

CHAPTER 11 - LICENSING AND REGULATION OF TRADES

11.01 MOBILE HOMES AND MOBILE HOME PARKS

(1) Definitions. Whenever used in this ordinance, unless a different meaning appears from the context:

(a) A "trailer" means any coach, cabin, mobile home, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, and/or capable of being moved by its own power or transported by another vehicle.

(b) "Unit" means a trailer unit.

(c) "Nondependent unit" means a trailer that has bath or shower and toilet facilities.

(d) "Dependent unit" means a trailer which does not have bathroom or shower and toilet facilities.

(e) A "trailer camp" means any park, court, camp, site, plot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two trailers and shall include all buildings used or intended for use as part of the equipment thereof whether or not a charge is made for the use of the trailer camp and its facilities. "Trailer camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

(f) A "space" means a plot of ground in a trailer camp of not less than 1,000 square feet of space designed for the location for only one automobile and/or one trailer.

(g) The work "person" shall be construed to include an individual, partnership, firm, company, or corporation, whether tenant, owner, lessee, licensee, or their agent, heir, or assign.

(2) Location Outside Camps.

(a) Permit Required. It shall be unlawful for any person to park any trailer on any street, alley, or highway or other public place, or on any tract of land owned by any person, within the Village of Deerfield, without first obtaining a permit as required by s. 11.03 of this ordinance.

Village Ordinance-Chapter 11

(b) Emergency or Temporary Stopping. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinance for that street, alley or highway.

(c) Unoccupied Trailers. The parking of only one unoccupied trailer in an accessory private garage building or in a rear yard is permitted, providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

(3) Permit for Location Outside of Trailer Camp.

(a) Granting of Permit. The Village Board may issue special written permits allowing the location of a trailer outside of a trailer camp. The person to whom such permit is granted shall be subject to the parking permit fee as provided in section 11.01(13) of this ordinance. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued. Not more than two (2) trailers shall be granted permits to locate on any one premise outside a trailer camp.

(b) Information Required on Permit. Application for the permit shall be made to the Village Clerk and shall be accompanied by an inspection fee of \$5.00, and shall state the name and permanent addresses of the occupants of the trailer, the license numbers of their trailer and towing vehicle, place of last stay, intended purpose of stay at requested location, whether the occupants are nonresident tourists, whether any occupant is employed in this state; the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises, and the owner's and/or occupant's permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use; and a statement that all wastes from trailer occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the trailer; and a statement of permission from the owner for their use.

(c) Registration with Clerk. All occupants of any trailer located outside of a trailer camp shall register with the Village Clerk as provided in Section 11.01(13) of this ordinance.

Village Ordinance-Chapter 11

(d) Applicability of Rules Governing Trailer Camps. All provisions of this ordinance governing the location, use and sanitation of trailers located in a licensed trailer camp shall so far as they are applicable, apply to any trailer located outside of such trailer camp.

(4) License for Trailer Camp.

(a) License Required. It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or control by him, a trailer camp within the limits of the Village of Deerfield without having first secured a license for each such camp from the Village Board pursuant to this ordinance.

(b) License Fees. The application for such license or the renewal thereof shall be filed with the Village Clerk and shall be accompanied by a fee of twenty-five dollars (\$25.00) or of two dollars (\$2.00) for each space in existing or proposed camp, whichever is the greater, and a surety bond in the sum of Five Thousand Dollars (\$5,000). This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Section 11.01(4) and the payment of such fees to the Village Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of said Village pursuant to which said license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person, firm, or corporation who may be injured or damaged by reason of the licensee violating the provisions of this ordinance.

(c) Length of License. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this ordinance for additional periods of one year.

(d) Transfer of License. A fee of \$10.00 shall be paid for each transfer of a license.

(e) Materials Included with Application for License. The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, the application shall include the name of the person who is authorized by him to construct or maintain the trailer camp and make the application), and such legal description of the premises, upon which the

Village Ordinance-Chapter 11

trailer camp is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the camp plan showing the following, either existing or as proposed:

1. The extent and area used for camp purpose;
2. Roadways and driveways;
3. Location of units for trailers;
4. Location and number of sanitary conveniences, including toilets, washroom, laundries and utility rooms to be used by occupants of units;
5. Method and plan of sewage disposal;
6. Method and plan of garbage removal;
7. Plan for water supply; and
8. Plan for electrical lighting of units.

If the existing or proposed camp is designed to serve nondependent trailer units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

(5) Inspection and Enforcement. No trailer camp license or permit for location outside of a licensed trailer camp shall be issued until the Village Clerk shall notify the chief of police, health officer, chief of the fire department, and building inspector, or their authorized agents, of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which trailers will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Village Board in writing the information derived from such investigation, and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premise on which a trailer is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time, provided that a search warrant must be obtained if the occupant of the trailer refuses to allow inspection.

Village Ordinance-Chapter 11

(6) Location of Trailer Camps.

(a) Fire Districts. No trailer or trailer camp shall be located in any fire district.

(b) Other Limitations. No occupied trailer within the limits of the Village of Deerfield, shall be located between the recognized setback line for the zoning district in which such trailer is located and the street or highway nor less than ten (10) feet from any building or other trailer or from the boundary line of the premises on which located.

(7) Camp Plan.

(a) Drainage. Every trailer or trailer camp 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 trailer or trailer camp shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

(b) Spaces. Trailer spaces shall be clearly defined and shall consist of a minimum of 1,000 square feet and a width of not less than 20 feet. The camp shall be so arranged that all spaces shall face or abut on a driveway of not less than twenty feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, having natural drainage, be well-lighted at night, and shall not be obstructed.

(c) Sanitary Facilities for Dependent Trailers. The camp shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well-lighted at night.

(d) Electricity. Every trailer space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally-operated switch or fuse of not less than 30 amperes capacity and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof, and no power lines shall be less than 15 feet above ground.

(e) Parking. Off-street parking areas for motor vehicles shall be provided in the ratio of one lot for each trailer unit.

Village Ordinance-Chapter 11

(f) Trailer Parking. No trailer unit shall be parked in a camp outside of a designated space.

(8) Water Supply.

(a) General Water Service. An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than 200 feet from any dependent trailer shall be furnished for drinking and domestic purposes in all camps.

(b) Individual Water Service. Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide 20 pounds pressure per square inch and capable of furnishing a minimum of 125 gallons per day per space.

(c) Water in Toilet Room. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.

(d) Hot Water. Every trailer camp serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing, and laundry facilities.

(9) Service Building and Accommodations.

(a) Service Buildings. Every trailer camp designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, showers, and laundry facilities as required by this ordinance, such buildings to be known as service buildings. Service buildings shall be located not more than 200 feet from any dependent unit space, no closer than 15 feet from any trailer space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.

(b) Toilet Facilities. There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall also contain one urinal for each sixteen dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets.

Village Ordinance-Chapter 11

(c) Bathing Facilities. Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square, for each eight dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve square feet.

