

ORDINANCE NO. 2010-1

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 13 OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO ALCOHOL BEVERAGES

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1: Chapter 13 of the Municipal Code is hereby repealed and recreated to read as attached hereto and incorporated herein by this reference as if fully set forth herein.

Section 2: This ordinance shall take effect immediately upon passage and posting as provided by law.

Dated this 3rd day of May, 2010



Neil Michek, Village President

COUNTERSIGNED:



Theresa C. Michek, Clerk-Treasurer

Date Adopted:	May 3, 2010
Date Recorded:	May 3, 2010
Date Posted:	May 4, 2010
Date affidavit filed:	May 4, 2010
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CHAPTER 13

ALCOHOL BEVERAGES

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13.01 STATE STATUTES ADOPTED

Except as otherwise specifically provided in this code, the statutory provisions in Chapter 125 of the Wisconsin Statutes, describing and defining regulations with respect to alcohol beverages, are hereby adopted and by reference made a part of this code 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 code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code.

13.02 LICENSES REQUIRED

No person, firm or corporation shall vend, sell, deal, distribute, traffic, offer or keep for sale at retail or wholesale, or for the purpose of evading any law or ordinance, give away any alcohol beverages in any quantity whatever, or, cause the same to be done, without having procured a license as provided in this code and all applicable statutes, ordinances and regulations. A license shall be required for each stand, place, room or enclosure, or for each suite of rooms or enclosures where alcohol beverages are kept, sold or offered for sale, and no license shall be issued to any person, firm or corporation for the purpose of selling, or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

13.03 LICENSE FEES

There shall be the following classes of licenses, which, when issued by the Village Clerk under the authority of the Village Board after payment of the specified fee, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the Wisconsin Statutes.

- (1) Wholesalers' License (see Sect. 125.28 of Wis. Stats.) License fee shall be twenty-five dollars (\$25) per year.
- (2) Class "A" Fermented Malt Beverages/Beer License (see Sect. 125.25 of Wis. Stats.) License fee shall be ten dollars (\$10) per year or fraction thereof.
- (3) "Class A" Intoxicating Liquor License (See Sect. 125.51(2) of Wis. Stats.) License fee shall be fifty dollars (\$50) per year or fraction thereof.
- (4) Class "B" Fermented Malt Beverages/Beer License (see Sect. 125.26 of Wis. Stats.) License fee shall be one hundred dollars (\$100) per year or fraction thereof.
- (5) "Class B" Intoxicating Liquor License (see Sect. 125.51(3) of Wis. Stats.) License fee shall be two hundred dollars (\$200) per year or fraction thereof.
- (6) Temporary Class "B" Picnic Beer License (see Sect. 125.26(6) of Wis. Stats.) License fee shall be ten dollars (\$ 10) per specified event.
- (7) Temporary "Class B" Picnic Wine License (see Sect. 125.51(10) of Wis. Stats.) License fee shall be ten dollars (\$10) per specified event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Beer License.
- (8) "Class C" Wine License (see Sect. 125.51 of Wis. Stats.) License fee shall be fifty dollars (\$50) per year or fraction thereof.
- (9) Operators' Licenses (see Sect. 125.17 of Wis. Stats.) License fee shall be ten dollars (\$10) per two year period.
- (10) Provisional Operators' Licenses (see Sect. 125.17(5) of Wis. Stats.) License fee shall be five dollars (\$5) for a period not to exceed 60 days.
- (11) Manager's License (see Sect. 125.32(1) and 125.68(1) of Wis. Stats.) License fee shall be twenty-five dollars (\$25) per license year.
- (12) Proration of license fees: (see Sect. 125.25(4), 125.26(4) and 125.51(9)(a) of the Wis. Stats.) Class "A" beer, "Class A" liquor, Class "B" beer, "Class B" liquor and "Class C" wine--When a new license is issued, proration of the annual license fees shall be required on the basis of the number of months or fractions thereof remaining in the licensing year.
- (13) Refund of license fee. The Village of Highland will not refund a portion of the fees when a license is surrendered.

13.04 QUALIFICATIONS OF APPLICANTS AND PREMISES.

- (1) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.

- (2) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age except operators' licenses may be issued to persons who have attained 18 years of age.
- (3) **Corporate Restrictions.**
- (a) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (b) 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 forty-eight (48) hours after such transfer of stock.
 - (c) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (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 Chapter or under the state law.
- (4) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (5) **Investigation.** The Village Clerk-Treasurer shall notify the Officer in Charge of each new application, and he or she 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 re-inspection of the premises and report as originally required.

13.05 APPROVAL OF APPLICATION.

- (1) No license shall be granted for operation on any premises or with any equipment for which personal property taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.
- (2) 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 Board of Health.
- (3) Consideration for the granting or denial of a license will be based on:
 - (a) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (b) The financial responsibility of the applicant;
 - (c) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (d) Generally, the applicant's fitness for the trust to be reposed.
- (4) An application may be denied based upon the applicant's arrest and conviction, record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years' immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.
- (5) No license, except for an operator's license, shall be issued to any person who has had a license issued pursuant to this chapter revoked within twelve months prior to application.
- (6) The Village Board delegates the authority to issue picnic beer and wine licenses to the Office of the Village Clerk per Wis. Stats. 125.26(1) and 125.51(1)(a).
- (7) The Village Board delegates the authority to issue provisional operator's license to the Office of the Village Clerk per Wis. Stats. 125.17(5).

