

**CHAPTER 11**  
**LICENSES AND PERMITS**

- 11.01 Regulation of Intoxicating Liquor and Fermented Malt Beverages
- 11.02 License Fees
- 11.03 License Application
- 11.04 Revocation, Suspension and Non-Renewal of Licenses
- 11.05 Restrictions on Granting Intoxicating Liquor and Fermented malt Beverages Licenses
- 11.06 Regulation of Licensed Premises and Licenses
- 11.07 Suspension, Revocation and Discontinued Use or Non-Use of License
- 11.08 Wearing Apparel Required
- 11.09 Provisional Operator's Licenses
- 11.10 Cigarette Retailer License
- 11.11 Dog Licensing and Regulation
- 11.12 Mobile Homes and Mobile Home Parks
- 11.13 Amusement Establishments
- 11.14 Business Registration Procedure
- 11.15 Direct Sellers License
- 11.155 Permit Required for Solicitation
- 11.16 Regulation of Rummage Sales and Garage Sales Regulated
- 11.17 Special Events
- 11.18 Penalties

## **11.01 REGULATION OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES**

### **1) STATUTES ADOPTED**

- (a) The provisions of Chapter 125 Wisconsin Statutes., relating to the sale of intoxicating liquor and fermented malt beverages, except Sections 125.04(11), 125.09(6), 125.14(2), 125.14(3), 125.56(2), 125.60, 125.61, 125.62, 125.63, 125.66(3), 125.69(1)(b), 125.69(3), 125.69(5) and 125.69(7), exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this Chapter by reference. A violation of any such provision shall constitute a violation of this Chapter.

### **2) MODIFICATIONS TO STATUTES**

- (a) Any future amendments, modifications, revisions, additions or deletions of the Chapters of the Wisconsin Statutes incorporated herein shall be incorporated herein and made a part of this Municipal Code in order to secure uniformity with State laws regarding intoxicating liquors and fermented malt beverages.

*Established April 17, 2001, Ordinance No. 229*

## **11.02 LICENSE FEES**

Unless otherwise indicated, fees for licenses issued under this Chapter shall be as follows:

### **1) CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE**

- (a) **\$100.00 PER YEAR.** The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

### **2) CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE**

- (a) **\$100.00 PER YEAR.** The fee for a license for less than twelve (12) months shall be prorated according

Revised 12.20.2016

to the number of months or fraction thereof for which the license is issued.

(b) **Class "B"** licenses may be issued at any time for a period of six (6) months in any calendar year, for which fifty (50%) percent of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued.

(c) **SPECIAL EVENT**

i. **\$10.00 PER DAY**, which may be waived at the discretion of the Town.

**3) RETAIL "CLASS A" INTOXICATING LIQUOR LICENSE**

(a) **\$500.00 PER YEAR.** The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

**4) RETAIL "CLASS B" INTOXICATING LIQUOR LICENSE**

(a) **\$500.00 PER YEAR.** The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

**5) RESERVE "CLASS B" INTOXICATING LIQUOR LICENSE**

(a) **\$10,000 INITIAL RESERVE LICENSE,** plus the annual "Class B" license fee of \$500. Renewals shall be five-hundred (\$500) dollars per year. The initial fee shall not be prorated if issued for less than one (1) year. Renewals shall be prorated according to the number of months or fraction thereof for which the license is issued.

**6) RETAIL "CLASS C" LICENSE WINE RETAILER LICENSE**

(a) **\$100.00 PER YEAR.** The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

## **7) ISSUANCE**

- (a) All Class A, B, and C licenses as defined under Section 125.51 Wisconsin Statutes, may be issued at anytime for a period of six (6) months in any calendar year, for which fifty (50%) percent of the license fee shall be paid, but may not be renewed during the calendar year in which issued.

## **8) OPERATORS LICENSE**

- (a) Fees for an operator's license shall be on a bi-annual basis, the fee being seventy-two (\$72) dollars for an initial or renewal license. However, said fee shall be pro-rated if application is made during the licensing period as set forth in Section 125.17(3), Wisconsin Statutes, such that the fee shall be three (\$3) dollars per month, or any portion thereof, until the end of the licensing period.

## **9) PROVISIONAL OPERATOR'S LICENSE**

- (a) Fifteen (\$15) dollars per year.

## **10) REVOKED, SUSPENDED, SURRENDERED, TERMINATED**

- (a) When a license is revoked, suspended, surrendered or terminated, no part of the fee paid for any license may be refunded.

*Established April 17, 2001, Ordinance No. 229; Revised January 21, 2003, Resolution 3.2010.*

## **11.03 LICENSE APPLICATION**

### **1) FORM**

- (a) Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Town Clerk. The fee prescribed for such license in Section 11.02 shall accompany the application. The premises shall be physically described, including every room and storage space to be covered by the

Revised 12.20.2016

license and including all rooms joined by connection entrances or not separated by a solid wall.

**2) APPLICATION TO BE NOTARIZED**

- (a) Applications shall be signed and sworn to be the applicant.

*Established April 17, 2001, Ordinance No. 229, Revised January 21, 2003, Ordinance 239.*

**11.04 REVOCATION, SUSPENSION AND NON-RENEWAL OF LICENSES**

- 1) Suspension, revocation and non-renewal of any license shall be in accordance with Section 125.12 Wisconsin Statutes.

*Established April 17, 2001, Ordinance No. 229*

**11.05 RESTRICTIONS ON GRANTING INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSES**

**1) HEALTH AND SANITATION**

- (a) No license shall be issued for any premises which do not comply with the State Building and Plumbing Codes, Section 125.68(5) Wisconsin Statutes, and the rules and regulations as to health and sanitation adopted by the Town Board and the County Health Department.

- (b) **LOCATION**

- i. No licenses shall be issued for premises less than three-hundred (300') feet from any established public or parochial school, hospital, church or in any residential district. Such distance shall be measured via the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance of such premises. Any premises shall be deemed to be included within a residential district if two-thirds (2/3) of the buildings within a radius of three-hundred (300') feet are used exclusively for residential purposes or the uses incidental thereto.

**2) RESTRICTIONS ON ISSUANCE OF LICENSES**

Revised 12.20.2016

- (a) No retail intoxicating liquor or fermented malt beverage license shall be issued to any person who has been convicted of a violation of any Federal or State liquor or fermented malt beverage law or the provisions of this Chapter during one (1) year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one (1) year.
  
