

## CHAPTER 37

### MISCELLANEOUS PERMITS, LICENSES AND REGULATIONS

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#### **37.01 APPLICATION**

This Chapter shall apply to the regulation and licensing of amusement parlors, auctions, massage establishments, parades, public entertainment and transient merchants.

#### **37.02 DEFINITIONS**

(a) **DEFINITIONS.** For purposes of this Chapter, the following words shall have the following meanings:

(1) **"Amusement Device"** shall mean any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to,

devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, skeeball, electronic video games, and shall also include billiard tables and pool tables (whether coin operated or not). Such definition does not include a bowling alley, jukebox or other coin operated music machine or a mechanical children's amusement riding device.

(2) **"Amusement Parlor"** shall mean any premises or arcade operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing "amusement devices" to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of "amusement devices" to the public at retail.

(3) **"Auction"** shall mean a public sale of goods, wares or merchandise by public outcry to the highest bidder.

(4) **"Employee"** shall mean any and all persons, other than masseurs or masseuses, who render any service for the licensee and who receives compensation directly from the licensee but has no physical contact with customers or clients.

(5) **"Granting"** shall mean approval by the Village Board.

(6) **"Issuing"** shall mean delivery by the Clerk to the applicant following granting authority from the Village Board.

(7) **"Massage"** shall mean any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments or other similar preparations commonly used this practice.

(8) **"Massage Establishment"** shall mean any establishment having its place of business where any person, firm, association or corporation engages in or carries on permits to be engaged or carried on any of the activities mentioned in sub(a) hereof.

(9) **"Massage Services"** shall mean the providing of a massage or massages by any person, firm, association or corporation.

(10) **"Masseur or Masseuse"** shall mean any person who, for any consi-

deration whatever, engages in the practice of massage as above defined.

- (11) **"Parade"** shall mean any parade, march, ceremony, show, exhibition, pageant or procession, or any similar display, in or upon any street, park or any other public place in the Village.
- (12) **"Parade Permit"** shall mean a permit required by this Chapter.
- (13) **"Persons"** shall mean any individual, co-partnership, firm, association, joint stock company, corporation or any combination of individuals of whatever form or character.
- (14) **"Sauna"** shall mean a steam bath or heating bathing room used for the purpose of bathing, relaxation or reducing utilizing steam or hot air as a cleaning, relaxing or reducing agent.
- (15) **"Transient Merchant"** shall mean anyone who engages in the sale of merchandise at any place in this State temporarily, and who does not intend to become and does not become a permanent merchant of such place. For the purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this State.

### **37.03 AMUSEMENT PARLORS**

- (a) **LICENSE REQUIRED.** No person, firm, or corporation shall operated or keep an amusement parlor, as defined herein, without having obtained and posted on the premises, in plain view, a license to operate such parlor. Application shall be made to the Village Clerk on the form provided by such office, accompanied by an application fee of \$50.00 which shall cover the cost of processing the application and shall be non-refundable. The application shall set forth the following information:
  - (1) The name and address of the applicant, or, if a partnership, the name and addresses of all the partners, or, if a corporation, the names and addresses of the principal officers and registered agent thereof, and the name and address of the person who will supervise the game room.
  - (2) The name and addresses of the owners of the amusement de-

vices to be located on the licenses premises, if such owners are different from that of the applicant. If the owners of the amusement devices is a partnership, the names and addresses of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent thereof.

(3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.

(4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises, and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within twenty (20) feet of the property lines of the premises to be licensed.

(5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.

(6) Such application shall also contain such additional information as the Village deems necessary to assist it in determining the qualifications of the applicant for such license.

(b) **PUBLIC HEARING.** The application shall be forwarded to the Village Board which shall hold a public hearing prior to the granting or denial of any amusement parlor license. In reviewing each application, the Village Board shall find:

(1) That the establishment, maintenance, or operation of an amusement parlor at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

(2) That the proposed amusement parlor will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

(3) That the establishment of the amusement parlor will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.

(4) That adequate measures have been or will be taken to maintain good order surrounding the location thereof.

(c) **ISSUANCE OF LICENSE; TERM.** The Village Clerk shall issue a license upon approval of the application by the Village Board, upon the payment by the applicant of an annual license fee of \$150.00. All licenses issued herein shall be for one year ending on the 30th day of June and shall

not be transferable.

(d) **HOURS OF OPERATION FOR AMUSEMENT PARLORS.**

(1) No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.

(2) No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which school is in regular session.

(3) For the purpose of this section the term public school or parochial school shall be any institution providing learning facilities for Grades K thru 12.

