

CHAPTER 9

LICENSING AND REGULATIONS

I. PEDDLERS, CANVASSERS & TRANSIENT MERCHANTS' LICENSES

- A. License Required: No person shall engage in the business of peddler, hawker, trucker, solicitor, canvasser, or transient merchant within the Village of Rockland, without first obtaining a license from the La Crosse County Sheriff in compliance with the provisions of this section.
- B. Exemptions: This section or any part thereof shall not apply to the following: Newsboys; merchants delivering goods in the regular course of business; vendors of milk, bakery goods, groceries or ice; farmers and truck gardeners; persons selling property at wholesale to dealer; Person having submitted proof they are a charitable organization registered under 440.41 Wisconsin Statutes.
- C. Application: At the time of filing application, an investigation fee of \$5.00 shall be paid to the Village Treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the La Crosse County Sheriff and shall contain such information as the La Crosse County Sheriff shall require for the effective enforcement of this section and safeguarding of the residents of the village from fraud, misconduct, or abuse.
- D. Investigation- Issuance: Upon receipt of such application, the La Crosse County Sheriff shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within 72 hours after it has been filed with him, and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the Village Treasurer showing payment of the required fee.
- E. Fees: The fee for a peddler's license shall be \$5.00 per day; \$20.00 per week; \$50.00 per month; \$200.00 per year. The fee for a transient merchant's license shall be \$15.00 per day; \$60.00 per week; \$150.00 per month; \$500.00 per year. Annual licenses issued on or after July 1 shall be issued for 1/2 the required annual fee. No fee shall be required for a solicitor's or canvasser's license. Peddlers may employ one assistant and transient merchants may employ two assistants without payment of an additional license fee, but such persons must comply with the other provisions of this section.
- F. Bond: If the La Crosse County Sheriff determines from his investigation of said application that the interests of the Village or inhabitants of the Village require protection against possible misconduct of the license, or that the applicant is otherwise qualified but due to causes beyond his control is unable to supply all of the information required by subsection (C), he may require the applicant to file with the Village Clerk a bond in the sum of \$500.00 with surety acceptable to said Clerk running the Village conditioned that he will fully comply with the ordinances of the Village and laws of the State relating to peddlers, canvassers or transient merchants, and guaranteeing to any citizen of the Village doing business with him that the property purchased will be delivered according to the representation of applicant, provided that action to recover any such bond shall be

commenced within six months after the expiration of the license of the principal.

- G. Expiration; Renewal; Transfer: The La Crosse County Sheriff shall date all licenses issued hereunder and shall specify thereon the fee paid and date of expiration. Annual licenses shall be issued on a calendar year basis and expire December 31 of the year of issue. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this section are personal and may not be transferred.
- H. Regulations and Restrictions:
1. Prohibited Practices: No peddler, canvasser, or transient merchant as herein defined shall go in or upon any private residence, business establishment or office in the Village of Rockland for the purpose of soliciting orders for goods, wares and merchandise, or peddling or hawking the same or solicit subscriptions for magazines or other periodicals between the hours of 5:00 P.M. and 9:00 P.M. daily, nor at any time on Sunday, nor call at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
 2. Display of License: Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.
 3. Misrepresentation Prohibited: No licensee shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of goods, wares, or merchandise which he sells or offers for sale, nor the disposition of the proceeds or profits of his sales.
 4. Loud Noises and Speaking Devices: No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places in the Village or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
 5. Use of Streets. No licensee shall have an exclusive right to any location in the public streets, nor shall any licensee operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- I. Suspension or Revocation of License: Licenses issued under the provisions of this section may be revoked or suspended by the Chief of Police for a period not to exceed 5 days pending hearing by the Village Board for fraud, misrepresentation or incorrect statement contained in the application or made in the course of carrying on business; conviction of licensee of any crime or misdemeanor or conducting the licensed business in an unlawful or disorderly manner or in such manner as to menace the health, safety or

general welfare of the public.

- J. Penalty: This Ordinance shall impose a penalty on any person convicted of violating any provisions of this ordinance. Such person shall forfeit not less than twenty five dollars nor more than fifty dollars for each violation plus costs of prosecution. Each violation shall constitute a separate offense.

II. FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

A. Operator's License Required:

1. Operator's Licenses; Class "A", Class "B" or "Class C" Premises. Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit may be open for business unless there is upon the premises the Licensee or permittee, the agent named in the license or permit if the Licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all person serving fermented malt beverages to consumers. For the purpose of this Section, any person holding a manager's license under Sec. 125.18 Wis. Stats., or any member of the Licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of the operator's license. No person, including a member of the Licensee's or permittee's immediate family, other than the Licensee, permittee, or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the Licensee, permittee, agent, or a person holding an operator's license who is on the premises at the time of service.
2. Use by Another Prohibited
 - a. No Person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
 - b. The license or permit of a person who violates Subsection 2(a) above shall be revoked.State law reference: Sections 125.17 and 125.32, Wis. Stats.

B. Procedure Upon Application:

1. The Village Board may issue an operator's license, which license shall be granted only upon application in writing on form to be obtained from the Village Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village.
2. All applications are subject to an investigation by the Village-designated law enforcement authorities and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances, and laws applicable thereto. The investigating authority shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and /or any community where the applicant has previously resided concerning the applicant's arrest and conviction record.

- C. Duration: Licenses issued under the provisions of this Chapter shall be valid for a period of either one (1) year and shall expire on the thirtieth (30^m) day of June.
- D. Operator's License Fee; Provisional or Temporary Licenses:
1. Fee: The fee for a one (1) year operator's license shall be prescribed in Chapter 16.01. The non-refundable fee for a provisional license shall be prescribed in Chapter 16.01. There shall be no fee for a temporary operator's license.
 2. Provisional License: The Village Clerk may issue provisional operator's license in accordance with Sec. 125.17(5) Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to holder, whichever is sooner. The applicant for such provisional license must present to the clerk evidence establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(a), Wis. Stats. The Village Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his/her successful completion of the approved program, and the applicant shall also apply for a regular operator's license. No such provisional operator's license shall be issued prior to a waiting period of less than ninety-six (96) hours [four (4) days], and the completion of a background check subject to limitations established by law. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board, who has had his/her operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program. No person shall be issued more than three (3) provisional licenses in any twelve (12) month period. The Village Clerk shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk may revoke the provisional license if he/she discovers that the holder of the license made a false statement on the application. A provisional license shall not be renewed.
 3. Temporary License: The Village Clerk may issue a temporary operator's license provided that:
 - a. This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
 - b. No person may hold more than one (1) license of this kind per year.
 - c. The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.
- E. Issue or Denial of Operator's License:
1. After the Village Board approves the granting of an operator's license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
 2. If the application is denied by the Village Board:
 - a. The Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to require a reconsideration of the application by the Village Board in a closed session. Such notice

must be sent by registered mail, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

- b. If, upon reconsideration, the Board again denies the application, the Village Clerk shall notify the applicant in writing the reasons therefore. An applicant who is denied any license upon reconsideration of the matter may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
3. An operator's license may be denied to any person who:
 - a. Is under the age of 18
 - b. Has not successfully completed a Responsible Beverage Server Training Course
 - c. Has an arrest or conviction record of offenses which substantially relate to the circumstances of the licensed activity. For purposes of this section, "offenses which substantially relate to the circumstances of the licensed activity" shall include, but are not limited to the following:
 1. Any non-felony alcohol related conviction or pending charges within the last twelve (12) months.
 2. A history of non-felony alcohol related convictions as long as the most current conviction or arrest is within the last twenty-four (24) months.
 3. Any non-felony drug related convictions or pending charges within the last twelve (12) months.
 4. Any non-felony conviction or pending charges within the last twelve (12) months involving resisting arrest, battery to a police officer, or obstructing justice in direct connection to an activity at a licensed alcohol establishment.
 5. Two (2) or more non-felony convictions or pending charges in the last twenty-four (24) months for disorderly behavior type offenses if they occurred in direct connection to activity in a licensed alcohol establishment.
 6. One (1) or more felony conviction in the last five (5) years involving alcohol, drugs, or other behavior if it occurred in direct connection to activity in a licensed alcohol establishment.
 7. Any other arrest or conviction that is reasonably determined to be substantially related to the circumstances of the licensed activity. The reasons for such a determination shall be stated in writing with particularity by the governing body making said determination.
 - d. Has outstanding fines, forfeitures, penalties, assessments, and/or user fees owed to the Village.

F. Training Course:

1. Except as provided in subsection (2) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical, and adult education or a

comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:

- a. The person is renewing an operator's license.
 - b. Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
 - c. Within the past two (2) years, the person has completed such a training course.
2. The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (1) above and shall revoke that license if the applicant fails to successfully complete the course in which he or she enrolls.
 3. The Village Board may not require the applicants for operator's licenses undergo training in addition to that in Subsection (1), but may require application to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (1).
- G. Display of License: Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his/her possession, or carry a license card.
- H. Revocation of Operator's License: Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.