

ORDINANCE NO. 3 - 2024
AN ORDINANCE TO AMEND, AND REPEAL SECTIONS OF THE VILLAGE
CODE OF ORDINANCES

The Village Board of the Village of Trempealeau do ordain as follows:

SECTION I. Village of Trempealeau Code of Ordinances § Chapter 107 Officers and Employees is repealed as follows in Addendum A.

SECTION II. Village of Trempealeau Code of Ordinances § Chapter 116 Police Department is amended to read as follows in Addendum B.

SECTION III. Village of Trempealeau Code of Ordinances § Chapter 216 Cigarettes is amended to read as follows in Addendum C.

SECTION IV. Village of Trempealeau Code of Ordinances § Chapter 229 Direct Sellers is amended to read as follows in Addendum D.

SECTION V. Village of Trempealeau Code of Ordinances § 272-9 is repealed as follows in Addendum E.

SECTION VI. Village of Trempealeau Code of Ordinances § Chapter 305 Intoxicating Liquor and Fermented Malt Beverages is amended to read as follows in Addendum F.

SECTION VII. Village of Trempealeau Code of Ordinances § 400 Tourist Rooming House is amended to read as follows in Addendum G.

SECTION VIII. Village of Trempealeau Code of Ordinances § 440-21 Street Use Permits is amended to read as follows in Addendum H.

SECTION IX. Repeal of Conflicting Ordinances. All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same hereby are repealed.

SECTION X. Savings Clause. If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION XI. Amendments. The Village, through its Village Board, may amend this Ordinance in whole or in part whenever it may deem necessary.

SECTION XII. Amendments. The Village, through its Village Board, may amend this Ordinance in whole or in part whenever it may deem necessary.

SECTION XIII. Effective Date. These ordinance changes shall take effect upon passage and publication as provided by law.

Adopted this 18th day of July, 2024.



Jeff Barry, President



Kathy Peterson, Clerk

Date of Adoption: July 18th, 2024

Addendum A

Chapter 107 **Officers**

§ 107-1 **General provisions.**

- A. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- B. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. The general laws for the punishment of bribery, misdemeanors and corruption in officers shall apply to Village officers.
- D. Whenever a Village official in his official capacity proceeded against or obliged to proceed before any court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

§ 107-2 **Village Clerk and Treasurer.**

- A. Statutes not to govern. The Village of Trempealeau, pursuant to §§ 61.195 and 66.0101, Wis. Stats., hereby elects not to be governed by those portions of §§ 61.19, 61.25 and 61.26, Wis. Stats., which are in conflict with this section.
- ~~B. Consolidation. The offices of Village Clerk and Village Treasurer shall be and they hereby are consolidated and the duties of both offices shall be performed by the person appointed a Village Clerk-Treasurer by the Village President, subject to confirmation by the Village Board, commencing on March 7, 1992. [Amended 8-19-1997]~~
- C. Appointment. The appointed Village Clerk and Village Treasurer shall hold offices for an indefinite term, subject to removal as provided by § 17.13, Wis. Stats.
- D. Duties. The Village Clerk and Village Treasurer shall perform all duties required of their respective offices as provided by law and those other duties as the Village Board shall, from time to time, direct to be executed.
- E. Records. The records of the Village Clerk and Village Treasurer shall be audited annually

§ 107-3 **Village Attorney.**

- A. Appointment. The appointed Village Attorney shall hold office for an indefinite term, subject to removal as provided by § 17.13, Wis. Stats.
- B. Duties. The Village Attorney shall have the following duties:
 - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
 - (2) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the

Village.

- (3) He shall draft ordinances and other instruments as may be required by Village officers.
- (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
- (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
- (6) The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.

§ 107-4 Village Police Chief.

A. Appointment.

- (1) The Village Police Chief shall be appointed by a majority vote of the members of the Village Board for an indefinite term, subject to removal pursuant to the procedures established in § 61.65(1)(am), Wis. Stats. The Village Police Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes.
- (2) The compensation to be paid the Village Police Chief for their services, the hours of active duty, rest days, vacation periods and other involvement of their employment shall be such as may be determined by the Village Board from time to time.

B. General duties.

- (1) The Village Police Chief shall have general administration of the Department and shall be responsible for the Department's government, efficiency and general good conduct. They shall perform all duties prescribed to them by the laws of the state and the ordinances of the Village and shall obey all lawful written orders of the Village President or Village Board.
- (2) The Village Police Chief shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the state or ordinance of the Village. The Village Police Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime.

§ 107-5 Fire Chief.

~~A. Appointment. The Fire Chief shall be appointed pursuant to the bylaws of the Department.~~

~~B. Powers and duties of Fire Chief.~~

- ~~(1) The Fire Chief shall have general supervision of the Department, subject to: this chapter, oversight by the Fire Board, and the bylaws of the Department; and shall be responsible for the personnel and general efficiency of the Department.~~
- ~~(2) It shall be the duty of the Fire Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this chapter and of the bylaws of the Department.~~
- ~~(3) It shall be the duty of the Fire Chief or another ranking officer of the Department to be present at all~~

~~fires, to have complete command of and the entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when the Fire Chief deems it proper and to see that all fire apparatus is kept in proper condition at all times.~~

- ~~(4) The Fire Chief shall enforce all fire prevention ordinances of the Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.~~
- ~~(5) The Fire Chief shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of fire, time dispatch was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents (if known), estimated fire loss, time fire was extinguished, names of Department members responding, and general remarks.~~

§ 107-6 Weed Commissioner.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

§ 107-7 Superintendent of Streets.

