

TITLE 7

Licensing and Regulation

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CHAPTER 1

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SEC. 7-1-1 DOG LICENSE REQUIRED.

It shall be unlawful for any person in the Village of Norwalk to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.06 & 174.07, Wisconsin Statutes, relating to the listing, licensing and tagging of the same. No individual owner(or family unit living together), firm or corporation shall keep more than two dogs over the age of six months within any residential district, excepting bona fide animal hospitals in which the dogs are confined.

SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches five (5) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into this village after the has reached five (5) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is obtained or brought into the village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination.

SEC. 7-1-3 ISSUANCE OF LICENSES.

Village will issue dog licenses year round.

Upon payment of the required dog license fee and upon presentation of evidence that the dog is currently immunized against rabies, the Village Clerk-Treasurer shall complete and issue to the owner a license for the dog bearing a serial number and in an approved for stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unsprayed, neutered or unneutered, breed and color of the dog.

The fee schedule will follow the County Schedule. Chapter 12.03 (6) (c)

Limitations on Number of Dogs. Effective as of June 1, 2002, no owner or occupant of any property located within the city shall keep more than two (2) dogs of at least five (5) months of age on such owner's or occupant's property. Any owner or occupant keeping more than two (2) dogs of at least five (5) months of age on such owner or occupant's property prior to June 1, 2002, shall be permitted to keep the number of dogs in excess of two (2) only for the lives of the dogs then living and kept on the property. Any dog which shall die or shall otherwise be disposed of shall not be replaced until the total number of dogs is two (2) or less.

SEC. 7-1-4 LATE FEES.

The Village Clerk-Treasurer shall collect a late fee of \$10.00 as assessed by the County from every owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable age. All late fees received or collected shall be paid to the County Treasurer. Said late fee shall be charged in addition to the required licensed fee.

SEC. 7-1-5 PENALTY FOR FAILURE TO OBTAIN RABIES VACCINATION.

An owner who fails to have a dog vaccinated against rabies as required under Section 7-1-2 may be required to forfeit not less than \$50.00 or more than \$100.00.

SEC. 7-1-6 RESTRICTIONS ON KEEPING OF DOGS.

1) DEFINITIONS.

- a) Owners shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which a dog remains or to which a dog remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog within the meaning of this chapter.
- b) At large means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

2) RESTRICTIONS. It shall be unlawful for any person within the Village of Norwalk to own, harbor or keep any dog which:

- a) Habitually pursues any vehicle upon any public street, alley or highway in the village.
- b) Assaults or attacks any person.
- c) Is at large within the limits of the Village.
- d) Habitually barks or howls to the annoyance of any person or persons.
- e) Kills wounds or worries any domestic animal.

- f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- 3) **VICIOUS DOGS.** No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. A dog is declared to be vicious within the meaning of this section when it shall have bitten any person, or when a propensity to attack or bite human beings shall exist and is known, or ought reasonably to be known to the owner or any member of the owner's immediate family over sixteen (16) years of age. Any vicious dog which is found off the premises of its owner other than as herein above provided, may be seized by any person, and upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.

SEC. 7-1-7 IMPOUNDMENT OF DOG.

- a) **IMPOUNDING OF DOGS.** The Police Department or person(s) designated by the Village board may seize and impound any dog running at large, or any unlicensed dog at large, or upon a person's premises. Such animal shall be impounded as soon as reasonably possible at the Monroe County Animal Shelter or at some other appropriate shelter if the Monroe County Animal Shelter is unable or unwilling to accept the animal. Upon the impounding of any dog, the Police Department or person(s) designated by the Village shall notify the owner or keeper personally or through the United States mail if such owner or keeper be known to the Police Department or Person(s) designated by the Village board or can be ascertained with reasonable effort. If after seven (7) days the owner or keeper does not claim such dog, the Police Department may cause the disposal of the dog in a proper and humane manner and as allowed by applicable law.
- b) **OWNER MAY REDEEM DOG.** The owner of any dog impounded may redeem his dog within the period above specified upon the payment of impound fee plus the actual costs per day for the dog's keep.
- c) **VILLAGE NOT LIABLE FOR IMPOUNDING DOGS.** The Village shall not be liable for the death of any dog, which has been impounded or disposed of pursuant to this Section.

SEC. 7-1-8 DOGS AND CATS PROHIBITED IN CEMETERIES.

No dog or cat is permitted in any cemetery within the Village. Every dog specially trained to lead blind, deaf or mobility-impaired persons shall be exempt from this Section.

SEC. 7-1-9 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

No person, except a peace officer or health or humane officer in pursuit of his duties, shall within the village shoot or kill or commit an act of cruelty on any animal or bird.

SEC. 7-1-10 NEGLECTED OR ABANDONED ANIMALS; POLICE POWER.

Any police officer may shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected or abandoned, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and the person having possession of the animal shall have a lien thereon for his care, keeping, medical attention and expenses of notice. Whenever in the opinion of a police officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, such police officer may kill such animal.

SEC. 7-1-11 ANIMAL FECES.

Any person owning or having control of any dog, cat or other animal shall cleanup the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any private or public property.

SEC. 7-1-12 KEEPING OF FARM ANIMALS RESTRICTED.

- a) No stable, hog pen, poultry coop, yard, rabbit, fox or mink hutch or other building or pen used for the purpose of confining or housing any animals or poultry shall here after by erected, placed, rebuilt, or reconstructed upon any lot of ground within the limits of the Village of Norwalk with the exceptions as herein after provided.
- b) Existing stables and barns. Any house or building now in use in said village for the purpose of confining or housing any domestic animals or poultry, shall be conditioned in such manner that it can be kept clean, sanitary and inoffensive at all times, and shall be provided with fly-tight bins or tightly closed receptacles for manure of such dimensions as to contain all accumulations of manure, which shall be removed at least twice every week from May 1st to October 31st, and once a week from November 1st to April 30th, and in such a manner as to prevent its becoming a nuisance. No manure, litter, or other refuse shall be allowed to accumulate on the floor of such buildings or upon adjacent grounds, under any circumstances what so ever.

