

**VILLAGE OF CHENEQUA
ORDINANCE NO. 2019-11-11-02**

**AN ORDINANCE APPROVING THE RECODIFICATION OF THE CODE BY
AMENDING AND RESTATING CHAPTER 2 OF THE VILLAGE CODE**

WHEREAS, the Village Board desires to amend and restate Chapter 2 of the Village Code pertaining to Licenses and Permits in order to update various definitions, terms and references for consistency, to comply with current statutory requirements and to make Chapter 2 more usable for members of the public and Village staff.

NOW THEREFORE, BE IT ORDAINED, the Village Board that the Village of Chenequa, Waukesha County, Wisconsin does ordain and adopt an amended and restated Chapter 2 of the Village Code as follows:

Chapter 2: Licenses and Permits


(The provisions of the amended and restated Chapter 2 are attached as EXHIBIT A.)

EXHIBIT A

(EXHIBIT A consists of the version of Chapter 2 on file with the Village Clerk on the date of adoption.)

Dated: November 11, 2019

VILLAGE OF CHENEQUA

BY: 
Jo Ann F. Villavicencio
Village President

ATTEST:


Pamela Ann Little
Village Clerk

Date Adopted: November 11, 2019
Date Published: November 20, 2019
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CHAPTER 2: LICENSES AND PERMITS

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CHAPTER 2: LICENSES AND PERMITS

2.1 ALCOHOL BEVERAGES.

(1) **STATE STATUTES ADOPTED.** The provisions of Chapter 125 Wisconsin Statutes related to the use and sale of fermented malt beverages and intoxicating liquors, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this Code by reference.

Any person violating any provision of this Section shall be subject to the penalty provisions set forth in Section 1.1(9) of this Code.

(2) **LICENSE REQUIRED.** No person, firm or corporation shall, within the Village, distribute, sell, or offer for sale at wholesale or retail, any fermented malt beverage or intoxicating liquor, or cause the same to be done, without having procured a license as provided in this Chapter.

(3) **LICENSE FEES.** 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 the fee hereinafter specified, shall permit the holder to sell fermented malt beverages or intoxicating liquor as provided in Chapter 125 Wisconsin Statutes:

(a) Class "B" Fermented Malt Beverage Retailer's License: per fee schedule available from Village Clerk-Treasurer.

(b) "Class B" Retail Liquor License: per fee schedule available from Village Clerk-Treasurer.

(4) **NUMBER OF LICENSES.** The number of licenses that may be granted is limited to:

(a) Intoxicating Liquor "Class B" - 1

(b) Fermented Malt Beverage Class "B" - 1

(5) **CONDITIONS, "CLASS B" LICENSE.** No retail "Class B" license shall be issued unless the premises to be licensed conforms to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code, and the rules and regulations of the State Board of Health applicable to restaurants as contemplated in Section 125.68(5) Wisconsin Statutes and also conforms to all ordinances and regulations adopted by the Village.

(6) **RIGHT OF ENTRY FOR INSPECTION.** Every police officer, Building Inspector and fire fighter of the Village shall at all times have the right to enter and inspect the premises for which a retail "Class B" license has been applied or is in effect to determine





whether or not the premises comply with the provisions of this Chapter. Refusal or failure to admit any such officer or employee of the Village to enter and inspect the premises shall constitute a violation of this Chapter.

(7) **LICENSE RESTRICTIONS.** No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments, utility bills or other claims of the Village are delinquent and unpaid. No initial or renewal alcohol license shall be granted to any person who is delinquent in payment of any taxes, assessments, utility bills or other claims owed to the Village and/or is delinquent in payment of a forfeiture resulting from a violation of any provision of this Code.

(8) **OPERATOR'S LICENSE.** Any person dispensing alcoholic beverages shall have an operator's license or provisional operator's license.

(a) Regular Operator's License. The Village Clerk-Treasurer may issue an operator's license if the applicant meets the requirements of Chapter 125 Wisconsin Statutes and after payment of a nonproratable fee, in the amount identified on the fee schedule available from Village Clerk-Treasurer, for a two (2) year period to end on June 30 of each odd year. If an applicant is denied an operator's license, said applicant may appeal the denial to the Village Board. All applications for an operator's license shall be filed with the Village Clerk-Treasurer at least fifteen (15) days prior to the granting of said license.