- (b) The Town Board of the Town of Delavan does hereby direct that the following be considered by the Administrative Committee in determining whether or not to grant any operator's license application properly before that committee:
  - i. Section 125.68, Wisconsin Statutes.
  - ii. The following shall be grounds to deny an application for an operator's license:
    - 1. Any conviction for an alcohol related offense, the date of which is within one (1) year from the date of the inception of the proposed licensing period.
    - 2. Two (2) or more convictions for alcohol related offenses within two (2) years from the inception of the proposed licensing period.
    - 3. Three (3) or more convictions for alcohol related offenses within three (3) years of the inception of the proposed licensing period. Conviction as set forth herein shall mean the date of the violation and not the actual date of conviction. These rules shall be applicable not only to new license applications but to renewal applications as well.
    - 4. The foregoing criteria shall not be deemed to be the exclusive considerations in terms of licensing. The Administrative Committee and/or Town Board may consider any relevant criteria including, but not limited to, character of the applicant, criminal record as that record may reasonably relate to the proposed license, or any other factor deemed

Revised 12.20.2016

relevant by the Administrative Committee and/or Town Board.

iii. **APPEAL**

1. Any person seeking an operator's license herein who may be denied for the reasons set forth herein may appeal to the Town Board and upon a showing of good cause, the Town Board may grant the operator's license.

**3) LICENSE QUOTAS**

(a) **DEFINITIONS**

- i. All terms as set forth herein are defined in Chapter 125, Wisconsin Statutes, and the same is hereby incorporated herein by reference.
- ii. **Number of "Class A" Intoxicating Liquor Licenses**
  1. The total number of "Class A" Intoxicating Liquor Licenses shall be not more than six (6).
- iii. **Number of Class "A" Fermented Malt Beverage Licenses**
  1. The total number of Class "A" Fermented Malt Beverage Licenses shall be not more than six (6).
- iv. **Number of "Class B" Intoxicating Liquor Licenses**
  1. The total number of "Class B" intoxicating liquor license shall be equal to but not greater than the number permitted under Section 125.51(4), Wisconsin Statutes.
- v. **Number of Class "B" Fermented Malt Beverage Licenses**
  1. The total number of Class "B" Fermented Malt Beverage Licenses shall be not more than three (3).
- vi. **Number of "Class C" Wine Retailer Licenses**
  1. The total number of "Class C" Wine Retailer Licenses shall be not more than three (3).
- vii. **Wholesaler's Licenses**
  1. There shall be no wholesaler's licenses for either the sale of fermented malt beverages or intoxicating liquors.

Revised 12.20.2016

(b) **EXCEPTIONS**

i. Notwithstanding Section 11.05(3), Wisconsin Statutes the following shall constitute exceptions to the quotas set forth herein:

1. The quotas as set forth above shall not operate to terminate any license granted or issued at the time of the effective date of the quota.

2. Any application for a "Class B" Intoxicating Liquor License received by the Town Clerk prior to the effective dates provided herein shall not be affected by this Ordinance. However, the Town Clerk shall not accept applications once the quota for a particular year has been filled.

ii. Any license issued, granted, or applied for under this Section shall not be affected by this Ordinance if the person, persons, or corporation to whom the license has been granted, issued, or applied for, dies or transfers the premises upon which the license has been issued.

**4) DELINQUENT TAXES, ASSESSMENTS, ETC.**

(a) **PREMISES**

i. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the Town of Delavan are delinquent and unpaid.

(b) **PERSONS**

i. No initial or renewal alcohol license shall be granted to any person, as defined in Section 125.04, Wisconsin Statutes, who is:

1. Delinquent in payment of any taxes including Personal Property Tax, Room Tax, Business Registration, Assessment or other claims owed to the Town of Delavan; excluding Real Estate Property Tax; or



2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town of Delavan; or
3. Ineligible for the license pursuant to notice from the State of Wisconsin due to nonpayment of taxes assessments or fees owed to the State.

*Established April 17, 2001, Ordinance No. 229; revised May 18, 2004, Ordinance No. 248, revised September 21, 2011, Ordinance No. 318*

## **11.06 REGULATION OF LICENSED PREMISES AND LICENSES**

### **1) STATUTORY COMPLIANCE REQUIRED**

- (a) A holder of any license under this section shall comply with Chapter 125, Wisconsin Statutes.

### **2) PREMISES REQUIREMENT**

- (a) Any applicant for a liquor license who does not, at the time of said application, have a building constructed for the purpose of utilizing said license, may be granted said license, provided, however, said license shall not be issued to said applicant until a building constructed for the purpose of utilizing said license has been completed and passes all inspections, rules, regulations, ordinances, and state and federal laws, including, but not limited to fire, sanitary, electrical and building codes.

#### **(b) ISSUANCE OF LICENSE**

- i. Except as provided for in Subsection (c) in this Section, who at the time of application, does not have a building or structure for the purpose of utilizing said license, shall be required to demonstrate intent to construct said building at the time of application. To demonstrate intent to construct within the meaning of this subsection, it shall be sufficient to produce written plans or written contracts with a builder or building contractor.
- ii. Except as provided for in Section (c) in this section, no liquor license shall be issued unless:

Revised 12.20.2016

1. The applicant has a building or structure to utilize said license; or
2. The applicant is without a building or structure at the time of application but complies with Section 11.05 4) (a) (b) (i) (1-3) above; and Construction of said building commences within one-hundred-eighty (180) days from the date of granting of said liquor license; and
3. Construction of said building commences within 180 days from the date of granting of said liquor license; and
4. Within five-hundred-forty-five (545) days from the granting of said license, said building construction is completed in conformity with Subsection 2) (a) of this section herein and is operational and open to the public for the purpose which the building was intended to be used, whereupon said license may then be issued.

(c) **EXTENSION OF TIME**

- i. Any period of time set forth in this Section requiring that a certain act or acts be performed as a condition of the granting or issuance of a liquor license, may be extended at the discretion of the Town Board, upon the written petition of the applicant for said license, but in no event shall any time period as set forth herein be shortened.

(d) **COMPLIANCE REQUIRED**

- i. No liquor license shall be issued unless all provisions of this section are met by the applicant.

**3) TRANSFER OF LICENSE**

- (a) No person granted or issued a valid liquor license in the Town may transfer or convey said license, except that any person or corporation holding a valid liquor license in the Town may apply to the Town Board to transfer said license from one (1) location to another within the Town. The Town Board may, in its

Revised 12.20.2016

discretion, approve said application and issue a new license, provided the applicant furnishes the Town Board with a proper description of the premises for which the license is to be issued and pays costs of publication and administration for said application.

#### **4) DESTRUCTION OF EXISTING BUILDING OR STRUCTURE**

- (a) In the event any person or corporation shall have been granted or issued a valid liquor license, and during the period which that license was in existence, said building or structure which was being operated in conjunction with said liquor license shall be destroyed for any reason whatsoever, the liquor license shall remain valid for the duration or term that said license was originally issued. At the expiration of the term of said liquor license, said individual or corporation may apply and have granted a liquor license, however, said liquor license may be granted under the same conditions and circumstances as set forth in Section 2) herein. However, the Town Board shall not issue said liquor license until said applicant has complied with all of the conditions as set forth above in Section 2) of this Ordinance.