SEC. 7-1-13 REGULATIONS REGARDING HORSES.

RIDING ON PUBLIC PROPERTY RESTRICTED. No person shall engage in horseback riding upon a traveled portion of any public highway, except to cross the same or where no shoulders exist, riding in the right hand lane will be permitted only between the hours of sunrise and sunset, nor in school yards, public parks or on other public property, except when the same is done as a participant in connection with a public event such as a parade or celebration event.

AREAS OF RIDING RESTRICTED. No person shall engage in horseback riding in the Village, except on the private property of the rider, the property of another with his consent, or designated bridle trails on public or private property.

ORDERLY RIDING. No person shall ride a horse in the village except the same shall be thoroughly broken and properly restrained with a bridle. No person shall engage in a horse race on public property within the Village. Every person shall ride a horse with proper care and in such manner as not to endanger the safety of property of himself or others.

GENERAL TRAFFIC REGULATIONS TO BE OBSERVED. Every person riding a horse on any street, alley or other public highway within the village of Norwalk shall observe all traffic rules and regulations, applicable thereto; and shall turn only at intersections, signal all turns,

ride to the right hand side of the street, alley or other public highway, pass to the left when overtaking vehicles or other riders that are slower moving and shall pass to the right when meeting approaching traffic.

RIDING MORE THAN TWO ABREAST PROHIBITED, ALSO MORE THAN TWO RIDERS PER HORSE. Whenever groups of more than two persons are riding horses together on any street, alley or other public highway within the Village of Norwalk, they shall not ride more than two abreast, and shall at all times so govern and control their horses as not to unnecessarily interfere with other traffic thereon. Also, no one shall allow more than one other rider or passenger per horse, with driver.

AGE LIMITS. Owners of horses may not allow any child under the age of 16 years of age to ride without the written consent of the parents or guardian of such child and may not allow more than one passenger or rider with the driver.

RUNNING AT LARGE OR UNATTENDED PROHIBITED. No owner, keeper or person having a horse or horses under his control shall allow the same to run at large. No person shall allow any horse under his control to damage public or private property, nor shall any person hitch or tie a horse to any rock, tree shrubbery or allow the animal to remain unattended on private or public property without proper consent.

HORSES STABLES. No person shall keep or stable any horse except as permitted elsewhere in this CODE.

CHAPTER 2

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ARTICLE A

FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

SEC. 7-2-1 STATE STATUTES ADOPTED.

The provisions of Chapter 125 (1982 Statutes) and Sections 48.344 and 778.25, of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter 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 Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.

SEC. 7-2-2 DEFINITIONS.

As used in this Chapter the terms "Alcohol Beverages," "Intoxicating Liquors," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," and "Operators" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

SEC. 7-2-3 LICENSE REQUIRED.

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

SEC. 7-2-4 CLASSES OF LICENSES.

RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE. A RETAIL Class "A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed.

RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE. A retail Class "B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board shall permit its holder to sell, deal, and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises. The number of Class "B" intoxicating liquor licenses issued shall be limited to three in any one license year. Such limitation shall not include licenses granted for sale of intoxicating liquor in bona fide clubs.

CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold, and in the original packages, containers or bottles.

CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under

the authority of the Village Board, Shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percent of alcohol by volume, without obtaining a special license to sell such beverages.

SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE.

- a) A special Class "B" Picnic license, when issued by the Village Clerk-Treasurer under authority of the Village Board, as provided for in sec. 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Village Board.
- b) Application. Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. The license shall specify the hours and dates of license validity.

WHOLESALE'S LICENSE. A wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

SEC. 7-2-5 LICENSE FEES.

The following fees shall be chargeable for licenses issued by the Village Board:

Retail Class "A" Intoxicating Liquor License --		annually.
Retail Class "B" Intoxicating Liquor License --	\$300.00	annually.
Class "A" Fermented Malt Beverage Retailer's License --		annually or fractional part thereof.
Class "B" Fermented Malt Beverage Retailer's License --	\$50.00	annually or fractional part thereof.
Special Class "B" Fermented Malt Beverage Picnic License -	\$5.00	per event.
Wholesaler's License --		annually or fractional part thereof.

SEC. 7-2-6 APPLICATION FOR LICENSE.

- a) CONTENTS. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the State Treasurer and shall be sworn to by the applicant as provided by Sections 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- b) CORPORATIONS. Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, if a corporation.
- c) PUBLICATION. The application shall be published at least once in the official Village newspaper, and the costs of publication shall be paid by the applicant.
- d) AMENDING APPLICATION. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.

SEC. 7-2-7 QUALIFICATIONS OF APPLICANTS AND PREMISES.

- a) **RESIDENCE REQUIREMENTS.** A retail Class "A" or retail Class "B" fermented malt beverage or intoxicating liquor license shall be granted only to persons who are citizens of the United States and of Wisconsin.
- b) **APPLICANT TO HAVE MALT BEVERAGE LICENSE.** No retail Class "B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- c) **RIGHT TO PREMISES.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- d) **AGE OF APPLICANT.** No Class "A" or "B" licenses shall be granted to any person less than eighteen (18) years of age.
- e) **CORPORATE RESTRICTIONS.**
 - 1) No license shall be granted to any corporation which does not comply with the provisions of sec. 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this chapter or under state law, or which has more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter or under the state law.
 - 2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with Village Clerk-Treasurer a statement of transfers of stock within 48 hours after such transfer of stock.
 - 3) Any license issued to a corporation may be revoked in the manner and under the procedure established in section 125.12, Wis. Stats., when more than fifty (50%) percent 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.
- f) **SEPARATE LICENSES.** A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

SEC. 7-2-8 INVESTIGATION.

The Village Clerk-Treasurer shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector of each application and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

SEC. 7-2-9 APPROVAL OF APPLICATION.

- a) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

- b) No license shall be granted for operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
- c) No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and Village Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the Village.

SEC. 7-2-10 GRANTING OF LICENSE.

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

SEC. 7-2-11 TRANSFER AND LAPSE OF LICENSE.