- A. Appointment. The Superintendent of Streets shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- B. Term. The Superintendent of Streets shall hold office for an indefinite term subject to removal by a majority vote of the Village Board.
- C. Duties and powers. The Superintendent of Streets shall have the following duties and powers:
- (1) He shall have general charge and supervision of all public works in the Village.
 - (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
 - (3) He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
 - (4) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board or by his job description and employment contract.

§ 107-8 Assessor.

- A. Pursuant to §§ 61.195, 61.197 and 66.0101 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of §§ 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this section. [Charter Ordinance]
- B. Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under § 19.01, Wis. Stats., and sign the affidavit of the Assessor

attached to the assessment roll under § 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under § 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

- C. The Assessor shall have an indefinite term of office, subject to removal under § 17.14(1), Wis. Stats.
- D. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats., or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharge of duties imposed by law; in the discharge of duties imposed by office (including but not limited to use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), unless a court determines that it is inaccurate, is, per § 70.47(7)(af), not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

§ 107-9 Eligibility for office.

- A. No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this state, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- B. An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one year thereafter.

§ 107-10 Oaths of office.

- A. Requirement. Within five days after the election or appointment of any Village officers, the Village Clerk-Treasurer shall notify the person so selected thereof. Every person elected or appointed to the office of Village President, Trustee, and Village Clerk-Treasurer shall within five days after notice thereof, when required, take and file the official oath.
- B. Form, procedure. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

§ 107-11 Vacancies.

- A. How occurring. Except as provided in Subsection C below, vacancies in elective and appointive positions occur as provided in §§ 17.03 and 17.035, Wis. Stats.
- B. How filled. Vacancies in elective and appointive offices shall be filled as provided in § 17.24, Wis. Stats.
- C. Temporary incapacitation. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

§ 107-12 Removal from office.

- A. Elected officials. Elected officials may be removed by the Village Board as provided in §§ 17.13(2) and 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in §§ 17.13(1) and 17.16, Wis. Stats.

§ 107-13 Custody of official property.

Village officers must observe the standards of care imposed by § 19.21, Wis. Stats., with respect to the care and custody of official property.

§ 107-14 Official bonds; officers not to be sureties.

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official bond for each term of service.

§ 107-15 Building Inspector.

[Amended 10-3-1994]

- A. Appointment. The Building Inspector shall be appointed annually by the President, subject to Village Board confirmation.
- B. Duties. The Building Inspector shall have the following duties:
 - (1) Review plans and applications for building permits;
 - (2) Issue permits for construction of new homes;
 - (3) Inspect foundations, frames, roofs, etc., to assure that they meet the requirements of the building code;
 - (4) Recommend and advise the public and contractors on code compliance;
 - (5) Issue orders to correct discrepancies and code violations;
 - (6) Consult with builders, owners and members of the public pertaining to the Village codes and ordinances;
 - (7) Report on the status of code enforcement activity to the Board;
 - (8) Perform other duties as may be directed by the Village Board.
- C. Right of entry. The Building Inspector or his deputies shall have the power to make or cause to be made an entry into any building or premises where the work of constructing any new building or structure is going on, including plumbing and electrical work.
- D. The Village Board may contract with a company or other government agency to perform the duties of the Village Building Inspector.

~~**§ 107-16 Zoning Assistant.**~~

~~[Amended 10-3-1994]~~

- ~~A. Appointment. The Zoning Assistant shall be appointed annually by the President, subject to Village Board confirmation.~~
- ~~B. Duties. The Zoning Assistant shall have the following duties:~~
 - ~~(1) Review plans and applications for building permits;~~
 - ~~(2) Consult with builders, owners and members of the public pertaining to the Village codes and ordinances;~~

~~(3) Report on the status of code enforcement activity to the Board;~~

~~(4) Perform other duties as may be directed by the Village Board.~~

Addendum B

Chapter 116 Police Department

§ 116-1 Organization of Police Department.

The Police Department shall consist of a Village Police Chief(s) and such other officers, assistants, and patrolmen as from time to time may be appointed, pursuant to the provisions of the Wisconsin Statutes, the ordinances, and resolutions of the Village Board.

§ 116-2 Records and reports.

- A. Monthly reports. The Village Police Chief shall submit a monthly report to the Village Board of all activities of the department during the preceding month.
- B. Police records. There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

§ 116-3 General powers of police officers.

Every member of the Police Department shall:

- A. Familiarize himself with the ordinances of the Village and the statutes and attend to the enforcement of such ordinances by all lawful means.
- B. Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- C. Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- D. Maintain order at the scene of a fire or any other fire response within the Village.
- E. See that the necessary permits and licenses issued by the state or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- F. Perform such other lawful duties as ordered by the Village Police Chief or his/her authorized representative.

§ 116-4 Hearing authorities for suspension or removal of law enforcement officers.