13.06 SEARCH OF LICENSED PREMISES

It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer, his or her deputies or assistants of the Village of Highland or the Village President or any member of the Village Board, without any search warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

13.07 POSTING LICENSES

Every person licensed in accordance with the provisions of this code shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or

place where alcohol beverages are drawn or moved for service or sale. It shall be unlawful for any person to post such license or be permitted to post it upon premises other than those mentioned in the application or to knowingly deface or destroy such license. Any person who fails to post his or her license as required herein shall be presumed to be operating without a license.

13.08 REVOCATIONS, SUSPENSION, REFUSALS TO ISSUE OR RENEW

- (1) Procedure. The provisions of Sec. 125.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation, suspension or refusal to issue or renew of all licenses granted under this code. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
- (2) Repossession of license. Whenever any license issued under this code is revoked, the Village Clerk shall notify the licensee of the revocation and notify the officer in charge, who may take physical possession of the license and file it with the office of the Village Clerk.

13.09 HOURS

- (1) **Retail Class "A" Fermented Malt Beverages.** No person operating under the authority of a Class "A" license shall sell any fermented malt beverages between the hours of 12:00 midnight and 8:00 a.m. of the following day.
- (2) **Retail "Class A" Intoxicating Liquors.** No person operating under the authority of a "Class A" license shall sell intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m. of the following day.
- (3) **Class "B" licenses, Class "C" licenses and "Class B" licenses.** No premises for which a Class "B" license or a "Class B" has been issued shall remain open and no business activities shall be conducted thereon during the hours designated as closing hours in Sections 125.32 and 125.68, Wisconsin Statutes.
- (4) No person to whom a Class "B" license has been issued shall allow live bands or other live entertainment to perform on the Class "B" licensed premises after 1:00 A.M.
- (5) The owner, licensee, or no more than two bona fide, paid tavern employees may remain on the premises after the closing hour for a period of not more than one hour, only for purposes of conducting the internal operations of the business such as counting cash, tallying receipts, bookkeeping or cleaning of the premises. During such one hour period, no alcoholic beverages shall be sold, given away, consumed, open or available for consumption. No customers or patrons shall be on the premises for any reason after the closing hour.

13.10 UNDERAGE PERSONS; PRESENCE IN PLACES OF SALE

- (1) **Restrictions.** Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except for the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.
- (2) **Exceptions.** Paragraph (1) above shall not apply to:
 - (a) An underage person who is a resident, employee, lodger or boarder on the licensed premises.
 - (b) An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
 - (c) Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
 - (d) Ski chalets, golf clubhouses, curling clubs and private tennis clubs.
 - (e) Licensed restaurants where the principal business is that of a restaurant.
 - (f) A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
 - (g) An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

13.11 UNDERAGE PERSONS; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES

- (1) **Restrictions.** Pursuant to Section 125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.
- (2) **Exceptions.** An underage person may possess alcohol beverages if employed by any of the following:
 - (a) A brewer.
 - (b) A fermented malt beverages wholesaler.
 - (c) A permittee other than a Class "B" or "Class B" permittee.
 - (d) A facility for the production of alcohol fuel.

- (e) A retail licensee or permittee under the conditions specified in Sec. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
- (3) **Selling or Serving Alcohol Beverages.** Pursuant to Sec. 125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

13.12 VIOLATIONS BY AGENTS AND EMPLOYEES.

A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

13.13 SALES AND CONSUMPTION ON PUBLIC PROPERTY

- (1) **Sales in Parks.** Any person issued a license permitting him or her to sell fermented malt beverages or wine in a public park during an activity in which live or recorded music is also provided shall, as a condition of receipt of such license, require that all music be discontinued by 12:00 midnight of each date any such license is valid. Music may not be offered again until 9:00 a.m. the following day if the license is valid for longer than one day.
- (2) **Open Intoxicants on Public Streets.** No person may possess any container of intoxicating liquor, fermented malt beverages or wine on the following public streets, including the adjacent sidewalk of each street:
 - (a) The 300-700 blocks of Main Street.
 - (b) The 700 block of Spring Street
 - (c) The entire length of Merchant Street

13.14 OUTDOOR SALES ON LICENSED PREMISES

- (1) No holder of a Class B license may sell alcohol beverages anytime outdoors or in any building not confined by four walls.
- (2) Any holder of a Class B license may be authorized to permit the consumption of beverages outdoors or in any building not confined by four walls located on the holder's licensed premises under the following conditions:
 - (a) No music is permitted outside without written permission of the Village Board.
 - (b) No person may consume alcohol beverages outside between 12:00 midnight and 9:00 a.m.

- (c) The premises must be fenced by construction of either a double fence in which each separate fence is of a sufficient distance from the other that items cannot be passed between or over the two fences or a single fence of such a height as to prevent passing items over the fence.
- (d) The Village Board must be notified at least 30 days in advance of the holder's intent to use this privilege.
- (3) Failure to comply with these rules shall subject the licensees to revocation or non-renewal for outdoor sales and consumption.