#### **5) APPLICABILITY**

- (a) This ordinance shall apply to all persons, or entities who wish to apply, have been granted or issued a liquor license in the Town.

#### **6) VIOLATION AND PENALTY**

- (a) Any person who shall violate Section 11.06 2) shall, upon violation, forfeit said license and said license shall revert to the Town and the Town may grant or issue said revoked license to any other applicant who qualifies for the granting and issuance of said license in accordance with the ordinances and by-laws of the Town and the laws of the State of Wisconsin.

#### **7) BY-LAWS GOVERNING, GRANTING AND ISSUANCE OF LIQUOR LICENSES**

- (a) The Town Board may adopt by resolution certain requirements and procedures to affect uniformity and fairness in the granting and issuance of liquor

Revised 12.20.2016

licenses. Said requirements and procedures may be amended from time to time at the discretion of the Town Board.

*Established April 17, 2001, Ordinance No. 229*

## **11.07 SUSPENSION, REVOCATION AND DISCONTINUED USE OR NON-USE OF LICENSE**

### **1) SUSPENSION, REVOCATION AND DISCONTINUED USE OR NON-USE OF LICENSE**

- (a) In addition to other provisions of this Municipal Code and Chapter 125, Wisconsin Statutes, the following shall constitute grounds to suspend or revoke an intoxicating liquor or fermented malt beverage license issued pursuant to this Municipal Code:
  - i. Closing of the premises to which a license has been issued, such closure being for ninety (90) or more consecutive days.
  - ii. Non-use of a license for ninety (90) or more consecutive days subsequent to the granting of such license.
  - iii. Any other failure to use such license for ninety (90) or more consecutive days.
  - iv. Any other violation of this Chapter.

### **2) NON-USE DEFINED**

- (a) Non-use shall mean the failure of the licensee to offer for retail sale the items which require the license granted to such licensee.

### **3) NOTICE**

- (a) Prior to suspending or revoking a license hereunder, the Town shall provide written notice to the licensee of the Town's possible action to suspend or revoke said license. The Town shall provide the licensee with an opportunity for hearing. Any hearing hereunder shall be as provided by Section 125.12(2)(b), Wisconsin Statutes. Judicial review shall be as provided in Section 125.12(2)(d), Wisconsin Statutes.

### **4) OTHER REMEDIES**

Revised 12.20.2016

- (a) This Section shall not limit or abrogate the rights of the licensee as otherwise set forth in this Municipal Code.

## **5) NOTICE REQUIRED**

- (a) The licensee shall notify the Town Clerk of any non-use or closure of licensed premises for sixty (60) or more consecutive days. Any failure of the licensee to provide such notice shall be grounds for possible action to suspend or revoke such license.

*Established April 17, 2001, Ordinance No. 229*

## **11.08 WEARING APPAREL REQUIRED**

### **1) REGULATION OF LICENSED PREMISES**

- (a) All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, officer or agent of a licensed corporation, waiter, waitress, entertainer, dancer, or any other employee, shall observe the following applicable minimum standards for such licensed premises:
  - i. The costume, uniform, or attire of any female shall completely cover the breasts, completely cover the male pubic genitals, and the buttocks at all times. Those areas to be covered shall be covered with a non-transparent material.
  - ii. The costume, uniform, or attire of any male shall completely cover the pubic area, genitals, and buttocks at all times. Those areas to be covered shall be covered with a non-transparent material.

### **2) APPLICABILITY**

- (a) It shall be the responsibility of the licensee to maintain such minimum standards on the licensed premises. Any violation taking place upon a licensed premise shall be deemed to be a violation by both the violator and the licensee.

Revised 12.20.2016

## **11.09 PROVISIONAL OPERATOR'S LICENSES**

### **1) PURPOSE**

- (a) This ordinance allows for issuance on a provisional basis of a license to those applying for an operator's (bartenders) license for service or sale of alcoholic beverages.

### **2) ELIGIBILITY**

- (a) Each applicant must be at least eighteen (18) years of age, and have completed an application form supplied by the Town Clerk in order for the Town Board to consider approval. All arrests and convictions of the applicant shall be disclosed in 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 Section 125.17(6) (a) of Wisconsin Statutes.

### **3) TERM**

- (a) The Provisional License shall be effective for a period of not more than sixty (60) days or until the Committee takes final action to issue or deny the application for an Operator's License. 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.

### **4) ISSUANCE**

- (a) The Town Clerk is authorized to issue Provisional Licenses.

### **5) FEES**

- (a) The sum of fifteen (\$15) dollars is required to be paid by or for the applicant prior to license issuance.

## **6) REVOCATION**

- (a) Licenses issued based on false or inaccurate information may result in suspension, revocation or non-renewal of such license. In the event the Town Board shall elect to take action on a license, the Board shall follow general procedures as set forth in Section 125.12 Wisconsin Statutes, although no complaint is required. The Town Clerk shall notify the licensee of the time scheduled for hearing the matter, by mail or personal delivery. Any mail notice in this ordinance is sufficient if mailed by first class to the last known address of the licensee, in an envelope containing the return address of the Town Clerk. No request for a license review hearing is valid when received past the final day the Provisional License would have been effective.

*Established April 17, 2001, Ordinance No. 229, Ordinance 352*

## **11.10 CIGARETTE RETAILER LICENSE**

### **1) REQUIRED**

- (a) No person shall sell cigarettes in the Town without first obtaining a license from the Town Clerk. The provisions of Section 134.65, Wisconsin Statutes, are hereby adopted and made a part of this Section by reference.

### **2) LICENSE FEE**

- (a) The license fee shall be One hundred (\$100) dollars per year.

*Established April 17, 2001, Ordinance No. 229*

## **11.11 DOG LICENSING AND REGULATION**

### **1) DOG LICENSES REQUIRED**

- (a) No person shall own, harbor or keep any dog more than six (6) months of age without complying with the provisions of Sections 174.05 through 174.09, Wisconsin Statutes, relating to the listing, licensing and tagging of dogs.

Revised 12.20.2016

(b) Dog License Fees: Fees shall be established as follows:

- i. Altered male: \$ 20.00
- ii. Altered female: \$ 20.00
- iii. Unaltered male: \$ 40.00
- iv. Unaltered female: \$ 40.00
- v. Kennel \$100.00
- vi. Special instance: \$ 25.00

2) Above listed fees will be paid to the Town Treasurer, due and payable on the 1<sup>st</sup> day of January, each license year.

**3) NUMBER OF DOGS LIMITED**

(a) Unless otherwise licensed as a kennel, no person shall keep more than four (4) dogs on their premises at one time, except litters of pups under six (6) months of age.

