

Title 5

**BUSINESS LICENSES AND
REGULATIONS**

Chapters:

5.04 Business Licenses in General

5.08 Intoxicating Beverages

5.12 Nonintoxicating Beverages

5.16 Direct Sellers

5.20 Junk and Motor Vehicle Salvage

**5.24 Quarries, Gravel Pits, Mixing Plants,
Target Ranges and Similar Businesses**

5.28 Miscellaneous Business Regulations

Chapter 5.04

BUSINESS LICENSES IN GENERAL

Sections:

5.04.010 Licenses required.

5.04.020 General provisions.

5.04.030 Violation--Penalty.

5.04.010 Licenses required.

A license shall be required for the following businesses: fermented malt beverage sales, intoxicating liquor sales, nonintoxicating beverage sales, direct sellers, junk and salvage dealers, mobilehome parks, cigarette sales, quarries, gravel pits, sand pits, asphalt and tar paving mix plants, concrete ready mix plants, target ranges and publishers. The fees for licenses shall be established by resolution of the town board. (Editorially amended during 2001 codification: prior code § 12.01)

5.04.020 General provisions.

A. Terms Interchangeable. The words “license” and “permit” as used throughout this chapter shall be interchangeable.

B. License Required. No person shall engage in any business or activity enumerated in Section 5.04.010 without a license therefor as provided by this chapter.

C. Application. Application for a license required by this chapter shall be made to the town clerk on a form furnished by the town, and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the town board.

D. License Fees.

1. Fees to Accompany Application. License fees imposed under Section 5.04.010 shall accompany the license application. If a license is granted, the town clerk shall issue the applicant a receipt for his license fee.

2. Refunds. No fee paid shall be refunded unless the license is denied.

E. Granting of Licenses. Unless otherwise designated, licenses required by this chapter shall be issued by the town clerk only with the approval of the town board.

F. Terms of Licenses. All licenses issued hereunder shall expire on June 30th in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license or unless otherwise provided by these ordinances or state laws.

G. 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 town clerk.

H. Records of Licenses. The town clerk shall keep a record of all licenses issued.

I. 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 town upon request.

J. Compliance with Ordinances Required. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the town. Failure to do so shall be cause for suspension or revocation of the license.

K. Transfer of Licenses. All licenses issued under this chapter shall be personal to whom issued, and no license shall be transferred without the consent of the town board.

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

M. Consent to Inspection. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the town upon the licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or state law.

N. Revocation and Suspension of Licenses.

1. Except as otherwise provided, any license issued under this chapter may be revoked for cause by the town board. No license shall be revoked except upon written verified complaint filed with the town board by the town chairman, a member of the town board, the chief of police, chairman of the license committee or a resident of the town. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the town board. The licensee shall be given notice of such hearing which shall be not more than twenty (20) nor less than five days after notice, except as otherwise agreed between the parties.

2. At such hearing, the licensee shall be entitled to be represented by counsel, have the right to present and cross-examine witnesses and, upon request, have subpoenas issued by the town chairman or presiding officer of the town board to compel the attendance of witnesses.

3. After hearing the evidence, the town board may revoke such license or impose a limited period of suspension. The determination of the board shall be final, subject to review under Chapter 68, Wis. Stats., provided the licensee shall not be entitled to a further hearing unless granted by the town board.

4. The police department shall repossess any license revoked under this section.

5. If the licensee does not apply for a hearing within the time provided, the license may be revoked by the town board. (Prior code § 12.02)

5.04.030 Violation--Penalty.

In addition to the revocation or suspension of any license or permit issued under the provisions of this chapter, any person found to be in violation of any provision of this chapter shall be subject to a forfeiture as provided in Chapter 1.20 of this code. (Prior code § 12.15)

Chapter 5.08

INTOXICATING BEVERAGES

Sections:

- 5.08.010 State statutes adopted.**
- 5.08.020 Licenses, permits, authorization required.**
- 5.08.030 Classes of licenses and fees.**
- 5.08.040 License application.**
- 5.08.050 License restrictions.**
- 5.08.060 Form and expiration of licenses.**
- 5.08.070 Transfer of licenses.**
- 5.08.080 Posting and care of licenses.**
- 5.08.090 Regulation of licensed premises and licensees.**
- 5.08.100 Closing hours.**
- 5.08.110 Conduct on class B premises.**
- 5.08.120 Underage persons and intoxicants.**
- 5.08.130 Revocation and suspension of licenses.**
- 5.08.140 Nonrenewal of licenses.**
- 5.08.150 Violations by agents and employees.**
- 5.08.160 Provisional operator's license.**
- 5.08.170 Provisional retail licenses.**

5.08.010 State statutes adopted.

The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section. (Prior code § 12.05(1))

5.08.020 Licenses, permits, authorization required.

A. When Required. Except as provided by Section 125.06, Wis. Stats., no person shall, within the town, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Chapter 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Section 125.04(1), Wis. Stats.

B. Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See Section 125.04(9), Wis. Stats. (Prior code § 12.05(2))

5.08.030 Classes of licenses and fees.

The following classes and denominations of licenses may be issued by the town clerk under the authority of the town board upon compliance with law and payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced state statute. Fees for licenses shall be prorated according to the number of months or fraction thereof for which the license is issued.

A. Class A Fermented Malt Beverage Retailer's License. The fee, as stated in Section 5.04.010, is determined by the local governing body. See Section 125.25, Wis. Stats.

B. Class B Fermented Malt Beverage Retailer's License. See Section 5.04.010 and Section 125.26, Wis. Stats.

1. Six Months. A Class B license may be issued at any time for six months in any calendar year, for one-half of the applicable license fee. Such license shall not be renewable

during the calendar year in which issued. See Section 125.26(5), Wis. Stats.

2. Picnic. See Section 5.04.010 and Section 125.26(6), Wis. Stats.

C. Wholesaler's Fermented Malt Beverage License. See Section 5.09.010 and Section 125.28, Wis. Stats.

D. Retail Class A Liquor License. See Section 5.04.010 and Section 125.51(2), Wis. Stats.

E. Retail Class B Liquor License. A retail Class B liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed four liters at any one time to be consumed off the licensed premises. See Section 5.04.010 and Section 125.51(3), Wis. Stats.

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

2. Licenses valid for six months may be issued at any time. The fee for the license shall be fifty (50) percent of the annual license fee. The license may not be renewed during the calendar year in which issued.

F. Pharmacists. See Section 5.04.010 and Section 125.57, Wis. Stats.

G. Operator's License. The operator's license shall be granted only upon application in writing on a form to be provided by the town clerk. At the time of the initial application the fingerprints of the applicant may be taken to assist the town police department in its investigations. See Section 5.04.010 for the fee and Section 125.17, Wis. Stats.

1. Operator's licenses may be granted to individuals by the town clerk with police department approval for the purposes of comply-

ing with Sections 125.32(2) and 125.68(2), Wis. Stats. (Ord. dated 9/23/2010).

2. Operator's licenses may be issued only on written application on forms provided by the clerk.

3. Operator's licenses shall be valid for one or two years and shall expire on June 30th of each year or on June 30th of the second year after issuance.

H. Manager's License. See Section 5.04.010 and Section 125.18, Wis. Stats.

I. Retail Class C License. The town may issue Class C licenses for the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold pursuant to the provisions of Wis. Stats. Section 125.51(3m). The annual fee for a Class C license shall be one hundred dollars (\$100.00). (Editorially amended during 2001 codification; prior code § 12.05(3))

5.08.040 License application.

A. Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue, and filed with the town clerk at least fifteen (15) days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

B. Application to be Notarized. The application shall be signed and sworn to by the applicant as provided by Section 887.01, Wis. Stats.

C. Publication. Prior to issuance of a license under this section, the town clerk shall publish notice of the application in the official town newspaper.

D. Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the town clerk to the State Department of Revenue. (Prior code § 12.05(4))

5.08.050 License restrictions.

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

B. Location.

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

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

C. Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under Section 125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

D. Health and Sanitation Requirements. No retail Class B license shall be issued for any premises which does not conform to the

sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the town board.

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

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

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

H. Effect of Revocation of License. Twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.

I. Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the town.

J. Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment. (Prior code § 12.05(5))

5.08.060 Form and expiration of licenses.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided by law. The town clerk shall affix his or her affidavit as required by Section 125.04(4) Wis. Stats. (Prior code § 12.05(6))

5.08.070 Transfer of licenses.

A. As to Person. No license shall be transferable as to licensee except as provided by Section 125.04 (12), Wis. Stats.

B. As to Place. Licenses issued pursuant to this chapter may be transferred to another premises once during any license year as provided in Section 125.04(.2), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be ten dollars (\$10.00). (Prior code § 12.05(7))

5.08.080 Posting and care of licenses.

Every license or permit required under this chapter shall be framed and posted and at all times displayed as provided in Section 125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. (Prior code § 12.05(8))

5.08.090 Regulation of licensed premises and licensees.

A. Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly

manner; and no disorderly or riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

B. Employment of Minors. No licensee shall employ any person who is “underage,” as that term is defined by Wis Stats., to serve, sell, dispense or give away any alcohol beverage.

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

D. Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. (Editorially amended during 2001 codification; prior code § 12.05(9))

5.08.100 Closing hours.

Closing hours for all premises for which an alcohol beverage license has been issued shall be as specified in Chapter 125 Wis. Stats. as the same may be modified and amended from time to time. (Ord. dated 12/14/87; prior code § 12.05(10))

5.08.110 Conduct on class B premises.

A. Licensee Defined. The term “licensee,” as used in this section, shall mean the holder of a Class B license.

B. Prohibited. No person possessing a Class B license, personally or through his agent or employee, shall permit or engage in the following conduct on licensed premises and no entertainer or employee shall engage in the following conduct on the licensed premises:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. The actual or simulated touching, caressing or fondling on the breast, buttocks, anus, vulva or genitals;

3. The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva or genitals;

4. The showing of films or slides depicting any of the acts which are prohibited by the regulations stated above.

C. Certain Performances and Costumes Prohibited. No licensee, either personally or through his or her agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or through his or her agent or not and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises.