13.15 PENALTIES

- (1) **General Penalty.** Except as provided in subs. (1)(c) and (2) below, or whenever a different penalty is specifically set forth in this Chapter, any person who shall violate any of the provisions of this Chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (a) **FIRST OFFENSE, PENALTY.** Any person who shall violate any provision of this Chapter subject to a penalty shall, upon conviction thereof, forfeit not less than \$5 nor more than \$200, together with the costs of prosecution and, in default of payment of such forfeiture and costs, may be imprisoned in the county jail until such forfeiture and costs are paid or may be subject to license revocation, refusal to grant a license or other penalty as may be provided under the Wisconsin Statutes.
 - (b) **SECOND OFFENSE, PENALTY.** Any person found guilty of violating any ordinance or part of an ordinance of this Chapter who shall previously have been convicted of a violation of the same ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution and, in default of payment of such forfeiture and costs, may be imprisoned in the county jail until such forfeiture and costs are paid or may be subject to license revocation, refusal to grant a license or other penalty as may be provided under the Wisconsin Statutes.
 - (c) **SCHEDULE OF PENALTIES.** To ensure uniformity and equal treatment of all persons who violate any provision of this Chapter, the deposit amounts set forth in the Revised Uniform State Traffic Deposit Schedule, as the same is amended from time to time, together with costs and surcharges, shall be the forfeitures imposed under this Chapter where the schedule states a deposit amount for a violation of statutory counterparts to the provisions of this Chapter. The following Schedule of Deposits below shall be used to establish the deposit amount for forfeitures for other violations of this Chapter.

VILLAGE OF HIGHLAND SCHEDULE OF PENALTIES FOR CHAPTER 13 VIOLATIONS

(Add all court costs and surcharges to amounts listed)

<u>DESCRIPTION</u>	<u>FIRST OFFENSE WITHIN 12 MONTHS</u>	<u>SECOND AND OFFENSE SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
Any offense for which the specified forfeiture not more than \$50.00	\$20.00	\$40.00
Any offense for which the specified forfeiture is at least \$1.00 and not more than \$200.00	\$75.00	\$150.00
Any offense for which the specified forfeiture is at least \$1.00 and not more than \$500.00	\$200.00	\$375.00
Any offense for which the specified forfeiture is at least \$501.00	\$501.00	maximum permitted

- (2) Penalty For Minors. In the event proceedings are commenced against children aged 16 or older for violations of Chapter for which no statutory penalty is established under ch. 125 of the Wisconsin Statutes, the provisions of ss. 938.17(2), 938.237, 938.37, 938.343 and 938.344, Wis. Stats., shall be applicable.
- (3) Continued Violations. Each violation and each day or part of a day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (4) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

13.16 ADULT-ORIENTED ESTABLISHMENT LICENSE AND REGULATIONS

(1) Findings of Fact.

- (a) The Village Board finds that Adult-Oriented Establishments operating in the Village require special licensing by the Village in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Village.
- (b) Based on the findings incorporated in **Village of Renton v. Playtime Theaters, Inc.**, 475 U.S. 41 (1986), **Coleman A. Young v. American Min-Theaters, Inc.**, 427 U.S. 50 (1976), the Village finds that Adult-Oriented Establishments are frequently used for sexual liaisons of a casual nature and unlawful sexual activities including prostitution.
- (c) It has been documented that entertainers in Adult-Oriented Establishments offer to perform sexual acts for patrons, and that sexual contact occurs between patrons and other employees of Adult-Oriented Establishments.
- (d) There is convincing documented evidence that booths, rooms or cubicles in Adult-Oriented Establishments have been used by patrons for the purpose of engaging in Specified Sexual Activities or in high-risk sexual behavior and configuration of the interior of the premises is an important factor in combating such activities.
- (e) The State of Wisconsin Division of Health has published reports that have been considered by the Village relating to the subject of sexually-transmitted diseases and the concern over sexually-transmitted diseases is a legitimate concern of the Village in order to protect the health and well-being of its citizens.
- (f) The State of Wisconsin has seen a steady increase in several types of sexually-transmitted diseases since 1986.
- (g) Researchers have found that contracting sexually-transmitted diseases may increase a person's vulnerability to Human Immuno-Deficiency Virus (HIV), the virus that causes AIDS (Acquired Immune Deficiency Syndrome) and some types of cancer.
- (h) AIDS is a sexually-transmitted disease which destroys the body's immune system.
- (i) The State of Wisconsin Division of Health reports that as of December 31, 2004, 5,690 cases of AIDS were reported in the State, including 3,376 that resulted in death and new cases of HIV infection have been reported in Wisconsin each year.

- (j) The Village is concerned with the protection of its minors from exposure to age-inappropriate, sexually explicit materials and offenses.
- (k) Licensing is a legitimate and reasonable means of accountability to ensure that the operators and employees of Adult-Oriented Establishments comply with reasonable regulations and to ensure that operators and employees do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (l) Information relating to pending charges and convictions of the applicants is desired to further the Village's interest in controlling the secondary effects of Adult-Oriented Establishments.
- (m) There is convincing documented evidence that Adult-Oriented Establishments, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
- (n) The Village Board has reviewed studies of the secondary effects of Adult-Oriented Establishments and has concluded that if unregulated, they present an increased risk of prostitution, high-risk sexual behavior and crime, deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
- (o) The Village Board desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods.
- (p) It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments.
- (q) It is not the intent of the Village Board to condone or legitimize the promotion of obscene material, and the Village Board recognizes that the law prohibits the promotion of obscene materials. The Village Board expects and encourages law enforcement officials to enforce anti-obscenity laws against any such illegal activities in the Village.
- (r) Restricted hours of operation will allow law enforcement personnel to concentrate on crime prevention during high crime hours and/or low staffing hours by relieving them of enforcement duties relative to prostitution, loitering, and criminal activity associated with Adult-Oriented Establishments.

- (s) Prohibition of alcohol beverages on the premises will reduce the need for law enforcement resources to respond to alcohol related problems upon the premises, will reduce high-risk sexual activity and will contribute to the reduction of secondary effects of Adult-Oriented Establishments.