(d) Laundry Facilities. Laundry facilities shall be provided in the ratio of one double tray unit and one conventional type washing machine, or one automatic washing machine, with electric outlet, for each eight (8) units. Sufficient drying facilities shall be available.

(e) Slop Sinks. Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each 16 dependent units.

(f) Number of Accommodations. The above accommodations shall be based on the total camp capacity according to accepted plans.

(g) Flooring. Floors of toilets, showers, and the laundry shall be of concrete, tile, or similar material impervious to water and easily cleaned and pitched to a floor drain.

(10) Waste and Garbage Disposal.

(a) Connection to Public Sewer System. All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public sewer system.

(b) Sewer Connections in Nondependent Units. Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the state plumbing code. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

(c) Unlawful Sanitary Facilities. All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed, and their use is hereby declared unlawful.

Village Ordinance-Chapter 11

(d) Faucets. Each faucet shall be equipped with facilities for drainage of waste and excess water.

(e) Garbage Containers. Every trailer unit shall be provided with a substantial fly-tight, watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the camp custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

(11) Management.

(a) Attendant Required. In every trailer camp there shall be located the office of the attendant or person in charge of said camp.

(b) Camp License Posted. A copy of the camp license and of this ordinance shall be posted therein, and the camp register shall at all times be kept in said office.

(c) Duties of Attendant and Licensee. It is hereby made the duty of the attendant or person in charge, together with the licensee, to:

1. Keep a register of all guests to be open at all times to inspection by state and federal officers and the trailer committee, which shall show for all guests:

- a. Names and addresses;
- b. Number of children of school age;
- c. State of legal residence;
- d. Dates of entrance and departure;
- e. License numbers of all trailers and towing or other vehicles;
- f. States issuing such licenses;
- g. Purpose of stay in camp;
- h. Place of last location and length of stay;

Village Ordinance-Chapter 11

- i. Place of employment of each occupant.
2. Maintain the camp in a clean, orderly and sanitary condition at all times.
3. Ensure the camp the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to his attention.
4. Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
5. Maintain in convenient places, approved by the fire chief, hand fire extinguisher's in the ratio of one to each eight units.
6. Collect the monthly parking permit fee provided for in Section 11.01(14) of this ordinance. A book shall be kept showing the names of the persons paying said service charges and the amount paid.
7. Prohibit the lighting of open fires on the premises.

(12) Applicability of Plumbing, Electrical, and Building Ordinances. All plumbing, electrical, building and other work on or at any camp licensed under this ordinance shall be in accordance with the ordinances of the Village of Deerfield and the requirements of the state plumbing, electrical and building codes and the regulations of the State Board of Health. Licenses and permits granted under this ordinance grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

(13) Monthly Parking Fee.

(a) Amount of Fee. There is hereby imposed on each owner or operator of a trailer camp licensed herein a monthly parking permit fee of \$6.00 as determined in accordance with Wis. Stats. s. 66.058(3)(c)(1977) on each occupied nonexempt trailer which shall have parked in such camp at anytime during the month.

(b) Collection of Fee. It shall be the full and complete responsibility of the licensee to collect the proper amount from each trailer and pay

Village Ordinance-Chapter 11

to the Village Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due, in accordance with the terms of this ordinance and such regulations as the treasurer may reasonably promulgate.

(c) Trailers Outside Trailer Camps. Occupants of nonexempt trailers parked outside of licensed trailer camps in accordance with subsection 11.01(3) of this ordinance shall pay a monthly parking permit fee of \$6.00 to the Village Treasurer.

(d) Trailers Exempt from Monthly Parking Fee. Trailers that constitute improvements to real property under Section 70.043(1), Stats. and recreational mobile homes and camping trailers as defined in Section 70.111(19), Stats. are exempt from monthly parking permit fees in accordance with Section 66.058, Stats. as may be amended.

(14) Revocation and Suspension. The Village Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with Wis. Stats. § 66.058(2)(d) (1977).

(15) Penalties for Violation of Ordinance. Any person violating any provision of this ordinance, shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding thirty days for each violation. Each day a violation shall constitute a separate offense.

11.02 REGULATION OF SNOWMOBILES

(1) State Snowmobile Laws Adopted. Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of a Highway
350.03	Right of Way

Village Ordinance-Chapter 11

350.04	Snowmobile Races, Derbies and Routes
350.045	Public Utility Exemptions
350.05	Operation of Youthful Operators Restricted
350.055	Safety Certification Program Established
350.06	Firearms and Bows
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes
350.10	Miscellaneous Provisions for Snowmobile Operation
350.12	Registration of Snowmobiles
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.19	Liability of Landowners
346.02(10)	Applicability of Rules of Road to Snowmobiles

The adoption of §346.02(10) of the Wisconsin Statutes by reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14(1), 346.40, 346.44, 346.46 through 346.48, 346.050(1)(b), 346.51 through 346.55, 346.87 to 346.91, 346.91(1) and 346.94(1), (6), (6m) and (9).

(2) Snowmobile Routes and Trails.

(a) Operation on Routes and Trails Only. Except as provided in Wis. Stats. ss. 350.02 and 350.45 (1977), or for snowmobile events authorized in accordance with Wis. Stats. s. 350.04, (1977), no person shall operate a snowmobile upon any public right of way, in any public park, golf course or on any other public municipal property in the Village of Deerfield except upon routes and trails as are established and approved by the Village Board upon the posting of such routes at the Village Hall.

(b) Duty of Chief of Police. The Chief of Police is directed and authorized to procure, erect and maintain appropriate snowmobile route, trail

Village Ordinance-Chapter 11

and limit signs and markers as approved by the State Department of Natural Resources under s. 350.13, Wis. Stats., and after such routes are established, operation of snowmobiles within the Village of Deerfield, except on such routes, is prohibited.

(3) Additional Regulations.

(a) Speed. No person shall operate a snowmobile upon any public highway, within the Village of Deerfield, at a speed in excess of 20 miles per hour during the hours between 10:30 p.m. and 1 a.m. or in excess of 30 miles per hour at other times. No person shall operate a snowmobile on any trail designated in Section 2 of this ordinance or in any public park, golf course or recreation area at a speed in excess of the posted limit (or 30 miles per hour, whichever is the lower).

(b) Hours of Operation. No person shall operate a snowmobile within the Village of Deerfield between the hours of 1:00 a.m. and 6:00 a.m., except upon a public highway as authorized by the Wisconsin Statutes and this ordinance, or for the purpose of gaining access to or leaving such highway.

(c) Unattended Snowmobiles. No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

(d) Operation on Sidewalks and Malls Prohibited. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the Village except as specifically authorized by Section 2 of this ordinance or for the purpose of crossing to obtain immediate access to an authorized area of operation.

(4) Penalty. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$600.00 together with the costs of prosecution, and in default of payment thereof, may be imprisoned in the county jail for a period not exceeding 90 days; provided that no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles provided in section 9.09(2)(d) of this code.

(5) Enforcement.

Village Ordinance-Chapter 11

(a) Uniform Citation for Highway Violations. The uniform traffic citation promulgated under Wis. Stats. s. 345.11, (1977), shall be used for violations of this ordinance relating to highway use except as herein provided.