- A. Pursuant to § 61.65(1)(am), Wis. Stats., the Village may not suspend, reduce, suspend and reduce, or remove any police chief or other law enforcement officer who is not probationary, and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the Village does one of the following:
 - (1) Establishes a committee of not less than three members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The committee shall act under § 62.13(5), Wis. Stats., in place of a board of police and fire commissioners. The Village Board may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the Village Board.
 - (2) Appoint a person who is not an elected or appointed official of the Village and who is not employed by

the Village. The person shall act under § 62.13(5), Wis. Stats., in place of a board of police and fire commissioners. The Village Board may provide for some payment to that person for serving under this subsection at a rate established by the Village Board.

- B. The provisions of this section, required by § 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

§ 116-5 Rules and policies for Police Department.

The Village Police Chief shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department, provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

§ 116-6 Maintenance of personnel records and performance evaluations.

There shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He/She shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He/She shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He/She shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

§ 116-7 Civilians to assist.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist in the execution of their duty and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Chapter 1, General Provisions, § 1-4, of this Code.

Addendum C

Chapter 216 Cigarettes, Tobacco Products & Electronic Vaping Devices

§ 216-1 **License required.**

No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarettes, cigarette paper or cigarette wrappers, or any substitute thereof, tobacco products and electronic vaping devices without first obtaining a license as hereinafter provided.

§ 216-2 **Application for license; fee.**

Every person, firm or corporation desiring a license under this chapter shall file with the Village Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee as set by the Village Board. Fees for new licenses issued mid-license year shall be pro-rated for the remainder of the issuance, expiring June 30 of the year.

§ 216-3 **Issuance and term of license.**

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarettes, cigarette paper or cigarette wrappers or any substitute thereof, tobacco products and electronic vaping devices shall be issued by the Village Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30 unless sooner revoked for any violation of this chapter.

Addendum D

Chapter 229 Direct Sellers

§ 229-1 Registration required.

It shall be unlawful for any direct seller to engage in direct sales within the Village of Trempealeau without being registered for that purpose as provided herein.

§ 229-2 Definitions.

In this chapter, the following terms shall have the meaning indicated:

CHARITABLE ORGANIZATION

Includes any benevolent, philanthropic or patriotic person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.

CLERK ~~TREASURER~~

The Village of Trempealeau Clerk~~Treasurer~~.

DIRECT SELLER

Any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than a 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.

GOODS

Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

PERMANENT MERCHANT

A direct seller who, for at least one year prior to the consideration of the application of this chapter to said merchant:

- A. Has continuously operated an established place of business in this Village; or
- B. Has continuously resided in this Village and now does business from his/her residence.

PERSON

All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

§ 229-3 Exemptions.

The following shall be exempt from all fee provisions of this chapter, except that representatives of charitable organizations shall satisfy the registration requirements of this chapter:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling goods at wholesale to dealers in such goods;
- C. Any person selling agricultural products which such person has grown;

- D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such 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 Village Clerk ~~Treasurer~~ proof that such charitable organization is registered under § 202.12, Wis. Stats. Any charitable organization not registered under § 202.12, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter;
- J. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk ~~Treasurer~~ that such person is a transient merchant, provided that there is submitted to the Village Clerk ~~Treasurer~~ 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 such business in this Village for at least one year prior to the date complaint was made.

§ 229-4 Registration.

- A. Applicants for registration must complete and return to the Village Clerk ~~Treasurer~~ a registration form furnished by the Clerk ~~Treasurer~~ which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (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 method of delivery of goods, if applicable;
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (8) Last cities, villages, town, not to exceed three, where applicant conducted similar business just prior to making this registration.
 - (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. Documentation. Applicants shall present to the Village Clerk~~Treasurer~~ for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required;
- (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate 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. Registration fee.

- (1) At the time the registration is returned, a fee shall be paid to the Village Clerk~~Treasurer~~ to cover the cost of processing said registration. Each and every member of a group must file a separate registration form. The fee for a direct seller's, solicitor's or canvasser's license shall be as set by the Village Board by Resolution. Transient merchants/direct sellers may employ two assistants without payment of an additional license fee, but such persons must comply with the other provisions of this section.
- (2) The applicant shall sign a statement appointing the Village Clerk~~Treasurer~~ his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fee and the signing of said statement, the Village Clerk~~Treasurer~~ shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period as paid for, subject to subsequent refusal as provided in § **229-5B** below.

§ 229-5 Investigation.

- A. Upon receipt of each application, the Village Clerk~~Treasurer~~ may refer it immediately to the Village Police Officer, who may make and complete an investigation of the statements made in such registration.
- B. The Village Clerk~~Treasurer~~ shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of § **229-4B** above.

§ 229-6 Appeal.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of §§ 68.07 through 68.16, Wis. Stats.

§ 229-7 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 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is

displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered 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 shall make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

B. Disclosure requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
- (2) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, 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), Wis. Stats.
- (3) If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

§ 229-8 Records.

The Village Police Officer shall report to the Village Clerk-Treasurer all convictions for violation of this chapter, and the Village Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

§ 229-9 Revocation of registration.

- A. Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- B. Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Addendum E

§ 272-9 Public fire protection charges.

~~The Village of Trempealeau will continue to accept the public fire protection charge from the Water Utility. This charge will be passed onto the customers through the tax roll, as is the current method, instead of as an increase to customers' water rates.~~

Addendum F

Chapter 305 Intoxicating Liquor and Fermented Malt Beverages

Article I

Licenses and Permits

[Adopted 12-2-1987 as Title 7, Ch. 2, of the 1987 Code]

§ 305-1 State statutes adopted.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this article. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this article in order to secure uniform statewide regulation of alcohol beverage control.