(2) **Purpose and Intent**

Based upon the findings stated above, it is the intended purpose of the Village to regulate Adult-Oriented Establishments to promote the health, safety, morals, and general welfare of the citizens of the Village and to establish reasonable and uniform regulations for the operation thereof so as to minimize secondary effects of these establishments on the community. The provisions of this section have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative materials, including Adult-Oriented materials protected by the First Amendment to the Constitution of the United States. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to Adult-Oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of Adult-Oriented entertainment to their intended market. The promotion of obscene materials which is not protected by the First Amendment, is subject to criminal sanctions under the State's penal code.

(3) **Definitions.**

The following terms have the meanings indicated:

- (a) "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which features:
 - 1. Live performances which are characterized or distinguished by the exposure of "Specified Anatomical Areas" or the removal of articles of clothing; or,
 - 2. Films, motion pictures, video cassettes, video reproductions, slides or other visual representations which are distinguished or characterized by depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas."
- (b) "Adult Entertainment" means any exhibition of any motion picture, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by anyone or more of the following:
 - 1. "Specified Sexual Activities";
 - 2. "Specified Anatomical Areas";
 - 3. Removal of articles of clothing;

- (c) "Adult Massage Parlor" means a commercial establishment with or without sleeping accommodations which provides the service of massage or body manipulation, including exercise, heat and light treatment of the body, and any form or method of physiotherapy, which also provides its patrons with the opportunity to engage in "Specified Sexual Activities".
- (d) "Adult-Oriented Establishment" includes: Adult Cabaret, Adult Massage Parlor, Adult Theater, and any commercial establishment presenting Adult Entertainment, whether or not such establishment is operated or maintained for a profit.
- (e) "Adult Theater" means an enclosed building such as a theater, concert hall, auditorium or other similar commercial establishment which is used for presenting "Adult Entertainment."
- (f) "Applicant" means the individual or business entity that seeks to secure a license under this section of the Village municipal code.
- (g) "Employee" means any and all Persons, including but not limited to "Operators", "Entertainers", clerks, managers, janitors or other Persons who work in or at, or render any services directly related to the day-to-day operation of an Adult-Oriented Establishment. Employee, as used in this ordinance, specifically excludes independent contractors who are responsible for the improvement or repair of the physical premises or who provide supplies to the establishment, provided that these Persons are not also in the position of providing any other day-to-day services for the Adult-Oriented Establishment.
- (h) "Entertainer" means any Person who provides entertainment within an Adult-Oriented Establishment whether or not a fee is charged or accepted for the entertainment and whether or not the entertainment is provided by the Person as an Employee of the Adult-Oriented Establishment or as an independent contractor.
- (i) "Operator" means the Person who is designated on the license application to be the Person in charge of the daily operation of the premises and who is to be the Adult-Oriented Establishment's contact Person for the municipality.
- (j) "Person" means an individual, proprietorship, corporation, association, partnership, limited liability entity, or other legal entity.

- (k) "Public Area" includes all areas of an Adult-Oriented Establishment except: a public restroom to the extent it is used for its proper purpose, individual rooms rented in an Adult Motel, or areas to which patrons have no physical or visual access.
- (l) "Specified Anatomical Areas" means:
1. Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or
 2. Human male genitals in a discernibly turgid state, even if opaquely covered.
- (m) "Specified Sexual Activities" means and includes any of the following, simulated or actual:
1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.
 3. Showing of human genitals in a state of sexual stimulation or arousal.
 4. Excretory functions during a live performance, display or dance of any type.
- (n) "Transfer of Ownership or Control" of an Adult-Oriented Establishment means and includes any of the following:
1. the sale, lease, or sublease of the business;
 2. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or other means; or
 3. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of the law upon the death of the Person possessing the ownership or control.
- (o) "Village Board" means the Village Board for the Village of Highland, Iowa County, Wisconsin.

- (p) "Youth-facility" means any facility where minors gather for educational or recreational activities including but not limited to playgrounds, swimming pools, libraries, licensed child-care facilities, or youth clubs.

(4) **Licensing**

(a) **LICENSES REQUIRED.**

1. **License Required for All Adult-Oriented Establishments.**
From and after the effective date of this section, no Adult-Oriented Establishment shall be operated or maintained in the Village without first obtaining a license to operate issued by the Village. A license may be issued only for one Adult-Oriented Establishment located at a fixed and certain place. Any Person desiring to operate more than one Adult-Oriented Establishment must have a license for each.
2. **License Required for All Employees of Adult-Oriented Establishments.**
In addition to the license required by the establishment, all Employees of an Adult-Oriented Establishment must also be licensed.
3. **Change of Name Form.**
Any licensed Adult-Oriented Establishment which desires to change its name from that as listed on the original license application must file a change of name form with the Clerk and pay a \$10.00 fee at least 30 days prior to effectuating the name change.
4. **Effect of Other Licenses.**
The fact that a Person possesses any other valid license or permit required by law, does not exempt that Person from the requirement of obtaining an Adult-Oriented Establishment license under this Section.
5. **Non-transferability of Licenses.**
No license or interest in a license may be transferred to any Person. Any change in location for an Adult-Oriented Establishment shall require a new license application for that location.