*Established April 17, 2001, Ordinance No. 229, Resolution 18.2009, Ordinance 362*

**11.12 MOBILE HOMES AND MOBILE HOME PARKS**

**1) PURPOSE**

(a) It is the purpose of this section to provide for the regulation, licensing and inspection of mobile home parks within the Town in accordance with Chapter ATCP125 Wisconsin Administrative Code.

**2) SCOPE**

(a) **APPLICABILITY**

i. The provisions of this Section shall apply to the owner and to the operator, if other than the owner, of any mobile home or mobile home park.

(b) **RELIEF**

i. When strict adherence to these regulations is shown to be impractical by proof satisfactory to the licensing authority, the licensing authority may approve modifications as needed consistent with the intent hereof, to safeguard public health, safety

Revised 12.20.2016



and welfare, subject to the provisions of Subsection 10) of this Section.

### **3) DEFINITIONS**

(a) **LICENSING AUTHORITY**

i. The Town of Delavan Town Board.

(b) **APPROVED**

i. Acceptable to the Town based on its determination as to conformance with appropriate standards and good public health practices, subject to the further provisions of Subsection 10) of this Section.

(c) **PERSON**

i. Means any individual, partnership, domestic or foreign limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.

(d) **BASIC UNIT**

i. The mobile home excluding hitch, awnings, cabanas, storage unit, carport, windbreak, non-winterized porch or similar appurtenant structures.

(e) **MOBILE HOME**

i. That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, and includes without limitation thereby, the definition of mobile home as set forth in ATCP 125.01(1).

(f) **MOBILE HOME PARK**

Revised 12.20.2016

i. Any plot or plots of ground owned by a person, State or Local Government upon which two (2) or more units, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

(g) **MOBILE HOME PARK MANAGEMENT**

i. The persons legally responsible for the operation of the park.

(h) **SITE**

i. A plot of ground within a mobile home park designed for placement of one (1) mobile home unit.

**4) LICENSE REQUIRED**

- (a) No person shall maintain or operate within the limits of the Town any mobile home park unless such person first obtains from the Town a license therefore.
- (b) No person shall keep, maintain or place any mobile home upon a lot, piece or parcel of ground within the Town outside a mobile home park. However, upon written application in case of hardship the Town Board may permit a mobile home to be kept, placed or maintained outside of a licensed mobile home park for a period of not more than ninety (90) days. Upon written application the Town Board may grant up to three (3) additional consecutive extensions of ninety (90) days each, but in no case shall any mobile home be kept, placed or maintained outside a licensed mobile home park in the Town for more than three-hundred-sixty (360) days. Nothing in this Section shall be construed to prevent the placing of a mobile home upon any premises within the Town when such mobile home is placed thereon solely for the purpose of display or sale and is not actually in use or occupied.

**5) APPLICATION FOR LICENSE**

- (a) Application for a license to operate a mobile home park shall be filed with the Town Clerk on a form prescribed by the Town Board. Such application shall

be in writing, signed by the applicant and shall contain the following information:

- i. The name, address, age and sex of the applicant.
- ii. The location and legal description of the mobile home park.
- iii. The complete plan of the park, giving the address, exterior dimensions, and maximum number of mobile homes to be accommodated therein, the actual or proposed sanitary facilities, the proposed drainage facilities, the fire prevention system to be maintained and such other pertinent information as the Town Board may require.
- iv. Accompanying and to be filed with the original application for a mobile home park shall be plans and specifications which shall comply with all Town ordinances and provisions of the State Department of Health and Social Services. The plans and specifications shall show the actual or proposed locations of all mobile homes, the location of all other or similar structures, the locations of streets, the location of toilets, showers or baths and all other sanitary facilities, the location of fire prevention apparatus, the location of lighting facilities and such other information as the Town Board may require to be shown on such plans and specifications.
- v. The application shall be accompanied by a license fee as prescribed in Subsection 8) of this section.
- vi. By the filing of such application, the applicant shall be deemed to have consented to an inspection, prior to the issuance of the license, by the Town Board, Town Building Inspector and any other Town officials or their agents for the purpose of determining whether such license shall be granted.
- vii. The Town Board may approve or deny an application in the exercise of its discretion, having regard to the effect of the establishment of such mobile home park upon the public health, safety and welfare of the Town of Delavan. The Town Clerk, after approval of the application and upon completion of any work according to the plans shall issue the license.
- viii. All licenses issued shall expire on June 30 of each year. No license shall be transferable, either as to the applicant or as to the licensed premises.

Revised 12.20.2016

- ix. All applications for license renewal shall be in writing signed by the applicant on forms furnished by the Town and shall be in substantial compliance with the application for original license. An annual fee as prescribed in Subsection 8) of this section shall be paid with each application for license renewal.

## **6) MOBILE HOME PARK, STANDARDS AND REGULATIONS**

### **(a) PURPOSE**

- i. To protect and promote the public health, morals and welfare, the following standards and regulations for every mobile home park are hereby established:

### **(b) GENERAL**

- i. Every mobile home and mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

### **(c) SITE**

- i. Each site shall be clearly defined or delineated. The basic unit shall not occupy in excess of one-quarter (1/4) of the area or the site, and the complete unit including all accessory structures shall not occupy more than two (2) of the area of the site. Mobile home parks which, as of July 1, 1983, existed lawfully with mobile home sites that do not comply with the foregoing minimum area requirements, may continue to operate. Expansion and modification of such mobile home parks shall, however, be in accord with current regulations.
- ii. Each unit shall be located on a lot of not less than five-thousand (5,000) square feet with a minimum width of forty-five (45') feet. The unit shall be so located on a site that there shall be at least a twenty (20') foot clearance between

Revised 12.20.2016

basic units. No unit shall be located less than twenty-five (25') feet from the right-of-way line of a highway or ten (10') feet to the right-of-way line of a public street or internal private street system of the park. Each lot shall contain a parking space upon which the unit shall be situated, which parking space shall be graveled or paved with concrete or bituminous material. Each such parking space shall be not less than ten (10') feet wide, or shorter than the length of the unit to be parked thereon plus five (5') feet.

- iii. Each mobile home park shall be completely surrounded except for permitted entrances and exits by a yard in addition to all other required yards and open spaces, which shall not be less than fifteen (15') feet wide and permanently planted in grass, flowers, shrubs or trees.

(d) **STREET**

- i. All sites shall abut upon a street having a width of at least thirty-six (36') feet, either graveled or paved with concrete or bituminous material.
- ii. All streets and driveways shall be maintained in good condition, have natural drainage, and shall be lighted at night to a minimum of five (5') foot candles.

(e) **PARKING**

- i. There shall be parking spaces for automotive vehicles provided within each park, surfaced with gravel, concrete or bituminous material in the ratio of two (2) such parking spaces for each unit site. Each automobile parking space shall be not less than nine (9') feet wide, or one-hundred-sixty (160) square feet in area, exclusive of maneuvering and access space.