(b) Provisional Operator's License. The Village Clerk-Treasurer may issue a provisional operator's license if the applicant meets the requirements described below and after payment of a nonproratable fee in the amount identified on the fee schedule available from Village Clerk-Treasurer. A provisional license may be issued only to a person who has applied for an operator's license under subsection (a), and may not be issued to any person who has been denied a license under subsection (a). In order to qualify for the issuance of a provisional license the applicant must meet the requirements of Chapter 125 Wisconsin Statutes, and must submit evidence that such applicant has either completed or enrolled in the responsible beverage server training course required by Section 125.17 Wisconsin Statutes. The Village Clerk-Treasurer may revoke the license if the Village Clerk-Treasurer discovers that the holder of the license made a false statement on the application, and shall revoke the license if the applicant fails successfully to complete the responsible beverage server training course required by Section 125.17 Wisconsin Statutes.

All applications for a provisional operator's license shall be filed with the Village Clerk-Treasurer at least fifteen (15) days prior to the granting of said license. The provisional operator's license shall expire sixty (60) days after its issuance or when a regular operator's license is issued, whichever is sooner.

2.2 SOLICITORS.

(1) **PERMIT REQUIRED.** It shall be unlawful for any person or organization to engage in or sponsor Solicitation within the Village without being issued a Solicitor's Permit as provided herein, unless specifically exempt from the permit requirements.





(2) **DEFINITIONS.**

(a) “Solicitor” means any individual who, personally, or for any other person, organization, society, association or corporation, goes to private residences and distributes literature or solicits money, services, property, financial assistance or orders for the sale of goods or services.

(b) “Solicitation” means any of the activities described in subsection (2)(a).

(c) “Door-to-Door Activities” as used herein means the practice of an entity or person exempt from the permit requirements of this Section and individuals acting on an entity’s behalf, of going to private residences for the purpose of distributing literature which attempts to promote any cause or conviction or for the purpose of soliciting money, services, property, or financial assistance, from residents of the Village.

(3) **PERMIT REQUIREMENTS.**

(a) Applicants for a Solicitor’s Permit must complete and return to the Village Clerk-Treasurer, at least seven (7) days before the first Solicitation is to be made, a permit application in the form furnished by the Village Clerk-Treasurer, which shall require the following information:

1. Name, permanent address, telephone number and temporary address, if any.
2. Date of birth, height, weight, and color of hair and eyes.
3. Name, address and telephone number of the person, firm, association, or corporation that the applicant represents or is employed by or whose merchandise is being sold.
4. Nature of business to be conducted and a brief description of any goods or services offered.
5. Make, model and license number of any vehicle to be used by applicant in the conduct of the applicant’s business.
6. Last cities, villages, or towns (not to exceed three), where the applicant conducted similar business.
7. Statement as to whether the applicant has been convicted of any crime or ordinance violation, the nature of the offense and place of conviction.

(b) At the time the application is filed with the Village Clerk-Treasurer, a fee of Twenty-Five Dollars (\$25) shall be paid to the Village Clerk-Treasurer to cover the cost of processing the application. Upon payment of said fee, submission of a properly completed and signed permit application, and the receipt of a clear report from the Police Chief or the Chief’s





designee, the Village Clerk-Treasurer shall issue a Solicitor's Permit to the applicant. The Solicitor's Permit shall be valid for a period of sixty (60) days from the date of issuance, subject to subsequent review and revocation as set forth herein.

(c) The Village Clerk-Treasurer shall furnish a copy of each Solicitor's Permit to the Police Chief for the use of the Police Department in identifying Solicitors.

(d) Exemptions. The following persons, entities and individuals acting on their behalf shall be exempt from the permit requirements of this Section:

1. Corporations organized under the Religious Corporations Law of the State and other religious organizations, and charities operated, supervised or controlled by or in connection with a religious organization.
2. Any person delivering to regular customers on established routes or by contract.
3. Any person who has an established place of business where goods are offered for sale on a regular basis and in which a prospective buyer has initiated contact with, and specifically requested, a home visit from said person.
4. Any person or entity which has had a prior business transaction within the past twelve (12) months, such as a prior sale or credit arrangement, with each of the prospective customers to be contacted.
5. Individuals engaging in non-commercial door-to-door advocacy shall not be required to possess a Solicitor's Permit. This exemption will not apply if the individual's exercise of constitutional rights is merely incidental to what would customarily be considered a commercial activity.

(e) Exempt Entity Identification.