(b) LICENSE APPLICATION PROCEDURE FOR ADULT-ORIENTED ESTABLISHMENTS

1. Any Person desiring to secure an Adult-Oriented Establishment license shall file an application together with two additional copies of the application with the Clerk.
2. The application shall be on a form provided by the Clerk.
3. The following information shall be required of each Applicant, and must be provided under oath or affirmation:
 - a. Name, including any aliases, date of birth, address, and phone number.
 - b. If the Applicant is a corporation, partnership, limited liability corporation or limited liability partnership, the application shall include the name of the business entity; the date of incorporation, registration or organization; the state in which the entity was incorporated, registered or organized; the name and address of the registered agent where applicable; the names and addresses of all officers and directors; operating or managing partners or general partners; members or managers, whichever is applicable for the particular form of business entity.
 - c. If the Applicant is an individual, written proof that the Applicant is at least 18 years of age and two copies of a recent photo.
 - d. If the applicant is a business entity, a statement that no officer, director, partner, general partner, owner or manager is less than 18 years of age.
 - e. Name, address and phone number of the Adult-Oriented Establishment for which a license is being secured.
 - f. Name and address of any other current or past Adult-Oriented Establishments operated by the Applicant whether in this State or any other State or District within the United States.

- g. For any current Adult-Oriented Establishments operated by the Applicant, the Applicant shall describe the status of any required license for the establishment.
- h. Nature and date of offense if the Applicant has charges pending or has been convicted of violating any of the terms of this ordinance.
- i. Nature and date of offense if the Applicant has charges pending or has been convicted of any of the following crimes in Wisconsin:

Prostitution (§ 944.30, Stats.).
Patronizing Prostitutes (§ 944.31, Stats.).
Soliciting Prostitutes (§ 944.32, Stats.).
Pandering (§ 944.33, Stats.).
Keeping a Place of Prostitution (§ 944.34, Stats.).
Sexual Assault (§ 940.225, Stats.).
Sexual Gratification (§ 944.17, Stats.).
Lewd and Lascivious Behavior (§ 944.20, Stats.).
Obscene Material or Performance (§ 944.21, Stats.).
Sexual Assault of a Child (§ 948.02, Stats.).
Engaging in repeated acts of sexual assault of the same child. (§ 948.025, Stats.).
Sexual Exploitation of a Child (§ 948.05, Stats.).
Causing a Child to view or listen to Sexual Activity. (§ 948.055, Stats.).
Incest with a child. (§ 948.06, Stats.).
Child Enticement (§ 948.07, Stats.).
Soliciting a Child for Prostitution (§ 948.08, Stats.).
Exposing a child to harmful material (§ 948.11, Stats.).
Possession of Child Pornography (§ 948.12, Stats.).
Child Sex Offender Working with Children (§ 948.13, Stats.).

The statute numbers listed above are for reference purposes only. In the event one or more of the crimes listed above are renumbered or categorized differently by an act of the legislature, the Applicant shall list those crimes for which the Applicant has been convicted that are similar in nature to those listed above.

- j. Nature and date of offense if the Applicant has charges pending or has been convicted of an offense under a statute analogous to those listed in i., above, in a state other than Wisconsin, or under an analogous ordinance of another municipal entity.
 - k. Name, address and phone number of an individual who is responsible for the day-to-day operation of the establishment, who will be deemed the Operator for purposes of this section, and who will be the contact Person for the municipality.
 - l. A statement that the Applicant is familiar and in compliance with the provisions of this section of the Village's municipal code.
 - m. When the Applicant is a business entity the information requested of the Applicant shall include the information required in this section for each of the officers and directors, partners and general partners, or other owners, and managers of the business entity applying for the license. This provision shall not apply to any owner of any kind who hold an ownership interest of less than 10.0 percent.
4. Each application shall be accompanied by:
- a. A building plan which meets all the requirements of this Section. Each application shall be accompanied by a sketch or diagram showing the floor plan of the interior of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a 1/4 inch scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
 - b. A written plan of operation which meets all the requirements of this Section.
 - c. A written site plan which meets all the requirements of this Section and the Village's Zoning Code.
5. Each application shall be signed by the Applicant.

6. Each application shall be accompanied by payment of the license fee of \$300.00. Filing of the application does not occur until this fee has been paid.
7. The Clerk shall date the filing of the application on the face of the application.
8. Upon filing of the application, each Applicant shall place a sign at the proposed business location providing notification of the application. Each sign shall be at least 24 inches by 36 inches in size. The sign shall state "ADULT-ORIENTED ESTABLISHMENT LICENSE APPLICATION PENDING" AND "APPLICATION FILED ON (fill in the date)." The letters on the sign shall be no less than 1 and 1/2 inches high by 2 inches wide. The sign must be placed in a conspicuous location so that it is clearly visible to all passers by whether on the public road, highway, sidewalk or parking lot.
9. Upon receipt of the application, the Clerk shall immediately distribute a copy of the application to the Building Inspector, the Zoning Administrator, the Village Board and an agency of the Village Board's choosing that conducts background checks.
10. The agency conducting the background check shall notify the Village Board in writing of any information bearing on the Applicant's qualifications, within 30 business days of the filing of the application.
11. The Building Inspector shall notify the Village Board in writing as to whether or not the Applicant's building plan complies with this Section within 30 business days of the filing of the application.
12. The Zoning Administrator shall notify the Village Board in writing as to whether or not the Applicant's site plan and plan of operation comply with this Section within 30 business days of the filing of the application.
13. The Village Board shall within 60 days of the filing of the application with the Clerk, either grant the license or deny the application after reviewing the application for compliance with the licensing standards found in this ordinance. If the Village Board fails to act upon the license application within 60 days of the filing of the application

with the Clerk, then the license shall be deemed granted.

