying for an Operators License must present at time of application with proof of successful completion of the responsible beverage server training course as defined in Section 125.17 (6) (a), Wis. Stats. Unless exempt by the same Wis. Stats.

A temporary operators' license may be granted to individuals who have not completed the training course provided they show proof of completion within 60 days of license issuance. Temporary operators license is void after 60 days and may not be renewed.

2. Operators' licenses may be issued only on written application on forms provided by the Village Clerk/Treasurer.

3. Operators' licenses shall be valid for 1 or 2 years and shall expire on June 30 of each year or on June 30 of the second year after issuance.

(4) LICENSE APPLICATION. (a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators' licenses and filed with the Village Clerk/Treasurer. The premises shall be physically described, including every room and storage space to be covered by the license, and including all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by Section 887.01, Wis. Stats.

(c) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk/Treasurer to the State Department of Revenue.

(5) LICENSE RESTRICTIONS. (a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Sections 125.04 and 125.33(3)(b), Wis. Stats.

(b) Location. 1. No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.

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

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Health and Sanitation Requirements. No retail Class "B" or "Class B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements

of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.

(e) License Quota. 1. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Section 125.51(4), Wis. Stats.

2. The Village Board may issue one "Class A" intoxicating liquor license for each 1000 population or fraction thereof, as determined by the decennial federal census. The issuance of any such license may be conditioned upon such conditions as may be agreed upon by the applicant and the Village Board.

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

(g) Age Requirement. No license hereunder shall be granted to any person under the legal drinking age as defined by the Wis. Stats.

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

(i) License Restrictions: Delinquent Taxes, Assessments, and Claims. 1. Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims to the Village are delinquent and unpaid.

2. Persons. No initial or renewal alcohol license shall be granted to any person:

(a) Delinquent in payment of any taxes, assessments or other claims owed to the Village.

(b) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

(c) Delinquent in payment to the state of any state taxes owed.

(j) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(6) FORM AND EXPIRATION OF LICENSES. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Village Clerk/Treasurer shall affix his or her affidavit as required by Section 125.04(4), Wis. Stats.

1. TRANSFER OF LICENSES. (a) As to Person. No license shall be transferable as to licensee except as provided by Sec. 125.04 (2), Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred as provided in Section 125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

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

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

(b) Employment of Minors. No licensee shall employ any person under the legal drinking age as defined by the Wisconsin State Statutes to serve, sell, dispense or give away any alcoholic beverage.

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

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

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

(a) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

(b) If a retail "Class A" or Class "A" license, according to Wisconsin State Statutes.

(c) If a retail "Class B" or "Class C" or Class "B" license, according to Wisconsin State Statutes.

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

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

(b) Automatic Revocation. Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Chapters 125 or 139, Wis. Stats., or any other State or federal liquor or fermented malt beverage laws.

(c) Effect of Revocation. See sub. (5)(h) of this section.



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

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

12.04 DOG AND CAT LICENSING. (1) LICENSING REQUIRED. (a) Any person owning, keeping, harboring or having custody of any dog or cat over five (5) months of age, within the Village, shall obtain a license as herein provided.

(b) Written application for licenses shall be made to the licensing authority, which shall include name and address of applicant, description of the animal, the appropriate fee and Rabies certificate issued by a licensed veterinarian.

(c) If not revoked, licenses for the keeping of dogs and cats shall be valid for a period of one year.

(d) Application for a license must be made within thirty (30) days after obtaining a dog or cat over four (4) months, except that this requirement will not apply to a nonresident keeping a dog or cat within the Village for not longer than thirty (30) days.

(e) Licensing fees shall not be required for seeing-eye dogs for blind or deaf persons, or governmental police dogs. Every person owning such a dog shall receive annually, a free dog license upon application. However, all other requirements are applicable.

(f) Upon acceptance of the license application, fee and Rabies certification, the licensing authority shall issue a durable tag stamped with an identifying number. Tags should be designed so they may be conveniently fastened or riveted to the animal's collar or harness.