- a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premise to another if such transfer is first approved by the Village Board. The application for transfer shall be made on a form furnished by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$5.00. Whenever a license is transferred the Village Clerk-Treasurer shall forthwith notify the State Treasurer of such transfer.
- b) Whenever the agent of a corporate holder of a license, for any reason is replaced, the licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.
- c) Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Village Board.

SEC. 7-2-12 NUMBERING OF LICENSE.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, and fee paid, and the name of the licensee. The Village Clerk-Treasurer shall affix to the license his affidavit as provided by sec. 125.04(4) of the Wisconsin Statutes.

SEC. 7-2-13 POSTING LICENSES; DEFAACEMENT.

- a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

SEC. 7-2-14 CONDITIONS OF LICENSE.

All retail Class "A" and "B" licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this Section, and subject to all other ordinances and regulations of the Village applicable thereto:

- a) **CONSENT TO ENTRY.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- b) **EMPLOYMENT OF MINORS.** No retail Class "B" licensee shall employ any person under eighteen (18) years of age, but this shall not apply to hotels and restaurants.
- c) **DISORDERLY CONDUCT PROHIBITED.** Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- d) **LICENSED OPERATOR ON PREMISES.** There shall be upon premises operated under a Class "B" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of eighteen (18) years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he possesses an operator's license, who is at the time of such service upon said premises.
- e) **HEALTH AND SANITATION REGULATIONS.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses issued under this chapter. No Class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- f) **RESTRICTIONS NEAR SCHOOLS AND CHURCHES.** No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
- g) **LICENSES PROHIBITED IN RESIDENCE DISTRICTS.**
No retail Class "B" license shall be issued in any residence district. Any premises shall be deemed to be included within a residence district if 2/3 of the buildings within a

radius of 300 feet are used exclusively for residence purposes or the uses incidental thereto.

This subsection shall not apply to a bona fide club or hotel.

- h) **CLEAR VIEW OF PREMISES REQUIRED.** All windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of said room from the general observation of persons; provided, partitions, subdivisions or panels not higher than 48 inches from the floor shall not be construed as in conflict with the foregoing; and provided, retail Class "B" licenses shall entitle the holder thereof to serve such beverages in a separate room on the licensed premises at banquets or dinner.

Annotation: See Colonnade Catering Corp. vs. United States, 397 U.S. 72, 90 S.Ct. 774 (1970) and State vs. Erickson, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

SEC. 7-2-15 CLOSING HOURS.

Sections 125.32(3) and 125.68(4), Wis. Stats., shall apply except that no premises shall be open for the sale of intoxication liquor or fermented malt beverages between 1am and 8 am and except on Sundays between 1 am and 11 am and between 1 am and 8 am on Mondays. During the months of daylight savings time, no premises shall be open for the sale of intoxicating liquor or fermented malt beverages between 2 am and 11 am and between 1 am and 8 am on Mondays.

SEC. 7-2-16 RESTRICTIONS ON SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC OR SPECIAL EVENT LICENSE.

Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of license:

There shall be at least one person properly licensed as an operator under the provisions of Article B of this Chapter on the premises at all times to supervise the service of beverages. Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the State Statutes.

For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

Cross- Reference: Section 7-2-4(e).

SEC. 7-2-17 LICENSE RESTRICTIONS; DELINQUENT TAXES, ASSESSMENTS, ETC.

- a) **PREMISES.** No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims to the Village are delinquent and unpaid.
- b) **PERSONS.** No initial or renewal alcohol license shall be granted to any person:
- 1) Delinquent in payment of any taxes, assessments or other claims owed to the Village.
 - 2) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village
 - 3) Delinquent in payment to the State of any State taxes owed.

SEC. 7-2-18 THROUGH 7-2-19 RESERVED.

ARTICLE B

Operator's License

SEC. 7-2-20 OPERATOR'S LICENSE REQUIRED.

There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license or Class "B" fermented malt beverage license, at all times the licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.

State Law Reference: Section 176.05(11), Wis. Stats.

SEC. 7-2-21 PROCEDURE UPON APPLICATION.

The Village Board may issue an operator's license, which license shall be granted only upon application in writing on blanks to be obtained from the Village Clerk-Treasurer only to persons eighteen (18) years of age. Operator's Licenses shall be operative only within the limits of the Village.

SEC. 7-2-22 DURATION.

Licenses issued under the provisions of this Chapter shall be valid for a period of two years and shall expire on the thirtieth (30th) day of June.

SEC. 7-2-23 FEE.

The fee for an operator's license shall be \$2.00.

SEC. 7-2-24 ISSUANCE.

After the Village Board approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

SEC. 7-2-25 DISPLAY OF LICENSE.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.

SEC. 7-2-26 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.

SEC. 7-2-27 THROUGH 7-2-29

RESERVED.

ARTICLE C

Penalties

SEC. 7-2-30 PENALTIES.

- a) Forfeitures for violations of sections 125.07(1)-(5) and 125.09(2) of the Wis. Stats., adopted by reference in Section 6-2-1 of the Code of Ordinances of the Village of Norwalk, Wisconsin, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any variations or increases for subsequent offenses.
- b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the Village of Norwalk, Wisconsin, except as otherwise provided in subsection (a) herein, or who shall conduct any activity or make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Village of Norwalk, Wisconsin.
- c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

CHAPTER 3

Pharmacists' Permits; Cigarette Sales

- 7-3-1 Pharmacists' Permits.
- 7-3-2 Cigarette Sales

SEC. 7-3-1 PHARMACISTS' PERMITS.

A permit for the sale of intoxicating liquor pursuant to section 125.57 of the Wis. Stats., may be granted to a registered pharmacist upon action by the Village Board. A separate application for each premises shall be made to the Village Clerk-Treasurer upon forms provided by him.

Upon the approval of the application by the Village Board, the Village Clerk-Treasurer shall, upon filing by the applicant of a receipt showing the payment to the Village of a permit fee of \$10.00, issue to the applicant a permit.

Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid and the name of the licensee.

State Law Reference: Section 125.57, Wis. Stats.

SEC. 7-3-2 CIGARETTE SALES.

SALES TO PERSONS UNDER 18. No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device sell, give away or otherwise dispose of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, or any substitute therefor.