(b) Parking Violations. The form of traffic citation established by the chief of police and approved by the Village Board shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 1 of this ordinance.

(c) Other Violations. All violations of this ordinance not described in sub (a) or (b) shall be enforced in accordance with ss. 66.12 and 66.114 and ch. 299 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Wis. Stats. s. 66.12(1)(b) (1977), in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Wis. Stats. s. 66.12, (1977). Such deposits shall include a \$2.00 clerk's fee, and costs of prosecution.

(d) Police Department to Receive Stipulations and Penalties. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this ordinance may be accepted at the village police department offices by the chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded, and such bond shall be filed with the Village Clerk.

(e) Forfeited Penalties and Deposits. Except as otherwise provided in Wis. Stats., s. 345.26, (1977), and the deposit schedule adopted by the state board of county judges thereunder, required forfeited penalties and deposits or bail not including costs or fees for violations of this ordinance shall be as follows:

<u>OFFENSE</u>	<u>DEPOSIT</u>
Subsection 1 violations, except	\$ 20.00
350.07 Driving animals	200.00
350.08 Permitting operation by incompetent	100.00
350.10(3) Operating snowmobile under influence	100.00

Village Ordinance-Chapter 11

Subsection 2 violations 20.00

Subsection 3 violations 10.00

(6) Ordinance to be Filed. The clerk shall file a copy of this ordinance upon its enactment and publication with the Wisconsin Department of Natural Resources.

11.03 ALCOHOL BEVERAGE LICENSES

(1) **Definitions.** Terms used in this section shall have the meanings set forth in Wis. Stats. § 125.02, which is incorporated herein by reference, including the following:

(a) **Alcohol beverages** means fermented malt beverages and intoxicating liquor.

(b) **Fermented malt beverages** means any beverage made by the alcoholic fermentation of any infusion in potable water or barley malt and hops, with or without un-malted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.

(c) **Intoxication liquor** means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but shall not include "fermented malt beverages" as herein defined.

(d) **Underage person** means a person who has not attained the legal drinking age.

(e) **Wine** means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agriculture products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5% or more of alcohol by volume.

(2) **Licenses.**

Village Ordinance-Chapter 11

(a) **When Required.** No person within the Village of Deerfield shall serve, sell, keep or offer for sale, manufacture, rectify, brew or engage in any other activities for which this ordinance section 11.02 or Wis. Stat. Ch. 125 requires a license, permit or other authorization, without having procured same in compliance with the terms of this ordinance and Wis. Stats. Ch. 125. The terms and requirements set forth in Chapter 125 of the Wisconsin Statutes, as may be amended from time to time, are hereby adopted by reference as if set forth fully herein.¹

(b) **Separate License Required For Each Place of Sale.** Except for licensed public warehouses and as provided in Wis. Stat. § 125.04(a), a separate license shall be required for each location or premises where alcohol beverages are manufactured, stored, sold or offered for sale.

¹ All references to the Wisconsin Statutes herein are to the 1989-90 statutes.

(3) **Types of Licenses².** No person shall sell or offer for sale within the Village any alcohol beverage, fermented or unfermented, or any liquid capable of being used for alcohol beverage purposes, without first obtaining one of the following licenses:

(a) **Class "A" Retail Beer License.** A properly issued Class "A" Retail Beer License shall entitle the licensee to sell fermented malt beverages in original packages, containers or bottles for off-premises consumption only. Wis. Stats. §125.25.

(b) **"Class A" Retail Liquor License.** A properly issued Class "A" Retail Liquor License shall entitle the licensee to sell intoxicating liquors or wine in original packages, containers or bottles for off-premises consumption only. Wis. Stats. §125.51(2).

(c) **Class "B" Beer License.** A properly issued Class "B" Beer License shall entitle the licensee to sell fermented malt beverages and non-intoxicating beverages for on-premises or off-premises consumption. Wis. Stats. § 125.26(1).

(d) **"Class B" Liquor License.** A properly issued Class "B" Liquor License shall entitle the licensee to sell intoxicating liquor and wine for on-premises consumption. Wine may also be sold in any quantity for consumption off-premises in original packages, containers or bottles. Wis. Stats. § 125.51(3)(b).

Village Ordinance-Chapter 11

(dm) **“Class B” Reserve Liquor License.** A properly issued Class “B” Reserve Liquor License shall refer to Class “B” Liquor Licenses available under the reserve quota system as set forth in Wis. Stats. §125.51(4)(b)-(br), and which were not granted or issued by the Village as of December 1, 1997. Wis. Stats. §125.51(4).

(e) **"Class C" Wine License.** A properly issued "Class C" Wine License shall entitle the licensee to sell wine by the glass or in an opened original container for consumption on the premises where sold. Such license shall be issued to a person qualified under s. 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom if the municipality's quota under sub. (4) prohibits the municipality from issuing a "Class B" liquor license to that person and may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another. Wis. Stat. §125.51(3m)

(f) **Temporary Class "B" Picnic Beer License.** A properly issued Temporary Class "B" Picnic Beer License shall entitle the licensee to sell fermented malt beverages to consumers at a picnic or similar gathering of limited duration. Such licenses may only be issued to bona fide clubs, county or local fair association or agricultural societies, churches, lodges or societies that have been in existence for at least six months, and to veterans' organizations. Wis. Stat. §125.26(6)

(g) **Temporary "Class B" Picnic Wine License.** A properly issued Temporary "Class B" Picnic Wine License shall entitle the licensee to sell wine at a picnic or similar gathering of limited duration. Such licenses may only be issued to bona fide clubs, county or local fair association or agricultural societies, churches, lodges or societies that have been in existence for at least six months, and to veterans' organizations. Wis. Stats. § 125.51(10).

(h) **Operator's License.** An operator's license is issued for purposes of complying with subsection (4) of this section and Wis. Stats. §§ 125.17(1)-(3). Any operator's license shall be issued for 1 year to expire on June 30th in each calendar year and shall not be transferable. Said license shall be subject to revocation upon conviction of the operator or any person employed in the premises in which he operates while he is on duty of a violation of any provision of this Section.

² Note: When quotation marks are placed before the word Class and after the letters A or B (e.g., "Class A"), the license is a liquor license. When quotation marks are around only the letter A or B (e.g., Class "A"), the license is a beer license. For purposes of this ordinance, the word "beer" or "liquor" is usually inserted after the license class (e.g., "Class B" Liquor License).

(i) **Provisional Operator's License.** Any applicant for a new or renewal operator's license who meets all licensing qualifications and standards in § 125.04(5), Wis. Stats., who is enrolled in or has completed a training course in accordance with § 125.17, Wis. Stat., who meets any guidelines relating to disqualification that may be established by the Village Board, and whose application for an operator's has not been disapproved by the Village Board, shall, upon request and payment of the required fee, be issued a provisional operator's license by the Village Clerk/Treasurer. A provisional operator's license shall expire 60 days after issuance or upon issuance of a regular operator's license, whichever is sooner, unless sooner revoked by the Clerk/Treasurer for false statement in the application.