1. That portion of any costume to be worn by dancers, performers or entertainers covered by the provisions of this section and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent and nontranslucent material.

2. The top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast completely covered at all times.

3. The lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely

cover the sex organs, pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this section.

4. The lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organ and the cleavage of the buttocks at all times.

D. Stage Area to be Provided. No licensee, either personally or through his agent or employee, shall furnish entertainment by, or permit the performance of any act, stunt or dance to be performed anywhere but on a stage area designated for such purpose. The use of the surface of the bar proper as a stage area is prohibited. When the stage area is located behind the bar, the nearest point of any such stage area shall be not less than six feet from the outer limits of patrons' side of the bar. When the stage area as located outside of the bar, (that is, on the patrons' side of the bar), such area shall be raised from the floor level and shall be separated by a railing or other device so as to provide a distance of at least six feet between the patrons and the performers, so as to deter patrons from participating in any act, stunt or dance.

E. Disorderly Conduct by Patrons Prohibited. No licensee, either personally or through his agent or employee, shall permit any patron to participate in any act, stunt or dance with performers who are employed by the management.

F. Solicitation Prohibited. No licensee, either personally or through his agent or employee, shall permit the solicitation by any

entertainer or employee of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer or patron or other person on the premises; and no entertainer or employee shall solicit any such drink from any customer, patron or other person on the premises.

G. Mingling of Employees and Patrons Prohibited. No licensee, either personally or through his agent or employee, shall permit any entertainer, waiter, waitress or other employee to sit at any table or in any booth or elsewhere on the licensed premises with any customer or patron, provided, however, that this paragraph shall not apply to a member of the immediate family of the licensee or to any person claiming under him who lives in the same household as the licensee and who has attained the legal drinking age.

H. Revocation for Noncompliance. The town board may revoke any license issued hereunder at any time for any violation of the provisions of this chapter.

I. Penalty. Any person holding a Class B retail license granted under the provisions of this chapter, or any entertainer or employee found guilty of the provisions of this section, shall be subject to a penalty as provided in Chapter 1.20 of this code. (Editorially amended during 2001 codification; Ord. dated 7/11/96; prior code § 12.05(11))

5.08.120 Underage persons and intoxicants.

Loitering by underage persons on any premises for which a license or permit for the retail sale of alcohol beverages has not been issued and where alcohol beverage is illegally dispensed.

A. No underage person shall enter, remain or loiter in any public or private place, with the exception of any premises for which a li-

cence or permit for the retail sale of alcohol beverage has been issued, where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available to underage persons, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

B. No person of legal drinking age shall suffer or permit any underage person to enter, remain or loiter in any premises, public or private where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available to underage persons, except any premises for which a license or permit for the retail sale of alcohol beverages has been issued, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

C. The provisions of this section are not intended to be restrictive but are in addition to the prohibitions contained in Chapter 125 of the Wis. Stats. (Ord. dated 7/11/88; prior code § 12.05(15))

5.08.130 Revocation and suspension of licenses.

A. Procedure. Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Section 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

B. Effect of Revocation. See Section 5.08.050(H) of this chapter. (Prior code § 12.05(12))

5.08.140 Nonrenewal of licenses.

Before renewal of any license issued under this chapter is refused, the licensee shall be

given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the town board. (Prior code § 12.05(13))

5.08.150 Violations by agents and employees.

A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee. (Prior code § 12.05(14))

5.08.160 Provisional operator's license.

A. The town clerk is authorized pursuant to Section 125.17(5) Wis. Stats. to issue provisional operators' licenses relating to the sale of fermented malt beverages and intoxicating liquors.

B. A provisional license may be issued only to a person who has applied for an operator's license under Section 125.17(1) Wis. Stats. as modified and amended. The provisional license provided herein may not be issued to any person who has been denied a license under Section 125.17(1), Wis. Stats., as amended by the town.

C. The applicant for an operator's permit shall pay a fifteen dollar (\$15.00) fee for such provisional license.

D. A provisional license shall expire sixty (60) days after its issuance or when a license under Section 125.17(1) Wis. Stats., as amended, is issued to the holder, whichever is sooner.

E. The town clerk may revoke the provisional license if he or she discovers that the holder of the provisional license made a false statement on the application.

F. A provisional license may be issued by the town clerk if, after a review of the appli-

cant's criminal record, it appears there are no convictions which would prohibit holding such a license. This issuance may take place prior to approval by the town police department, but may be revoked if the police department subsequently issues a disapproval of the license.

