

**CHAPTER 12**  
**LICENSES AND PERMITS**

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Chapter 12 Board Action

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## 12.01 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 in this Chapter without a license therefor as provided by this Chapter.
- (3) APPLICATION. Application for a license required by this Chapter shall be made to the municipal clerk on a form furnished by the municipality and shall contain such information as may be required by the provisions of this Chapter or as may be otherwise required by the municipality.
- (4) LICENSE FEES.
  - (a) Fees to Accompany Application. License fees imposed under this Chapter shall accompany the license application. If a license is granted, the municipal clerk shall issue the applicant a receipt for the license fee.
  - (b) Refunds. No fee paid shall be refunded unless the license is denied.
- (5) GRANTING OF LICENSES. Unless otherwise designated, licenses required by this Chapter shall be issued by the municipal clerk only with the approval of the Board.
  - (a) EXCEPTIONS:
    - i. The municipal clerk, police chief, or his/her designee, may issue the following licenses without Board approval:
      - a. Dog Licenses
      - b. Bicycles
      - c. Direct Sellers
    - ii. The municipal official as designated by Wis. Stats. or by local ordinance may issue permits for fireworks.

- (6) TERMS OF LICENSE. All licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term or specified term, when they shall expire at midnight of the last effective day of the license, or unless otherwise provided by Ordinance 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 municipal clerk.
- (8) RECORDS OF LICENSES. The municipal clerk shall keep a record of all licenses issued.
- (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 municipality upon request.
- (10) COMPLIANCE WITH ORDINANCES REQUIRED. It shall be a condition of holding a license under this Chapter that the licensee shall comply with all ordinances of the municipality. 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, beer or special events 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 the renewal of licenses which expire on June 30 shall be made to the municipal clerk by April 15.
- (14) CONSENT TO INSPECTION. An applicant for a license under this Chapter thereby consents to the entry of police or authorized representatives of the municipality 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 violation of this Chapter, municipal ordinance, or State law.

(15) REVOCATION AND SUSPENSION OF LICENSES.

- (a) Except as otherwise provided, any license issued under this Chapter may be revoked for cause by the Village Board. No license shall be revoked except upon written verified complaint filed with the Village Board or by the Village President, a member of the Village Board, the Police Chief, or member of the Administrative Committee.
- (b) The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Village Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties. Procedures for suspension or revocation of liquor licenses shall be as provided in Wis. Stats. 125.12.
- (c) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Village President or presiding officer of the Village Board to compel the attendance of witnesses.
- (d) After hearing the evidence, the Village Board may revoke such license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Ch. 24 of this Code, provided the licensee shall not be entitled to a further hearing unless granted by the Village Board.
- (e) The Police Chief, or his/her designee, shall repossess any license revoked hereunder.
- (f) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Village Board.
- (g) The Village President or Village Board may suspend the license of a licensee hereunder without hearing for not to exceed ten (10) days.

## 12.03 CIGARETTE RETAILER LICENSE

- ## 12.04 DOGS AND CATS, KENNELS, LICENSING AND REGULATIONS

- (3) NUMBER OF DOGS OR CATS LIMITED. Unless otherwise licensed as a kennel, no person shall keep more than a combined total of more than three (3) dogs or cats, over 5 months of age, on their premises at one time, except litters of pups or kittens under six months of age.

(8) KENNEL LICENSE REQUIRED.

- (a) No person shall maintain or operate a dog kennel in the municipality without obtaining a license as herein provided. The application for a dog kennel license shall be filed in writing with the municipal clerk disclosing the name and address of the applicant, the location at which the proposed kennel is kept, and the number of dogs proposed to be kept, a description of the various facilities of the dog kennel, and such other information as the Village Board may require.
- (b) Such application shall be accompanied by a license fee. Dog kennel licenses shall be limited to persons who reside in the municipality.
- (c) By the filing of such application, the applicant shall be deemed to have consented to an inspection, prior to the issuance of such license, by the Village Board, Village Health Officer or any other Village Officer for the purpose of determining whether or not such license shall be granted. The Village Board may issue or deny a license in exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare. Application for renewal of a license shall be made in the same manner as application for the original license with payment of like fee.
- (d) Operation & Use. No premises shall be licensed that is not in compliance with Chapter 27 Zoning Ordinance and is accompanied with a zoning permit. No premises shall be licensed or allowed as a dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. No kennel shall be located on less than five (5) acres of land. All buildings and dog yards of a kennel shall be enclosed in a secure woven wire fence of not less than six (6) feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the public. In addition, the operator of dog kennel shall comply with the provisions of Wis. Stats.