(j) **Temporary Operator's License.** A person employed by or donating their services to, nonprofit corporations, who meet the requirements for a regular operator's license under subsection (g) above may be issued a Temporary Operator's license valid for one to 14 days as specifically stated on the license. No person may hold more than one Temporary Operator's license in one year. Wis. Stat. § 127.17(5).

(k) **Manager's License.** A manger's license may be issued for a qualified person on Class B premises pursuant to Wis. Stat. §§ 125.18, 125.32(1), and 125.68(1).

(l) **Wholesaler's License.** A wholesaler's license when issued by the Village Clerk under authority of the Village Board to a domestic corporation or to persons of good moral character who have been residents of the State for not less than 1 year prior to the date of filing application therefor, shall entitle the holder thereof to possess, sell and offer for sale fermented malt beverages and nonintoxicating liquors for sale to dealers. Wis. Stat. §§ 125.09 and 139.09.

(4) **Fees for Licenses.**

(a) **Fee Schedule.** The following fees shall apply for licenses:

Class "A" Retail Beer	\$	100.00
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Village Ordinance-Chapter 11

Class "A" Liquor	500.00
Class "B" Retail Beer	100.00
Class "B" Liquor	500.00
Class "B" Reserve Liquor Issuance ¹	10,000.00
Class "B" Reserve Liquor Renewal	500.00
Class "C" Wine	100.00
Temporary Class "B" Picnic Beer	10.00
Temporary Class "B" Picnic Wine	10.00
Operator's License	25.00
Provisional Operator's License	10.00
Temporary Operator's License	10.00
History Search	5.00
Publication Fee	10.00

(b) **Full Year Fee.** Upon application for a license for the sale of fermented malt beverages or intoxicating liquors, such application shall be accompanied by a full year's fee. However, in the event that the term is less than one year, the licensee shall pay a fee equal to the one-twelfth of the full annual license fee for each month of the remaining part of the license year.

(c) **Fee If License is Surrendered By One Licensee And License For Same Is Issued To Another Licensee At The Same Location.** This subsection shall only apply to those cases where a license for the sale of fermented malt beverages or intoxicating liquors at a particular location is surrendered and, and on or about the same time, a license for the sale of the same fermented malt beverages or intoxicating liquors is issued to a different licensee at the same location. In such cases, the licensee obtaining the license shall pay the appropriate fee and, within 30 days of receipt of same by the Village, the licensee who surrendered the license may request and receive that same amount from the Village.

(5) **Procedures For Issuance of Licenses.**

(a) **Application for Licenses.** A written application for license shall be filed with the Village Clerk upon forms provided by said Village

¹This fee shall not apply to a bona fide club or lodge in the Village which has been situated and incorporated in the State for at least six years.

Village Ordinance-Chapter 11

Clerk, accompanied by the license fee and applicable history search and publication fees, if any. The Village shall submit said application to the Chair of the Licensing Committee for review and consideration for approval by the Chair of the Licensing Committee for review and consideration for approval by the Village Board. The application shall contain the name, residence and age of the applicant, if an individual, or the names of the principal officers, their residence and ages, if the applicant is association or corporation. It shall contain the name or names of one or more persons whom such corporation or association shall designate as manager or person in charge, with the address or addresses of the same. Such application shall further state such additional information as the Village Clerk shall require and as required by applicable state statutes. Each application blank shall state that the applicant consents to the entry of duly authorized representatives of the Village of Deerfield at all reasonable hours for the purpose of inspection and searching and consents thereby to the removal from said premises of things and articles they had in violation of Village ordinances or State laws; and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense. Such application shall be signed and sworn to by an applicant, if an individual, and if a corporation, then by the president and secretary thereof, before a Notary Public or other officer authorized to administer oaths.

(b) **Suitability of Applicant.** Consideration shall be given to the moral character and financial responsibility of the applicant, appropriateness of the location and premises where such licensed business is to be conducted, the applicant's fitness for the trust to be reposed, and such other factors as are enumerated in the state statutes and/or reasonable considered by the Village Board.

(bm) **Authority to Grant Temporary Class “B” Picnic Beer and Temporary Class “B” Picnic Wine Licenses on an Emergency Basis.** Upon submission of the written application and appropriate fees, the Village Clerk/Treasurer may issue Temporary Class “B” Picnic Beer and Temporary Class “B” Picnic Wine Licenses on an “emergency basis.” Solely for purposes of this provision, “emergency basis” shall mean circumstances where an applicant has submitted an application for a temporary license, but the Licensing Committee and Village Board are not scheduled to meet and thereby review the application before the applicant’s event is scheduled to occur. In issuing such licenses, the Village Clerk/Treasurer shall review and approve the application and

Village Ordinance-Chapter 11

issue the license in accordance with applicable provisions of the Alcohol Beverage License Ordinance and Chapter 125, Stats.

(c) **Restrictions on Granting Licenses.**

(i) No license shall be granted at or in any building, room or place in the Village of Deerfield wherein for a second time any of the provisions of this chapter or of the provisions of any law relating to the sale, possession, manufacture or transportation of alcohol beverages shall hereafter be violated and the violator convicted therefor, for a period of 1 year from and after the date of such second violation.

(ii) No "Class B" Liquor License shall be issued by the Village of Deerfield in excess of its quota as established under Wis. Stats. §125.51(4)(b) except that if the Village of Deerfield has granted or issued its quota of "Class B" Liquor Licenses and if the Village of Deerfield has no "Class B" Reserve Liquor Licenses available, then the Village may issue a "Class B" Liquor License in excess of its quota to a full-service restaurant that has a seating capacity of 300 or more persons, or to a hotel that has 100 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.

(d) **Granting of Licenses.** Opportunity shall be given by the Village Board to any person to be heard for or against the granting of any license. Upon the approval of the application by the Village Board, the Village Clerk shall upon payment of the license fee to the Village herein provided, issue to the applicant an appropriate license as provided in subsection (3) of this section. Such license fees shall be paid to the Village Clerk/Treasurer who shall then transfer said fees to the general Village fund. The full license fee shall be charged for the whole or any fraction of a year except as provided in (3)(b) of this section. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the dates of issuance, the fee paid, the name of the licensee, the class of the license.

(e) **License Posted.** Licenses shall be posted in a conspicuous place upon the licensed premises.

Village Ordinance-Chapter 11

(f) **Operator's License.** There shall be at all times upon all premises operated under a Class A or Class B license, the licensee or person holding an operator's license. For the purpose of this Section any member of the immediate family of the licensee who has attained the legal drinking age shall be considered as holding an operators license. An operator's license may be granted by the Village Board and shall be signed by the Village Clerk.

(g) **Notice of Refusal of License.**

1. **New License.** If the Village Board decides not to issue a new license under this section it shall notify the applicant in writing of the decision and the reasons for the decision.