(e) **GENERAL REQUIREMENTS FOR AMUSEMENT PARLORS.** The following general requirements shall apply to all amusement parlors licensed in accordance with this Chapter:

(1) All amusement parlors shall have an adult supervisor on the premises at all times in which the game room is open to the public.

(2) Every amusement parlor shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as to not occupy any portion of a public sidewalk or to otherwise obstruct pedestrian passage to and from the premises.

(3) Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.

(4) All parlors shall post rules of nonacceptable patron conduct and shall order anyone violating the rules to leave the premises. Should the violator refuse to leave, they shall advise the Police Department immediately.

**37.04 ENTERTAINMENT LICENSE**

(a) **LICENSE REQUIRED.** Any person conducting, sponsoring, promoting, managing or otherwise providing for gain live musical entertainment within any premises or at an outdoor setting within the Village of Pulaski shall first obtain a license therefore from the Village Clerk.

(b) **APPLICATION FOR LICENSE.**

(1) Application. Every application for license required by this Section shall be made upon forms furnished by the Village Clerk. The

Village Clerk shall issue a license to the applicant upon compliance with all provisions of the Municipal Code of the Village of Pulaski, approval by the Village Board, and upon payment of the proper fee.

(2) Investigation. The Village Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector of each new application for license hereunder and these officials shall inspect or cause to be inspected each application and the premises or location of the proposed entertainment, together with such other investigation as shall be necessary to determine whether the applicant and the premises or location sought to be licensed comply with the regulations, ordinances and laws applicable thereto and whether the applicant is a proper recipient of the license sought. These officials shall furnish to the Village Board in writing 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.

(3) Exemption. The licensing requirement hereunder shall not be applicable to the following:

- a. Single event indoor entertainment sponsored by nonprofit organizations for which fifty (50%) percent or more of the proceeds therefrom shall be retained by the sponsoring nonprofit organization.
- b. Entertainment sponsored by the Pulaski Park and Recreation Department.

(c) **APPROVAL OF APPLICATION.**

(1) 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 or premises proposed, and generally the applicant's fitness for the trust to be reposed.

(2) No license shall be issued unless the premises conformed to the sanitary, safety and health regulations of the State Building Code, or, in the event of any outdoor entertainment license, the location for its proper sanitary facilities.

(d) **CONDITIONS OF LICENSE.**

(1) Disorderly Conduct Prohibited. Each licensee hereunder shall at all times conduct his affairs in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any premises or location where

such entertainment is to be conducted.

(2) Regulatory Conditions. The Village Board reserves the right to impose as conditions precedent to the approval, issuance and granting of any license hereunder any such other and further condition, requirement or obligation as it, in its sole discretion deems just and reasonably necessary under the circumstances to preserve and protect the public welfare of the community.

(e) **LICENSE FEES.**

(1) Fees. The fees for entertainment licenses shall be as follows:

- a. Single Event Indoor Entertainment License: Five (\$5.00) Dollars.
- b. Annual Indoor Entertainment License: Ten (\$10.00) Dollars.
- c. Outdoor Entertainment License: Twenty-five (\$25.00) Dollars.

(2) Exemptions. The license fee requirement shall not be applicable to the following:

- a. Outdoor entertainment sponsored by nonprofit organizations to which fifty (50%) percent or more of the proceeds therefrom are to go to the sponsoring nonprofit organization shall not be exempt from obtaining an Outdoor Entertainment License but shall be exempt from the applicable fee therefore.
- b. Outdoor entertainment sponsored by the Village of Pulaski Park and Recreation Department.

**37.05 SAUNA AND MASSAGE LICENSES**

(a) **LICENSE REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the Village of Pulaski the operation of a massage establishment as herein defined without first having obtained a license from the Village Clerk, which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided.

(b) **APPLICATION AND FEE.**

(1) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in triplicate, under oath, with the Village Clerk upon a form provided by the Village Clerk, and pay a refundable filing fee of \$500.00 to the Village who shall issue a receipt which shall be attached to the application filed

with the Clerk and Chief of Police. The Village Clerk shall forthwith refer copies of such application and all additional information to the Health Officer and Fire Department. These agencies shall within thirty (30) days, inspect the premises proposed to be operated as a massage establishment, and make recommendations to the Village Board concerning compliance with Village Ordinances. Upon receipt of the recommendations of the respective Agencies, the Village Clerk shall notify the applicant as to whether his application has been granted, denied, or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. At the conclusion of such period, or such longer period if agreed to, the Village Clerk shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Village Clerk shall advise the applicant in writing of the reason for such denial.

(2) The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of applicant to submit to or cooperate with any inspection required by this section, shall be grounds for denial of the application.