## 12.05 DIRECT SELLERS

- (1) REGISTRATION REQUIRED. It shall be unlawful for any direct seller to engage in direct sales within the Village of Bloomfield without being registered for that purpose as provided herein.
- (2) DEFINITIONS. In this subchapter:
  - (a) "Direct seller" means any individual who, for him/herself, or for partnership, association or corporation, L.L.P. or L.L.C., sells goods, 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 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 year prior to the consideration of the application of this ordinance to said merchant, a) has continuously resided in the Village 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.
  - (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 Village Clerk.
- (3) EXEMPTIONS. The following shall be exempt from all provisions of this Subchapter:
  - (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
  - (b) Any person selling goods at wholesale to dealers in such goods;

- (c) Any 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;
- (d) 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 at home visit by said person;
- (e) 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;
- (f) Any person selling or offering for sale a service unconnected with the sales or offering for sale of goods;
- (g) 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;
- (h) 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 Sec. 440.41, Wis. Stats. Any charitable organization not registered under Sec. 440.41, Wis. Stats., 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;
- (i) 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 areas;
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the clerk, proof that such



person has leased for a least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in the Village for at least one year prior to the date complaint was made.

(4) REGISTRATION.

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

1. Name, permanent address and telephone number, temporary address, if any, and address for notification as to action on the application for registration;
2. Age, height, weight, color of hair and eyes;
3. 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;
4. 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, not to exceed three, where applicant conducted similar business; place where applicant can be contacted for at least seven days after leaving the Village following 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 within the last five years, the nature of the offense and the place of conviction.

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

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

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

1. Should the 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:
  - a. Fee of \$25.00, unless changed by the Village Board from time to time, shall be paid to the Clerk to cover the cost of processing said registration, including investigation.
  - b. 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.

- c. The Clerk shall refer the application immediately to the Chief of Police, or his/her designee, who shall make and complete a prompt investigation as provided in Sub. (5) and thereafter approve or disapprove of such application.
- d. Upon receipt of approval from the Chief of Police, or his/her designee, 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 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.
- e. Should the Chief of police, or his/her designee, disapprove of such application, the Clerk shall deny the application and send notice thereof by regular mail.
- f. There shall be no right of refund as 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, or his/her designee, shall make and complete a prompt investigation of the statements made in the registration form, such investigation to be made within two weeks of such referral. Following such investigation, the Police Chief, or his/her designee, 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:

1. The application contains any material omission or materially inaccurate statement;
2. Complaints of material nature have been received against the applicant by authorities in the last cities, villages, and towns, not exceeding the last three such municipalities in which the applicant conducted similar business;
3. The applicant was convicted of a crime, statutory violation or ordinance violation within the last five 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 Police Chief, or his/her designee, to be materially repugnant to the granting of such application.

(6) APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board; or, if none has been adopted, under the provisions of Sec. 68.07 through 68.15, Stats.

(7) REGULATION OF DIRECT SELLERS.

(a) PROHIBITED PRACTICES.

1. A direct seller shall be prohibited from: Calling at any dwelling or place between the hours of 9:00 p.m. and 9:00 a.m., 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.
2. 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.

3. 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.

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

5. 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.

1. 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 evidence of registration and the identity of goods and services he/she offers to sell.

2. 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 \$25.00, in accordance with the procedure as set forth in sec. 423.203, Wis. States.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sec. 423.203(1), (a), (b), and(c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he/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. The Chief of the Police, or his/her designee, 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 Village 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 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

#### **12.06 MOBILE HOMES AND MOBILE HOME PARKS - RESERVED**

#### **12.07 SPECIAL EVENTS ON PUBLIC PROPERTY**

(1) Special event. For purposes of this chapter, special event shall mean an event that takes place on any portion of a Village roadway or significantly impacts traffic on a village roadway, which event, in the determination of the Police Chief, requires extraordinary traffic safety

services to ensure the safety of participants and the traveling public. Special events shall include, but not be limited to, races of any kind, walks or tours. Special events shall not include parades held by the village.