G. The applicant for a provisional license shall, prior to the issuance of such license, submit documented proof to the town clerk that he or she has enrolled in a course of instruction relating to the responsible serving of alcoholic beverages. In the event the applicant fails to complete the course of instruction for which he or she has been enrolled within the time that it will take to complete the schooling as stated on the certificate of enrollment, then such provisional license may be revoked by the town clerk.

H. If applicant for a provisional license has proof that they have held a regular license during the last two calendar years in the state of Wisconsin, the schooling herein provided shall not be required. (Ord. dated 6/12/03; Ord. dated 6/25/93; prior code § 12.10)

5.08.170 Provisional retail licenses.

A. The town clerk is authorized pursuant to Section 125.185(1) Wis. Stats. to issue provisional retail licenses after Town Board approval.

B. A provisional retail license may be issued only to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes. The provisional license provided herein may not be issued to any person who has been denied a license. A "Class B" license may not be issued if the Town's quota under sec. 125.51(4), Wis. Stats., prohibits the Town from issuing a "Class B" license.

C. The applicant for retail license shall pay the maximum fee allowed by sec.125.185(3), Wis.Stats., (2007), at this time a fifteen dollar (\$15.00) fee for such provisional license.

D. A provisional license shall expire sixty (60) days after its issuance or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued to the holder, whichever is sooner. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

E. The Town Board may revoke the provisional license if they discover that the holder of the provisional license made a false statement on the application. (Ord. dated 6/14/07)

Chapter 5.12

NONINTOXICATING BEVERAGES

Sections:

5.12.010 License required.

5.12.020 License--Application.

5.12.030 License--Issuance.

5.12.010 License required.

No person shall maintain, operate or conduct within the limits of the town the business of selling nonintoxicating beverages as defined in Section 66.053(1), Wis. Stats., either at retail or at wholesale, without first procuring a license to do so as provided in this chapter. (Prior code § 12.04.(1))

5.12.020 License--Application.

A. Application for such license shall be filed with the town clerk for presentation to the town board at any regular or special meeting. All applications shall be accompanied by the fee fixed by Section 5.04.010.

B. If the applicant meets the qualifications established by Section 66.053(1)(b), Wis. Stats., the town board shall further consider the proposed nature of conduct of the business and the location of the premises to be licensed, and if satisfied that the granting of the license is not contrary to public interest, shall grant the license. (Prior code § 12.04(2))

5.12.030 License--Issuance.

Such license when issued by the town clerk under the authority of the town board shall entitle the holder thereof to engage in the business of selling nonintoxicating beverages at the premises mentioned in the license, subject to the limitation imposed by this chapter. The full license fee for such license shall be charged for the whole or the fractional part of

the year. No such license shall be transferrable from one person to another; nor shall such license be transferrable to any other location without the consent of the town board. (Prior code § 12.04(3))

Chapter 5.16

DIRECT SELLERS

Sections:

- 5.16.010 Registration required.**
- 5.16.020 Definitions.**
- 5.16.030 Exemptions.**
- 5.16.040 Registration.**
- 5.16.050 Investigation.**
- 5.16.060 Appeal.**
- 5.16.070 Regulation of direct sellers.**
- 5.16.080 Records.**
- 5.16.090 Revocation of registration.**

5.16.010 Registration required.

No direct seller shall engage in direct sales within the town for that purpose as provided in this chapter. (Prior code § 12.07(1))

5.16.020 Definitions.

For the purposes of this chapter, the following words and phrases shall be defined as:

“Charitable organization” includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

“Clerk” means the town clerk.

“Direct seller” means any individual who, for himself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such individual, partnership, association or corporation, 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.

“Goods” includes personal property of any kind and shall include goods provided inci-

denal to services offered or sold. (Editorially amended during 2001 codification; prior code § 12.07(2))

5.16.030 Exemptions.

The following shall be exempt from all provisions of this chapter:

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 person selling agricultural products which such person has grown;

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 a home visit by such 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 sale 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 such organization; provided, that there is submitted to the clerk proof that such charitable organization is registered under Section 440.42, Wis. Stats. Any charitable organization not registered under Section 440.42, Wis. Stats., or which is exempt from that statute’s registration require-

ments, shall be required to register under this chapter.

I. 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 at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in the town for at least one year prior to the date complaint was made. (Editorially amended during 2001 codification; prior code § 12.07(3))

5.16.040 Registration.

A. Applicants for registration shall complete and return to the clerk a registration form furnished by the clerk which shall require the following information:

1. Name, permanent address, telephone number and temporary address, if any;
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 shall be conducted, if any;
5. Nature of business to be conducted and a brief description of the goods offered and any services offered;
6. Proposed method of delivery of goods, if applicable;
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
8. Last cities, villages, towns, not to exceed three, where applicant conducted similar business;

9. Place where applicant can be contacted for at least seven days after leaving the town;

10. 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 sealer of weights and measures where applicant's business requires 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 shall state that 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 is returned, a fee of twenty-five dollars (\$25.00) shall be paid to the clerk to cover the cost of processing such registration.