LICENSE REQUIRED. No person, firm or corporation shall in any manner, directly or indirectly, upon any premises, or by any device sell, exchange, barter, dispose of, or give away, or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided. The fee for such license shall be as provided in Sec. 1-2-1.

APPLICATION FOR LICENSE; FEE. Every person, firm or corporation desiring a license under this section shall file with the Village Clerk-Treasurer a written application therefor, stating the name of the person and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Clerk-Treasurer a license fee of \$5.00. In case of a change of ownership in any license location, the Village Clerk-Treasurer may authorize transfer of such license to the new owner.

ISSUANCE AND TERM OF LICENSE. Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer.

STATE STATUTE ADOPTED. Sec. 134.65, Wis. Stats., is hereby incorporated by reference.

State Law Reference: Section 134.65, Wis. Stats.

CHAPTER 4

DIRECT SELLERS

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemptions
7-4-4	Registration
7-4-5	Investigation
7-4-6	Appeal
7-4-7	Regulation of Direct Sellers
7-4-8	Records
7-4-9	Revocation of Registration

SEC. 7-4-1 REGISTRATION REQUIRED.

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

SEC. 7-4-2 DEFINITIONS.

In this ordinance:

DIRECT SELLER means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

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

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

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

CHARITABLE ORGANIZATION shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CLERK shall mean the Village of Norwalk Clerk-Treasurer.

SEC. 7-4-3 EXEMPTIONS.

The following shall be exempt from all provisions of this ordinance:

- a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- b) Any person selling goods at wholesale to dealers in such goods;
- c) Any person selling agricultural products which such person has grown;
- d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person:

- f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under sec. 440.41, Wis. Stats. Any charitable organization not registered under sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter;
- j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk-Treasurer, proof that such person has leased for at least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

SEC. 7-4-4 REGISTRATION.

Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:

- 1) Name, permanent address and telephone number, and temporary address, if any;
- 2) Age, height, weight, color of hair and eyes;
- 3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
- 4) Temporary address and telephone number from which business will be conducted, if any;
- 5) Nature of business to be conducted and a brief description of the goods offered, and any services offered;
- 6) Proposed method of delivery of goods, if applicable;
- 7) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
- 8) Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
- 9) Place where applicant can be contacted for at least seven days after leaving this Village;
- 10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction.

Applicants shall present to the Clerk-Treasurer for examination:\

- 1) A driver's license or some other proof of identity as may be reasonable required.
- 2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- 3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

LICENSE REGISTRATION FEE.

- 1) At the time the application is filed with the clerk's office a fee of \$35.00 per day, \$75.00 per month or \$250.00 per year shall be paid to the village clerk to cover the cost of processing said registration and investigating the facts stated therein. The fee amount shall be paid in the form of a certified check, bank money order, cashiers check or cash. This application fee shall be non-refundable. Charitable solicitors shall not be required to pay the permit fee; however, proof of tax exempt status must be furnished to the village clerk.
- 2) The applicant shall sign a statement appointing the Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- 3) Upon payment of said fee and the signing of said statement, the Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section 7-4-5(b) below.

SEC. 7-4-5 INVESTIGATION.

- a) Upon receipt of each application, the Clerk-Treasurer may refer it immediately to the Chief of Police who may make and complete an investigation of the statements mad in such registration.
- b) The Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of 7-4-4(b) above.

SEC. 7-4-6 APPEAL.

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

SEC. 7-4-7 REGULATION OF DIRECT SELLERS.

PROHIBITED PRACTICES.

- 1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9 pm and 9 am except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "NO Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- 2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the

organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

- 3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- 4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred(100) foot radius of the source.
- 5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

DISCLOURE REQUIREMENTS

- 1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
- 2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in sec. 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- 3) If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and if so, the terms thereof.

SEC. 7-4-8 RECORDS.

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

SEC. 7-4-9 REVOCATION OF REGISTRATION.

Registration may be revoked by the Village Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Editorial Note: This section is based on a model ordinance prepared by the office of Consumer Protection of the Department of Justice. This section conforms with the repeal of sec. 440.85, Wis. Stats., and the uniform state [plan recommended by the Department of Justice. Religious, patriotic, philanthropic, or other organizations currently exempted from registration as charitable organizations under sec. 440.41, Wis. Stats., are no longer exempt from registration under this section.

CHAPTER 5

Mobile Homes

7-5-1	Mobile Home Permits
7-5-2	Temporary Emergency Mobile Home Permits
7-5-3	Mobile Home Parks
7-5-4	Penalties

SEC. 7-5-1 MOBILE HOME PERMITS.

DEFINITIONS. The term “mobile home” as used herein shall mean any building which is or was originally constructed or designed to be capable of transportation by a motor vehicle upon a public highway and which does not require substantial on-site fabrication. Such definition includes any additions, attachments, foundations, and appurtenances to such mobile home.

APPLICATION AND PUBLIC HEARING. Application for a mobile home permit shall be made to the Village Clerk-Treasurer stating the name and address of the proposed owner and occupier of the mobile home, describing the lot upon which the proposed mobile home will be located, and containing a sketch showing the proposed location of the mobile home on the premises and indicating the various setbacks from the lot lines. An appropriate fee to cover publication costs shall be charged by the Clerk-Treasurer and shall be submitted with the application. Upon receipt of the application and fee, the Clerk-Treasurer shall set the matter for public hearing at a regular or special meeting of the Village of Norwalk, such publication to take place at least ten(10) days prior to the hearing.

APPROVAL OF APPLICATION. Any person may appear at such hearing and give testimony before the Board for or against the granting of such a permit. Upon hearing the testimony and other evidence, the Board shall determine whether the granting of a mobile home permit is consistent with the purpose of this chapter which is to promote the health, safety and general welfare of the public by maintaining property values and neighborhood compatibility and preventing overcrowding of land and the development of blighted areas. The Board shall consider the following factors in making its determination:

- 1) The location, nature and size of the use.
- 2) The size of the site in relation to it.
- 3) The location of the site with respect to existing or future roads giving access to it.
- 4) The location, nature and size of structures upon it.
- 5) The relationship between the traffic to be generated and the traffic carrying capacity of the affected road system.
- 6) Its harmony with the future development of the district.
- 7) Its compatibility with existing uses on land adjacent thereto.
- 8) Its relationship to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.