(g) Dogs and cats must wear license and Rabies vaccination tags at all times when off the premises of the owner. Exception shall be for dogs during competition.

(h) The licensing authority shall maintain a record of the identifying numbers of all tags and shall make this record available to the public.

(i) The license year commences on January 1 and ends on the following December 31. Applications for license may be made thirty (30) days prior to the license year.

(j) The licensing authority, or agent, shall assess and collect a late fee of **(See fee schedule)** if the owner fails to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable animal, or if the owner fails to obtain a license on, or before the animal reaches licensable age.

(k) A license shall be issued after showing evidence of Rabies Vaccination and payment of the applicable fee. Evidence of neutering, spaying or other method of rendering the animal sterile, from a licensed veterinarian, will be required. A cat license shall be **(See fee schedule)** for any neutered male cat or spayed female cat based upon presentation of evidence that the animal has been neutered or spayed and **(See fee schedule)** for each unneutered or unspayed cat. A dog license shall be **(See fee schedule)** for any neutered male dog or spayed female dog based on presentation of evidence that the animal has been spayed or neutered and **(See fee schedule)** for each unneutered or unspayed dog.

(1) A duplicate license may be obtained upon payment of a replacement fee. **See fee schedule**

(m) No person may use any license for any animal other than the animal for which it was issued.

(2) **PENALTIES FOR VIOLATION.** All owners of animals which are required to be licensed by Village, County or State Statute and who fail to license all such animals in their possession, shall, upon conviction forfeit (**see fine schedule**) together with costs, for each animal not licensed.

(3) **ENFORCEMENT.** (a) Any individual may report to the Village Clerk the presence of any animal which they suspect to be unlicensed.

(b) The Village Clerk shall verify whether or not the animal, on which the complaint was received, has been properly licensed within the Village. By February 28 of each year the Village Clerk shall prepare a list for the Village Police Department of all dwellings that have been recorded as having licensable animals but have not taken out legal licenses for same.

(c) A Law Enforcement Officer shall notify owners of unlicensed animals that they are in violation of animal licensing laws and shall have thirty (30) days to license all licensable animals owned by them. After thirty (30) days the Law Enforcement Officer shall, by all legal means, enforce the licensing Ordinances. Furthermore, in all other cases of noncompliance with the licensing laws, Police Department Officials shall have the power to immediately, without notification, enforce the licensing Ordinance.

**12.05 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS.** (1) **DEFINITIONS.** (a) Peddler. A peddler is a person who goes from place to place within the Village offering for sale property which he carries with him, including a vendor who distributes his products to regular customers on an established route.

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

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

(2) **LICENSE REQUIRED.** Except as provided by sub (3), no person shall conduct any of the activities enumerated in sub. (1) without a license therefore as provided by this section.

(3) **APPLICATION.** Applicants for a license under this section must file with the Village Clerk/Treasurer a sworn application in writing on a form furnished by the Village Clerk/Treasurer which shall give the following information:

(a) Names and physical description of applicant;

(b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;

(c) a brief description of the nature of the business and the goods to be sold;

(d) If employed, the name and address of the employer together with credentials therefrom establishing the exact relationship;

(e) The length of time for which the right to do business is desired; or orders taken for the sale thereof, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(f) A recent photograph of the applicant which shall be approximately 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;

(g) The names of a least two property owners of Sauk County, Wisconsin, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of reference, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(h) A statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last 5 years; the nature of the offense and the place of conviction.

(i) The last cities or villages, not to exceed three, where applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities.

(4) EXEMPTIONS. No license shall be required hereunder of the following:

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

(b) Newsboys.

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

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

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

(f) A veteran holding a special State license under §440.82(2), Wis. Stats., but he shall comply with subs. (7), (8) and (9).