(c) **APPLICATION FOR LICENSE FOR MASSAGE ESTABLISHMENT.** The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information.

(1) Written proof that each individual is at least 18 years of age.

(2) Current residential addresses.

(3) Whether the individual has had any license denied, revoked, or suspended elsewhere for a massage establishment, the reason therefore, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

(4) Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one (1) year and of the

county for at least ninety (90) days.

(d) **LICENSE.**

(1) Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Village Board shall direct the issuance of the license by the Village Clerk to the applicant to maintain, operate, or conduct a massage establishment unless the Chief of Police shall find:

- a. That the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the Village of Pulaski, including but not limited to the building, health, planning, housing, fire prevention, and zoning codes of the Village of Pulaski, or
- b. That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
- c. That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Chapter.

(2) The license provided herein shall be for a period of one (1) year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.

(e) **CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR SAUNA AND MASSAGE ESTABLISHMENTS.** Any sauna or massage establishment as defined herein shall construct its facilities and maintain same in accordance with the following regulations:

(1) All sauna rooms, massage parlors and all restrooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacteria, mold, or fungus growth.

(2) Shower rooms must be finished in tile or equal material with proper floor drains.

(3) Each sauna establishment having two or more massage rooms shall be required to have a separate restroom for men and women, and provided with mechanical ventilation with two cfm. per square foot of floor area, a minimum of fifteen (15) foot candles of illumination, a hand-washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

(4) Each sauna or massage establishment shall have a janitor's closet

which shall be provided for the storage of cleaning supplies.

- (5) Floors, walls and equipment in sauna rooms, massage parlors, restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
  - (6) Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
  - (7) Doors on massage rooms shall not be locked, but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
  - (8) Each sauna or massage establishment shall have approved fire extinguishers, fire exits designated by fire exit signs.
  - (9) If any provision of this section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.
  - (10) The establishment shall permit inspection of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors, and law enforcement officers.
  - (11) Entrance doors during business hours shall be open to the public the same as any other business.
- (f) **PERMIT FOR MASSEUR OR MASSEUSE.** Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed with the Village Clerk upon the form provided by the Clerk and shall pay a nonrefundable filing fee of \$25.00 for the original application and \$25.00 for each renewal application to the Village Treasurer.
- (g) **APPLICATION FOR MASSEUR OR MASSEUSE.** The application for a permit for a masseur or a masseuse shall contain the following:
- (1) Name and residence.
  - (2) Social Security number.
  - (3) Written evidence that the applicant is at least 18 years of age.
  - (4) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases which shall include a test or tests which will demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in licensed laboratories. The applicant shall then present a certificate with the results of each such examination

signed by a licensed physician, stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the Village Clerk the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

(h) **ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE.**

- (1) The Village Clerk shall direct the issuance of permit for a masseur or masseuse upon receipt of completed application and upon receipt of certificate of examination stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others.
- (2) Said permit is subject to cancellation upon the following grounds:
  - a. The Chief of Police finds that the applicant for a permit has been convicted of a felony; or
  - b. The applicant has failed to provide all of the information required by this Chapter.
- (3) Each permit for a masseuse, pursuant to this Chapter, and any renewal shall be for a one (1) year term and shall be displayed by the permit holder while engaged in his or her employment. Permits may be applied for and will only be issued Monday through Thursday.

(i) **HOURS OF OPERATION.** No massage establishment in the Village of Pulaski shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced under Sec. 176.95 of the Wisconsin Statutes when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

(j) **ENFORCEMENT AND PENALTIES.**

- (1) Interference. No person shall prevent, resist or interfere with any of the officers or employees of the city in the entering of any premises or the carrying out of their duties.
- (2) Penalties. Any person violating any provision of this Chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin:

- a. Any license or permit issued pursuant to this Chapter may be suspended by the Village Police Chief without hearing for not more than thirty (30) days.
  - b. Any license or permit issued pursuant to this Chapter may be suspended more than thirty (30) days or revoked by the board after allowing the licensee or permittee a hearing on notice.
  - c. Any license or permit issued pursuant to this Chapter, may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (3) Upon conviction thereof, shall forfeit not less than \$20.00 nor more than \$200.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation.