FEES. No mobile home shall be placed on any lot in the Village unless such a lot permit is first granted. There shall be no more than a single mobile home per lot and it shall be on a foundation and connected to an approved sewerage and water supply system. Any person violating this ordinance shall be subject to a fine of not less than \$ per day and not more than \$200.00 per day, together with the costs of the action.

SEC. 7-5-2 TEMPORARY EMERGENCY MOBILE HOME PERMITS.

PURPOSE. The Village Board has determined that a recent flood of Morris Creek which runs through the Village of Norwalk has damaged or destroyed several residential homes in the Village, and the mobile homes for use as temporary living quarters may be provided through the Department of Housing and Urban Development, United States of America, to residents whose homes were so damaged or destroyed. That Board has further determined as a matter of public policy as set forth in Ordinances previously enacted, that permanent location of mobile homes in the Village shall not be permitted except upon application and public hearing pursuant to ordinance. Recognizing the nature of the current flood emergency, the Board has determined that it would be in the best interest of the Village and its residents to provide for temporary-emergency mobile home permits to allow residents whose homes were flood damaged or destroyed to use government-provided mobile homes as a temporary residence, provided such mobile homes are completely removed within six months following the date of issuance of such permit, unless extended by the Village Board, such extension to allow such temporary-emergency mobile homes to remain in place for a period not to exceed twelve months from the date of the issuance of the original permit.

DEFINITION. The term "mobile home" as used herein shall cover all structures meeting the definition of a mobile home as set forth in Section 7-5-1 requiring mobile home permits passed by the Village Board in September of 1975.

APPLICATION AND PERMIT. Application for a temporary-emergency mobile home permit shall be made to the Village Clerk- Treasurer on forms provided by the Village stating the name and address of the owner and occupier of the mobile home, describing the lot upon which the proposed mobile home will be located and containing a sketch showing the proposed location of the mobile home on the premises and indicating various set backs from lot lines. The application shall be accompanied by a permit fee of \$10.00. Such applications shall set forth that the mobile home for which a permit is sought was provided by the Department of Housing and Urban Development, United States of America, as temporary residential living quarters for the applicant and his or her family as a result of damage or destruction to applicant's residential home from the flood of Morris Creek which occurred in July of 1978. Upon receipt of the application and fee, the Clerk shall issue the permit for the period requested in the application, but not to exceed six months.

EXTENSION OF PERMIT. In the event the holder of a permit under this section is still in need of such temporary-emergency residential mobile home at the time of expiration of the initial permit, the permit holder may apply to the Village Board for an extension of such permit for a period not to exceed an additional six months following expiration of the original permit. The exact term of such extension shall be determined by majority vote of the Village Board of Trustees.

PENALTIES. No temporary-emergency mobile home shall be placed on any lot in the Village unless a permit as described above shall be first granted. There shall be no more than a single mobile home per lot and such mobile home shall be on a foundation and shall be connected to an improved sewage and water supply system. Any mobile home placed on a lot in the Village pursuant to a permit granted under this Section shall be removed on or before the date of expiration of such permit or any extension thereof. Any person violating this ordinance shall be subject to a forfeiture of not less than \$10.00 per day and not more than \$200.00 per day, together with the costs of the action.

SEC. 7-5-3

MOBILE HOME PARKS

(A) DEFINITIONS

1. A "mobile home" is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances 66.0435(1)(d), Wis. Stats.
2. A "dependent mobile home" means a mobile home which does not have complete bathroom facilities. 66.0435(1)(a), Wis. Stats.
3. A "nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities. 66.0435(1)(f), Wis. Stats.
4. A "mobile home park" means any park, court, site, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than one (1) mobile home and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile home are parked for the purposes of inspection and sale.
5. "Enforcing agency" is the Norwalk Village Board charged by law with the duty to enforce the provisions of this regulation.
6. The word "person" shall be construed to include an individual, partnership, firm, company or corporation, whether tenant, owner, lessee, licensee, or their agent, heir or assigns.
7. "Operator" means any person engaged in the business of renting sites in a mobile home park to tenants. Operator includes officers, representatives, agents and employees.
8. "Rental Agreement" means an agreement, whether written or oral, between an operator and a tenant for the rental of a site.
9. "Security Deposit" means the total of all payment and deposits given by a tenant to the operator as security for the performance of the tenant's obligations, and includes all rent payments in excess of one month's prepaid rent.
10. "Site" means any plot of land, which is rented or offered, for rental for the accommodation of a mobile home used for residential purposes. With at least five thousand (5000) square feet.
11. "Tenant" means any person renting a site from an operator.
12. "Utility Service" means:
 - a. Electricity, water, sewer, telephone, and natural gas;
 - b. Liquefied petroleum gas other than liquefied petroleum gas in portable containers;
 - c. Fuel oil supplied through a permanent tank installed for mobile home; and
 - d. Cable television service or satellite service

(B) CONSTRUCTION STANDARDS FOR ALL MOBILE HOMES

No mobile home may be brought into the Village of Norwalk or established as a residence unless such mobile home is less than five (5) years of age at such time the mobile home is located within the Village of Norwalk. The party moving such mobile home into the village or establishing such mobile home as a residence must certify with

such proof as may be necessary and appropriate that the mobile home is less than five (5) years of age.