D. The applicant shall sign a statement appointing the clerk his 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, if the applicant cannot, after reasonable effort, be served personally.

E. Upon payment of the fee and the signing of the statement, the clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec-

tion 5.16.050(B). (Ord. dated 8/14/03; prior code § 12.07(4))

5.16.050 Investigation.

A. Upon receipt of each application, the clerk shall refer it immediately to the town police department who shall investigate the information contained in the application.

B. The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; 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 the applicant failed to comply with any applicable provision of Section 5.16.040(B). (Editorially amended during 2001 codification; prior code § 12.07(5))

5.16.060 Appeal.

Any person denied registration may appeal the denial through the appeal procedure provided by Chapter 2.40 of this code. (Prior code § 12.07(6))

5.16.070 Regulation of direct sellers.

A. Prohibited Practices.

1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of nine p.m. and nine 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; calling 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, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller shall impede the free use of sidewalks and 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 outside a one hundred (100) foot radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he 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 name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than twenty-five dollars

(\$25.00), in accordance with the procedure as set forth in Section 423.203, Wis. Stats., 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 Sections 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 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 whether 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. (Prior code § 12.07(7))

5.16.080 Records.

The town police department shall report to the clerk all convictions for violation of this chapter and the clerk shall note any such violation on the record of the registrant convicted. (Prior code § 12.07(8))

5.16.090 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 of registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter 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 facts upon which the hearing will be based. (Prior code § 12.07(9))

Chapter 5.20

JUNK AND MOTOR VEHICLE SALVAGE

Sections:

- 5.20.010 Definitions.**
- 5.20.020 License required.**
- 5.02.030 Issuance of license.**
- 5.02.040 Locations.**
- 5.20.050 Regulations.**
- 5.20.060 Exemptions.**

5.20.010 Definitions.

For the purposes of this chapter:

“Junk dealer” means any person engaged in the business of collecting, peddling, dealing in or storage of waste paper, rags, old metals or other material commonly known as junk.

“Motor vehicle salvage business” means the business of dealing in, breaking up or storing dismantled or salvaged motor vehicles. (Prior code § 12.03(1))

5.20.020 License required.

A. No person shall engage in a business as a junk dealer, store junk or engage in the motor vehicle salvage business or store junked automobiles in the town without first having obtained a license from the town board to carry on such business.

B. Application for license shall be made on forms to be furnished by the town clerk and shall state the name of the applicant, the location of his place of business and of his shop or yard, the quantity and manner of storage to be established and maintained. Such application shall also bear a sketch or map showing the proposed location, the distance from such location to the nearest corporate limits of any city or village and the distance from such location to the nearest state trunk or

federal highway located in the area together with such additional information as the town board shall require. (Prior code § 12.03(2))

5.02.030 Issuance of license.

Upon being satisfied that the proposed junk yard or motor vehicle salvage yard will be established and maintained in accordance with the provisions of the state statutes and the regulations and standards established herein, the town board shall issue a license to operate such business for a period of one year. The license shall be signed by the town chairman and the town clerk and shall specify the quantity and manner of storing junk or junked automobiles, or parts thereof, or both, as the case may be. Such license, however, shall be issued only upon the payment to the town clerk by the applicant of the annual license fee in Section 5.04.010. (Prior code § 12.03(3))

5.02.040 Locations.

No accumulation of junk, no operation of the business of junk dealer, no storage of salvaged motor vehicles or parts thereof, no operation of the motor vehicle salvage business shall be allowed within four miles outside of the corporate limits of the town, or within seven hundred fifty (750) feet from the centerline of any state trunk or federal highway. (Editorially amended during 2001 codification: prior code § 12.03(4))

5.20.050 Regulations.

Every premise or enclosure, except a completely enclosed building, used in the conduct of the business proposed to be licensed hereunder which abuts on or faces a residential district shall be enclosed by a tight fence or wall not less than six feet nor more than eight feet in height, erected in such manner as to obstruct the premises from the public view. In

all other cases, such premises or enclosure shall have a substantial fence not less than eight feet high along the highway line. Such fence or wall shall be maintained by the licensee at all times in good condition. If such junk yard is located in an area where the same is not exposed to public view, the town board shall have the right of waiving these requirements. (Prior code § 12.03(5))

5.20.060 Exemptions.

Any person legally engaged at the time of the adoption of this chapter in the accumulating or storing and leaving accumulated or stored junk or junked automobiles, or parts thereof, within four miles outside the corporate limits of the town, or within seven hundred fifty (750) feet of the center line of any state trunk or federal highway in the town, may, upon application to the town showing such facts, be granted a license for such place for the accumulation or storage or the maintaining of the businesses herein licensed, notwithstanding the provisions hereof, provided that such applicant complies with all rules and regulations in this chapter. (Editorially amended during 2001 codification: prior code § 12.03(6))