### **37.06 PARADE PERMITS**

- (a) **PERMIT REQUIRED.** No person shall participate in or form any parade unless a parade permit has been obtained from the Chief of Police.
- (b) **EXCEPTIONS.** This Chapter shall not apply to:
  - (1) Funeral processions.
  - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate and supervision of the proper school authorities.
  - (3) A governmental agency acting within the scope of its functions.
- (c) **APPLICATION FOR PERMIT.**
  - (1) Application. A person seeking a parade permit shall file an application with the Chief of Police on forms provided by him.
  - (2) Filing Period. An application for a parade permit shall be filed with the Chief of Police not less than thirty (30) days nor more than forty-five (45) days before the date on which it is proposed to conduct the parade.
  - (3) Contents. The application for a parade permit shall set forth the following information:
    - a. The name, address and telephone number of the person seeking to conduct such parade.
    - b. If the parade is proposed 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 authorized and responsible heads of such organization.

- c. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
- d. The date when the parade is to be conducted.
- e. The route to be traveled, the starting point and the termination point.
- f. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles.
- g. The hours such parade will start and terminate.
- h. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- i. The location by streets of any assembly areas for such parade.
- j. The time at which units of the parade will begin to assemble at any such assembly area or areas.
- k. The interval of space to be maintained between units of such parade.
- l. If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- m. Any additional information which the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should be issued.

(4) Late Applications. The Chief of Police, where good cause is shown, may consider any application which is filed less than thirty (30) days before the date such parade is proposed to be conducted.

(5) Fee. There shall be no fee required.

(d) **STANDARDS FOR ISSUANCE**. The Chief of Police shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- (2) The conduct of the parade will not require the diversion of so

great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.

- (3) The conduct of such parade will not require the diversion of so great number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto.
  - (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
  - (5) The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire.
  - (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
  - (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.
- (e) **NOTICE OF DENIAL.** The Chief of Police shall act upon the application for a parade permit within three (3) days after the filing thereof. If the Chief of Police disapproves the application, he shall mail to the applicant within five (5) days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.
- (f) **APPEAL PROCEDURE.** Any person aggrieved may appeal the denial of a parade permit to the Public Safety Committee of the Village Board. The appeal shall be taken within seven (7) days after notice. Within fifteen (15) days of receipt of the appeal, the Committee shall give the applicant an opportunity to be heard.
- (g) **NOTICE TO VILLAGE AND OTHER OFFICIALS.** Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:
- (1) Village President.
  - (2) Fire Chief.
  - (3) Director of the Department of Public Works.
  - (4) Village Administrator.
- (h) **CONTENTS OF PERMIT.** Each parade permit shall state the following:
- (1) Starting time.
  - (2) Minimum speed.
  - (3) Maximum speed.

- (4) Maximum interval of space to be maintained between the units of the parade.
- (5) The portions of the streets to be traversed that may be occupied by the parade.
- (6) The maximum length of the parade in miles or fractions thereof.
- (7) Such other information as the Chief of Police shall find necessary to the enforcement of this Chapter.
- (i) **DUTIES OF PERMITTEE.** A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (j) **POSSESSION OF PERMIT.** The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
- (k) **PUBLIC CONDUCT DURING PARADES.**
  - (1) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
  - (2) Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
  - (3) Parking on Parade Route. The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Chapter.

### **37.07 AUCTION AND TRANSIENT MERCHANT LICENSES**

- (a) **LICENSE REQUIRED.**
  - (1) Auction License. No person, firm or corporation shall vend or sell by auction, within the meaning of this Chapter, goods, wares and merchandise, or other property, except household furniture which has been used as such, without having first procured a license as provided in this Chapter nor without complying with all of the provisions of this Chapter and all statutes and regulations applicable thereto.
  - (2) Transient Merchant License. No person, firm or corporation coming within the definition of a transient merchant shall conduct an auction sale, liquidation sale or other sale

of more than four articles of merchandise in one location in this state, without having first procured a transient merchants license as provided for in this Chapter nor without complying with all of the provisions of this Chapter and all statutes and regulations applicable thereto.

(b) **LICENSE FEES.**

(1) Auction License. An annual auction license fee shall be Two Hundred (\$200.00) Dollars per year. The daily auction license shall be Ten (\$10.00) Dollars per day.

(2) Transient Merchant License. The fee for a transient merchant license shall be Ten (\$10.00) Dollars per day plus a corporate surety bond in the sum of Two Thousand (\$2,000.00) Dollars with surety to be approved by the Clerk, which bond shall be conditioned on the compliance with all laws and on compliance with all material oral or written statements and representations made by or in behalf of the merchant with reference to merchandise sold or offered for sale and on a faithful performance of all warranties made with reference thereto.

(3) Transient Merchant To Have Auction License. Any transient merchant having obtained a transient merchant license as specified in this Chapter shall also be required to obtain an auction license pursuant to the terms of this Chapter for any auction sales to be conducted by the transient merchant.

