

Chapter 11

Licenses and Permits

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11.01 Intoxicating Liquor And Fermented Malt Beverages.

- 1) State Statutes Adopted. The provisions of Ch. 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this ordinance by reference.
- 2) Licenses.
 - a) When Required. No person, except as provided by Sub. (1) of this section, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and Town applicable thereto.
 - b) Separate License Required for Each Place of Sale. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of processing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment.
- 3) License Fees. There shall be the following classes and denominations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Chapter 125 of the Wisconsin Statutes:
 - a) Retail Class "A" (Beer consumption Inside) fermented malt beverage retailer's license - \$300.00 per year.
 - b) Retail Class "B" (retail walkout sales) fermented malt beverage retailer's license - \$400.00 per year or $\frac{3}{4}$ of such amount for a 6 month period. Club licenses as defined in Section 125.27 shall be issued for a fee of \$50.00. Class "B" fermented malt beverage retailer's licenses for brewers shall be issued pursuant to Section 125.31 of the Statutes.
 - c) Wholesaler's fermented malt beverage license - \$100.00 per year.

- d) Special Wholesaler's license - \$100.00 per year.
 - e) Beverage operator's license - \$100.00 per year or fraction thereof and \$10 on a renewal.
 - f) Part-time or semiannual liquor licenses shall be issued pursuant to Section 125.51 (9).
- 4) License Restrictions. In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in Sub. (a) of this section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:
- a) Requirements for Licenses. No license or permit shall be issued any person who is not 18 years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin and has not resided in the State continuously for at least one year prior to application. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of the State punishable by imprisonment in the state prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin Corporations but shall apply to all officers and directors of such corporation.
 - b) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to the application.
 - c) Inspection of Application and Premises. The Town Clerk shall notify the Health Officer, Chief of Police and Building Inspector of all license and permit applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto the applicant's fitness for the trust to be imposed. These officials shall furnish to the Town Board in writing the information derived from such investigation. A license or permit provided for in this section shall be issued without approval of the majority of the Town Board and no license shall be renewed without a re-inspection of the premises and report as herein required.
 - d) Health and Sanitation. No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinances and regulations adopted by the Town.
 - e) Tax Delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Town are delinquent or unpaid.
 - f) Location of Premises. (Optional) No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church or any residence district as defined in Chapter 9 of this code. Such distance shall be measured via the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises.
- 5) Search of Licensed Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Town of Hustisford without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically

operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

- 6) Posting Licenses. Licenses or permits issued under this section shall be posted and displayed as provided in Section 125.04 (10) of the Wisconsin Statutes and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license
- 7) Regulation of Licensed Premises.
 - a) Sale to Minors Restricted. The provisions of Chapter 125 of the Wisconsin Statutes shall apply to the sale of fermented malt beverages to persons under 21 years of age when not accompanied by a parent, guardian or adult spouse.
 - b) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- 8) Revocation and Suspension of Licenses.
 - a) Procedure. Except as hereinafter provided, the provisions of §§1125.12 and 125.13 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.
 - b) Suspension of Licenses. The Town Chairman or the Chief of Police, upon obtaining reasonable information that any state or federal liquor or fermented malt beverage law may suspend the license or permit of such person for a period not to exceed 10 days pending hearing by the Town Board pursuant to par. (a).
 - c) Automatic Revocation. Any license or permit issued under the provision of this section may be revoked without further proceedings upon the conviction of a licensee or permittee or his employ, agent or representative of a second offense under this ordinance or Chapter 125 of the Wisconsin Statutes or any other State or federal liquor or fermented malt beverage law, or any felony, if such felony is sufficiently connected to the criteria set forth in §§111.335, 111.322, and 111.321 of the Wisconsin Statutes.
 - d) Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended by the Town Board, Town Chairman, Chief of Police or action of any court or par. (c.), it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police, who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

11.02 Peddlers, Canvassers and Transient Merchants.

- 1) License Required. No peddlers, canvasser or transient merchant as defined in (2) of this section shall engage in any such business within the Town of Hustisford without first obtaining a license therefore in compliance with the provisions of this section.
- 2) Definitions. When used in this section, the following terms shall have the following meanings:
 - a) Peddlers: shall include any person, whether a resident of the Town of Hustisford or not, who goes from house to house, from place to place, or from street to street, conveying or

transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It shall include vendors of milk, bakery goods, or groceries who distribute their products to regular customers on established routes.