Chapter 5.24

QUARRIES, GRAVEL PITS, MIXING PLANTS, TARGET RANGES AND SIMILAR BUSINESSES

Sections:

- 5.24.010 Definitions.**
- 5.24.020 Operator's permit required.**
- 5.24.030 Owner's permit required.**
- 5.24.040 Operator's permit application.**
- 5.24.050 Owner's permit application.**
- 5.24.060 Public hearing.**
- 5.24.070 Preexisting operator's licenses and nonconforming uses.**
- 5.24.080 Temporary operator's license.**
- 5.24.090 Variance between application and license.**
- 5.24.100 Determination by town board.**
- 5.24.110 Hours of operation.**
- 5.24.120 Roads.**
- 5.24.130 Proximity.**
- 5.24.140 Term of operator's license.**
- 5.24.150 Revocation of operator's permit.**
- 5.24.160 Revocation of owner's permit.**
- 5.24.170 Revocation procedures.**
- 5.24.180 Denial of license.**
- 5.24.190 Exemption from licensing.**
- 5.24.200 Injunctive relief.**

5.24.010 Definitions.

The following terms have the meanings indicated:

“Asphalt and tar paving mix plants” means plants wherein asphalt, tar or other petroleum products or by-products are prepared or mixed, either along or with other ingredients, as a material for paving or surfacing.

“Concrete ready mix plants” means plants where water, gravel, sand, crushed stone or

other aggregate is mixed with cement and placed within a truck or trucks for the purpose of mixing such ingredients and to create and manufacture concrete thereby while such truck is in transit to its ultimate point of delivery.

“Gravel pits and sand pits” means any place where gravel, sand or dirt, or any combination thereof, is removed from its natural state of deposit by digging, pushing or any other method whether herein specified or not, and sold or held for sale.

“Quarry” means any place where materials, consisting in whole or in part of rock or stone, are removed from their natural state by cutting, blasting, digging or pushing, or by any other method whether herein specified or not, and sold or held for sale.

“Target ranges” means any place where fixed or movable targets are set up and arranged for the purpose of being shot at for practice or marksmanship by more than two persons discharging firearms at about the same time. (Prior code § 12.09(1))

5.24.020 Operator's permit required.

No person or municipality shall operate a quarry, gravel pit, sand pit, asphalt or tar paving mix plant, concrete ready mix plant or a target range within the town or within four miles of the town without first obtaining a permit to do so from the town board as provided in this chapter. (Editorially amended during 2001 codification; prior code § 12.09(2))

5.24.030 Owner's permit required.

No owner of land shall permit any person or municipality to operate a quarry, gravel pit, sand pit, asphalt or tar paving mix plant, concrete ready mix plant or target range within the town without first obtaining a permit to do

so from the town board as provided in this chapter. (Prior code § 12.09(3))

5.24.040 Operator's permit application.

Applications for permits to operate a quarry, gravel pit, sand pit, asphalt or tar paving mix plant, concrete ready mix plant or target range within the town shall be submitted in writing to the town board and shall set forth the following:

- A. Name, residence or office address of applicant;
- B. Description of the premises to be used;
- C. Statement of the nature of the proposed operation, including a description of the machinery to be used; the type and amount of explosives to be used or stored, if any; the type and size of buildings to be constructed; the smoke and dust control devices to be utilized, if any; the highways to be used for the truck traffic to and from the location; proposed devices for muffling or noise, if any; the employment of safety devices to protect the public from dangers inherent to the proposed use; deodorants or odor control devices, if any; method of concealing unsightly deposits, if any; and any other pertinent data which the applicant deems material;
- D. Hours of intended operation;
- E. The method and manner of draining surface water and accumulated water from the licensed premises;
- F. The method and manner of restoring the area of the operation after the cessation of operation to a condition of practical usefulness and reasonable physical attractiveness;
- G. Name, residence or office address of owner and dates on which owner's permit was issued. (Prior code § 12.09(4))

5.24.050 Owner's permit application.

A. Applications for owner's permits shall be submitted in writing to the town board and shall set forth the following:

1. Name, residence or office address of applicant;
2. Description of the premises to be used;
3. Zoning of the premises to be used;
4. Statement of the nature of the proposed operation;
5. A description of the surrounding property and its use.

B. The license, if granted, shall be in effect for a period of two years. However, when any presently outstanding license is due for renewal, the term shall end on the next December 31st which is in an even numbered year and the fee shall be prorated accordingly. (Prior code § 12.09(5))

5.24.060 Public hearing.

A. Upon receipt of an application submitted as provided in Section 5.24.040 or 5.24.050, the town board shall personally inspect the premises for which a permit is requested and shall set a date for public hearing upon such application, which date shall be not more than thirty (30) days after the receipt of the application by the town board. That a public hearing shall be held at the Town Hall and a notice of such meeting shall be published in a newspaper of general circulation in the town at least five days before the date of the public hearing. At such public hearing the board shall hear all persons interested in the granting or denying of the permit and may, if it sees fit, take testimony relative to the application.