(c) **APPLICATION FOR LICENSE.**

(1) Auction License. Any person desiring an auction license under this Section shall, at least ten (10) days before the first schedule sale is held, file with the Village Clerk a sworn application which contains the following information.

- a. The applicant's name, residence and business address for the previous two (2) year period.
- b. The type of business in which the applicant has been engaged during the previous two (2) years.
- c. The name, address and occupational history of the auctioneer.
- d. Whether the applicant will be present and in continuous attendance at the proposed auction sales.
- e. Premises where auction sales are to take place.
- f. The nature and type of goods, wares or merchandise to be sold at said auction sales.
- g. A sworn statement of intent to become a permanent

merchant. In the event said applicant is not a permanent merchant, the application shall be accompanied by a Two Thousand (\$2,000.00) Dollars corporate surety bond with surety to be approved by the Clerk, which bond shall be condition on compliance with all laws and on compliance with all material oral or written statements in representations made by or in behalf of the merchant with reference to merchandise sold or offered for sale and on the faithful performance of all warranties made with reference thereto.

- (2) Transient Merchant License. Any person desiring a transient merchant license shall, at least ten (10) days before the sale is to be held, file with the Village Clerk a sworn application which contains the following information:
- a. The applicant's name, residence and business address for the prior two (2) year period.
  - b. The type of business in which the applicant has been engaged during the previous two (2) years.
  - c. Whether the applicant will be present and in continuous attendance at the proposed sale.
  - d. The exact time and place of the sale.
  - e. Whether the applicant or anyone interested in the sale has within two (2) years prior to the application conducted or had any connection with a similar sale either in the same place or any other place in the county and if so, to give dates and places of such other sales.
  - f. The applicant shall attach to the application an itemized list of all merchandise to be offered for sale at the proposed sale, reciting as to each item a description thereof including the serial number, if any, the owners actual cost thereof and the designation of number corresponding with the number to be affixed to each item by tag which shall be fastened to the item at all times until sold. Nothing shall be offered for sale at any such sale which has not been so listed.
- (d) **INVESTIGATION**. The Village Clerk shall notify the Chief of Police of each new application for license and shall direct the Chief of Police to cause an inspection to be made of 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 whether the applicant is a proper recipient of a license.

(e) **APPROVAL OF APPLICATION.**

(1) 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.

(2) No license shall be granted to any applicant for the operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.

(3) No license shall be issued unless the premises proposed for the sale conform to the sanitary, safety and health requirements of the State Building Code. The premises must be properly lighted and ventilated, and must conform with all Ordinances of the Village.

(4) Upon the approval of the applicant by the Village Board, the Village Clerk 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. The fee shall be paid to the Village Treasurer who shall deposit the same in the general fund.

(f) **CONDITIONS OF LICENSE.** All licenses granted hereunder shall be granted subject to the following conditions, and all conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto:

(1) Consent to Entry. Every applicant procuring a license thereby consents to the entry of the police and other duly authorized representatives of the Village at all reasonable hours for the purposes of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances of State Laws, and consents to introduction of such things and articles into evidence in any prosecution that may be brought for such offenses.

(2) Disorderly Conduct Prohibited. Each licensee shall at all times conduct his affairs in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any premises where such sale is to be conducted.

(3) Appointment of Clerk as Attorney. Before receiving a license

under this Section, the applicant shall in writing appoint the Village Clerk as his attorney to accept service of process in any action commenced against the applicant arising out of the sale. Such action shall be brought in the county where the sale is held.

(4) Attendance. Wherever any such license sale is being conducted, the persons to whom the license has been granted shall remain in continuous attendance at all times while such sale is being conducted, and shall be responsible for any violations of this Section.

(5) Sale in Name of Bona Fide Owner. No sale shall be conducted in the name of any person other than the bona fide owner of the merchandise.

(6) Exhibit Merchandise Forty-Eight (48) Hours. No merchandise shall be sold at any such sale which has not been placed on the sale premises at least forty-eight (48) hours before the sale begins, and made available for the inspection by persons during regular business hours.

### **37.08 BEER GARDEN LICENSE**

(a) **LICENSE REQUIRED.** No Class "B" licensee, under Sec. 31.02 hereof, shall permit the sale or consumption of intoxicating liquor or fermented malt beverages ("alcoholic beverages") outdoors on the property on which their licensed premises, under Chapter 31 hereof, is located in the Village of Pulaski without first obtaining and maintaining a license under the provisions of this Section.

(b) **LICENSING REQUIREMENTS.**

(1) Application. Every application for a license required by this Section shall be made upon forms furnished by the Village Clerk. The Village Clerk shall issue a license to the applicant upon the applicant's compliance with all provisions of the Municipal Code of the Village of Pulaski, approval by the Village Board, and upon payment of the proper fee.