§ 305-2 Definitions.

As used in this article, the terms "alcohol beverages," "intoxicating liquors," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," "premises," "barroom," "underage person," "wine," and "legal drinking age" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

§ 305-3 License required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this article nor without complying with all the provisions of this article, and all statutes and regulations applicable thereto, except as provided by §§ 125.25, 125.26, 125.27, 125.28, 125.29 and 125.51 of the Wisconsin Statutes.

§ 305-4 Classes of licenses.

- A. Retail "Class A" intoxicating liquor license. A retail "Class A" intoxicating liquor license, when issued by the Village Clerk ~~Treasurer~~ under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- B. Retail "Class B" intoxicating liquor license. A retail "Class B" intoxicating liquor license, when issued by the Village Clerk ~~Treasurer~~ under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed

off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

- C. "Reserve Class B" intoxicating liquor license. A reserve "Class B" intoxicating liquor license are those licenses available under the quota system existing before December 1, 1997. The number of reserve "Class B" licenses available is determined by engaging in a series of calculations described in §§ 125.51(4)(br)1., 125.51(4)(a)4. **[Amended 12-4-2006]**
- D. Class "A" fermented malt beverage retailer's license. A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk ~~Treasurer~~ under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles.
- E. Class "B" fermented malt beverage retailer's license. A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk ~~Treasurer~~ under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than 1/2 of a percentum of alcohol by volume, without obtaining a special license to sell such beverages.
- F. Special Class "B" fermented malt beverage picnic license.
 - (1) License. Temporary Class "B" picnic license, when issued by the Village Clerk under authority of the Village Board, as provided for in § 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such license is valid for dates as approved by the Village Board. Irrespective of other sections of this article, the Village Board is hereby authorized to issue a fermented malt beverage license to any local civic, or any local religious or any local not-for-profit organization pursuant to this section.
 - (2) Application. Application for such license shall be signed by the President or corresponding officer of the society making such application and shall be filed with the Village Clerk ~~Treasurer~~ together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a special Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Village Board at which the application will be considered. Such license shall be valid for no more than three consecutive days. If the application is for a license to be used in a Village Park, the applicant shall specify the main point-of-sale facility.
- G. Wholesaler's license. A wholesaler's fermented malt beverage license, when issued by the Village Clerk under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- H. "Class C" wine license. A "Class C" license, when issued by the Village Clerk under the authority of the Village Board, authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. A "Class C" wine license may be issued to any person otherwise qualified to hold an alcohol beverages retail license. A "Class C" license shall particularly describe the premises for which it is issued.

- I. Provisional retail license. Under Wis. Stats. § 125.185, municipal governing bodies that issue licenses for the retail sale of fermented malt beverages, intoxicating liquors, or wine are authorized to issue provisional retail licenses. Pursuant to Wis. Stats. § 125.185, the Village Clerk-Treasurer is hereby designated as the municipal official having authority to issue provisional retail licenses. The Village Clerk-Treasurer shall collect a fee in the amount of \$15 prior to issuing any provisional retail licenses. In all other respects, provisional retail licenses issued by the Village Clerk-Treasurer shall be subject to the provisions of Wis. Stats. § 125.185.

§ 305-5 License fees.
[Amended 12-4-2006]

There shall be the following classes and denominations of licenses which, when issued by the Village Clerk-Treasurer under the authority of the Village Board after payment of a fee as set by the Village Board, shall permit the holder to sell, deal or traffic in intoxicating liquors, wine or fermented malt beverages as provided in §§ 125.04(5), (6); 125.185; 125.28(1)(a), (b), (d); 125.28(2); 125.25(1), (2), (4); 125.26(2); 125.17; 125.68(2); 125.32(2); 125.51(2); 125.51(3); or 125.51(3m), Wis. Stats.:

- A. Retail "Class A" intoxicating liquor license.
- B. Retail "Class B" intoxicating liquor license.
- C. Reserve "Class B" intoxicating liquor license: initial issuance fee (one-time), plus annual "Class B" fee.
- D. Class "A" fermented malt beverage retailer's license.
- E. Class "B" fermented malt beverage retailer's license. Class "B" fermented malt beverage retailer's license for brewers shall be pursuant to § 125.06(1), Wis. Stats.
- F. Temporary Class "B" fermented malt beverage and/or wine picnic license.
- G. "Class C" wine license.
- H. Provisional retail license.

§ 305-6 Application for license.

- A. Contents. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- B. Corporations. Such application shall be filed and sworn to by the applicant if an individual, by the President and secretary, of a corporation.
- C. Publication. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant.
- D. Amending application. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within 10 days after the occurrence thereof.
- E. License quotas. No more than the number of licenses permitted under Chapter 125, Wis. Stats., shall be granted by the Village. An increase in the Village's quota of "Class B" liquor licenses may occur

through an increase of population by 500 persons from the 1997 population of 1207 persons. This will be a reserve license. A unrestricted "Class B" license could also be issued to a full-service restaurant with a seating capacity of 300 or more, or to restaurants attached to hotels.

§ 305-7 Qualifications of applicants and premises.