14. If the license is granted by the Village Board, then the Clerk shall issue the license on the next business day.
15. If the Village Board decides to deny the application for a license, the Village Board shall immediately notify the Applicant in writing of the reasons for denial. Such notice shall be sent to the Applicant within 5 days of the decision by certified mail, return receipt requested.
16. Any Applicant aggrieved by such a decision of the Village Board, shall be entitled to immediately appeal the Village Board's decision in circuit court. Such an appeal must be made within 30 days of the date of the written decision by the Village Board. The Village explicitly elects not to be governed by Chapter 68, Wisconsin Statutes, and to provide the review procedures described in this Section.
17. Each license issued for an Adult-Oriented Establishment shall state on its face the name of the licensee, the name of the establishment, the street address of the establishment, the date of issue of the license and its expiration date.

(c) LICENSE PROCEDURES FOR EMPLOYEES IN ADULT-ORIENTED ESTABLISHMENTS.

1. Any individual desiring to secure an Employee license shall file an application together with two additional copies of the application with the Clerk.
2. The application shall be on a form provided by the Clerk.
3. The following information shall be required of each Applicant, and must be provided under oath or affirmation:
 - a. Name, including any aliases, date of birth and address. Pursuant to Sec. 19.35(1)(a)2.a., Wisconsin Statutes, the name and address of any entertainer shall be considered as exempt from disclosure under the public records law of the State of Wisconsin because of potential danger to the life and safety of such individuals from such disclosure.
 - b. Written proof that the individual is at least 18 years of age and two copies of a recent photo.

- c. Nature and date of offense and date if the Applicant has charges pending or has been convicted of any violations of any of the terms of this ordinance.
- d. Nature and date of offense if the Applicant has charges pending or has been convicted of any of the following crimes in Wisconsin:

Prostitution (§ 944.30, Stats.).
Patronizing Prostitutes (§ 944.31, Stats.).
Soliciting Prostitutes (§ 944.32, Stats.).
Pandering (§ 944.33, Stats.).
Keeping a Place of Prostitution (§ 944.34, Stats.).
Sexual Assault (§ 940.225, Stats.).
Sexual Gratification (§ 944.17, Stats.).
Lewd and Lascivious Behavior (§ 944.20, Stats.).
Obscene Material or Performance (§ 944.21, Stats.).
Sexual Assault of a Child (§ 948.02, Stats.).
Engaging in repeated acts of sexual assault of the same child. (§ 948.025, Stats.).
Sexual Exploitation of a Child (§ 948.05, Stats.).
Child Enticement (§ 948.07, Stats.).
Soliciting a Child for Prostitution (§ 948.08, Stats.).
Causing a Child to view or listen to Sexual Activity. (§ 948.055, Stats.).
Incest with a child. (§ 948.06, Stats.).
Exposing a child to harmful material (§ 948.11, Stats.).
Possession of Child Pornography (§ 948.12, Stats.).
Child Sex Offender Working with Children (§ 948.13, Stats.).

The statute numbers listed above are for reference purposes only. In the event one or more of the crimes listed above are renumbered or categorized differently by an act of the legislature, the Applicant shall list those crimes for which the Applicant has been convicted that are similar in nature to those listed above.

- e. Nature and date of offense if the Applicant has charges pending or has been convicted of an offense under a statute analogous to those listed in 4., above, in a state other than Wisconsin, or under an analogous ordinance of another municipal entity.

- f. A statement that the Applicant is familiar with the provisions of this Section and is in compliance with them.
 - g. A list of other similar or analogous Adult Entertainer or Employee licenses issued by any other municipalities, the name and state of the municipality and the status of the license.
- 4. Each application shall be signed by the Applicant.
- 5. Each application shall be accompanied by payment of the license fee of \$50.00. Filing of the application does not occur until this fee has been paid.
- 6. The Clerk shall date the filing of the application upon the face of the application.
- 7. Upon receipt of the application, the Clerk shall immediately distribute a copy of the application to an agency of the Village Board's choosing that conducts background checks and the Village Board.
- 8. The agency conducting the background check shall notify the Village Board in writing of any information bearing on the Applicant's qualifications as required herein, within 30 business days of the filing of the application.
- 9. The Village Board shall within 60 days of the filing of the application with the Clerk, either issue the license or deny the application after reviewing the application for compliance with the licensing standards found in this ordinance. If the Village Board fails to act upon the license application within 60 days of the filing of the application with the Clerk, then the license shall be deemed granted.
- 10. If the license is granted by the Village Board, then the Clerk shall issue the license on the next business day.
- 11. If the Village Board decides to deny the application for a license, the Village Board shall notify the Applicant in writing of the reasons for denial. Such notice shall be sent to the Applicant within 5 days of the decision by certified mail, return receipt requested.

12. Any Applicant aggrieved by such a decision of the Village Board shall be entitled to immediately appeal the Village Board's decision in circuit court. Such an appeal must be made within 30 days of the receipt by the Applicant of the written decision of the Village Board. The Village explicitly elects not to be governed by Chapter 68, Wisconsin Statutes, and to provide the review procedures described in this Section.

(d) PROCEDURES FOR ALTERATIONS OF LICENSED PREMISES

Following the granting of a license any licensee who wishes to alter any aspect of the licensed premises which was required to be described in the building plan, site plan or plan of operations required under this Section, shall be required to apply for a new license.