(2) Beer Garden Facilities:

a. Annual License. The applicant for an annual license shall provide, under such permits as shall be required by the Building Inspector, an outdoor area that meets the following requirements:

1. The location of the beer garden must be entirely

within the perimeter of the applicant's property on which the applicant's licensed premises is located.

2. The beer garden must be contiguous and connected to the applicant's licensed premises.
  3. The beer garden must be enclosed with a fence not less than sixty (60") inches in height, whose individual strands or members are no more than four (4") inches apart and of sufficient construction so as to preclude passage through such fence and which fence shall contain only emergency exits. The only other exit or exits from the enclosed area shall be through the licensed premises.
  4. The location of the fence on the property shall be subject to all applicable Village of Pulaski fence setback requirements.
- b. Single Event License. The applicant for a single event license shall provide an outdoor area that meets the following requirements:
1. The location of the beer garden must be entirely within the perimeter of the applicant's property on which the applicant's licensed premises is located.
  2. The beer garden must be enclosed with a temporary fence of not less than forty-eight (48") inches in height whose individual strands or members are no more than four (4") inches apart so as to preclude passage through such fence except at specifically designated gates or openings.
  3. The location of the fence on the property shall be subject to all applicable Village of Pulaski fence setback requirements.

(c) **APPROVAL OF APPLICATION.**

- (1) In determining the suitability of an applicant for a license hereunder, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location or premises proposed and, generally, the applicant's fitness for the trust to be reposed.
- (2) No license shall be issued hereunder unless the applicant's licensed premises conform to sanitary, safety and health regulations under the State Building Code.

(d) **CONDITIONS OF LICENSE.**

- (1) Disorderly Conduct Prohibited. Each licensee hereunder shall, at

all times, conduct his affairs in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any premises licensed hereunder.

- (2) Noise Control. The licensee hereunder shall be responsible for noise control emanating from the beer garden area and shall maintain such area in compliance with the noise control provisions of Sec. 44.06 hereof.
- (3) Regulatory Conditions. The Village Board reserves the right to impose, as conditions precedent to the approval, issuance and granting of any license hereunder, any such other and further condition, requirement or obligation as it, in its sole discretion, deems just and reasonably necessary under the circumstances to preserve and protect the public welfare of the community.

(e) **LICENSE FEES.**

- (1) Single Event Fee. The fee for a single event license hereunder shall be \$10.00.
- (2) Annual License. The fee for an annual license hereunder shall be \$10.00, unless the application for the annual beer garden license is included with the applicant's annual Class "B" License Application, in which case, there shall be no fee for the annual beer garden license.
- (3) Exemptions. The license fee requirement of this Section shall not be applicable to single events sponsored by non-profit organizations to which fifty (50%) percent or more of the proceeds from the single event are to go to the sponsoring non-profit organization or to single events sponsored by the Village of Pulaski Park and Recreation Department.

**37.09 (Reserved)**

**37.10 HOTEL AND MOTEL: ROOM TAX**

(a) **DEFINITIONS.** For purposes of this Section, the following words shall have the following meanings:

- (1) **"Hotel"** or **"Motel"** shall mean a building, or group of buildings, in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, hotels, tourist rooms, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment

motels, resort lodges and cabins, and any other building in which accommodations are available to the public as provided under Sec. 77.52(2)(a)(1), Wis. Stats., except accommodations rendered by a continuous period of more than one month and accommodations furnished by hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable, or educational purposes, provided no part of the net earnings of such corporations and associations inure to the benefit of any private shareholder or individual.

- (2) **"Gross Receipts"** shall have the meaning defined in §§77.51(11)(a), (b), and (c), Wis. Stats.
  - (3) **"Lodging Provider"** shall mean the operator of a Hotel or Motel, as those terms are defined in Subsection (1) hereof, within the Village.
  - (4) **"Lodger"** shall mean any person residing for a continuous period of time less than one month in a hotel, motel, or furnished accommodation available to the public.
  - (5) **"Lodging Permit"** shall mean a room tax identification number.
  - (6) **"Person Responsible"** shall mean the sole owner of the business subject to this chapter, the partners, if a partnership owns the business subject to this chapter, the corporate president, or designated general manager or agent, if a corporation owns the business subject to this chapter.
  - (7) **"Rental Unit"** shall mean a single room or suite in a Hotel or Motel that is available for rental.
  - (8) **"Room Tax"** shall mean the fiduciary tax imposed by this Section.
  - (9) **"Total Available Rental Units"** shall mean the number of rental units in the Hotel or Motel multiplied by the days in the month or the days that the Hotel or Motel was open during that month.
  - (10) **"Transient"** shall have the same meaning as "Lodger" hereunder.
- (b) **ROOM TAX IMPOSED.** Pursuant to §66.0615, Wis. Stats., a tax is imposed on the privilege of furnishing at retail rooms or lodging to lodgers by hotel keepers, motel operators, and other persons furnishing