- A. Residence requirements. A retail "Class A" or retail "Class B" fermented malt beverage, retail "Class A" or "Class B" intoxicating liquor, or "Class C" wine license shall be granted only to persons who comply with the applicable residency requirements under Wis. Stat. § 125.04.
- B. Applicant to have malt beverage license. No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- C. Right to premises. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. Age of applicant. No Class "A," Class "B," "Class A," "Class B," or "Class C" licenses shall be granted to any underage person as defined by the Wisconsin Statutes.
- E. Corporate restrictions.
 - (1) No license shall be granted to any corporation which does not comply with the provisions of § 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this article or under state law, or which has more than 50% of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this article or under the state law.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk ~~Treasurer~~ a statement of transfers of stock within 48 hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this article or under the state law.
- F. Separate license required for each place of sale. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

§ 305-8 Investigation.

The Village Clerk ~~Treasurer~~ shall notify a Village Police Officer and the Chief, the Assistant Chief, or a member of the Fire Department designated by the Chief or the Assistant Chief to conduct inspections for each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Clerk ~~Treasurer~~ in writing, who shall forward to the Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required. Inspections may be conducted at any time during business hours

following submission of an application for a license. No official conducting an inspection shall be denied access to any portion of the premises or property. If an applicant for a license, in any manner, denies access to an inspection official, such action shall be reflected in the inspection report to the Village Board. Furthermore, it shall be a condition of any license hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village of Trempealeau without warrant.

§ 305-9 Approval of application.

- A. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.
- B. No license shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
- C. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Department of Health Services and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the Village.

§ 305-10 Granting of license.

Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year.

§ 305-11 Transfer and lapse of license.

- A. In accordance with the provisions of § 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be as set by the Village Board. Whenever a license is transferred, the Village Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license to said subsequent purchaser.
- B. Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.

§ 305-12 Numbering of license.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee.

§ 305-13 Posting license; defacement.

- A. Every person licensed in accordance with the provisions of this article shall immediately post such

license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

- B. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

§ 305-14 Conditions of license.

All retail Class "A," "B," "Class A," "Class B," or/and "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the Village applicable thereto.

- A. Consent to entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there 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 offenses.
- B. Employment of minors. No retail Class "B," or "Class B," or "Class C" licenses shall employ any underage person, as defined in the Wisconsin Statutes, except as otherwise authorized by §§ 125.32 and 125.68, Wis. Stats., but this shall not apply to hotels and restaurants. Family members may work on the licensed premises, but are not permitted to sell or dispense alcohol beverages.
- C. Disorderly conduct prohibited. Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- D. Licensed operator on premises. There shall be upon premises operated under a Class "B," "Class B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages or wine to customers. No person other than the licensee shall serve fermented malt beverages or wine in any place operated under a Class "B," "Class B," or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- E. Health and sanitation regulations. The rules and regulations of the State Department of Health Services governing sanitation in restaurants shall apply to all "Class B" liquor licenses issued under this article. No "Class B" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- F. Restrictions near schools and churches. No retail Class "A," Class "B," "Class A," "Class B," and/or "Class C" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
- G. Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- H. Gambling prohibited. No gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this article or the laws of the State of Wisconsin.

- I. Credit prohibited. No retail Class "A," Class "B," "Class A," "Class B," and/or "Class C" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- J. Licensee or permittee responsible for acts of help. A violation of this article by a duly authorized agent or employee of a licensee or permittee under this article shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this article shall violate any portion of this article, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this article.
- K. Improper exhibitions. It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
 - (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - (3) Exposes any portion of the female breast at or below the areola thereof; or
 - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

§ 305-15 Closing hours.

Closing hours shall be established in conformance with §§ 125.32(3) and 125.68(4), Wis. Stats., and further restricted as follows:

A. Class "B" licenses.

- (1) No premises for which a retail "Class B" liquor and Class "B" fermented malt beverage license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. There are no closing hours on January 1.
- (2) Hotels and restaurants, whose principal business is the furnishing of food or lodging to patrons, shall be permitted to remain open for the conduct of their regular business, but shall not sell liquor or malt beverages during the closing hours of Subsection A(1) above.
- (3) The licensee or permittee and one employee shall be permitted to check out receipts, check the licensed premises for security and do minor cleaning during closed times. Under no circumstances shall the consumption of alcohol beverages be permitted after closing time. Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning during closed hours. The premises shall be well lighted during cleanup. Prior approval must be requested and granted by the Village Board or its designee for any variance of the above exigent circumstances.

§ 305-16 Restrictions on Temporary Class "B" fermented malt beverage special event license.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Village-owned property or privately owned property within the Village of Trempealeau,

except through the issuance of a temporary Class "B" permit issued by the Village Board in accordance with Wisconsin State Statutes as set forth in this section. A temporary Class "B" permit authorizing the sale and consumption of beer on Village-owned property or privately owned property may be authorized by the Village Board, provided the following requirements are met:

- A. Compliance with eligibility standards. The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in § 125.26(6), Wis. Stats., and shall fully comply with the requirements of this section and § 305-23.
- B. Posting of signs and licenses. All organizations issued a liquor license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person without proper identification.
- C. Fencing. All organizations shall install a double fence around the main point of sale to control ingress and egress and shall continually station a licensed operator or security guard at the entrance for the purpose of checking age identification. There shall be only one point of ingress and egress. The double fence shall be a minimum of four feet high and a minimum of six feet between fences. A single eight-foot chain-link fence may be used to meet the fence requirements. The Village Board may waive any portion of this fencing provision, as it feels appropriate. [Amended 6-6-2005]
- D. Underage persons prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverage at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale, except for a person holding a valid operator's license.
- E. Licensed operators requirements. A licensed operator shall be stationed at all points of sales at all times.
- F. Permitted cups only. Intoxicants will be sold only in foam or plastic cups and cans.
- G. Additional requirements. In addition, requesting organizations shall comply with the following:
 - (1) When the event sponsored by the requesting organization is to take place on Village park property, the organization shall work closely with the Village officials in locating, setting up and identifying the size of the snow fence area. Such information shall be made part of the temporary Class "B" permit application.
 - (2) When the event sponsored by the requesting organization is to take place on Village-owned property other than park property and/or privately owned property, the organization shall work closely with the Police Department in locating and setting up the snow fence area. The Village information shall be made part of the temporary Class "B" permit application. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It shall contain adequate sanitary facilities to accommodate the size of the group.
- H. Insurance. The applicant for a special Class "B" fermented malt beverage license may be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Trempealeau. The applicant may be required to furnish a performance bond prior to being granted the permit.

§ 305-17 Beer garden licenses required for outdoor consumption at "Class B", Class "B" or "Class C" premises.
[Amended 4-1-2002; 5-20-2014 by Ord. No. 3-2014]

- A. Required for outdoor consumption. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the Village Board. The permits are a privilege in which no rights vest and, therefore, may be revoked by the Village Board at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of licensed premises which is not described in a valid beer garden permit.
- B. Limitations on issuance of beer garden permits. Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden. Every beer garden shall be completely enclosed with a fence or wall not less than three feet in height. Amplified sound or music is permitted in the beer garden by the applicant in conformance with other Village ordinance provisions. The Village Board reserves the right to take formal complaints filed with the Village Police Department into consideration when granting beer garden permit renewals. **[Amended 7-1-2021 by Ord. No. 2-2021]**
- C. Adjoining property owners to be notified of pendency of new applications. All adjacent property owners within 150 feet of a newly proposed beer garden that did not exist prior to the amendment of this section shall be notified of the pendency of application for a beer garden permit by first-class mail.
- D. State statutes enforced within beer garden. Every permittee under this section shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to "Class B" and Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for immediate revocation of the beer garden permit by the Village Board.
- E. Fee. The Village Clerk-Treasurer shall collect a nonrefundable fee for administrative costs for each beer garden permit prior to the issuance of such permit. Village fees are updated as deemed necessary by resolution.

§ 305-18 Revocation and suspension of licenses; nonrenewal.

Procedures for the revocation, suspension, or nonrenewal of any license under this article may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12 and the provisions herein relating to granting a new license shall likewise be applicable. In addition to the causes provided under Wis. Stats. § 125.12(2)(ag), the Village Board may revoke, suspend, or not renew a license for any reason which, in its discretion, it determines will protect the health, safety, and welfare of the general public. For the purposes of hearings under Wis. Stats. § 125.12, the Village Board of Trustees shall issue any summons and hold any hearings; the Village Board may, however, authorize the General Government Committee of the Village Board to issue summons and hold hearings on their behalf.

§ 305-19 Point values for alcohol beverage violations, revocations and suspensions.

- A. Purpose and definitions. The purpose of this section is to interpret administratively those portions of this article and Article II of this chapter relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.
- B. Point schedule. The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and Village ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

| Type of Violation | Point Value |
|---|--------------------|
| Sale of alcohol beverages without license or permit; sale of controlled substances on | 50 |

| Type of Violation | Point Value |
|---|--------------------|
| licensed premises | |
| Sale of alcohol beverages to underaged person | 25 |
| Sale of alcohol beverages to intoxicated person | 25 |
| Underaged person on premises | 25 |
| Intoxicated bartender; disorderly conduct on premises | 25 |
| Afterhours consumption | 25 |
| Refusal to allow police to search premises or refusal to cooperate with lawful police investigation | 25 |
| Licensee, agent or operator not on premises at all times | 15 |
| Persons on premises after closing hours | 15 |
| Violation of carry-out hours | 15 |
| Licensee permitting person to leave licensed premises with open alcohol beverage | 15 |
| All other violations of this article | 15 |

C. Violations, how calculated. In determining the accumulated demerit points against a licensee with 12 months, the Village shall use the date each violation was committed as the basis for the determination.

D. Suspension or revocation of license.

- (1) The Village Board of Trustees, or if authorized, the General Government Committee of the Village Board, shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve-month-period as a result of court-imposed convictions or who have had referred to it reports from the Village Attorney which, if believed, would result in 100 demerit points in 12 months.
- (2) If the demerit point accumulation, calculated from the date of violation, exceeds 100 points in a twelve-month period, the suspension shall be for not less than 10 days nor more than 90 days. If the license(s) is revoked, no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of revocation.
- (3) The procedure to be used for suspension or revocation shall be that found in Wis. Stats. § 125.12.

§ 305-20 Outdoor concerts.