1. Prior to any person commencing Door-to-Door Activities on behalf of any organization exempt under subsection 3(d), an official of such exempt organization shall notify the Police Department in writing of the names, addresses, telephone numbers and ages of the individuals who will be performing the actual Door-to-Door Activities on behalf of such exempt organization within the Village. The Police Department shall also be advised of the approximate date and time at which the Door-to-Door Activities will take place.
2. Each individual that is performing the actual Door-to-Door Activities on behalf of an organization that is exempt by virtue of subsection 3(d) shall possess an identification document issued by the organization for which the Door-to-Door Activities are being performed. Such individual shall produce such identification document at each





residence where a call is made and shall exhibit such document to any police officer upon request.

(4) INVESTIGATION.

(a) Investigation. Upon receipt of each application, the Village Clerk-Treasurer shall refer it immediately to the Police Chief or the Chief's designee, who shall make an investigation of the statements made in such application, and report the results of the investigation to the Village Clerk-Treasurer within seven (7) days.

(b) Denial or Revocation of Solicitor's Permit. The Village Clerk-Treasurer shall refuse to issue a permit or shall subsequently revoke a permit if it is determined that: (i) an applicant's application contains any material omission or materially inaccurate statement; (ii) complaints of a material nature have been received against the applicant by authorities in cities, villages or towns, in which the applicant has conducted similar activities; (iii) the applicant has been convicted of a crime, statutory violation or ordinance violation, the nature of which is directly related to the applicant's fitness to engage in Solicitation; (iv) the applicant failed to comply with any applicable provisions of this Section; or (v) the Village receives information (whether prior or subsequent to the issuance of a permit), which would constitute grounds for revocation of the permit pursuant to this subsection.

(c) Appeal. Any person denied a permit or whose permit is revoked may appeal the denial to the Village Board.

(5) REGULATIONS.

(a) Permit Required. During Solicitation, each Solicitor shall possess and prominently display a valid Solicitor's Permit.

(b) Hours. Solicitation and Door-to-Door activities may only take place between the hours of 9:00 AM and 5:00 PM, Monday through Friday. Solicitation and Door-to-Door Activities may take place at any hour and on any day by specific appointment with the owner or occupant of a premises.

(c) Prohibited Acts. No person performing Solicitation or Door-to-Door Activities within the Village shall:

1. Falsely represent the use to which funds obtained or sought will be applied, falsely represent the nature of the individual's connection with the organization for which the activity is being performed or make any false statements whatsoever.

2. Enter into or remain upon any premises after having been notified not to enter into or remain upon the premises. A person has received notice within the meaning of this subsection if such person has been notified orally or in writing or if the premises is posted. For a premises to be posted, a sign of at least eleven (11) inches square must be placed in a





conspicuous place. The sign shall bear the words “No Trespassing” or “No Solicitation” or words of similar meaning prohibiting unauthorized entry.

(6) REVOCATION OF PERMIT.

(a) A Solicitor’s Permit may be revoked by the Police Chief or Village Administrator after notice and hearing, if the permit holder: (i) made any material omission or materially inaccurate statement in the application for a permit; (ii) made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in Solicitation; (iii) violated any provision of this Section; or (iv) has been convicted of any crime, ordinance or statutory violation directly related to the permit holder’s fitness to engage in Solicitation.

(b) Appeal. Any person denied a permit or whose permit is revoked may appeal the denial to the Village Board.

(c) Written notice of the hearing shall be mailed to the appellant at least seven (7) days prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

(7) PENALTY. Any person violating any provision of this Section shall be subject to the penalty provisions set forth in Section 1.1(9) of this Code.

2.3 CIGARETTE AND TOBACCO PRODUCTS RETAIL LICENSE.

(1) STATE STATUTES ADOPTED. The provisions of Section 134.65 Wisconsin Statutes related to cigarette and tobacco products retailer licenses, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this Code by reference.

Any person violating any provision of this Section shall be subject to the penalty provisions set forth in Section 1.1 (9) of this Code.

(2) LICENSE REQUIRED. No person, firm or corporation shall, within the Village, distribute, sell, or offer for sale at retail, any cigarette or tobacco product, or cause the same to be done, without having procured a license as provided in this Section.

(3) LICENSE FEES. There shall be a fee of One Hundred Dollars (\$100) per year for a cigarette and tobacco products retailer license which, when issued by the Village Clerk-Treasurer under the authority of the Village Board after payment of the fee herein specified, shall permit the holder to sell cigarettes and tobacco products at retail.

(4) LICENSE RESTRICTIONS. No initial or renewal cigarette and tobacco products retail license shall be granted for any premises for which taxes, assessments, utility bills or other claims of the Village are delinquent and unpaid. No initial or renewal cigarette and tobacco product retail license shall be granted to any person who is delinquent in payment of any





taxes, assessments, utility bills or other claims owed to the Village and/or is delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

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