(C) LICENSE AND NOBILE HOME PARK APPROVAL

1. **License required.** No person, firm or corporation shall establish, maintain or operate any mobile home park as defined in Section 66.0435 of the Wisconsin Statutes within the Village of Norwalk without receiving the approval of the village board and without having been granted a license therefor. No license shall be issued or transferred unless all monthly parking fees attributable to the park from all preceding months have been fully paid as required by this section.
2. **Application.** Application for mobile home park license shall be in writing, signed by the applicant, and shall contain the following:
 - a) The name and address of the applicant.
 - b) The location and legal description of the mobile home park.
 - c) Complete engineering plans and specifications of the proposed park showing, but not limited to, the following:
 - 1) The area and dimensions of the tract of land.
 - 2) The number and location of all mobile home sites and stands and the location of common areas and setback lines
 - 3) The location and width of roadways and walkways.
 - 4) Plans and specifications of all utilities, including sewage collection and disposal, storm water drainage, water distribution and supply, refuse storage and collection, lighting, electrical, telephone and television antenna systems and off street parking.
 - 5) Landscaping plans for the entire park, including a planting plan for the buffer strip.
 - 6) Plans and specifications of all buildings to be located within the park.
 - 7) Such other plans and specifications and information as may reasonably be required by the enforcing agency.
3. **License Fee.** Applications for licenses shall be filed with the Village Clerk together with an annual license fee of one hundred dollars (\$100) for each fifty (50) spaces or fraction thereof and seventy-five dollars (\$75) for each fifty (50) lots thereafter, within the mobile home park operated by the applicant but such license shall not be issued by the village board until plans and specifications complying with the provisions of the General Ordinances of the Village of Norwalk and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Village Board and upon completion of work according to the plans shall issue the license.
4. **Term of License.** The term of the license shall be for the calendar year and shall expire on the thirty-first (31st) day of December of each year and may be renewed annually thereafter by any licensee, and after approval of the Village Board of the Village of Norwalk and upon payment of the annual license fee. Upon such renewal, the Village Clerk shall issue a certificate renewing the license for another year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms furnished by the Village of Norwalk.
5. **Transfer of License.** Upon application of transfer of license, the Village of Norwalk, after approval of the application by the Village Board, shall issue a transfer upon the payment of a ten dollar (\$10) fee.
6. **In addition** to the license fee provided in Paragraphs 3 and 5, there shall be collected from each occupied mobile home in the Village a monthly parking permit fee as provided in Wis. Stats, 66.0435 (3)(c) as computed thereunder. The operator of a mobile home park in the Village shall furnish information to the Village Clerk and Village

Assessor on occupied mobile homes added to his park within five (5) days after their arrival, on forms prescribed by the State Department of Revenue. The mobile home park operator shall collect such monthly parking permit fee from the mobile home owner and shall pay said fee to the Village on or before the tenth (10th) of the month for which such parking permit fee is due. ANY Person who fails to comply with the reporting requirements of this paragraph shall be subject to a forfeiture of not more than twenty-five dollars (\$25) for each violation. Each such failure shall constitute a separate offense.

INSPECTIONS.

- 1) No mobile home park license shall be issued until the Village Clerk-Treasurer has notified the police and the Village Board, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the application and the premises on which the mobile homes will be located comply with the regulations, ordinances and laws applicable thereto.
- 2) The enforcing agency shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
- 3) The enforcing agency shall have the power to inspect the register containing a record of all residents of the mobile home park.
- 4) It shall be the duty of every resident of a mobile home park to give the management thereof or its designated agent access to any part of the mobile home stand or common area at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.
- 5) Whenever, upon inspection of any mobile home park, the enforcing agency finds that conditions or practices exist which are in violation of this chapter, the enforcing agency shall give notice, in writing, to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the enforcing agency, the license shall be suspended. At the end of such period, the enforcing agency shall re-inspect such mobile home park and, if such conditions or practices have not been corrected, it shall suspend the license and give notice, in writing, of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease administration of such mobile home park except as provided in 7-5-3(j)2.

GENERAL REQUIREMENTS FOR MOBILE HOME PARKS.

Any individual making application for a license to construct a mobile home park shall meet the following design and system requirements:

- 1) **Site Location.** A mobile home park shall be located only upon property designated for that use by the Village Board of the Village of Norwalk.
- 2) **Restrictions.**
 - a) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
 - b) No part of any mobile home park shall be used for the location of sectional homes.
 - c) No dependent mobile home shall be permitted in the mobile home park unless a suitable building is provided for housing of toilets, showers and laundry facilities.
 - d) The condition of soil, groundwater level drainage and topography shall not create hazards to the property or the health or safety of the occupants. The mobile home or mobile home park shall not be exposed to objectionable smoke, noise, odors, contaminated liquids or solids or other adverse influences, and no portion of the park

subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

- e) No part of any mobile home park shall be used for the storage or sale of mobile homes or other vehicles (cars, trucks, boats, campers, etc.). No more than two (2) licensed vehicles will be allowed per lot. No unlicensed vehicles will be allowed per Village Ordinance 9-3-6.

3) Mobile Home Stand

- a) For the purpose of this chapter, a mobile home stand shall be defined as an area 15 feet by 70 feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
 - b) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and each shall be able to sustain a minimum tensile strength of 2,800 pounds. The mobile home park owner shall ensure that all mobile homes are anchored and tied down.
- 4) **Streets.** All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home stand. Such access shall be provided by streets, driveways or other means.
- a. Entrances. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.
 - b. Internal streets.
 - 1) Internal streets shall have a dustproof surface and provide adequate drainage. No street grade shall be more than 8%.
 - 2) Roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:
 - a) Two-way streets must be at least 32 feet wide if parking is permitted on both sides, 25 feet if parking is permitted only on one side or if it is prohibited.
 - b) One-way streets must be at least 14 feet wide. One-way streets shall be no longer than 500 feet, and parking is prohibited unless the width is increased to 18 feet.
 - c) Dead-end street (cul-de-sac) shall be limited in length to 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.
 - d) Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.
 - e) Street surface. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes.

- 5) **Walkways.** All parks shall be provided with safe, convenient, all-season pedestrian access width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents.