[Amended 3-4-2013 by Ord. No. 1-2013; 7-1-2021 by Ord. No. 2-2021]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

OUTDOOR CONCERT

The playing or reproduction of music, whether amplified or unamplified and whether by persons, musical instruments, phonographs or other machines for producing or reproducing sound, on the premises of a Class "B" retail liquor and fermented malt beverage licensee outside of a building or other structure is allowed within the provisions listed below. All outdoor concerts must follow the following provisions of Subsections **B** and **C**.

- B. Noise levels; time limitations.
- (1) The maximum permissible sound level from the outdoor concert, measured at the licensee's property line, shall not exceed 75 decibels.
 - (2) No outdoor concert shall continue after 11:00 p.m. without special permission from the Village Board.
- C. Fence required. No outdoor concert shall be conducted or permitted by the licensee unless a fence of not less than three feet in height shall be erected and maintained around the outdoor portion of the licensee's premises used for the outdoor concert.
- D. Outdoor concerts with more than 400 estimated attendees and for which an admission charge, cover charge or similar fee has been directly or indirectly charged the patrons of the licensee must follow the remaining provisions.
- E. Authorization to Class "B" licensees; limitation on number of outdoor concerts. Any retail Class "B" liquor and fermented malt beverage licensee may conduct or permit outdoor concerts on its premises. A maximum of four permitted outdoor concerts per month may be conducted by the licensee. Concert events up to three consecutive days shall be considered one concert.
- F. Notice to Village of outdoor concert. No less than 14 calendar days before the regular Village Board meeting prior to the date of a proposed concert, the licensee shall notify the Village of the pending concert by giving written notice to the Village Clerk ~~Treasurer~~. The notice shall contain the following information:
- (1) The date, time and place of the concert and, if different from the licensee, the name of the person or organization conducting or running the concert.
 - (2) A good faith estimate of the number of persons who can reasonably be expected to attend the concert.
 - (3) The name, address and telephone number of the person or business with whom the licensee has contracted to furnish the required number of outdoor portable toilets to be on the premises during the concert and, if available, a copy of the contract or agreement between the licensee and the person or business furnishing the outdoor portable toilets for the concert.
 - (4) The licensee shall personally sign and date the notice form.
 - (5) Forms containing the required information shall be available from the Village Clerk ~~Treasurer~~
- G. Outdoor portable toilets required. The licensee shall furnish at least one outdoor portable toilet per 100 persons estimated to attend the outdoor concert with over 100 estimated persons attending. All of the required outdoor portable toilets shall be on the licensee's premises and available for public use at least one hour before the starting time of the concert and shall remain on the premises until the licensee's closing time after the concert.
- H. Police protection. The licensee, upon billing from the Village Clerk ~~Treasurer~~, shall pay the Village the actual cost of additional police protection during the outdoor concert. The number of additional officers

hired and the duration of their shift(s) shall be at the discretion of the Village Police Chief. The licensee's obligation for reimbursement shall be for all actual expenses of hiring police protection. The licensee shall pay the Village the charges for additional police protection within 10 days from receipt of the Village's billing of such charges to the licensee. Any licensee having an outstanding bill more than 10 days overdue will be denied another permit until the bill is paid in full.

§ 305-21 **Operator's license.**

- A. Operator's license required. There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license or Class "B" fermented malt beverage license at all times the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.
- B. Procedure upon application. The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk ~~Treasurer~~ only to persons qualified pursuant to § 125.04(5), Wis. Stats. Operator's licenses shall be operative only within the limits of the Village.
- C. Duration. Licenses issued under the provisions of this article shall be valid for a period of two years and shall expire on the 30th day of June. **[Amended 7-5-1994]**
- D. Operator's license fee; provisional license.
 - (1) Fee. The fee for an operator's license shall be as set by the Village Board.
 - (2) Provisional license. The Village Clerk ~~Treasurer~~ may issue provisional operator's licenses in accordance with § 125.17(5), Wis. Stats., at a cost, set by the Village Board, per license so issued. The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Village Clerk ~~Treasurer~~ may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved responsible beverage server training course required by § 125.17(6), Wis. Stats. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved course. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or who has had his operator's license revoked or suspended within the preceding 12 months. The Village Clerk ~~Treasurer~~ shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk ~~Treasurer~~ may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.
- E. Issuance. After the Village Board approves the granting of an operator's license, the Village Clerk ~~Treasurer~~ shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- F. Display of license. Each license issued under the provisions of this article shall be posted on the premises whenever the operator dispenses beverages.
- G. Revocation of operator's license. Violation of any of the terms or provisions of the state law or of this article relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

§ 305-22 **Violations and penalties.**

- A. Forfeitures for violations of §§ 125.07(1) through (5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in § **305-1** of the Code of the Village of Trempealeau, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this article of the Code of the Village of Trempealeau, except as otherwise provided in Subsection **A** herein, or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in § **1-4** of this Code.
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Article II Offenses

[Adopted 12-2-1987 as Title 9, Ch. 5, of the 1987 Code]

§ 305-23 **Outside consumption.**

- A. Alcohol beverages in public areas.
 - (1) Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcohol beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the Village or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Village except as licensed premises.
 - (2) Parks. It shall be unlawful for any person to drink or have in their possession any alcohol beverage in any Village park between the hours of 10:00 p.m. and 6:00 a.m. except at licensed premises.
 - (3) Private property held out for public use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named as being part of a licensed premises.
 - (4) Leaving licensed premises with open container.
 - (a) It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
 - (b) It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
 - (c) It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from the licensed premises between the hours of 12:00 midnight and 8:00 a.m.
 - (5) Picnic beer permits for parks.
 - (a) It shall be unlawful for any group of persons which exceeds 20 to consume any alcohol beverages in any park areas without first obtaining a picnic beer permit from the Village. The picnic beer permits shall be issued by the Village Clerk ~~Treasurer~~ with a copy of the permit sent to the Village Police Officer.
 - (b) Applicants for special Class "B" permits shall fully comply with the requirements of § **305-16**.