(e) LICENSING STANDARDS FOR INITIAL LICENSES

The Village Board shall grant an initial license to an Applicant unless it finds one or more of the following to be true:

1. The Applicant is less than 18 years of age.
2. The Applicant has charges pending or has been convicted of violating a provision of this Section or an analogous ordinance of another municipality within the 5 years immediately preceding the date of application.
3. The Applicant has charges pending or has been convicted of a crime specified in Sections 4(b)3(i) or (4)(c)3(d); and if convicted, for which:
 - a. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is a misdemeanor offense.
 - b. less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is a felony offense;

- c. less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses, or combination of misdemeanor offenses, occurring within any 24 month period.

The fact that an appeal has been taken from any of the above-mentioned convictions shall have no effect.

4. The Applicant provides false information on the application.
5. The Applicant fails to provide information, to post the required notice, or to pay any fee required by this Section.
6. The Adult-Oriented Establishment does not submit plans which meet the requirements of Section (4)(b) 4.

(f) LICENSE EXPIRATION AND RENEWAL

1. Transfer of Ownership or Control of an Adult-Oriented Establishment shall result in automatic expiration of the existing license. Upon transfer of Ownership or Control, the procedures for a new license application must be followed. In order to ensure continuous operation, such procedures may also be commenced by a new Applicant prior to the expiration of the prior license.
2. Every license issued pursuant to this Section will terminate upon the expiration of one year from the date of issuance unless sooner revoked. Any licensee desiring to renew an initial license shall make application to the Clerk. The application procedures governing new licenses shall be followed by an Applicant for a renewal license except for those found in Section (4)(b) 8, 12, 13, 14, and 15 for Adult-Oriented Establishment licenses, and Section (4)(c) 9, 10, 11, and 12 for Employee licenses. The application fee for a renewal license shall be \$300.00 for an Adult-Oriented Establishment license and \$50.00 for an Employee license.

3. Any licensee desiring to renew an initial license shall file the application for renewal no later than 60 days before the license -expires: Any licensee who fails to apply for a renewal license at least 60 days before the license expires shall pay the same fee as if the licensee were applying for an initial license.
4. An existing license shall be allowed to continue until such time as the Village Board acts upon the renewal license application. If the Village Board fails to act upon the license application within 60 days of the filing of the application with the Clerk, then the license shall be deemed granted.
5. The Village Board will not expedite the renewal procedure to ensure that a license will not expire when the expiration of the license is due to the licensee's untimely filing of a renewal application. Upon expiration of a license under these circumstances, the licensee is prohibited from operating or serving as an employee until the new license is granted.
6. A license may not be renewed if the Village Board, following the procedures found in this Section, finds that a violation of this Section has occurred or that the applicant is not qualified to hold the license.
7. If the license is granted by the Village Board, then the Clerk shall issue the license on the next business day.

(5) OPERATION OF ADULT-ORIENTED ESTABLISHMENTS

- (a) No Adult-Oriented Establishment is permitted to operate between the hours of 2 a.m. and 8 a.m. Further, no Adult-Oriented Establishment is permitted to operate between the hours of 8 a.m. and midnight on any Sunday or legal holiday as defined in §895.20, Wis. Stats.
- (b) No Operator or Employee of an Adult-Oriented Establishment shall permit to be performed, offer to perform, perform or allow patrons to perform any Specified Sexual Activity in the establishment or on the site.
- (c) No Operator or Employee of an Adult-Oriented Establishment shall allow any minor to enter into, loiter around or to frequent an Adult-Oriented Establishment or to view Adult Entertainment.

- (d) The Operator shall maintain the premises in a clean and sanitary manner at all times.
- (e) The Operator shall maintain at least 10 foot candles of illumination in the Public Areas of the establishment with the following exceptions:
 - 1. in a booth, room, or cubicle, if a lesser level of illumination is necessary to enable a patron to view the Adult Entertainment but at no time shall there be less than .01 foot candle of illumination as measured 30" from the floor;
 - 2. in an aisle adjacent to a booth, room, or cubicle, if a lesser amount of illumination is necessary to allow the occupant to view the Adult Entertainment, but at no time shall there be less than one and 1/2 foot candle of illumination as measured 30" from the floor.
 - 3. Adult Theaters must maintain 5 foot candles of illumination in the auditorium during intermission and no less than .01 foot candles during a picture as provided for in Wis. Adm. Code Comm. §73.07(6).
- (f) All Employees while engaged in the display or exposure of any Specified Anatomical Area, shall maintain a three-foot distance from any patron or other Employee.
- (g) No restroom shall be designed, operated or maintained so that a patron can view Adult Entertainment therein.
- (h) All performances in an Adult Cabaret shall be conducted upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest Employee or patron.
- (i) The selling, serving, possession, or consumption of alcohol beverages is strictly prohibited at all times in all Adult-Oriented Establishments.
- (j) No Employee or Operator shall knowingly work in or about, or knowingly perform any service directly related to the operation of any unlicensed Adult-Oriented Establishment, in the Village of Highland.

- (k) All Employees shall carry their license upon their person at all times while working in the Adult-Oriented Establishment and shall produce said license upon demand for inspection by any law enforcement authority. Entertainers are exempt from carrying their license upon their person while providing entertainment, but shall be readily able to produce said license upon demand for inspection by any law enforcement authority.
- (l) The license for the Adult-Oriented Establishment shall be displayed in a conspicuous public place in the Adult-Oriented Establishment.
- (m) No Employee, Operator, or owner may refuse law enforcement officials entry in to an Adult-Oriented Establishment for purposes of inspecting the Adult-Oriented Establishment for compliance with these operational standards during business hours, or at other times at a reasonable hour, with reasonable notice.
- (n) The Operator shall be responsible for compliance with the provisions of this section by the Adult-Oriented Establishment, its Employees and patrons.
- (o) Every act or omission by any Employee constituting a violation of the provisions of this section shall be deemed the act or omission of the Operator if such act or omission occurs, either with the authorization, knowledge or approval of the Operator, or as a result of the Operator's negligent failure to supervise the Employee's conduct, and the Operator shall be accountable for such act or omission in the same manner as if Operator committed the act or caused the omission.