- a) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 3 ½ feet.
 - b) Individual walks. All mobile home stands shall be connected to common walks, to paved streets or to paved driveways or parking spaces connected to a paved street or roadway. Such individual walks shall have a minimum width of two feet.
- 6) **Accessory structures.** Accessory structures shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed or occupied in a mobile home park as directed by the management of the mobile home park, as required by the local enforcing agency and as specified herein:
- a) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home park.
 - b) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.
 - c) Construction and electrical installations, unless otherwise specified, shall comply with the Wisconsin Administrative Code.
 - d) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.
- 7) **Fire protection**
- a) Fires shall be made only in barbecue pits, fireplaces, stoves or other equipment intended for such purposes. Incinerators shall be prohibited.
 - b) Portable fire extinguishers rated for Class B and C fires shall be kept in service buildings, shall be maintained in good operating condition and shall meet the requirements of the Wisconsin Administrative Code.
 - c) Fire hydrants shall be located within 300 feet of any mobile home, service building or other structure in the park.
 - d) Each mobile home occupied as a place of human habitation under any of the provisions of this ordinance shall be equipped with a fire extinguisher, conveniently attached thereto: such extinguisher shall be of a type suitable for extinguishing Class A or Class B fires, approved by the Norwalk Area Fire Department.
 - e) The use of liquid petroleum gas in occupied mobile homes shall conform in every particular to the laws, rules and regulations of the State of Wisconsin governing such use.
 - f) The storing and use of fuel oil and the heating installations used in connection therewith in occupied mobile homes shall be as approved by the Norwalk Area Fire Department.
- 8) **Public utility system.** All utility service systems shall be installed and maintained in accordance with applicable state or local codes and regulations governing such systems.
- a) Mobile home service outlets shall be provided at each mobile home stand for electric, telephone and gas.
 - b) All utility service lines shall be located underground within the mobile home park, except that in existing parks these utility service lines may be above grounds.

(f) WATER SUPPLY

An adequate supply of pure water supplied through a pipe distribution system connected with a public water main shall be provided, except as noted below:

- 1) A separate valve service shall be provided to each site, so constructed that it will not be damaged by the parking of a vehicle.
- 2) The water distribution system shall consist of piping capable of supplying six gallons per minute at a minimum pressure of 20 pounds per square inch at each mobile home stand. Also, the system shall be capable of supplying the following water demand for mobile homes:

Number of Mobile Home Spaces	Demand Load (gallons per minute)
a. 50	105
b. 75	145
c. 100	180

- 3) Metering configuration. Pursuant to Section PSC 185.53, Wis. Adm. Code:
 - a) **Master Metering.** Unless a utility owns the water distribution facilities within a mobile home park, the private system shall be master metered and the park owner shall be the utility's billable customer.
 - b) **Individual Metering.** A utility may only provide retail service directly to individual dwellings within a mobile home park if the distribution facilities within the mobile home park are owned by the utility on easements. Such facilities may only be accepted for ownership at a utility's discretion and only if the facilities meet the utility's construction standards and the requirements of Sections PSC 185.51 and 185.522, Wis. Adm. Code.
 - c) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
 - d) Individual water riser pipes shall be located within the surface area of the mobile home stand approximately 30 feet from the front of the mobile home stand. They shall extend at least four inches above ground elevation, and the pipe diameter shall be at least $\frac{3}{4}$ inch. The water outlet shall be capped when a mobile home does not occupy the stand.
 - e) A shutoff valve below the 3 foot frost line shall be provided near the water riser pipe, and this shall conform to Chapter COMM 82, of the Wisconsin State Plumbing Code.

(g) SEWER SYSTEM

An adequate sewer system shall be constructed and maintained according to standards set by the Department of Health and Family Services (Chapter COMM 82 of the Wisconsin Administrative Code).

- 1) All sewer lines shall be adequately vented, have watertight joints and be so constructed that they can be closed when not connected.
- 2) Each mobile home stand shall be provided with a four-inch-diameter sewer riser pipe. The sewer riser pipe shall be located within the surface area of the mobile home stand and approximately 40 feet from the front of such stand. The rim of the riser pipe shall extend at least four inches above ground elevation, and provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the stand.

(h) SOLID WASTE DISPOSAL SYSTEM

- 1) Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- 2) Garbage and trash collection shall be by means of a public or private system at least once per week. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(i) SERVICE BUILDINGS AND OTHER COMMUNITY FACILITIES

- 1) The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities, such as:
 - a. Management offices, repair shops and storage areas.
 - b. Sanitary facilities.
 - c. Laundry facilities.
 - d. Indoor recreation areas.
- 2) All portions of a permanent structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- 3) All rooms containing sanitary or laundry facilities shall:
 - a. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.
 - b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them.
 - c. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- 4) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- 5) Illumination levels shall be maintained as follows.
 - a. General seeing tasks: five foot-candles.
 - b. Laundry room work area: 40 foot-candles.
 - c. Toilet room, in front of mirrors: 40 foot-candles.
- 6) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(j) MANAGEMENT DUTIES

- It is the duty of the park owner or operator, together with any attendants or person in charge to:
1. Maintain the park in a clean, orderly and sanitary condition at all times.
 2. Report to the Village Board/Clerk-Treasurer any persons or animals affected or suspected of being affected with any communicable diseases.
 3. Ensure that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violation of this chapter or other violations of law which may come to his attention.

4. Maintain in convenient places, approved by the Norwalk Area Fire District, hand fire extinguishers in the ration of one for each eight units.
5. Prohibit the lighting of open fires in the park.
6. Collect and pay to the Village Clerk-Treasurer the monthly parking fees called for in section 7-5-3(c)6 and keep a record of the persons paying such fees and the amount paid.

(k) OCCUPANT DUTIES

It is the duty of the occupants of the mobile homes to :

1. Maintain their site in a clean, orderly and sanitary condition at all times.
2. Abide by all applicable state and village regulations and rules established by the park management.

(l) ENFORCEMENT; BIOLATIONS AND PENALTIES.

1. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.
2. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.
 - a. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.
 - b. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.
 - c. Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.
 - d. Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than \$100 nor more than \$1000 and the costs of prosecution, together with the penalty assessment imposed by 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation. Each day such violation continues shall be considered a separate offense.

(m) LICENSE REVOCATION.

The Village Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this chapter in accordance with 66.0435, Wis. Stats.

(n) EXISTING MOBILE HOMES.

To exclude two mobile homes currently located on property at 308 Main Street (Assessor's Replat of Norwalk Part of Out Lot 6) and 206 S. Water Street (Haldeman's 1st Addition Lot 9, Block G). The mobile homes may be removed and replaced with newer mobile homes. The replacement must take place within thirty (30) days. If the mobile home is removed and not replaced within the given time no other mobile home may be installed at a future date.