(f) **RECREATIONAL AREA**

- i. Each park shall contain a recreational area. A minimum of two (2) acres for such use shall be provided for each fifty (50) sites or fraction thereof. The minimum area in a park shall be two (2) acres.

Revised 12.20.2016

(g) **WATER SUPPLY**

- i. An adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number which can be accommodated in such park and shall be installed in compliance with the Town plumbing and well codes and shall meet the applicable requirements of the Department of Natural Resources as set forth in Chapters NR108, 110, 113 and 114 and PSC 186 Wisconsin Administrative Code.

(h) **PUBLIC SEWAGE DISPOSAL**

- i. The requirements covering the sewage disposal facilities for all mobile home parks are based upon the availability of public utilities as well as the practicability of connection to the public utilities. When acceptable public sewage facilities are available to the Mobile Home Park, connection and use is required.

(i) **PRIVATE SEWAGE DISPOSAL**

- i. Private sewage disposal systems are permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and be designed and constructed in accordance with PSC 186, Wisconsin Administrative Code.
- ii. Plans and installation details covering the design and construction, alteration and extension of private sewage disposal systems shall be approved by the section of plumbing and fire protection systems of the Department of Health and Social Services prior to construction.
- iii. Sufficient area of suitable soils for the initial soil absorption system and one (1) replacement system, of adequate size to serve the ultimate number of sites to be provided, shall be available in the park.

(j) **PLUMBING**

Revised 12.20.2016

i. **GENERAL**

1. All plumbing shall meet the requirements contained in PSC 186, Wisconsin Administrative Code, applicable to mobile homes and mobile home parks.

ii. **WATER CONNECTION**

1. A separate valve water service shall extend to each site.

(k) **SOLID WASTES**

i. **GARBAGE**

1. All garbage which is not disposed of through a garbage disposal unit connected with the sewerage system shall be kept in separate, leak proof, nonabsorbent containers equipped with tight fitting covers unless otherwise protected from flies and insects located within one-hundred (100') feet of any site, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

ii. **CLEANINESS**

1. Garbage cans should be washed each time they are emptied unless provided with a single service sanitary removable waterproof liner.

iii. **RESTRICTIONS**

1. The use of wooden or paper containers for garbage is prohibited.

iv. **RUBBISH**

1. Fly tight containers with covers are required for cans, bottles and other rubbish. The contents shall be disposed of as often as necessary to prevent overflow.

(l) **MANAGEMENT**

- i. The park management shall maintain and staff an office in the park or in close proximity thereof for immediate communication.

(m) **DUTIES OF OWNER**

- i. It is the duty of the mobile home park owner or operator together with any attendants or persons in charge of a mobile home park to:
  1. Keep a register, which is to be open at all reasonable times and upon reasonable notice to inspection by appropriate State and Local Officials, of all owners of mobile homes located in the park.
  2. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
  3. Cooperate with local health officers in all cases of persons or animals infected or suspected of being infected with any communicable disease.
  4. Post copies of these regulations in one (1) or more conspicuous places in the mobile home park where they can be easily seen by the mobile home park personnel and visitors.

(n) **DUTIES OF OCCUPANT**

- i. It is the duty of all occupants of mobile homes to:
  1. Maintain their site in a clean, orderly and sanitary condition at all times.
  2. Abide by all applicable State and Local regulations and the rules established by the park management.

**7) STATE LICENSE AND INSPECTION**

(a) **REQUIREMENT**

- i. Before being open for public use, each mobile home park as defined in Subsection 3)(f) shall be licensed as may be required by the State of Wisconsin.

Revised 12.20.2016



(b) **INSPECTION**

- i. Prior to the issuance of a license hereunder and at least one (1) other time during the license year, the Town Building Inspector shall conduct a sanitary inspection of each mobile home park and shall complete a report of such inspection and shall submit copies of such report to the Town Clerk and to the Department of Administration. Such reports shall be on forms provided by the Department of Administration.

**8) MOBILE HOMES AND MOBILE HOME PARKS**

- (a) State Statutes Adopted by Reference. The provisions of Section 66.0435, Wisconsin Statutes, and the definitions therein are hereby adopted by reference.

(b) **PARK LICENSED REQUIRED**

- i. No person shall establish or operate within the Town a mobile home park without first having secured a license therefore from the Town Clerk. The application for each license shall be accompanied by a fee of two (\$2) dollars for each space in the existing or proposed park, but not less than twenty-five (\$25) dollars. The license shall expire one (1) year from the date of issuance. Such parks shall comply with Wisconsin Administrative Code ATCP125, which is hereby adopted by reference.

(c) **TRANSFER OF LICENSE**

- i. Any license issued pursuant to Subsection 2) of this section may be transferred upon payment of a fee of ten (\$10) dollars.

(d) **MOBILE HOME SPACE OR LOT PERMIT FEE**

- i. The Assessor shall determine the applicable monthly parking permit fee pursuant to Section 66.0435(3)(c) (1), Wisconsin Statutes.

**9) REVOCATION, SUSPENSION**

Revised 12.20.2016

- (a) Any license granted under the provisions of this section shall be subject to revocation or suspension for cause by the Town Board upon a complaint filed with the Town Clerk, signed by any law enforcement officer, health officer or building inspector, after a public hearing upon such complaint; provided, however, that the holder of such license shall be given ten (10) days notice in writing of such hearing and shall be entitled to appear and be heard as to why such license should not be revoked.
- (b) A licensee shall be deemed liable for revocation or suspension if the licensee violates any of the regulations and standards for the operation of a mobile home park as established herein.
- (c) Any holder of a license which is revoked or suspended by the Town Board may, within twenty (20) days of the date of such revocation or suspension, appeal therefrom to the Circuit Court for Walworth County, Wisconsin, by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town in the sum of five-hundred (\$500) dollars with two (2) sureties or a bonding company approved by the Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against the licensee, all as provided for by Section 66.0435 (2), Wisconsin Statutes.

**10) ADOPTION OF WISCONSIN ADMINISTRATIVE CODE CHAPTER HSS 177**

- (a) The provisions of the Wisconsin Administrative Code are hereby adopted by reference and the Wisconsin Department of Administration shall have the power to grant variances thereto, which must be in writing, subject to the approval and acceptance of the Town Board. The Town Board shall have the power to grant variances to portions of this Section which are more restrictive than the provisions of the Wisconsin Administrative Code, if such Town variance complies with the requirements of the applicable provisions of the Wisconsin Administrative Code or a written variance granted by the State of Wisconsin.

*Established April 17, 2001, Ordinance No. 229*

**11.13 AMUSEMENT ESTABLISHMENTS**

Revised 12.20.2016

## **1) DECLARATION OF PURPOSE**

- (a) This Section is declared to be for the good order of the Town and for the benefit of the health, safety, welfare and convenience of the public.