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

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

(5) SPECIAL EXEMPTION. No license shall be required of any person soliciting for charitable, religious, patriotic or philanthropic purposes if the proceeds thereof are devoted solely to the purposes of the organization provided there shall be filed with the Village Clerk/Treasurer a sworn, written application containing the following information:

(a) Name and purpose of the cause for which permit is sought;

(b) Names and addresses of the officers and directors of the organization;

(c) Period during which solicitation is to be carried on;

(d) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

(6) CREDENTIALS. All charitable, religious, patriotic or philanthropic organizations complying with sub. (4) above shall furnish its members, agents, or representative conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

(7) INVESTIGATION FEE. At the time of filing his application, the applicant shall pay to the Village Clerk/Treasurer (**See fee schedule**) to cover the cost of investigation of the facts stated in the application.

(8) INVESTIGATION. The Chief of Police shall cause the applicant and the facts stated in the application to be investigated and shall within 3 days return the application to the Village Clerk/Treasurer with his endorsement approving or disapproving the application.

(9) BOND. (a) When Required. Every applicant who is not a resident of Sauk County or who represents a firm whose principal place of business is located outside of the State shall file with the Village Clerk/Treasurer a surety bond (**See fee schedule**), approved by the Village President, conditioned that the applicant will comply with all provisions of the Village ordinances and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as down payment will be accounted for and applied according to the representations of the licensee, and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee.

(b) Action on Bond. Action on such bond may be brought by any person aggrieved.

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

(11) USE OF STREETS. No licensee shall use the public streets or sidewalks for purposes of sales in such manner as to impede or inconvenience the public use of the streets or sidewalks. The judgment of a police officer shall be conclusive as to whether the area is congested and the public impeded or inconvenienced.

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

(13) POLICE TO ENFORCE. It shall be the duty of the Village police to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this chapter against any person found violating the same.

(14) REVOCATION, SUSPENSION AND APPEAL. See Section 12.02(15) and Chapter 24 of this Code.

12.06 MOBILE HOMES AND MOBILE HOME PARKS. (1) DEFINITIONS. (a) Trailer. Any vehicle designed for sleeping, eating or living which is transported by any motor vehicle upon a public highway.

(b) Present Licensee. Persons who on January 11, 1972, were occupying a trailer within the Village as a permanent residence and includes the immediate family and members of the household.

(c) Trailer Camp. Any park, court, campsite, plot, parcel or tract of land designed or used for trailers and includes all buildings used as part of the equipment thereof whether or not a charge is made for its use. Trailer camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale only.

(2) TRAILERS OUTSIDE OF TRAILER CAMPS PROHIBITED. EXCEPTIONS. (a) General Prohibition. Except as otherwise provided herein, no trailer outside of a trailer camp shall be located, used or occupied by any person at any place in the Village.

(b) Parking and Storing of an Unoccupied Trailer. The parking of one unoccupied trailer in an accessory private garage building or in the rear yard of a residential premises is permitted provided that no living quarters are maintained and no business practiced in or conducted.

(c) Trailer Displayed for Sale. The placing of a trailer on any property zoned nonresidential premises in the Village for the purpose of display and sale is permitted.

(d) Emergency or Temporary stopping or Parking on Public Way. Emergency or temporary stopping or parking of a trailer on the public streets, alleys, or highways in the Village for not longer than an aggregate of four hours per day, is permitted provided any and all laws, regulations and ordinances governing the traffic and parking of vehicles on streets, alleys, or highways are fully complied with.

(e) Present Licensee. A present licensee may indefinitely continue to use and occupy the trailer presently used and occupied by him as a residence. The licensee shall maintain such trailer in a sanitary condition and comply with this Code, all other applicable ordinances of the Village and with the State Plumbing, Electrical and Building Codes, Wis. Adm. Code, which are incorporated herein by reference. This licensee is limited to the presently occupied trailer of the present licensee and shall not apply to any replacement trailer acquired by, or intended to be occupied by the present licensee. It is further limited to the present location in the Village. The continuing permit herein granted to present licensee shall be revoked for failure to comply with the above conditions or for other cause, such revocation to be in addition to all other penalties herein provided. Appeals shall be made in accordance with Ch. 24 of this code.