2. **Renewal.** If the Village Board determines not to renew any license issued under this section, it shall comply with Wis. Stats. § 125.12(3) and notify the licensee prior to non-renewal and provide the licensee with an opportunity for hearing.

(6) **Suspension and Revocation of License.** Any license granted under the provisions of this Section may be suspended or revoked for the violation of any of the rules, regulations, ordinances or laws governing or applicable to said license, in accordance with the procedures established under Wis. Stat. § 125.12(1) and (2).

(7) **General Restrictions.** The following restrictions shall apply to persons holding licenses issued under this section:

(a) **Sale to Underage Persons.** No person, firm or corporation licensed under this section shall sell any alcohol beverage to any underage person, unless the underage person is accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(b) **Presence of Underage Persons on Premises Prohibited.** No keeper of any place of any nature or character whatsoever for the sale of alcohol beverages, shall directly or indirectly suffer or permit any underage person, unaccompanied by his or her parent, guardian or spouse, of whom one shall have attained the legal drinking age, or suffer or permit any person to whom the sale of any such intoxicating liquor has been forbidden in any manner provided by law, who is not a resident, employee, or bona fide lodger or boarder on the premises of such person, to enter or be on such licensed

Village Ordinance-Chapter 11

premises for any purpose, excepting the transaction of bona fide business other than amusement or the purpose, receiving or consumption of edibles or beverages. No underage person who is not a resident, employee or bona fide lodger or boarder on the premises shall enter or remain on the premises. This Section shall not apply to hotels, drug stores, grocery stores, bowling alleys, ski chalets, golf clubhouses, cars operated on any railroad, regularly established athletic fields or stadiums nor premises operated under both Class B license and a restaurant permit where the principal business conducted therein is that of a restaurant.

(c) **Defenses of Sellers.**

1. **Defenses.** Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of paragraph (a).

a. That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.

Village Ordinance-Chapter 11

b. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

c. That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

2. **Book Kept by Licensees and Permittees.** The licensee or permittee or his or her employee may require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this subsection. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature. Wis. Stat. § 125.07(6).

(d) **Sales to Intoxicated Persons.** No licensee or permittee may sell, vend, serve, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(e) **Gambling Devices.** It shall be unlawful to permit slot machines or other gambling devices upon any premises for which a license shall have been issued hereunder.

(f) **Hours of Sale.** The hours of sale of alcohol beverages, fermented malt beverages, intoxicating liquor or wine shall be determined by Wis. Stat. § 125.18 as amended from time to time.

(8) **Patrons Not to be Allowed to Leave Licensed Premises with Open Containers.** No licensee, permittee or operator to permit any patron to leave a licensed premises with an open container containing any alcohol beverage.

(9) **Outdoor Consumption of Intoxicating Liquor and Fermented Malt Beverages**

(a) It shall be unlawful to sell or serve any intoxicating liquor or fermented malt beverage upon any public street (including sidewalks and alleys) within the Village.

Village Ordinance-Chapter 11

(b) It shall be unlawful for any person to possess an open container which contains a fermented malt beverage or intoxicating liquor or consume any fermented malt beverages or intoxicating liquor upon any public street (including sidewalks and alleys) within the Village.

(c) It shall be unlawful for any person, firm or corporation to use or operate, in any public street or place, or from any aircraft or in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street or place, any device, apparatus or instrument for the amplification of the human voice or any sound or noise, or other soundmaking or sound reproducing device for the purpose of advertising the sale of fermented malt beverages or intoxicating liquors.

(d) It shall be unlawful to sell, serve or consume any intoxicating liquor or fermented malt beverage in any public place unless the proper licenses are obtained as required by this ordinance.

(e) It shall be unlawful for any person to consume or to possess any fermented malt beverage or intoxicating liquor in any park within the Village after the hour of 10:00 p.m., unless it was purchased from a person or organization properly licensed and it is consumed or possessed during licensed hours. It shall also be unlawful for any person to consume or to possess any fermented malt beverage or intoxicating liquor in any portion of a park within the Village at such times when a picnic license has been issued and is in effect covering such portion of the park, provided that the Village Board by resolution adopts such restriction and prominent notice thereof is posted in at least one location on the licensed premises.

(f) It shall be unlawful for any person to whom a license has been granted to permit any patron to leave the licensed premises with an open container containing any intoxicating beverage, liquor or fermented malt beverage.

(10) **Penalties.**

(a) The penalties available in Ch. 125 of the Wisconsin Statutes, as may be amended, are incorporated by reference and are available for violations of this ordinance.

Village Ordinance-Chapter 11

(b) In addition to such penalties as may be available under state law, any person, firm or corporation, violating any of the provisions of this section shall, upon conviction thereof, pay a forfeiture of not less than Twenty-Five (\$25) nor more than One Thousand Dollars (\$1,000) together with the costs of prosecution, and in default of payment thereof may be imprisoned in the county jail, not to exceed ninety (90) days. Each day in which a violation continues shall constitute a separate offense.

11.04 DIRECT SELLERS

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

(2) Definitions. In this ordinance:

(a) "Direct seller" means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later deliver of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. 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, (i) has continuously operated an established place of business in this village, or (ii) 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 any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

(e) "Clerk" shall mean the Village Clerk.

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

Village Ordinance-Chapter 11

(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 permanent merchant or employee thereof who takes orders away from the established place of business for goods in their regular course of business;

(e) 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;

(f) 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;

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;

(h) 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;

(i) 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 § 440.41, Wis. Stats. Any charitable organization not registered under § 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this ordinance;

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is 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/she is conducting business, or proof that such person has conducted

Village Ordinance-Chapter 11

such business in this Village for at least one year prior to the date complaint was made.

Village Ordinance-Chapter 11

(4) Registration.

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

(1) name, permanent address and telephone number, and temporary address, if any;

(2) 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;

(5) nature of business to be conducted and a brief description of the goods offered, and any services offered;

(6) proposed methods of delivery goods, if applicable;

(7) make, model and license number of any vehicle to be used by applicant in the conduct of his/her 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 this village;

(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 reasonable required;

Village Ordinance-Chapter 11

(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 involved the handling of food or clothing is required to be certified by state law; such certificate to state that 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 is returned, a fee of \$5.00 shall be paid to the clerk to cover the cost of processing said registration.

(1) 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.

(2) Upon payment of said fee and the signing of said statement, the clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in section 5(b) below

(5) Investigation.

(a) Upon receipt of each application, the clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

(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 provisions of section 4(b) above.

Village Ordinance-Chapter 11

(6) Appeal. Any person denied registration may appeal the denial through the appeal procedure established in Chapter 68, Wisconsin Statutes.

(7) 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 7:00 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 other 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 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 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 may make any loud noise or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside 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.

Village Ordinance-Chapter 11

(1) After the initial greeting and before any other statement is made to a prospective customers, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she 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 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 §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 §423.203(1) (a), (b) and (c), (2) and (3), of the 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 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.

(8) Records. The Chief of Police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.

(9) Revocation of Registration.