- b) Canvasser: shall include any person whether a resident of the Town of Hustisford or not, who goes from house to house, place to place or from street to street, soliciting or taking or attempting to take orders for the sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such orders or whether or not he is collecting advance payments on such orders. Such definitions shall include any person who for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad car, boat, hotel room, lodging house, apartment, shop or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.
 - c) Transient Merchant: shall include any person, firm or corporation whether as owner, agent, consignee or employee, whether a resident of the Town of Hustisford or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said Town and who, in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the Town for exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engages shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader or auctioneer.
- 3) Exemptions. The terms of this section shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor shall the terms of this ordinance be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of, or offer to sell, vend or dispose of the products of the farm or garden occupied and cultivated by him. Nothing contained in this section shall be held to prohibit any sale required by Statute or by order of any Court, or to prevent any person conducting a bona fide auction sale pursuant to law.
- 4) Applications. Applications for a license under this section must file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk which shall give the following information:
- a) Name and physical description of the applicant;

- b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
 - c) A brief description of the nature of the business and the goods to be sold;
 - d) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
 - e) The length of time for which the right to do business is desired;
 - f) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
 - g) A recent photograph of the applicant which picture shall be approximately 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
 - h) The names of at least two property owners of Dodge County, Wisconsin, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable the investigator to properly evaluate such character and business responsibility;
 - i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;
 - j) The last cities, villages, or towns not to exceed three, where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities;
 - k) At the time of filing the application, a fee of \$10.00 shall be paid to the Town Clerk to cover the cost of investigation of facts stated therein.
- 5) Religious and Charitable Organizations, Exemption. Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business building, by house to house canvass, or in public places for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of (4), (7) and (8) of this section provided there is filed a sworn application in writing on a form to be furnished by the Town Clerk which shall give the following information:
- a) Name and purpose of the cause for which the permit is sought;
 - b) Names and addresses of the officers and directors of the organization;
 - c) Period during which solicitation is carried on;
 - d) Whether or not any commission, fees, wages, or emoluments are to be expended in connection with such solicitation and the amount thereof.

Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization the Clerk shall issue a permit without charge to such organization, association or corporation to solicit in the Town. Such organization, association or

corporation shall furnish all of its members, agents or representatives conducting solicitation, credentials in writing stating the name of agent and purpose of solicitation.

- 6) Investigation and Issuance.
 - a) Upon receipt of each application it shall be referred to the Town Chairperson, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within seventy-two (72) hours after it has been filed by the applicant with the Clerk.
 - b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Town Chairperson shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Town Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.
 - c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Town Chairperson shall endorse on the application his approval and return the application to the Town Clerk, who shall upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued, and the kind of goods to be sold thereunder, the amount of fee paid, the date of the issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure a person license. No license shall be used at any time by any person other than the one to whom it is issued. The clerk shall keep a permanent record of all licenses issued.
- 7) 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, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
- 8) Use of Streets. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this section, 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.
- 9) Exhibition of License. Licenses are required to exhibit their certificate of license at the request of any citizen.
- 10) Duty of Town to Enforce. It shall be the duty of the Chairperson of the Town of Hustisford to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this section against any person found to be violating the same.

11) Records. The Town Chairperson shall report to the Town Clerk all convictions for violation of this section and the Town Clerk shall maintain a record for each license issued and record the reports of violation therein.

12) Revocation of License.

a) Licenses issued under the provisions of this section may be revoked by the Town Board of the Town of Hustisford after notice and hearing, for any of the following causes:

i) Fraud, misrepresentation, or incorrect statement contained in the application for license;

ii) Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor;

iii) Any violation of this section;

iv) Conviction of any crime or misdemeanor;

v) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

b) Notice of the hearing for revocation of a license shall be given by the Town Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing.

13) Appeal. Any person aggrieved by the action of the Town Chairperson or the Town Clerk in the denial of a permit or license as provided in (b) of this section or the action of the Chairperson in the assessing of the fee as provided in (4)(k) of this section shall have the right to appeal to the Town Board of the Town of Hustisford. Such appeal shall be taken by filing with the Town Board within fourteen (14) days after notice of the action complained of, a written statement setting forth full the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in subsection (14) of this section for notice of hearing on revocation.