## **2) DEFINITIONS**

- (a) Amusement establishment and/or game room is any place or location within the Town where amusement, entertainment or recreational activities are furnished by devices or equipment as hereinafter defined, whether or not for profit, excluding, however, any establishment that holds a valid fermented malt beverage license.
- (b) Amusement device is defined to be pool tables of all types, pinball machines, video games, mechanical or electronic games and amusements, games of chance or skill and related machines or equipment designed to provide amusement, entertainment or recreational activities, where there are four (4) or more such devices, or any combination of four (4) or more devices on the premises.

## **3) LICENSE REQUIRED**

- (a) No person shall operate or maintain an amusement establishment containing four (4) or a combination of four (4), amusement devices without first obtaining a license from the Town Board. The fee for such license shall be twenty (\$20) dollars plus five (\$5) dollars for each amusement device in excess of four (4) located on the premises. It shall be the responsibility of the licensee to notify the Town Clerk of any increase in the number of devices over those initially licensed for the license period. Licenses shall expire on June 30 of each year.

## **4) APPLICATION FOR LICENSE**

- (a) Application for an amusement establishment license shall be to the Town Clerk in writing under oath, and shall contain the following information:
  - i. Name and address of applicant.

Revised 12.20.2016

- ii. Location and description of the proposed licensed premises, accompanied by a sketch or drawing thereof showing the relationship to the building or remainder of the building in which the premises are situated.
  - iii. Names and addresses of all persons, firms or corporations having a financial interest in the amusement establishment.
- (b) The application shall be accompanied by the license fee. If such license is denied, the fee shall be returned upon due demand.
- (c) Whenever an application is received by the Town Clerk, it shall be referred to the Police Department. Within fifteen (15) days of such referral, the Police Department shall report in writing whether the premises meet the requirements of this Section and the Municipal Code. The Police Department shall, within fifteen (15) days, report in writing whether it has any information of any convictions of the applicant or persons interested in the establishment which bear a relationship to the responsibilities of a licensee under this section. Such reports shall be delivered to the Town Board. The Town Board shall act on the application for license at its next regular meeting after receipt of the reports by the Police Department.

#### **5) PREMISES REGULATION**

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

#### **6) SUPERVISION OF PREMISES**

- (a) There shall be an adult supervisor on the premises at all times the establishment is open to the public. If the supervisor is a person other than the licensee, the licensee shall be responsible for all acts of commission or omission of the supervisor. It shall be

Revised 12.20.2016

the obligation of the licensee to inform the Town Clerk of the name, address and age of any supervisor.

## **7) OPERATION REGULATIONS**

- (a) No licensee or supervisor shall permit any person under the age of eighteen (18) years to be present on the premises from 8:00 a.m. to 3:30 p.m. on days on said person is enrolled in and attending a public or private school, which school is then in session.

*Established April 17, 2001, Ordinance No. 229*

## **11.14 BUSINESS REGISTRATION REQUIRED**

- 1) DEFINITIONS** as used in this section, the following words have the following meanings:

- (a) **TRADE or BUSINESS** has the meaning provided in Section 77.92(5), Wisconsin Statutes.
- (b) **PERSON** has the meaning provided in Section 183.0102(18), Wisconsin Statutes.
- (c) **PRIMARY PLACE OF BUSINESS** means the location where the largest amount of trade or business activity occurs.

## **2) REGISTRATION REQUIRED**

### **(a) GENERAL REQUIREMENTS**

- i. No person shall establish or continue any trade or business in the Town of Delavan whose primary place of doing business is located within the Town of Delavan unless such person has first registered the trade or business with the Town of Delavan in the manner provided in this Chapter.

### **(b) REGISTRATION PROCEDURE**

- i. The owner, controlling partner, or other representative of a trade or business shall complete a registration form provided by the Town of Delavan Clerk, and shall return the completed form to the Town of Delavan Clerk, together with a registration fee of twenty-five (\$25) dollars. The registration form shall contain at a minimum the physical location and mailing address of the trade

Revised 12.20.2016

or business, and a description of the type of trade or business activity conducted therein. The registration fee stated herein shall not be prorated.

**(c) RENEWAL OF REGISTRATION**

- i. Every trade or business subject to this ordinance must renew its registration on a yearly basis on or before March 1 of that year in accordance with the procedure in Subsection 2) above of this section.

**3) NOTICE OF CHANGE TO TRADE OR BUSINESS**

- (a) In addition to the requirements stated above, every trade or business subject to this Ordinance must notify the Town of Delavan Clerk whenever the trade or business:

- i. ceases to operate;
- ii. ownership is partially or completely transferred;
- iii. is relocated; or
- iv. The trade or business activities change substantially in type or volume of activity.
- v. Registrations filed pursuant to this ordinance shall not be transferable to new or different trades or businesses. If a trade or business ceases to operate, then subsequently resumes operation again, and is still subject to this section, then such trade or business shall register again, and again pay the \$25.00 filing fee as if it had never previously registered with the Town of Delavan.

**4) CIRCULATION OF REGISTRATION INFORMATION**

- (a) The Town of Delavan Clerk shall provide copies of any registration that the Clerk receives to the Town Assessor, Police Department, and Fire Department.

**5) MAILING OF REGISTRATION FORM**

- (a) The Town Clerk shall mail a registration form with every property tax bill to every trade or business known to the Town.

Revised 12.20.2016

## 6) INSPECTION OF TRADE OR BUSINESS PREMISES

- (a) Town officials may enter upon any trade or business premises wherein a trade or business is being conducted for the purposes of making any reasonable or necessary inspection, at any reasonable time. The Town is not required to notify the trade or business prior to any inspection.

Established April 17, 2001, Ordinance No. 229, June 15, 2010 Ordinance 310

## 11.15 DIRECT SELLERS LICENSE

### 1) REGISTRATION REQUIRED

- (a) It shall be unlawful for any direct seller to engage in direct sales within the Town of Delavan without being registered for that purpose as provided herein.

### 2) DEFINITIONS

- (a) **DIRECT SELLER** means any individual who, for him/herself, or for a partnership, association or corporation, L.L.P. or L.L.C., sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association, corporation, L.L.P. or L.L.C., and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) **PERMANENT MERCHANT** means a direct seller who, for at least one (1) year prior to the consideration of the application of this ordinance to said merchant:
  - i. Has continuously operated an established place of business in the Town, or
  - ii. Has continuously resided in the Town and now does business from his/her residence.
- (c) **GOODS** shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.

Revised 12.20.2016

- (d) **CHARITABLE ORGANIZATION** shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.
- (e) **CLERK** shall mean the Town Clerk.