All proceedings for revocation of trailer permits authorized or continued under this chapter shall be in accordance with Section 66.058(2)(d), Wis. Stats.

The Village Board may authorize exceptions to provisions of this paragraph, as follows: The trailer may be rented/leased to a second party during the lifetime of the present licensee after obtaining a monthly trailer parking permit. The present licensee may sell the trailer to the owner of the land on which the trailer is located. The owner may then rent/lease the trailer after obtaining a monthly trailer parking permit. No subsequent resale of the trailer is authorized.

(3) TRAILER CAMPS PROHIBITED. No trailer camps as defined herein shall be located, used or maintained in the Village after January 11, 1972.

(4) MONTHLY PARKING PERMIT FEE FOR TRAILER OF PRESENT LICENSEES. A monthly permit fee is imposed on each occupied, nonexempt mobile home located in the Village in accordance with Sec. 66.058, Wis. Stats. Fees shall be paid to the Village Clerk/Treasurer on or before the 10<sup>th</sup> day of the month following the month for which such fees are due. **See fee schedule.**

(a) The provisions of Sec. 66.058, Wis. Stats., and the definitions therein are hereby adopted by reference.

12.07 POOL TABLES. A license may be granted to authorize the keeping of a pool table in the Village for one year upon payment for each table. **See fee schedule.**

12.08 ENTERTAINMENT. A license for the exhibition of any show, circus, caravan or theatrical may be issued upon payment of a license fee for each such exhibition as follows: **See fee schedule**. It shall be lawful for citizens of the Village to give concerts, theatricals, or other entertainment without payment of any license fee therefor, provided the proceeds are for a religious, educational or charitable purpose.

12.09 BOWLING ALLEYS AND SHOOTING RANGES. A license may be granted to authorize the keeping of a bowling alley or shooting gallery for not longer than one year. **See fee schedule**.

12.10 AUCTIONS AND AUCTIONEERS. No Person shall act as an auctioneer or conduct sales as an auctioneer without having obtained a license therefor, which shall be granted for one year to any responsible party by the Village Board upon payment of a license fee. **See fee schedule**.

12.11 PARK USE PERMIT. Any person wishing to use any Village park shall submit an application to the Clerk/Treasurer. The fee for such usage shall be stated on the application as approved by the Park Committee and is non-returnable. Any clean-up fees or damage charges, declared by the Public Works inspection after the event, will be billed to the applicant.

12.14 PROVISIONAL OPERATOR'S LICENSE. (a) The Village Clerk shall be authorized to issue a provisional license to any applicant for an operator's license, who has not been previously denied a license under this chapter, and who has made proper application for an operator's license.

(b) A provisional license shall be valid for a sixty (60) day period, such time commencing with the date of issuance of the provisional license; this license shall also expire upon the issuance of a regular operator's license as provided in this Chapter or any other ordinance, resolution or motion adopted by the Village of Plain.

(c) A provisional license may be revoked by the Village Clerk upon discovery of false statements by the applicant on his or her application.

(d) The form for such license shall be adopted by the Village Clerk with the approval of the Village Board.

12.15 STREET USE PERMIT. (a) Under the authority of Wisconsin Statute 61.34, a permit shall be issued to the Village of Plain Department of Public Works (D.P.W.), the Village Water Utility and the Village Sewer Department to operate unlicensed motorized equipment on all street right-of-ways in the Village of Plain twenty-four (24) hours a day, three-hundred and sixty-five (365) days a year, for the purpose of maintaining Village-owned facilities.

(b) Operators of such equipment shall be employees of the Village, or contractors hired by the Village. An operator shall possess a valid driver's license. An operator shall comply with all applicable traffic laws.

(c) The Director of Public Works shall act on behalf of the Department of Public Works, the Village Water Utility and the Village Sewer Department in signing for said permit.

(d) There shall be no fee for this permit.

12.20 PENALTY. In addition to the suspension or revocation of a license issued under this chapter, any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty. **See fine schedule**.