14) Reapplication. No licensee whose license has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous revocation.

15) Expiration of License. All annual licenses issued under the provision of this section shall expire at midnight the 31st day of December in the year when issued. Other than annual license shall expire at midnight of the date specified in the license.

11.03 Trailers, Trailer Parks and Mobile Homes.

- 1) State Statutes Adopted; Definitions. The provisions of §66.0435, Wisconsin Statutes, and the definitions therein, are hereby adopted as and for the general law of the Town of Hustisford and made applicable therein.
- 2) Parking Permit Fee. There is hereby imposed on each occupied, nonexempt mobile home located in the Town of Hustisford a parking permit fee to be determined each year in accordance with §66.0435(3), Wisconsin Statutes. Said fees shall be paid to the Town Clerk on or before the 10th day of the month following the month for which such fees are due.
- 3) Parks and Camps. It shall be unlawful for any person to establish or operate within the Town of Hustisford a mobile home park without having first secured a license therefore from the Town Clerk. The application for such license shall be accompanied by a fee of \$2.00 for each space in the existing or proposed park. The license shall expire one year from the date of issuance. Such parks shall comply with Wis. Adm. Code Chapter ATCP 125 with respect to Mobile Home Parks also Wis. Adm. Code Chapter SPS 326 with respect to Manufactured Home Communities, which is hereby adopted by reference.
- 4) Payment of Fee. Occupants of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Clerk as provided in Sub. (2). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, nonexempt mobile home therein and remit such fees to the Town Clerk as provided in Sub. (2).
- 5) Penalty. The penalty for violation of this section shall be a penalty as provided in §15.06 of this code.

11.04 Cigarettes.

- 1) License Required. No person shall in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away or keep for sale any cigarettes or cigarette papers or wrappers without first obtaining a license therefore from the Town Clerk in the manner provided in §134.65, Wisconsin Statutes. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside Wisconsin.
- 2) Fee. The fee for such cigarette license shall be \$25.00 and the Treasurer's receipt therefore must be presented to the Clerk before he shall issue any license hereunder.
- 3) Form of License; Expiration; Transfer. All cigarette licenses shall be signed by the Town Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue.
- 4) The provisions of §134.66 of the Wisconsin Statutes are hereby adopted as if fully set forth herein.
- 5) Penalty. The penalty for violation of any provision of this section shall be as provided in §15.06 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues. If any person shall be convicted of a second or subsequent violation of the provisions of this section and the court in its judgment shall determine that he was personally guilty of a failure to exercise due care to prevent violation, his license privileges shall terminate immediately and he

shall not be entitled to another license nor act as an agent or servant of another license for five (5) years thereafter.

11.05 Regulation and Licensing Of Dogs.

1) License Required. It shall be unlawful for any person in the Town of Hustisford to own, harbor or keep any dog more than six (6) months of age without complying with the provisions of §174.042 through §174.08, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

2) Definitions. In this section, unless the content or subject matter otherwise requires:

(a) "Owner" shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) "At large" means to be off the premises of the owner and not under the control of some person by leash, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(c) "Prohibited Dangerous Animal" means:

(3) Restrictions on Keeping of Dogs. It shall be unlawful for any person within the Town of Hustisford to own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway in the Town.

(b) Assaults or attacks any person or destroys property.

(c) Is at large within the limits of the Town.

(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.

(g) No person may bring into or keep in the Town of Hustisford an animal that a Wisconsin city, village, town or county has declared dangerous or vicious, has banished from the city, village, town or county or has ordered to be destroyed. The Town may declare such an animal to be prohibited dangerous animal in the Town of Hustisford upon receipt of an official written declaration from the other city, village, town or county setting forth the grounds for the declaration, the name of the animal, if known, and the description of the animal.

4) Duty of owner in Cases of Dog Bite. Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Health Officer and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer or any Town police officer upon demand for examination.

5) Impounding or Killing of Dogs. In addition to any penalty hereinafter provided for a violation of this section, any police officer may impound any dog and any police officer of the Town may kill any dog which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks or howls, kills, wounds or worries any domestic animal or is infected with rabies. Possession of dogs impounded under this section may be obtained by paying \$20.00 to the Town Clerk plus \$3.00 a day for each day or fraction thereof the dog has been so impounded.

Dogs impounded for a period of seven (7) days shall accordance with 174.046 (9), Wisconsin Statutes.