### 3) EXEMPTIONS

- (a) The following shall be exempt from all provisions of this Subchapter:
  - i. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
  - ii. Any person selling goods at wholesale to dealers in such goods;
  - iii. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this State and who delivers such goods in their regular course of business;
  - iv. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by said person;
  - v. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
  - vi. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
  - vii. Any person holding a sale required by statute or by order of any Court and any person conducting a bona fide auction sale pursuant to law;
  - viii. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Section 440.41, Wisconsin Statutes. Any charitable organization not registered under Section 440.41, Wisconsin Statutes, or which is exempt from the Statute's registration requirements, shall be required to register under this Subchapter if involved in sale of goods as hereunder defined.

Revised 12.20.2016



- ix. Veterans and patriotic organizations which "Give" tokens as evidence of donations, local service and religious organizations in sale of tickets, local youth organizations, such as Boy Scouts and Girl Scouts in fund raising project sales;
- x. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Town Clerk that such person is a transient merchant; provided that there is submitted to the Town Clerk, proof that such person has leased for a least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in the Town for at least one (1) year prior to the date complaint was made.

#### **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:
  - i. Name, permanent address and telephone number, temporary address, if any, and address for notification as to action on the application for registration;
  - ii. Age, height, weight, color of hair and eyes;
  - iii. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
  - iv. Temporary address and telephone number from which business will be conducted, if any, nature of business to be conducted and a brief description of the goods offered, and any services offered; proposed method of delivery of goods, if applicable; make, model and license number of any vehicle to be used by applicant in the conduct of his/her business; last cities, villages, towns, not to exceed three (3), where applicant conducted similar business; place where applicant can be contacted for at least seven (7) days after leaving the Town following the conduct of his/her business; statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business

Revised 12.20.2016

within the last five (5) years, the nature of the offense and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

- i. A driver's license or some other proof of identity as may be reasonably required;
- ii. A state certificate of examination and approval from the Wisconsin Department of Weights and Measures when applicant's business requires use of weighing and measuring devices approved by State authorities;
- iii. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law, such certificate to state the applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.

(c) At the time the registration form is returned, the procedure shall be as follows:

- i. Should the Town Clerk determine that the applicant has failed to comply with any previous applicable provisions of this section, said Clerk shall refuse to further process the same pending corrections thereof and full compliance with said provisions. Upon finding of compliance, the procedure shall be as follows:
  1. Fee of fifty (\$50) dollars shall be paid to the Clerk to cover the cost of processing said registration, including investigation.
  2. The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant in the event the applicant cannot, after reasonable effort, be served personally.
  3. The Clerk shall refer the application immediately to the Chief of Police who shall

Revised 12.20.2016

make and complete a prompt investigation as provided in Subsection 5) of this section and thereafter approve or disapprove of such application.

4. Upon receipt of approval from the Chief of Police as to such application, the Clerk shall:
  - a. Register the applicant as a direct seller and date the entry, such registration to be valid for a period of one (1) year from date of entry;
  - b. Issue evidence of such registration showing the period for which it is valid, such evidence to be in such form that it may be easily carried and displayed;
  - c. Notify the applicant of such registration and that the evidence thereof can be personally obtained from the office of the Clerk.
5. Should the Chief of Police disapprove of such application, the Clerk shall deny the application and send notice thereof by regular mail.
6. There shall be no right of refund as to fees paid in the event of the denial of the application.

## **5) INVESTIGATION**

- (a) Upon referral of application for registration by the Clerk for investigation, the Chief of Police shall make and complete a prompt investigation of the statements made in the registration form, such investigation to be made within two (2) weeks of such referral. Following such investigation, the Chief shall notify the Clerk in writing of his approval or disapproval and, if the latter, the reason(s) therefore.
- (b) Should such investigation disclose any of the following, the same shall be sufficient reason(s) for disapproval:
  - i. The application contains any material omission or materially inaccurate statement;

Revised 12.20.2016

- ii. Complaints of a material nature have been received against the applicant by authorities in the last cities, villages, and towns, not exceeding the last three (3) such municipalities in which the applicant conducted similar business;
- iii. The applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or any other fact(s) deemed by the Chief to be materially repugnant to the granting of such application.

## **6) APPEAL**

- (a) Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Town Board; or, if none has been adopted, under the provisions of Section 68.07 through 68.16, Wisconsin Statutes.

## **7) REGULATION OF DIRECT SELLERS**

### **(a) PROHIBITED PRACTICES**

- i. A direct seller shall be prohibited from: Calling at any dwelling or place except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; call 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.
- ii. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality or character of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods 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.

Revised 12.20.2016

- iii. No direct seller shall impede the free use of roads or streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- iv. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100') foot radius of the source.
- v. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

**(b) DISCLOSURE REQUIREMENTS**

- i. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, his/her evidence of registration and the identity of goods and services he/she offers to sell.
- ii. If any sale of goods is made by a direct seller, of any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than twenty-five (\$25) dollars, in accordance with the procedure as set forth in Section 423.203, Wisconsin Statutes; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Section 423.203(1) (a), (b), and (c), (2) and (3), Wisconsin Statutes.
- iii. If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance where full, partial or no advance payment is made, the name, address, and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

**8) RECORDS**

Revised 12.20.2016

- (a) The Chief of Police shall report to the Clerk all convictions for violation of this Subchapter and the Clerk shall note any such violation of the record of the registrant convicted.

#### **9) REVOCATION OF REGISTRATION**

- (a) Registration may be revoked by the Town Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application 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 which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the complaint upon which the hearing will be based.

#### **10) SALE OF GOODS IN TOWN PARKS**

- (a) Notwithstanding any other provision of this chapter, no person may sell goods in any Town of Delavan Public Park unless he or she shall first obtain from the Town of Delavan a permit therefore as provided herein.
- (b) Definitions
  - i. **Vendor** means any individual, partnership, association, corporation, LLP or LLC which desires to sell goods of any type within the Public Parks in the Town of Delavan. The sale of goods includes donations required by the Vendor for the retention of goods by a donor or prospective customer.
  - ii. **Public Parks** means Community Park, Cummings Park and Kirkpatrick Park in the Town of Delavan.
- (c) Any Vendor seeking a permit for sale of goods in Town of Delavan Public Parks shall complete and return

Revised 12.20.2016

to the Town Clerk an application for such permit setting forth the name, address, telephone number and email address of the Vendor; a list of the merchandise or type of merchandise or goods to be sold; the date or dates and hours of intended sale; the name and address of the Vendor's liability insurance carrier; and the Vendor's seller's permit number.

(d) As a condition of the issuance of a permit pursuant to this section, the Vendor shall also provide to the Town Clerk a current endorsement from Vendor's liability insurance carrier designating the Town of Delavan as an additional insured for the period during which Vendor intends to sell goods within Town of Delavan Public Parks.