- (2) REQUIRED. No person or entity shall hold or use public property for special events in the Village without first obtaining a permit from the Village Board.
- (3) APPLICATION PROCEDURE. The owner, controlling partner, or other representative of trade, business, or other entity shall complete a Special Events application form provided by the Village of Bloomfield Clerk, and shall return the completed form to the Village of Bloomfield Clerk, together with a copy of a map showing the routes requested for use of public roads and other public facility use. The application form shall contain at a minimum the physical location and mailing address of the trade or business, and a description of the special event or activity conducted therein. There is no required application fee for Special Events, except as provided user (a) hereunder. A certificate of insurance is required by all applicants, naming the Village of Bloomfield, its employees and agents, as additionally insured.
  - (a) A separate application, together with a user fee, as set from time to time by the Village Board, for the use of the Community Room is required for use of the municipal center indoor facilities. Users shall reimburse the Village for any costs related to damages to public facilities or contents thereof.

## **12.08        TEMPORARY FIREWORKS SELLERS LICENSED**

- (1) REQUIRED. No person or entity shall sell fireworks in the Village without first obtaining a license from the Village Board.
- (2) APPLICATION PROCEDURE. The applicant, being the owner, controlling partner, or other representative of trade, business, or other entity, shall complete a Fireworks Seller application form provided by the Village of Bloomfield Clerk, and shall return the completed form to the Village of Bloomfield Clerk, together with a copy of a map showing the location and layout of the enclosure,

traffic, and parking. The application form shall contain at a minimum the physical location and mailing address of the trade or business, and the tax parcel number of the proposed location of the temporary facility.

- (3) APPLICATION FEE. There shall be a non-refundable \$150 application fee.
- (4) ZONING APPROVAL REQUIRED. The initial license and renewal applications with any changes to the location, traffic or parking shall require Zoning Administrator approval. A separate fee as determined by the Chapter 27 Zoning Code shall be submitted together with an application form prescribed by the Zoning Administrator. All recommendations by the Zoning Administrator shall be incorporated as a condition to the Village Board's decision to grant a license.
- (5) FIRE DEPARTMENT APPROVAL REQUIRED. There shall be a separate review by the Fire Department. All recommendations by the Fire Department shall be incorporated as a condition to the Village Board's decision to grant a license. The applicant shall be required to pay the Bloomfield Genoa City Fire Department directly for any required stand-by units for the public health, safety and welfare of the Village and the participants of the event.
- (6) POLICE DEPARTMENT APPROVAL REQUIRED. There shall be a separate review by the Police Department. All recommendations by the Police Department shall be incorporated as a condition to the Village Board's decision to grant a license. The applicant shall be required to reimburse the Village directly for any required stand-by units in the best interests of the municipality.
- (7) CERTIFICATE OF INSURANCE REQUIRED. A certificate of insurance is required by all applicants, naming the Village of Bloomfield, its employees and agents, as additionally insured.
- (8) LICENSES LIMITED. There shall be a municipal limit of three (3) licenses granted for any season. Renewal applicants will be preferred over new applicants in the event of multiple applications.



(9) REVOCATION OR SUSPENSION.

(a) Any license granted under the provisions of this section shall be subject to revocation or suspension for cause by the Village Board upon complaint filed with the Village Clerk, signed by any law enforcement officer, health officer or building inspector, after a public hearing upon such complaint.

(b) A licensee shall be deemed liable for revocation or suspension if the licensee violates any of the regulations and standards of license or conditions set forth in this section, or if the licensee fails to pay the license or permit fees herein set forth.

**12.09 OTHER LICENSES AND PERMITS.** This chapter does not include license, permit, and application fees as forth in other chapters of the Municipal Code, all of which shall be fully enforced as provided in those chapters.

**12.10 SUSPENSION, REVOCATIONS AND DISCONTINUED USE OR NON-USE OF LICENSE.** Suspension, revocation and non-renewal of any license shall be in accordance with Sec. 125.12 Wis. Stats.

**12.11 PENALTIES.** In addition to the suspension or revocation of any license issued under this Chapter, any violation of this Chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by Chapter 25.04 of this Municipal Code.