(a) Registration may be revoked by the Village Board or Municipal Justice 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;

Village Ordinance-Chapter 11

such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(10) Penalty. Any person convicted of violating any provisions of this ordinance shall be subject to the penalty provisions of section 23.04, Deerfield Village Code.

(11) Severance Clause. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand, notwithstanding the invalidity of any part.

11.05 DENIAL, REVOCATION, SUSPENSION AND NON-RENEWAL OF LICENSE OR PERMIT [Reserved]

(1) DENIAL OF LICENSE OR PERMIT No village permit, approval, or license pursuant to the Municipal Code shall be granted or renewed to any individual, spouse, affiliate, subsidiary, wholly or partially owned entity, firm, or corporation having unpaid delinquent personal property taxes, delinquent real estate property taxes, fines or other outstanding financial obligations/debts due to the Village of Deerfield at the time of the issuance or renewal of such permit, approval, or license. This section does not apply to dog and/or cat licenses.

(2) REVOCATION, SUSPENSION AND NONRENEWAL OF LICENSES AND PERMITS.

(a) It shall be grounds for revocation, suspension or nonrenewal of a license or permit if the license holder or permit holder is delinquent in the payment of taxes, forfeitures or other outstanding obligations to the village; or if the application for such license or permit contains any misrepresentations regarding the financial status of the applicant or holder of such permit or license as to taxes, forfeitures or other obligations owed to the village.

(b) Notice of hearing on revocation, suspension or nonrenewal of licenses and permits shall be given by the village. Notice shall be personally served on the licensee or person in charge of the licensed premises not less than five, nor more than twenty-one days prior to the scheduled hearing. The notice shall contain the grounds for the revocation, suspension or nonrenewal; and the time, place and purpose of the hearing.

Village Ordinance-Chapter 11

(c) The hearing shall be before the village board. Witnesses shall be placed under oath. Counsel may be present. Cross examination of witnesses shall be permitted. The decision of the board shall be final.

(d) Upon a finding of a violation of subsection (a) of this section or that an amount is delinquent, the village board shall suspend the license or permit in question for such time until the taxes, forfeitures or other outstanding obligations are paid in full to the village, but not to exceed 90 days. If after 90 days the debt has not been satisfied, the license shall be automatically revoked.

(e) This section shall not apply to dog and cat licenses.

(f) The village shall not enforce revocation, suspension, nonrenewal or denial if an appeal of the imposition of a forfeiture is pending.

(g) No refund of fees shall be made of fees paid by a licensee subject to suspension or revocation.

11.06 PAWNBROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS

(1) License Required. All pawnbrokers and secondhand article and jewelry dealers, as defined in Wis. Stats. §134.71(1), shall be required to obtain a license to operate within the Village of Deerfield.

(a) Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31.

(b) Each license for a secondhand article dealer mall or flea market is valid for 2 years, from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.

(2) Fees. The license fees shall be as provided in Wis. Stats. §134.71(11), unless increased by resolution of the Village Board. All license fees shall be paid to the Village Clerk with the application and shall not be refundable.

(3) Revocation and Penalties. Revocation and penalties shall be as established in Wis. Stats. §§134.71(10) and (13).

(4) Adoption of State Statutes. Except as set forth above, licensing and regulation of pawnbrokers and secondhand article and jewelry dealers in the Village of Deerfield shall be conducted in accordance with Wis. Stats. §134.71, as may be amended from time to time and which is incorporated herein by reference.

ADULT ESTABLISHMENT ORDINANCE

Recitals

WHEREAS, it is a lawful purpose of the Village of Deerfield (“Village”) to enact regulatory ordinances protecting and promoting the general welfare, health and safety of its citizens pursuant to the Constitution and Laws of the State of Wisconsin; and,

WHEREAS, it has been the experience of other municipalities including Seattle and Renton, Washington, and Detroit, Michigan that adult-oriented establishments can contribute to the impairment of the character and quality of surrounding residential neighborhoods and contribute to a decline in the value of surrounding properties; and,

WHEREAS, further studies in other communities across the United States such as St. Paul, Minnesota, Indianapolis, Indiana, Austin, Texas and Phoenix, Arizona have documented that the secondary effects of adult oriented establishments affect property values, contribute to physical deterioration and blight, have a deleterious effect on both the existing businesses around them and surrounding residential areas, including increased transiency, increased levels of criminal activities including prostitution, rape, assaults and other sex related crimes; and,

WHEREAS, the Village Board believes that the experiences and studies of other communities set forth above are relevant in addressing the secondary effects adult oriented establishments can have upon areas surrounding such establishments in the Village; and,

WHEREAS, adult oriented establishments in proximity to residential areas, churches, parks, and schools may lead to an increase in criminal activities in the surrounding areas and the Village desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by

Village Ordinance-Chapter 11

restricting their close proximity to places of worship, schools and residential areas;
and

WHEREAS, the Village desires to combat and curb the adverse secondary effects brought on by adult oriented establishments through reasonable regulation of the location of adult entertainment establishments in order to protect the health, safety, and welfare of its citizens from increased crime, to preserve and stabilize the neighborhoods of the Village, and to preserve and protect the image of the community and its property values, while providing to those who desire to patronize adult oriented establishments such an opportunity in areas within the Village which are appropriate for a location of such establishments; and

WHEREAS, pursuant to the Village's authority, it is the intent of the Village Board to adopt by ordinance regulations restricting the location of adult oriented establishments to promote the Village's interest in protecting and preserving the quality of its neighborhoods, commercial districts, and quality of urban life through effective regulation and land-use planning; and,

WHEREAS, the Village Board has determined that locational criteria alone do not adequately protect the health safety and general welfare of the citizens; and

WHEREAS, many adult oriented establishments install booths with doors in which patrons can view adult oriented movies or video tapes or films or view other forms of adult entertainment, and it is has been found in Milwaukee and Kenosha Counties, Wisconsin; Chattanooga, Tennessee; Newport News, Virginia; and Marion County, Indiana, to name a few locales, that the viewing booths in adult oriented establishments have been and are being used by patrons of said establishments for engaging in sexual acts, resulting in unsafe and unsanitary conditions in said booths; and,

WHEREAS, at least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to chlamydia, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, and Non B; and,

WHEREAS, when this ordinance was originally enacted in 2001, statistics from the Wisconsin Department of Health and Family Services Review of Wisconsin HIV Case Surveillance Data Through 2000 showed that in the year 2000, 389 new cases of HIV-AIDS were reported in Wisconsin, bringing the total number of persons reported with HIV-AIDS infection in Wisconsin to 7,242. Furthermore, 2,886 persons reported with HIV-AIDS infection in Wisconsin are known to have died since the beginning of the epidemic; and

Village Ordinance-Chapter 11

WHEREAS, when this ordinance was originally enacted in 2001, statistics from the 1999 Health Profile for the State of Wisconsin showed that in the year 1999, 14,495 new cases of chlamydia, 183 of syphilis, 6,692 of gonorrhea, 2,113 of genital herpes, and 294 of hepatitis B were reported in Wisconsin, and