(e) At the time of application Vendor shall also pay to the Town Clerk the applicable permit fee as determined according to the following schedule:

1 day	\$10.00
2 days	\$20.00
3 days	\$30.00
Up to 7 days	\$50.00
Up to 14 days	\$100.00

(f) The Town Clerk shall issue a permit pursuant to this section upon Vendor's compliance with the requirements set forth in this section and pre-approval from the Harbor Master.

*Established April 17, 2001, Ordinance No. 229, August 21, 2012, Ordinance 324*

#### **11.155 PERMIT REQUIRED FOR SOLICITATION**

1) It shall be unlawful for any person to engage in solicitation on premises owned by the Town of Delavan without first obtaining a permit from the Town Board to do so.

#### **2) DEFINITIONS**

(a) **SOLICITATION** shall mean any person, corporation, partnership, L.L.C., L.L.P., or other entity that, for commercial, charitable, or non-profit purposes, goes upon premises owned by the Town of Delavan, to

Revised 12.20.2016

promote, advertise, campaign, persuade, beg, or otherwise solicit for any purpose.

- (b) **PREMISES** shall mean any real estate owned by the Town of Delavan.

### **3) PERMIT REQUIREMENTS**

- (a) Any person or entity seeking a permit hereunder shall complete and return to the Town Clerk a registration form furnished by the Clerk as prescribed by Section 11.15 4) of this Municipal Code and a statement as to the purpose of the proposed solicitation. Processing of the permit application shall be in accordance with 11.15 4) of this Municipal Code.

### **4) PERMIT FEE**

- (a) Any person or entity seeking a permit hereunder shall be required to pay to the Town of Delavan an annual fee of ten (\$10) dollars.

*Established April 17, 2001, Ordinance No. 229*

## **11.16 REGULATION OF RUMMAGE SALES AND GARAGE SALES**

### **1) DEFINITION**

- (a) **A GARAGE SALE or RUMMAGE SALE** is an occasional sale by individuals of accumulated items of personal property, most commonly within a household and no longer having utility thereto.

### **2) RUMMAGE SALES AND GARAGE SALES REGULATED**

- (a) Rummage sales and garage sales are allowed to be held within the Town of Delavan so long as a permit is obtained from the Town Clerk. Application shall be made to the Town Clerk on such form as may be prescribed by the Clerk. The applicant shall submit an application fee of five (\$5) dollars to the Clerk for each day such sale(s) will be conducted. Such sales shall not be conducted more than six (6) days or a portion of days, from the same location within any calendar year unless a request is made to and approved by the Town Board. No such sales shall be conducted

Revised 12.20.2016



on street terraces or any portions of the street right of way.

*Established April 17, 2001, Ordinance No. 229*

### **11.17 SPECIAL EVENT PERMIT**

**1) DEFINITION.** As used in this section **SPECIAL EVENT** shall mean:

- a) Any planned extraordinary occurrence on the public right-of-way or public premises, including but not limited to parades, processions, bicycle or foot races, and festivals; or
- b) Any planned extraordinary occurrence on private property which requires the provision of extraordinary police, fire or other public services, including, but not limited to any public gatherings, rallies, assemblies or festivals at which attendance is anticipated to be greater than 500 or any fireworks display authorized under the provisions of section 9.04 2) of this code.

### **2) APPLICATION**

- a) No person may hold a special event without obtaining a special event permit. Application forms and general information shall be available from the Town Clerk's Office. The applicant must contact the Police Department, Fire Department and the Department of Public Works to review and approve an event and to determine related costs prior to submitting a special event application to the Town Clerk's office for Board approval. If required by the state, a copy of the applicant's current Wisconsin Seller's Permit shall be provided.

### **3) MAPPED ROUTES**

- a) All permit applications for special events featuring foot or bicycle races, runs, rides or parades shall include a detailed map of the proposed route for approval by the Police Department and the Department of Public Works. Proposed routes may be altered at the discretion of the Police Department and the Department of Public Works. In the event the organizers or sponsors of any special event deviate from the route submitted without the approval of the Town, the organizers or sponsors of such special event shall be denied a

Revised 12.20.2016

permit for any special event for the following calendar year.

**4) APPROVAL BY BOARD MEMBERS**

- a) After approval by the Police, Fire and Public Works Departments, applications for special event permits shall be submitted to the Tow Board for approval.

**5) EXEMPTIONS**

- a) A permit pursuant to this section is not required for special events which are held in established auditoriums, stadiums, churches, firehouses, schools, dance halls, theaters or within other permanent structures.
- b) A permit fee is not required for:
  - i) Special events not requiring extraordinary services of the Police, Fire or Public Works Departments.
  - ii) Special events sponsored by the Town or otherwise exempted by the Town Board
  - iii) Special events sponsored by veterans organization's

**6) FEES**

- a) After the application has been approved by the Police, Fire and Public Works Departments and the Town Board, the applicant for a special event permit shall pay a fee to the Town based on a rate as set by the Town Board per man-hour for Town services, equipment and fuel as determined in the application review and approval process, together with any applicable building use or rental fee. No special event permit requiring a fee is valid until the fee has been paid. The applicant shall also execute a cost recovery agreement with the Town under the terms of which the applicant agrees to pay for Town services, equipment and fuel required as a result of the special event and which were not included in the fee paid at the time of application. The Town Board may establish fees for provision of additional Town services not set forth herein.

**7) REFUND**

- a) Permit fee payments may be refunded if notification of cancellation of a permitted special event is received by the

Town Clerk at least 10 working days prior to the special event.

**8) PERMIT REGULATIONS**

**a) Town not liable**

i) The special event permit application shall contain a statement that: "The applicant agrees to indemnify and save harmless the Town from and against all liabilities, claims, demand, judgments, losses, and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the parties hereto and their employees, arising from the holding of such special event." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

**b) Insurance**

i) Each applicant for an event requiring Town services shall furnish with the application fee submitted to the Town Clerk a certificate of insurance showing insurance written by a company licensed in the State of Wisconsin, and covering any and all liability or obligations which may result from the operation by the applicant's employee, agents, contractors or subcontractors, and including workers' compensation coverage in accordance with Ch. 102, Wis. Stats. The insurance shall be written in comprehensive form and shall protect against all claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the applicant, its employees, agents.

**c) Sanitary facilities**

i) Adequate sanitation facilities shall be provided. Any portable toilets or privies shall comply with all applicable state regulations.

**9) PERMIT RESTRICTION**

a) Scheduling of special events shall be subject to approval by the Town.

## **11.18 PENALTIES**

- 1) Any violation of this Chapter may result in penalties as described pursuant to Chapter 25.04 of this Municipal Code.

*Established April 17, 2001, Ordinance No. 229*

Revised 12.20.2016