6) Pit-Bull and Rottweiler Dogs. "Pit Bull" means any dog which is one-half or more American staffordshire terrier, staffordshire terrier, American pit bull terrier, miniature bull terrier or staffordshire bull terrier. "Rottweiler" means any dog which is one-half or more rottweiler.

The owner of any pit bull dog as defined in s.2(d) or any rottweiler as defined in s. 2(f) shall comply with all of the following:

- (a) While leashed, the leash shall be held by a person 16 years of age or older, who is competent to govern the animal. The leash may be held by a person younger than 16 years of age is shown in a sanctioned American Kennel Club show or other organized competition among owners and dogs.
- (b) While on the owner's property, a pit-bull or rottweiler must be securely enclosed and locked in a pen or structure which the Town determines to be a sufficient height and construction to contain the dog to prevent entry of young children and designed to prevent the animal from escaping. The kennel area shall have a concrete floor.
- (c) Attend a minimum of one dog behavior or training class offered by a trainer recommended by the Wisconsin Humane Society.

7) Rabies Control.

- (a) The owner of an animal shall comply with the provisions of Sec. 95.21 Wis. Stats. In the event an owner of an animal fails to comply with the provisions of Sec. 95.21 Wis. Stats., the owner may be fined as provided in Sec. 95.21 Wis. Stats.
- (b) Any person who suspects that an animal is infected with rabies or has been exposed to rabies infection shall notify the Town who shall take appropriate action as required under Sec. 95.21 (4), Wis. Stats.

(8) Penalties and Enforcement.

- (a) CITATIONS: The Town may issue citations for any violation of this chapter.
- (b) PENALTY:
 - i) For the first offense, not less that \$50.00 nor more than \$200.00
 - ii) For the second and subsequent offenses, not less than \$100.00 nor more than \$500.00.

11.06 Regulation Of Massage Establishments, Massage Technicians And Employees.

- 1) It shall be unlawful for any person, corporation or other legal entity to suffer, cause or permit the operation of a massage establishment or for a person to operate as a massage technician, agent, manager or employee, except in strict compliance with this section.
- 2) Definitions. For the purposes of this section:
 - a) Massage means any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for a consideration.

- b) Sexual or genital parts shall include the genitals, public area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.
 - c) Massage establishment means a place of business wherein private massage is practiced, used or made available as a principal use of the premises.
 - d) Massage technician means a person who practices, administers or uses massage for a consideration, who holds a valid license under this section.
 - e) Patron means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefore.
 - f) Operator means any person, association, firm, partnership or corporation licensed by the Town to operate a massage establishment.
 - g) Manager means the operator or an agent licensed under this section who shall not be licensed as a massage technician.
 - h) Waiting area means an area adjacent to the main entrance that is separate from any area where massages are given.
 - i) Massage room means the area where private massage is performed.
- 3) Massage Establishment License,
- a) No person, corporation, or other legal entity shall suffer, cause or permit the conduct of a massage establishment without having first obtained a license therefore from the Town Board. A separate license shall be acquired for each such establishment.
 - b) No license shall be granted for any establishment, the main entrance to which is within seventy-five (75) feet of the main entrance to a residence or of the common entry hall to residences, nor for any room or rooms in any hotel or motel.
 - c) Applications shall be made in writing on forms supplied by the Town Clerk. If application is made for a location not previously licensed, the Town Clerk shall, by regular mail, notify all property owners and registered electors within two hundred fifty (250) feet of the proposed location at least ten (10) days before the hearing on the granting of such license.
 - d) All applications shall include:
 - i) A nonrefundable fee of Two Hundred Fifty Dollars (\$250.00) .
 - ii) The location and mailing address of the proposed establishment.
 - iii) For an individual or for each person of a partnership or joint venture or agent of a corporation:
 - (1) Name and present address;
 - (2) The two immediately previous addresses, and dates of residence at each;
 - (3) Height, weight, color of hair and eyes, Social Security number, written proof of age, full set of fingerprints and two (2) photographs not less than thirty (30) days old, and at least 2" x 2";
 - (4) The business or occupation for the two (2) years immediately preceding the date of application;
 - (5) Whether a similar license had been revoked or suspended and, if so, the reason therefor and the location thereof;