accommodations that are available to the public irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight (8%) percent of the Gross Receipts from such retail furnishing of rooms or lodging. Such tax shall be collected from the lodger by the person responsible when the lodger's bill is paid, and shall be paid over by the person responsible to the Village Treasurer on a monthly basis. Such tax shall not be subject to the selective sales tax imposed by §77.52(2), Wis. Stats. The proceeds of such tax shall be remitted to and received by the Treasurer monthly on or before the 20th day of the following month.

- (c) **LODGING PERMIT REQUIRED.** Every person furnishing rooms or lodging under Subsection (b) hereof shall file with the Treasurer an application for a Lodging Permit for each Hotel or Motel operated within the Village. Every application shall be made upon a form prescribed by the Treasurer and shall set forth the name under which the applicant intends to transact business, and such other information as the Treasurer requires. The application shall be signed by the owner if a sole proprietor; and if not a sole proprietor, by the person responsible who is authorized to act on behalf of the business. Upon the Treasurer's approval of the Permit Application the Treasurer shall assign and issue a Lodging Permit Number to the Lodging Provider
- (d) **MONTHLY ROOM TAX RETURN.** The Responsible Person for each Lodging Permit holder shall be responsible for preparing and filing a monthly Room Tax Return with the Village Treasurer on such form as shall be prescribed by the Treasurer. The Monthly Room Tax Return must be file with the Village Treasurer on or before the thirtieth (30<sup>th</sup>) day following the last day of the month for which the Report is due. The Monthly Room Tax Report shall contain the following information: name of Hotel or Motel, physical address, postal address, name of Person Responsible, month and year that the return is for, the total available rental units for that month, the number of Rental Units rented, total Gross Receipts for the month, the room tax to be paid and the signature of the person filling out and filing the Return, attesting to its accuracy.
- (e) **ROOM TAX RESPONSIBILITY.** The Person Responsible shall be responsible for payment to the Village Treasurer on a monthly basis the correct amount of room tax payable on the basis of the Monthly Room Tax Report filed under the provisions of Subsection (d) hereof.

The correct amount of room tax shall accompany the filing of the Lodging Provider's Monthly Room Tax Return.

- (f) **DELINQUENT ROOM TAX RETURN.** If the Lodging Provider shall fail to file a Monthly Room Tax Return within the timeframe provided under Subsection (d) hereof, the Lodging Provider shall be subject to a twenty-five (\$25.00) dollar late filing fee.
- (g) **DELINQUENT ROOM TAX.** If the Lodging Provider shall fail to collect or pay over to the Village Treasurer the room tax due by the tax payment due date provided under the provisions of Subsections (d) and (e) hereof that tax shall be deemed delinquent and shall be subject to the following:
  - (1) Forfeiture. A forfeiture of twenty-five (25%) of the room tax due or five thousand (\$5,000.00) dollars, whichever is less, shall be due and owing by the Lodging Provider in the event the room tax due shall become delinquent.
  - (2) Interest. In addition to the forfeiture, all unpaid room taxes shall be subject to and bear interest at the rate of twelve (12%) percent per annum from the due date to the date of payment.
- (h) **SECURITY.** The Treasurer shall require any Lodging Provider liable for the tax imposed by this Section, who fails to pay the tax as herein required, to file and post with the Treasurer, before or after the Lodging Permit is issued, such security, in cash or through a bank line of credit, an amount not in excess of \$5,000, equal to the average of two prior month's tax, as the Treasurer determines. If any Lodging Provider fails or refuses to post such security, the Treasurer may refuse or revoke its permit.
- (i) **DELINQUENT ROOM TAX ESTIMATE.** In the event that the Lodging Provider shall fail to file a Monthly Room Tax Report and pay the monthly room tax when due the Village Treasurer shall make an estimate of the amount of tax due and owing and shall add to that amount a penalty of ten (10%) percent of the estimated tax due.
- (j) **FALSE OR FRAUDULENT REPORT.** If a Lodging Provider is found to have filed a false or fraudulent report a penalty of fifty (50%) percent of the tax due shall be added to the tax required to be paid, exclusive of interest and other penalties otherwise due hereunder.
- (k) **RECORDS TO BE KEPT.** The Person Responsible for each Lodging Provider hereunder shall keep, or cause to be kept, such records, receipts, invoices, and other pertinent records relating to their lodging

operation as shall be necessary to accurately and correctly verify their lodging operations for purposes of the room tax imposed hereunder.