B. Where the license applied for relates to the renewal of a permit previously granted, no publication shall be required and no public hearing shall be held. (Prior code § 12.09(6))

5.24.070 Preexisting operator's licenses and nonconforming uses.

A. Any person operating under a license which antedates the effective date of this chapter or by reason of any nonconforming use shall be subject to the provisions of this chapter with respect to annual application and payment of annual fee. However, no application by a person operating under a preexisting license or nonconforming use shall be denied unless it is established that the existing operation constitutes a public nuisance as defined in this code. No publication shall be required and no public hearing shall be held.

B. Any application which includes an area not previously used by the existing operation shall be considered a new application, and not a preexisting use. (Prior code § 12.09(7))

5.24.080 Temporary operator's license.

The town board may grant a temporary operator's license not to exceed six months for any of the uses authorized by this chapter providing:

A. An owner's license is already in effect for the premises.

B. An operator's license for any other use permitted by this chapter is already in effect for the premises.

C. An application is made on the same form as provided by Section 5.24.040.

D. A public hearing is held as required by Section 5.24.060.

E. Such other terms and conditions as the town board deems appropriate. (Prior code § 12.09(8))

5.24.090 Variance between application and license.

A. At any time prior to the determination by the town board, any applicant may request that his application be amended to reduce the

area of land, the term of the license or the intended use of the premises, and the town board may act on such amended application without requiring further publication or public hearing.

B. If at any time it is apparent that an error has been made in the legal description of the land to be licensed, and the town board is satisfied that amendment of such legal description will work no hardship on any other person, it may direct that the town clerk amend the application, or the license if already issued, to set forth the proper legal description of the licensed premises. (Prior code § 12.09(9))

5.24.100 Determination by town board.

A. Within five days after the public hearing, if required, and otherwise within thirty (30) days of receipt of application the town board shall make a determination as to whether or not the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the town. Such determination shall be made on the basis of the information contained in the application, together with the evidence presented at the public hearing, and a personal inspection of the premises by the members of the town board.

B. Except as hereafter provided, the town board shall, as a condition to the issuance of an operator's license or renewal thereof, require an agreement with the applicant whereby the applicant agrees to restore the premises in accordance with the representations contained in the application and in the approved restoration plan. Further, except hereinafter provided, the town board shall require that a performance bond, in an amount sufficient to secure the performance of the restoration agreement, be furnished to the town. The

amount of such bond shall not be less than three thousand dollars (\$3,000.00) for each acre of land included in the permit that is granted.

The form of the bond shall be by certified check, payable to the town. The bond deposit will be held by the town in a twenty-four (24) month interest bearing certificate of deposit to be held until restoration has been completed, per the approved plan. Portions of the bond may be released to the permit grantee, in the sole discretion of the town, as restoration is completed. Upon satisfactory completion of restoration by the permit grantee and as determined by both the town and Racine County, the bond deposit including accrued interest thereon will be refunded to the permit grantee.

In the event that the permit grantee, prior to the effective date of the ordinance codified in this section, has provided a non-cash surety bond to secure the performance of any restoration plan, the town board may waive the requirement of a cash bond and accept the previously provided surety bond; provided, however, that the town board may require the permit grantee to increase the amount of the surety bond consistent with the anticipated costs of complying with the restoration agreement.

In the event that the permit grantee fails to comply with all of the terms and provisions of the restoration plan, the town or county of Racine may proceed to complete restoration pursuant to the restoration plan and any costs incurred by either the town or the county of Racine in restoring the property pursuant to the restoration plan shall be paid from the bond deposit. Any sums remaining on deposit after paying such costs, shall be refunded to the permit grantee.

C. In the case of prior unbonded operations at the licensed site, the town board may

take into consideration the preexisting conditions in setting the amount of the restoration bond and in establishing the terms of the restoration agreement.

D. If Racine County has required a restoration plan and bond covering the licensed premises in a form and in an amount acceptable to the town, the town board may waive or modify the foregoing requirements. (Ord. dated 8/10/92; prior code § 12.09(10))

5.24.110 Hours of operation.

No licensee shall operate his business except between the hours of seven a.m. and six p.m. on weekdays. A variance in the hours and days of operation may be granted upon application to the town board. (Prior code § 12.09(11))

5.24.120 Roads.

As a condition of granting an operator's license the town board may designate routes of travel to be used in operations and may require an agreement for maintenance and repair of such roads by the operator. (Prior code § 12.09(12))

5.24.130 Proximity.

A. Unless otherwise specified by the town board, there shall be no excavation or stockpiling within two hundred (200) feet of any public road or property line except for the purposes of restoration consistent with the county of Racine or town restoration plans.