CHAPTER 6

Dance Halls

- 7-6-1 Dance Hall Licenses
- 7-6-2 Application for License
- 7-6-3 Granting a License
- 7-6-4 Permit to Conduct a Dance
- 7-6-5 Fee and Hours

SEC. 7-6-1 DANCE HALL LICENSES.

It shall be unlawful to hold any public dance in any public dance hall within the limits of the Village of Norwalk until the public dance hall in which the same may be given or held shall first have been duly licensed for such purposes. It shall also be unlawful for any person to permit any room or building owned or controlled by him to be used for the purpose of a public dance hall unless the same shall be licensed as herein provided.

SEC. 7-6-2 APPLICATION FOR LICENSE.

Any person desiring to procure a license for any room or building in which to hold or conduct a public dance within the limits of the village shall file with the Clerk-Treasurer of the Village a written application upon a blank provided by the Village.

SEC. 7-6-3 GRANTING A LICENSE.

Upon the filing of the application and the information as provided in the previous section, the Clerk-Treasurer may, upon his approval of such application and payment to the Village of the license fee hereinafter provided, issue to the applicant a license to conduct and maintain a public dance hall as provided by this Chapter. The issuance of every dance license shall be subject to the approval of the Village Board.

SEC. 7-6-4 PERMIT TO CONDUCT A DANCE. X ??

NO person required to have such a permit shall conduct a dance to which the public is admitted except in the presence and under the supervision of a Village dance supervisor or a Village police officer. No person who is the proprietor of any dance hall or who conducts, manages or is in charge of any dance, shall permit the presence of intoxicated person at such dance, during the dance, or permit the sale or use of intoxicating liquor on the premises, during the dance.

SEC. 7-6-5 FEE AND HOURS.

A fee of \$6.00 shall be charged for each public dance held or conducted within the Village of Norwalk. No premises for which a dance hall license or dance permit shall have been issued shall be permitted to remain open after 1:00 am and shall remain closed until 5:00 am.

CHAPTER 7

Park Shelter Dances

7-7-1 Regulations Governing Park Shelter Dances

SEC. 7-7-1 REGULATIONS GOVERNING PARK SHELTER DANCES.

PERMITTED USES. Dances shall be allowed in the park shelter to the public for the following reasons:

Local non-profit organizations for fund raising events.

Private parties (weddings and wedding anniversaries).

Special occasions the Village Board feels are in the best interest of the Village.

ADMITTANCE FEES. Local non-profit organizations only may charge an admittance fee to enter into public dances in the park shelter.

PERMIT REQUIRED; DANCE INSPECTOR. Permits to hold a private or public dance in the park shelter must be obtained from the Village Clerk. A fee of Six (\$6.00) Dollars shall be charged. All dances shall be conducted with the presence of a Village dance supervisor or a Village police officer. The fee for a Village dance supervisor shall be Five (\$5.00) Dollars per hour.

DANCE HOURS. Dances sponsored by local non-profit organizations shall be concluded by 1:00 am Private dances such as weddings and wedding anniversaries shall be concluded by 12:00 midnight.

DEPOSITS. The shelter and shelter area must be cleaned after each dance. A Thirty (\$30.00) Dollars refundable deposit must be deposited with the Village Clerk at the time the dance permit is issued. A deposit is not required of non-profit organizations. The Thirty(\$30.00) Dollars deposit shall be refunded in all, part, or none upon inspection by Village maintenance personnel following completion of the dance.

SHELTER RENTAL FOR PRIVATE DANCES. Shelter rental charge of Ten (\$10.00) Dollars for a private dance shall be the same charge as any other shelter reservation. There shall be no charge for use of the shelter to non-profit organizations.

SALES OF BEER. Non-profit organizations may sell beer at fund raising dances provided they obtain the necessary "picnic beer license" from the Village Clerk pursuant to Sec. 125.26 of the Wis. Stats. Private parties (such as Weddings) may serve beer at dances but shall not charge for the same.

CHAPTER 8

Regulation of Outdoor Solid Fuel Fired Heating Devices

7-8-1	Definitions
7-8-2	Outdoor Solid Fuel Fire Heating Devices Prohibited
7-8-3	Existing Devices
7-8-4	Requirements for Existing Devices
7-8-5	Penalty

SEC. 7-8-1 DEFINITIONS

For purposes of this ordinance, “chimney” shall mean a vertical structure or stack enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device. An “outdoor solid fuel fire heating device” shall mean a free standing solid fuel unit or device designated for solid fuel combustion so that usable heat is derived for the interior of a building.

SEC. 7-8-2 OUTDOOR SOLID FUEL FIRE HEATING DEVICES PROHIBITED

The construction or use of outdoor solid fuel fire heating devices within the Village limits is prohibited.

SEC. 7-8-3 EXISTING DEVICES

Any outdoor solid fuel fire heating device existing prior to the effective date of this ordinance that does not conform to the requirements outlined in Section 4 of this ordinance shall, upon the complaint of a resident of the Village, be removed, replaced or modified to meet the requirements of this ordinance within 45 days of notification of noncompliance from the Village Building Inspector, Police Department or other Village officer or agent.

SEC. 7-8-4 REQUIREMENTS FOR EXISTING DEVICES

- a) All outdoor solid fuel fire heating devices shall meet all applicable standards of the Environmental Protection Agency of the United States of America and The Wisconsin Department of Commerce governing air quality and emissions, including any amendments thereto adopted after the effective date of this ordinance.
- b) Chimney Specifications. All chimneys for outdoor solid fuel fire heating devices shall have a minimum height of 20 feet measured from ground level.
- c) Setback and Yard Requirements. Outdoor solid fuel fire heating devices are deemed accessory structures for purposes of zoning regulations.

SEC. 7-8-5 PENALTY

Any person who constructs, erects or fails to remove, replace or modify any outdoor solid fuel fire heating devices that does not meet the requirements of this ordinance shall forfeit \$25.00 per day for each day the noncomplying unit remains on the premises.

SECTION TWO: All ordinances in conflict with the foregoing are hereby repealed.

SECTION THREE: This ordinance shall take effect upon passage and publication.