- (6) Whether convicted of any crime or ordinance violation other than traffic offenses within the past three (3) years and, if so, a listing of the same and the locations thereof;
 - iv) If the applicant is a corporation, the names and addresses of each officer and director and of the stockholders of such corporation, together with the extent of the ownership of each, and a statement whether such officer, director or stockholder holds office or stock in any other corporation conducting a similar business in the State of Wisconsin. Such application shall be made by an agent registered as such who shall have been a resident of the Town of Hustisford for at least ninety (90) days;
 - v) All phone numbers of the proposed establishment;
 - vi) The names, addresses and phone numbers of all persons employed by the applicant at the proposed establishment at the time of application;
 - vii) Certification of compliance of the proposed premises with the Building Code and Fire Code, or in the alternative, applicant shall file a bond assuring that any work required to be done to bring the premises into compliance therewith shall be accomplished prior to the opening of business. Compliance with such codes and with the standards contained herein for health and sanitary operation and the acquisition of a health permit shall be conditions precedent to the opening of business;
 - viii) The application shall contain a statement signed by the applicant and each individual of a partnership or joint venture that all information contained therein is true and correct;
 - e) The issuance of this license shall allow for the licensing of up to three (3) additional managers for each establishment.
- 4) Massage Technician's and Manager's License.
- a) No person shall act or operate for a consideration as a massage technician or manager without having first obtained a permit to do so.
 - b) Applications for permits shall be in writing on forms supplied by the Town Clerk and shall include:
 - i) A nonrefundable fee of Fifty Dollars (\$50.00);
 - ii) Applicant's full name and present address, Social Security number, written proof of age in excess of eighteen (18) years, height, weight, color of hair and eyes, full set of fingerprints and two (2) photographs not less than thirty (30) days old and at least 2" x 2";
 - iii) Applicant's two (2) previous addresses and dates of residence at each;
 - iv) The applicant's business, occupation or employment during the two (2) years immediately preceding date of application;
 - v) Whether the applicant has had a similar permit revoked or suspended and, if so, the reason therefor and the location thereof;
 - vi) Whether the applicant has been convicted of any crime or ordinance violation other than traffic offenses within the past three (3) years and, if so, a listing of the same and the locations thereof;
 - vii) For technicians only, a certificate from a licensed physician that the applicant has been examined and found to be free of communicable diseases and showing such examination occurred less than thirty (30) days prior to the date of application;

- viii) The name and address of the licensed massage establishment by which the applicant is employed;
 - ix) A statement signed by the applicant that all information contained therein is true and correct.
- 5) Granting of Licenses.
- a) Licenses may be granted by the Town Board after a hearing at which the applicant may be heard at applicant's option. At least ten (10) days' notice of such hearing shall be given to the applicant.
 - b) The Town Board shall grant a license within thirty (30) days of application unless it is shown for a massage establishment license, that the operation as proposed by the applicant does not comply with all applicable State Laws and Town Ordinances, and for all licenses that the applicant or any partner or any officer, director or stockholder of a corporate applicant has been convicted in a court of competent jurisdiction of an offense under Ch. 944 Wis. Stats., or involving substances included in Sub. II of Ch. 161, Wis. Stats., or of an offense against the person or property of another within the past three (3) years, that the information required on the application is incomplete or that any applicant has knowingly or with the intent to deceive made any false, misleading or fraudulent statement of fact in the application or any other document required by the Town in conjunction therewith, or that the applicant has not resided in the Town for at least ninety (90) days prior to the date of application.
 - c) In the event of denial, the applicant shall receive written notification thereof setting forth the reasons for the denial within ten (10) days after such denial.
 - d) Licenses granted by the Board shall expire one (1) year from the date of granting. Reapplication therefore shall not be less than sixty (60) days prior to such expiration date and shall be the sole responsibility of the applicant.
 - e) No license shall be transferred between locations or persons and no massage establishment license shall be sold or be subject to transfer of corporate assets or change of corporate officers or directors.
 - f) The massage technician's license does not entitle the holder to operate or manage a massage establishment.
- 6) Regulations of Operations and Licenses.
- a) Each establishment shall at all times maintain and comply with the following regulations:
 - i) General Regulations:
 - (1) The establishment shall comply with all Town Codes;
 - (2) Only one (1) non-flashing business sign clearly identifying the establishment as a massage establishment shall be posted at the main entrance. No description of services shall be permitted on such sign;
 - (3) No establishment shall be open for business
 - (4) between the hours of 10:00 p.m. and 8:00 a.m.;
 - (5) Only massage technicians licensed pursuant to this section shall be employed as massage technicians by the establishment;