B. The town board may grant a variance from the provisions of subsection A of this section to permit excavation or stockpiling to a point within one hundred (100) feet of a public road or property line if satisfied that no public or private interest will suffer substantial injury, and that restoration of the operating area will be facilitated by such variance.

C. The town board shall make a visual inspection of the site. A variance may be denied without a public hearing, but may be granted only after a public hearing pursuant to published notice.

D. The town board may permit excavation to the property line with the consent of the abutting property owner and provided that both properties are zoned as “quarrying districts” under the Racine County zoning ordinance. (Ord. dated 11/4/91; prior code § 12.09(13))

5.24.140 Term of operator’s license.

A. The license shall be in effect for a period of two years. However, when any presently outstanding license is due for renewal, the term shall end on the next December 31st which is in an even numbered year, and the license fee provided in Section 5.24.040(B) shall be prorated accordingly. Such license is not assignable. It shall further terminate upon occurrence of any of the following conditions.

1. Upon the change of ownership of the firm, company, corporation or municipality operating the licensed business;

2. If the use specified in the license is not carried on in accordance with the representations contained in the application; or such use is changed to another use enumerated in this chapter; or the license use has been discontinued for more than six months.

B. Upon the occurrence of any event prescribed in subsection (A)(1) or (2) of this section, another license shall be applied for and obtained by the proposed operator as a condition precedent to the continued operation of the licensed business, the operation of a new business or the resumption of the discontinued business.

C. In the event of application for a license pursuant to subsection B of this section, the

town board may consider the same without the necessity of publication or a public hearing.

D. Any license issued pursuant to subsection B of this section, shall be deemed an original license and the licensed operator shall be bound by the terms of this chapter. (Prior code § 12.09(14))

5.24.150 Revocation of operator’s permit.

The following acts shall constitute grounds for revocation of license:

A. Failure to discharge or drain surface water or accumulated water from the licensed premises in such method and manner as will not interfere with the use of lands, drains and ditches of other persons, municipally owned or otherwise;

B. Any change in the manner of operation specified in the application as approved by the town board in granting the original license;

C. Failure during and after excavation to provide adequate lateral support to roadways or to the lands of abutting property owners;

D. Failure to comply with any town, county or state law or regulation pertaining to the operations licensed, including all of the provisions of this chapter. (Prior code § 12.09(15))

5.24.160 Revocation of owner’s permit.

An owner’s permit may be revoked for any of the reasons enumerated in Section 5.24.150. Revocation of an owner’s permit shall be deemed an automatic revocation of any operator’s permit covering the same premises. (Prior code § 12.09(16))

5.24.170 Revocation procedures.

See Section 5.24.020(N) of this title. (Prior code § 12.09(17))

5.24.180 Denial of license.

If a permit is denied for any business enumerated in this chapter with respect to any particular parcel of realty, no application for the same business on the same parcel of land, or any part thereof, may be filed within one year from the date of such denial. If, however, a new application reveals a material difference in any of the items specified in Section 5.24.040 or 5.24.050, the town board may, upon a finding that the new application does include such material difference, proceed to hear and determine such new application within such year. (Prior code § 12.09(18))

5.24.190 Exemption from licensing.

No owner's or operator's permit shall be required for operations which do not produce a commercial benefit to the owner of the property affected. "Commercial benefit" is defined as any economic consideration to the owner. A certificate of exemption shall be obtained from the town building inspector before the commencement of any work, and the request and certificate forms shall be as prescribed by the building inspector and accompanied by a fee of five dollars (\$5.00). Any request for a certificate of exemption shall be acted upon by the building inspector within five days from the date it is received by him and failure to act within such time shall be deemed a denial of the certificate. If any request for a certificate of exemption is denied by the building inspector, an appeal may be made in writing to the town board within five days of the date the notification of denial is received, and the town board shall render a final written decision within ten (10) days of receipt of the appeal. (Prior code § 12.09(19))

5.24.200 Injunctive relief.

If any premises are used as a quarry, gravel pit, sand pit, asphalt or tar paving mix plant, concrete ready mix plant or target range in violation of this chapter, an action in the name of the town may be instructed to enjoin such violation or intended violation, and this remedy shall be in addition to other remedies as set forth in this title. (Prior code § 12.09(20))

Chapter 5.28

**MISCELLANEOUS BUSINESS
REGULATIONS**

Sections:

**5.28.010 Tattooing of persons prohibit-
ed.**

**5.28.010 Tattooing of persons prohibit-
ed.**

No person shall conduct any establishment where tattooing is practiced, nor engage in the practice of tattooing; provided, however, that tattooing may be performed for medical purposes by a person licensed to practice medicine or osteopathy in the state of Wisconsin. The word "tattooing," as used in this section, means the marking of the skin of a person by insertion of permanent colors through puncture of the skin. (Ord. dated 10/13/94: prior code § 11.10)