- (l) **TREASURER'S RIGHT OF INSPECTION AND AUDIT.**
  - (1) Inspection and Audit. Whenever the Treasurer has probable cause to believe that the correct amount of room tax has not been assessed upon and collected from customers, or that the tax return is not correct, the Treasurer may cause an inspection and audit of the financial records of any person subject to (2) above to determine whether or not the correct amount of room tax is assessed, collected, and paid according to (2) and (6).
  - (2) Penalty. In the event any Lodging Provider fails to comply with a request by the Treasurer or an authorized agent of the Village to inspect and audit the Lodging Provider's financial records as provided in Subsection (1) above, such Lodging Provider shall be subject to a forfeiture in the amount of five (5%) percent of the room tax due the Village at the time of the inspection or audit.
- (m) **ENFORCEMENT AND COSTS OF PROSECUTION.** In the event of a violation of this Section requiring the Village to initiate an enforcement prosecution, the Lodging Provider who is found in violation of this Section shall be held responsible for the Village's costs of prosecution, including, but not limited to the Village's actual attorney's fees.
- (n) **CONFIDENTIALITY.** Information obtained under this section shall be confidential, except the Treasurer may provide information to persons using the information in the discharge of duties imposed by law, the duties of their office, such as the duties of the office of Room Tax Commissioner, or by order of a court. The Treasurer may publish statistics classified so as not to disclose the identity of particular returns. Any person who violates any provision of this subsection shall forfeit not less than \$100 nor more than \$300. (*Ord. #525-13*)

37.11 (Reserved)

37.12 (Reserved)

37.13 (Reserved)

37.14 (Reserved)

37.15 LICENSE OR PERMIT GRANTING AND ISSUING RESTRICTION

- (a) **GENERAL RESTRICTIONS.** No license or permit controlled or regulated by this Title shall be granted or issued to any person, partnership, corporation, firm or enterprise; or, for any premises in the Village, for which any of the following obligations to the Village are delinquent, unpaid or otherwise outstanding at the time the application is received, to-wit:
- (1) Personal Property Tax
  - (2) Real Property Tax
  - (3) Special Assessments or Improvements Bonds
  - (4) Orders from the Building, Zoning or Health Inspector
  - (5) License or Permit Fees
  - (6) Sewer or Water Charges or Fees
  - (7) Ordinance Violation Forfeitures
- (b) **NOTICES AND HEARING.** In the event of the existence of a delinquent, unpaid or outstanding obligation due and owing to the Village by the license or permit applicant or against the applicant's premises:
- (1) The applicant shall be provided with a written notice of the delinquent, unpaid or outstanding obligation, which notice shall be served upon the applicant by registered mail. Said notice shall advise the applicant of the opportunity for a hearing before the Village Board.
  - (2) Should the applicant desire a hearing on the preliminary denial of the application, a written request for such hearing shall be filed by the applicant with the Village Clerk within ten (10) days of receipt of the notice under Sec. 37.08(b)(1).
  - (3) If, after receipt of the notice under Sec. 37.08(b)(1) the applicant fails to file a timely written request for a hearing or if the delinquent, unpaid or outstanding obligation to the Village is not cured within the time specified for requesting such hearing, the license or permit application shall be denied.
  - (4) Upon receipt of a written request for a hearing from the applicant, such hearing shall be scheduled and held before the Village Board within ten (10) days of the date of receipt of said request by the Clerk. The applicant shall be provided with written notice of the date, time and place of such hearing.
  - (5) The applicant shall have the opportunity to appear before the

Village Board and be heard and present evidence as to why the license or permit application should not be denied. In the event of a denial of the application, the applicant shall have the right to appeal such decision or determination as provided by law.

### **37.16 SUSPENSION, REVOCATION, NON-ISSUANCE AND NON-RENEWALS**

- (a) **REVOCATION, SUSPENSION, NON-ISSUANCE OR NON-RENEWAL.**  
The Village may revoke, suspend or refuse to issue or renew any license or permit under this Chapter.
- (b) **PROCEDURES.** The revocation, suspension or non-renewal of any license hereunder shall be conducted in the manner provided in Sec. 31.19.
- (c) **PENALTIES.** Any person found to have violated any provision of this Chapter shall be subject to the General Penalty provisions of Sec. 1.06.  
(Ord. #404)