- (6) The practice of all massage technicians employed by the establishment shall be limited to the licensed premises;
 - (7) No person under the age of eighteen (18) years shall be permitted on the premises;
 - (8) No intoxicating beverages or substance included in Sub. II of Ch. 161, Wis. Stats., shall be permitted in the licensed establishment. Food shall be permitted only when there is no charge therefor and when a food preparation area, including sink with hot and cold running water, is a part of the establishment;
 - (9) The establishment shall provide a waiting area for patrons separate from any area wherein massages are given. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance;
 - (10) The operator or a licensed manager shall be present on the premises at all times during hours of operation and shall be responsible for the operation of the establishment;
 - (11) The establishment shall permit inspections of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors, or personnel of any law enforcement agency;
 - (12) The establishment shall keep current records of the names and addresses of its massage technicians, agents, managers and employees and the date of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in Subparagraph 12. above;
 - (13) The establishment shall report any change of fact required on the application form and all personnel changes to the Town Clerk within ten (10) days after such changes.
- b) Each technician shall at all times comply with the following regulations:
- i) The technician shall practice only on the premises of a licensed massage establishment;
 - ii) The technician shall massage only patrons over the age of eighteen (18) years.
 - iii) No technician shall administer a massage:
 - (1) If said technician believes, knows, or should know that he or she is not free of any contagious or communicable disease or infection;
 - (2) To massage any patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption.
 - iv) The technician shall report any change of fact required in the application form to the Town Clerk within ten (10) days after such change.
 - (1) It shall be unlawful for any person, in a massage parlor, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.
 - (2) It shall be unlawful for any person, in a massage parlor, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage parlor, to expose the sexual or genital parts, or any portion thereof, of any other person.

- (3) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.
 - (4) It shall be unlawful for any person owning, operating or managing a massage parlor, knowingly to cause, allow or permit in or about such massage parlor, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in Subparagraphs 1, 2 or 3 of this section.
- 7) Revocation or Suspension of License.
- a) Grounds. The license granted herein may be revoked or suspended for up to six (6) months by the Town Board:
 - i) If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive;
 - ii) For the violation of any provision of this section, except for establishment license matters involving violations of Town Codes;
 - iii) If a technician's or manager's license, after one (1) conviction of any offense under Ch. 944, Wis. Stats., or of an offense involving substances included in Sub. II of Ch. 161, Wis. Stats., or of an offense against the person or property of a patron, whether such occurred on or off the premises of the establishment;
 - iv) If an establishment license, after one (1) conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron or of an offense involving substances in Sub. II of Ch. 161, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.
 - b) Notice and Hearing. No license shall be revoked or suspended by the Town Board except upon due notice and a hearing to determine whether grounds for such action exists. The notice shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented, to cross-examine opposing witnesses, and to present witnesses in his or her own behalf under the subpoena of the Town Board, if such is required. The hearing shall be stenographically recorded and a copy of the transcript shall be available to the licensee at the expense of the licensee. The Town Board shall decide the matter and shall prepare a written decision which shall be filed with the Town Clerk and a copy thereof mailed to the licensee within twenty (20) days after the hearing.
- 8) Exceptions. This section shall not apply to the following classes of individuals while engaged in the duties of their respective professions:
- a) Physicians, surgeons, chiropractors, osteopaths, masseurs, or physical therapists licensed or registered to practice their respective professions under the laws of the State of Wisconsin, or nurses registered under the laws of the State of Wisconsin, acting under their direction and control.

- b) Barber shops and beauty parlors, barbers and beauticians licensed under the laws of the State of Wisconsin, provided that such massage as is practiced is limited to the head and scalp.
 - c) Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.
- 9) Operation Without a License a Public Nuisance. The operation of a massage establishment without a license or the activity of an individual as a massage technician without a license is deemed a public nuisance and may be enjoined by the Town.
- 10) Penalty. Any person violating this section shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each day of violation shall constitute a separate offense.
- 11) Severability. The provisions of any part of this ordinance are severable. If any provision or subsection hereof or the application thereof to any person or circumstances, is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this ordinance that the same would have been adopted had such invalid provisions, if any, not been included herein.