- (c) The sale of fermented malt beverages from remote sites, that is, other than the main point of sale facility, shall be prohibited after the hour of 9:00 p.m.
- (6) Exceptions.
 - (a) The provisions of this section may be waived by the Village Board for duly authorized events.
 - (b) This section shall not apply to any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code, provided that the provisions of this article and Article I are fully complied with.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE

Includes all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain 1/2 of 1% or more of alcohol by volume and which are fit for use for beverage purposes.

PUBLIC AREA

Any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.

UNDERAGE PERSON

Any person under the legal drinking age as defined by the Wisconsin Statutes.

§ 305-24 Solicitation of drinks prohibited.

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Village who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in § 125.02(1) of the Wisconsin Statutes, or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this section.

Chapter 400 Tourist Rooming Houses

§ 400-7 Renewal.

- A. Each application for renewal of a Tourist Rooming House license shall include updated information for the documentation on file with the Village Administrator, and payment of the renewal fee. A renewal application must be filed with, and a nonrefundable renewal fee must be paid to, the Village Office at least 30 days prior to the license expiration date to allow the Village Administrator adequate time to review the application. The Village Administrator shall determine whether the information provided in the renewal application is complete and meets the requirements of this chapter. The Village Administrator may also request reports from the County Health Department, Village Building Inspector, the Police Department and other law enforcement agencies regarding any enforcement actions taken with respect to the Tourist Rooming House and operations, and their owners, occupants or visitors. The Village Administrator shall review the renewal application and may approve or deny the application after taking into consideration the number, frequency or severity of law violations relating to the Tourist Rooming House and operations, or its owner(s), occupant(s) or visitor(s), and whether such violations substantially harm or adversely impact the uses and nature of the surrounding neighborhood. If after such consideration the Village Administrator determines not to renew the license, the Village Administrator shall notify the applicant in writing of the reason(s) for such decision, and of the applicant's right to appeal the decision to the Village Board as provided in § **400-10**.

Article III **Street Use Permits**

[Adopted 12-2-1987; amended by Ord. No. 8-99 (Title 7, Ch. 8, of the 1987 Code)]

§ 440-21 **Purpose.**

The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village Board may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this chapter is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.

§ 440-22 **Application.**

A written application for a street use permit by persons or groups desiring the same shall be made on a form provided by the Village Administrator and shall be filed with the Village Administrator. The application shall set forth the following information regarding the proposed street use:

- A. The name, address and telephone number of the applicant or applicants.
- B. If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
- C. The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
- D. The date and duration of time for which the requested use of the street is proposed to occur.
- E. An accurate description of that portion of the street proposed to be used.
- F. The approximate number of persons for whom use of the proposed street area is requested.
- G. The proposed use, described in detail, for which the street use permit is requested.

§ 440-23 **Representative at meeting.**

The person or representative of the group making application for a street use permit shall be present when the Village Board gives consideration to the granting of said street use permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

§ 440-24 **Review of Village police officer and Street Superintendent.**

Before any application for a street use permit is considered by the Village Board, the application shall be reviewed by the Village Police Chief and Superintendent of Streets for their recommendation as to the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.

§ 440-25 **Denial of street use permit.**

An application for a street use permit may be denied if:

- A. The proposed street use is primarily for private or commercial gain.
- B. The proposed street use would violate any federal or state law or any ordinance of the Village.
- C. The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.

- D. The application for a street use permit does not contain the information required above.
- E. The application requests a period for the use of the street in excess of 24 hours.
- F. The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a street use permit may be denied, as herein above set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

§ 440-26 Permit fee.

A fee as set by the Village Board shall accompany each application for a street use permit. The fee shall be waived for events sponsored by civic, youth or scout organizations which have been in existence for at least six months and for work associated with all Village utilities.

§ 440-27 Consent to issuance of street use permit.

In addition to the fee required by the previous section, each application for a street use permit shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than 75% of the residents over 18 years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the Village of Trempealeau, hereby consent to the _____ recreational or business use of this street between the hours of _____ and _____ on _____ the _____ day of _____, for the purpose of _____ and do hereby consent to the Village of Trempealeau to grant a street use permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Trempealeau shall attach to the granting of the requested street use permit. We further understand that the permit may not be granted for longer than 24 hours on the date herein above specified, and agree to remove from the street prior to the end of said period all equipment vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate _____ as the responsible person or persons who shall apply for an application for a street use permit.

§ 440-28 Insurance.

The applicant for a street use permit may be required to indemnify defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the Village of Trempealeau. The applicant may be required to furnish a performance bond prior to being granted the permit.

§ 440-29 Termination of street use permit.

A street use permit for an event in progress may be terminated by the Police Department if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Trempealeau. The Village law enforcement officers have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in

the permit.