(6) DESIGN AND LAYOUT

- (a) EXTERNAL VISIBILITY
At no time should any Adult Entertainment inside the premises be visible to any persons who are outside the premises.
- (b) BOOTHS
Any Adult-Oriented Establishment having available for patrons any booth, room or cubicle for the private viewing of Adult Entertainment must comply with the following requirements:

1. Access. Each booth, room, or cubicle shall be totally accessible to and from aisles and Public Areas of the Adult-Oriented Establishment and shall be unobstructed by any door, lock or other control type devices.
2. Construction. Every booth, room or cubicle shall meet the following construction requirements:
 - a. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-Public Areas by a wall.
 - b. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6' and be light colored.
 - c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth.
 - d. Booths must be separated at least twelve (12) inches from the exterior walls of any other viewing booths by open space.
3. Visibility. The interior of the booth, room or cubicle shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.
4. Lighting. Lighting for booth, room or cubicle shall comply with the provisions of Section (5)(e) of this ordinance.
5. Occupants. Only one individual shall be permitted to occupy a booth, room or cubicle at any time. No occupant of the booth, room or cubicle, shall be permitted to engage in any Specified Sexual Activity, cause any bodily discharge or litter while in the booth. No individual shall be permitted to damage or deface any portion of the booth.
6. Exception. This subsection does not apply to the individual rooms located in Adult Motels.

(7) EXCLUSION

All private and public schools as defined in Ch. 115, Wis. Stats., located within the Village are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(8) ENFORCEMENT

(a) LICENSE NON-RENEWAL, SUSPENSION, OR REVOCATION'

1. CAUSES FOR LICENSE NON-RENEWAL, SUSPENSION OR REVOCATION :

The Village Board may refuse to renew, suspend or revoke a license for any violations of this Section or if the applicant is not qualified to hold the license.

2. LICENSE NON-RENEWAL, SUSPENSION AND REVOCATION PROCEDURES.

- a. In order to commence the procedure for a license non-renewal, suspension or revocation, the Village shall notify the licensee in writing by certified mail, return receipt requested, of the alleged violation or cause and the intent of the Village to seek a non-renewal, suspension or revocation of the license.
- b. The licensee shall be entitled to a public hearing before the Village Board regarding the license non-renewal, suspension or revocation, upon written request to the Village Clerk within 10 days of receipt of the notification required in sub. a.
- c. Any public hearing requested pursuant to sub. b., shall take place within 10 days of the filing of such written request, unless the time limits are waived by both parties.
- d. At the hearing both the Village and the aggrieved party may be represented by an attorney, present evidence, call and examine witnesses, cross-examine witnesses of the other party, and make opening and closing statements. Such witnesses shall be sworn. The Village President shall be the presiding officer at the hearing.

- e. Attorneys may issue subpoenas to compel attendance of witnesses or the production of evidence. Subpoenas issued must be in substantially the same form as provide in §805.07(4), Wis. Stats., and must be served in the manner provided in §805.07(5), Wis. Stats. Copies of the subpoenas must be served on the opposing party.
- f. The Village Board shall cause the proceedings to be recorded by a stenographer, the expense thereof to be paid by the Village. Costs for copies of any transcripts or transcription of a recording shall be paid by the party requesting the transcript or transcription. All exhibits shall be marked and preserved.
- g. Within 10 days of the completion of any hearing the Village Board shall determine if cause for non-renewal, suspension or revocation exists. If no public hearing is requested, the Village Board shall make a determination within 20 days of the notification date.
- h. The Village Board shall issue its determination in writing and provide it within 5 days to the licensee by certified mail, return receipt requested.
- i. If a license period expires while a non-renewal, suspension or revocation procedure is pending, then the non-renewal, suspension or revocation of any license shall be stayed pending the issuance of a determination by the Village Board. The non-renewal, suspension or revocation of a license shall become effective thirty days following the issuance of a decision by the Village Board, if judicial review is not commenced as provided in this Section.
- j. If judicial review of such determination by the Village Board is timely commenced, then license non-renewal, suspension or revocation shall not become effective until judgment is entered.

- k. Any Person aggrieved by such a decision of the Village Board shall be entitled to immediately appeal the Village Board's decision in circuit court. Such an appeal must be made within 30 days of the licensee's receipt of the written decision by the Village Board. The Village explicitly elects not to be governed by Chapter 68, Wisconsin Statutes, and to provide the review procedures described in this Section.
- l. Any Person whose license is non-renewed, suspended or revoked shall not be eligible to receive a license for a period of five years from the effective date of the suspension or revocation.

(b) VIOLATIONS

1. PENALTIES

Any Person who violates this Section will be subject to a monetary forfeiture in the amount of \$500.00 for each violation. Each day that a violation exists shall constitute a separate violation and be punishable as such.

2. INJUNCTION

Compliance with the provisions of this Section may also be enforced by an injunction properly issued by a court of competent jurisdiction upon the request of the Village.

3. NON-EXCLUSIVITY

The imposition of any penalty under this Section or the seeking of an injunction shall not impair the right of the Village to seek a non-renewal, suspension or revocation of a license as provided in this Section.