WHEREAS, the concern over sexually transmitted diseases is a legitimate concern of the Village which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of its citizens and to minimize the transmission of sexual diseases including HIV-AIDS; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually orientated businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used for or to foster illegal activity; and

WHEREAS, the Village Board deems it to be in the interests of the Village to provide for licensing and regulation of adult oriented establishments including, but not limited to, adult bookstores, adult motion picture theaters and adult cabarets to combat and curb the secondary effects of such establishments; and,

WHEREAS, the United States Supreme Court in the cases of *City of Renton vs. Playtime Theaters, Inc.*, 475 U.S. 41, 106 S. Ct., 925, 89 L. Ed., 2d, 29 (1986) and *Young vs. American Mini Theaters*, 427 U.S. 50, 96 S. Ct., 2440, 49 L. Ed., 2d, 310 (1976), *FW/PBS, Inc. vs. City of Dallas*, 493 U.S. 215 (1990), *Barnes vs. Glenn Theatre, Inc.*, 501 U.S. 560 (1991), and *City of Erie vs. Pap's A.M.*, 120 S. Ct. 1382 (2000) have approved efforts by local governments to regulate the location of and to license adult oriented establishments; and,

WHEREAS, pursuant to §111.335, Wis. Stats., the Village Boards finds that the following felonies, misdemeanors, and offenses constitute charges or convictions, the circumstances of which substantially relate to the licensing of adult oriented establishments, including offenses under Wisconsin Statutes, Chapter 944 (Crimes - Sexual Morality), Chapter 975 (Sex Crimes Law), Chapter 980 (Sexually Violent Persons) and §§ 940.22 (Sexual exploitation by therapist), 940.225 (Sexual assault), 948.02 (Sexual assault of a child), 948.025 (Repeated acts of sexual assault of a child), 948.05 (Sexual exploitation of a child), 948.055 (Causing child to view or listen to sexual activity), 948.06 (Incest), 948.07 (Child enticement), 948.08 (Soliciting child for prostitution), 948.09 (Sex with child age 16 or older), 948.095 (Sexual assault of a student), 948.10 (Exposing to child), 948.11

Village Ordinance-Chapter 11

(Exposing a child to harmful material) and 948.12 (Possession of child pornography); and,

WHEREAS, the Village Board recognizes that it lacks authority to regulate obscenity in light of §66.051(3), Wis. Stats, and does not intend by adopting this ordinance to regulate obscenity. Further, the provisions of this ordinance are not intended to and do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials; and,

WHEREAS, the Plan Commission of the Village of Deerfield conducted a public hearing on _____ and heard testimony from the public about the proposed ordinance. Therefore, the Plan Commission has recommended the adoption of portions of the proposed ordinance as an amendment to the Village's existing zoning code; and

WHEREAS, the proposed ordinance serves a substantial governmental interests; and,

NOW, THEREFORE, the Village Board of the Village of Deerfield, in consideration of the above recitals, which are incorporated herein by reference, hereby ordain as follows:

11.07 ADULT ORIENTED ESTABLISHMENT LICENSES

(1) Definitions:

(a) Adult Bookstore. An establishment which has a facility or facilities, including but not limited to booths, cubicles, rooms or stalls, for the presentation of "adult entertainment" as defined below, including adult oriented films, movies or live performances for observation by patrons therein, or an establishment having as a substantial or significant portion of its stock in trade, for sale, rent, trade, lease, inspection or viewing, instruments, devices paraphernalia, books, films, video cassettes, magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified anatomical areas" or "specified sexual activities" as herein defined.

(b) Adult Cabaret means a nightclub, bar, restaurant, or other similar establishment, whether or not alcoholic beverages are served, which as a substantial or significant portion of its entertainment regularly features

Village Ordinance-Chapter 11

topless dancers, strippers, male or female impersonators or similar entertainers.

(c) Adult Entertainment. Any exhibition of any motion picture, live performance, display or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas" as herein defined.

(e) Adult Motion Picture Theater. An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons therein.

(f) Adult Oriented Establishment. Includes "adult bookstores," "adult motion picture theaters," or "adult cabarets." It further includes any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(g) "Booths," "Cubicles," "Rooms," "Compartments" or "Stalls" separate from the common areas of the premises shall mean enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure.

However, "booth", "cubicle", "room", "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar

Village Ordinance-Chapter 11

establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes.

(h) Employee. A person who works or performs in and/or for an adult oriented establishment, regardless of whether or not such person is paid a salary, wage or other compensation by the operator of said business.

(i) Operator. Any person, partnership, LLC, LLP, corporation or other business entity operating, conducting, maintaining or owning any adult oriented establishment.

(j) Park. Public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, Co-1 Conservancy districts as defined in Deerfield Zoning Code, or similar public land within the Village whether controlled, operated, or managed by the Village, a school district, the County or the State.

(k) Religious institution. Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(l) Residential district. Any R-1, R-2, R-3 or R-4 district, residential PUD or mixed compatible use PUD, as defined in the Deerfield Zoning Ordinance.

(m) School. Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

(n) Specified Anatomical Areas.

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

Village Ordinance-Chapter 11

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

(o) Specified Sexual Activities. Simulated or actual:

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

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

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

(p) Village. The Village Board for the Village of Deerfield, Dane County, Wisconsin.

(2) License.

(a) No adult oriented establishment shall be operated or maintained in the Village without first obtaining a license to operate issued by the Village.

(b) A license may be issued only for one adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one adult oriented establishment must have a license for each location.

(c) No license or interest in a license may be transferred to any person, corporation, partnership, LLC or LLP.

(d) Notwithstanding para. (4) below, if within six (6) months prior to the date of application, the Village Board has determined that a premises has been operated without an adult establishment license and/or contrary to this ordinance, then such premises shall not be granted such a license. This prohibition applies to a premises for a period of six (6) months following the Village Board's determination.

(3) Application for License.

Village Ordinance-Chapter 11

(a) Any person, corporation, partnership or other business entity desiring to secure a license shall make application to the Village Clerk. The application shall be filed in quadruplicate and dated by the Village Clerk. A copy of the application shall be distributed promptly by the Village Clerk to the Village Police Department, the Village Building Inspector and to the applicant.

(b) If the Village Police Department is aware of any information bearing on the applicant's qualifications, that information shall be filed in writing with the Village Clerk.

(c) The Village Building Inspector shall inspect the establishment prior to issuance a license to determine compliance with the provisions of this ordinance.

(d) The application for a license shall be upon a form provided by the Village Clerk. An applicant for a license shall furnish the following information under oath:

1. Full name and address and birth date.
2. Written proof and picture identification substantiating that the individual is at least 18 years of age.
3. The name and address of the adult oriented establishment to be operated by the applicant.
4. If the applicant is a corporation, or LLC or other like business entity, the application shall specify the complete legal name of the entity, the date and state of incorporation, the name and address of the registered agent(s) and the name and address of all shareholders, or members owning more than 5% of the stock or interest in such entity and all officers and directors of the entity.
5. If the applicant is a partnership, LLP, joint venture or other like business entity, the application shall specify the complete legal name of the entity, the date and state of incorporation or creation, the name and address of the registered agent(s), if applicable, and the name and address of all persons having a financial interest in the entity.

Village Ordinance-Chapter 11

6. Each application blank shall state that the applicant consents to the entry of duly authorized representatives of the Village of Deerfield, including the Deerfield Village Police at all reasonable hours for the purpose of inspection and searching and consents thereby to the removal from said premises of things and articles the licensee had in violation of Village ordinances or State laws, and consents to the introduction of such things and articles in evidence in any prosecution or licensing hearing that may be brought for such offense.

7. The applicant may be required to furnish additional personal information upon request as necessary to complete the required criminal history check under section (3)(b) above or (7)(c) below.

(e) Within 21 days of receiving an application for a new license or an application to renew a license, the Village Clerk shall notify the applicant whether the application is granted or denied.

(f) Whenever an application is denied, or a license is not renewed, the Village Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter in conformity with §§68.11(2) & (3), Wis. Stats. A final determination stating the reasons therefore, together with a copy of any official recording or transcript of the hearing, shall be rendered within 20 days of the commencement of the hearing. Judicial review shall be governed by §68.13, Wis. Stats.

(g) Failure or refusal of the applicant to give any information relevant to the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or applicant's refusal to submit to or cooperate with regard to any information required by this ordinance shall constitute an admission by the applicant that applicant is ineligible for such license and shall be grounds for denial thereof by the Village Clerk.

(4) Standards For Issuance of License. To receive a new or renewal license to operate an adult oriented establishment, an applicant must meet the following standards:

Village Ordinance-Chapter 11

(a) If the applicant is an individual:

1. The applicant must be at least 18 years of age.
2. The applicant shall not have been found to have previously violated this ordinance within 5 years immediately preceding the date of the application.
3. Pursuant to the standards in §111.335, Wis. Stats., the applicant shall not have an arrest record containing nor have been convicted of a felony, misdemeanor or other offense, the circumstances of which substantially relate to the licensed activity, which for purposes of this license include offenses under Chapters 944, 975, 980 and §§ 940.22, 940.225, 948.02, 948.025, 948.05 - 948.12, Wis. Stats.

(b) If the applicant is a corporation:

1. All officers, directors, and stockholders required to be named under par. (3)(b) shall be at least 18 years of age.
2. All officers, directors, stockholders or members, required to be named under par. (3)(b) shall comply with the requirements under par. (4)(a)2.-3. above.

(c) If the applicant is a partnership, joint venture or any other type of organization where 2 or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.
2. All persons having a financial interest in the partnership, joint venture or other type of organization shall comply with the requirements under par. (4)(a)2.-3. above.

(d) The physical establishment or building in which the applicant intends to operate must meet all requirements of this ordinance, be properly zoned and located, and meet all other building requirements generally applicable to other businesses in the Village including but not limited to Chapters 12 through 14 of the Deerfield Village Code.

Village Ordinance-Chapter 11

(5) Fees. A license fee of \$250² shall be submitted with the application for a license. If the application is denied, 1/2 of the fee shall be returned.

(6) Display of License or Permit. The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(7) Renewal of License or Permit.

(a) Every license issued pursuant to this ordinance will terminate at the expiration of one year from date of issuance, unless sooner revoked and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Village Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be upon a form provided by the Village Clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license.

² The fee is \$250.00 for the year 2001, and such fee may be changed or amended by resolution of the Village without amendment of this ordinance.

Village Ordinance-Chapter 11

(b) A license renewal fee of \$250³ shall be submitted with the application for renewal. If the application is denied, 1/2 of the renewal fee collected shall be returned. In addition to the renewal fee, a late penalty of \$100 shall be assessed against any applicant who files for a renewal less than 60 days before the license expires.

(c) If the Village Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Village Clerk.

(d) The Village Building Inspector shall inspect the establishment prior to the renewal of a license to determine compliance with the provisions of this ordinance.

(8) Revocation and Suspension of License.

(a) The Village Board shall revoke a license or permit for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

2. The operator or any employee of the operator violates any provision of this ordinance or any rules or regulation adopted by the Village Board pursuant to this ordinance provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Village Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

3. The operator becomes ineligible to obtain a license or permit.

³The fee is \$250.00 for the year 2001, and such fee may be changed or amended by resolution of the Village without amendment of this ordinance.

Village Ordinance-Chapter 11

4. Any cost or fee required to be paid by this ordinance is not paid.

5. Any intoxicating liquor or fermented malt beverage is served or consumed on any premises of an adult oriented establishment which premises is not licensed under Deerfield Village Code §11.03.

(b) The Village Board, before revoking or suspending any license or permit, shall give the operator at least 10 days written notice of the charges and the opportunity for a public hearing before the Village Board or its designated committee. The Village Board or its designated committee shall provide a written determination whether to revoke or suspend the license or permit within five (5) days of the public hearing. Any appeal from the determination of the Village Board or its designated committee shall be taken pursuant to §§ 68.10-68.12, Wis. Stats.

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for six (6) months from the date of revocation of the license.

(9) Physical Layout of Adult Oriented Establishment. Any adult oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock, curtain or other control-type devices.

(b) Construction. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.

Village Ordinance-Chapter 11

2. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, non-absorbent, smooth textured and easily cleanable.

3. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.

4. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured from the floor.

(c) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupants of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(d) Inspections. The Village Building Inspector shall conduct monthly inspections of the premises to insure compliance with the provisions of this subsection.

(10) Responsibilities of the Operator.

(a) Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such acts or omissions in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee of an adult oriented establishment shall allow any minor to loiter on or around or to frequent an adult oriented

Village Ordinance-Chapter 11

establishment or to allow any minor to view adult entertainment as defined herein or view materials within an adult bookstore.

(d) The operator shall maintain the premises in a clean and sanitary manner at all times.

(e) The operator shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.

(f) The operator shall post regulations concerning booth occupancy on signs in conspicuous areas of the establishment and in each of the booths.

(g) The operator shall insure compliance of the establishment, its employees and its patrons with the provisions of this ordinance and with the following additional patron responsibility provisions:

1. No person shall occupy a booth already occupied by another person, regardless of whether permission to enter has been given.

2. No person shall at any time engage in specified sexual activities or cause any bodily discharge or litter while in a booth.

3. No person shall remove, destroy, damage or deface any signs or posters or portion of the booth.

(11) Administrative Review Procedure. The Village ordinances and State law shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license.

(12) Severability. The sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified

Village Ordinance-Chapter 11

in the decision and not effect the validity of all other provisions, sections or portions thereof directly specified in the decision and not effect the validity of all other provisions, sections, or portions thereof of the ordinance which shall remain in full force and effect.

(13) Penalties And Prosecution. In addition to the revocation, suspension or nonrenewal of any license issued under this ordinance, any person found to be in violation of any provision of the ordinance shall be subject to a forfeiture or penalty as provided in Deerfield Village Code §23.04, and in the case of an operator may result in the suspension or revocation of any license up to one year.