

CHAPTER V

LICENSING AND REGULATION

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5.01 DOG LICENSE REQUIRED.

1. License Required. It shall be unlawful for any person in the Town of Beloit to own, harbor or keep any dog after July 1 of the license year without complying with the provisions of this ordinance.
2. Dog Licenses.
 - a. It shall be unlawful for any person in the Town of Beloit to own, harbor or keep any dog without complying with the provisions of [Section 174.05](#) through [Section 174.10](#), Wis. Stats.
 - b. The owner of any dog shall annually pay a license tax and obtain a license.
 - c. The minimum license fee shall be in accordance with the current Town fee schedule.
 - d. Upon payment of the required license fee and upon presentation of evidence that the dog is currently immunized against rabies, the Town Finance Director/Treasurer or designee shall complete and issue a license containing all information required by state law. The Town Finance Director/Treasurer or designee shall also deliver to the owner, a tag bearing the same serial number as the license, the name of the county in which issued and the license year.
 - e. The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times unless such dog is enclosed in a fenced area on the owner's property.
 - f. The fact that a dog is without a tag attached by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Town law enforcement or compliance officer shall issue citation or seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town of Beloit continues to be unlicensed constitutes a separate offense for which a separate penalty applies.
 - g. Registered Service Animals are exempt from the dog license fee, and every person owning such a dog shall receive annually a free dog license from the Town Finance Director/Treasurer or designee upon application thereof.
3. Kennel Licenses.
 - a. No person shall keep or operate a Kennel in the Town of Beloit without a license issued by the Town Clerk.
 - b. Such license shall be issued for a one (1) year period of time.
 - c. The application for a Kennel license shall include:
 - i. The name, address and telephone number of the applicant;
 - ii. The number of animals to be housed in the kennel;
 - iii. A description (breed, age and gender) and proof of current rabies vaccination for each animal to be housed in the kennel;
 - iv. A statement as to whether the applicant has ever been convicted of any offense related to cruelty to animals;
 - v. Name and address of the Veterinarian for each animal;
 - vi. A kennel plan demonstrating how animals will be cared for and neighborhood peace and repose protected. This plan will include evidence that:
 - A. The facility will be maintained in a hygienic state and will look and smell clean.
 - B. Sufficient ventilation and light will be provided for the number of animals kept.

- C. A comfortable temperature will be maintained in the animals sleeping area.
 - D. An adequately sized indoor-outdoor run or an indoor run and a schedule for exercise for the animals' health and well-being.
 - E. Resting boards and bedding are provided for each dog to rest off of any cement floors or ground.
 - F. Adequate control of unwanted breeding of animals.
 - G. Animals will be contained on the owner's property.
- d. Location and Kennel Structure.
- i. Kennels must be located on a minimum of one (1) acre.
 - ii. Kennels or shelters and dog runs may not be located within five hundred feet (500') of a pre-existing residence except that of the kennel owner.
 - iii. Dogs must be confined or under direct control of the kennel operator or staff at all times.
 - iv. Outdoor kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet and shall deter dogs from escaping over, under or through the fence.
 - v. All-weather kennels or shelters and dog runs or enclosed exercise areas shall be provided for all dogs and shall be adequately sized for the particular breed.
 - vi. The owner and/or operator of the kennel shall operate the kennel so as to not unreasonably disturb the peace and quiet of any person.
- e. Review Procedure.
- i. Applications for kennel licenses shall be referred by the Town Clerk to the Town Board. A public hearing shall be conducted by the Town Board. After public hearing, the Town Board shall review the application, as it relates to the requirements of this ordinance and other applicable requirements of Town Ordinances. The Town Board shall decide whether to issue a kennel permit to the applicant.
 - ii. An application for renewal of a previously granted kennel license shall not be subject to the review procedure in Section 5.01 (e)(i) and shall be granted by the Town Clerk if the applicant has not had a kennel license revoked by the Town Board, there are no complaints against the applicant at the time of application and the applicant is in compliance with all applicable Town ordinances.
- f. Minimum Standards. Notwithstanding any other provision in this ordinance, the owner must show that the following minimum standards are being met:
- i. Cages and Runs.
 - A. Each kennel dog shall have sufficient space to stand up, lie down and turn around without touching the sides or top of any cage in which it may be enclosed.
 - B. Cages are to be of a material and construction that facilitates the cleaning and sanitizing thereof.
 - C. Cage floors of concrete shall have a resting board or other adequate bedding.
 - D. Runs shall be of sufficiently large size to provide an adequate exercise area and shall provide adequate weather protection.
 - ii. Buildings and Enclosures of Kennels.
 - A. All kennel buildings and enclosures shall provide adequate protection against weather extremes for each dog. The floors and walls of all such enclosures and buildings, and the runs, shall be of a surface material to permit proper cleaning and disinfecting. Building temperature shall be maintained at a

temperature comfortable for each dog. Each such building and enclosure shall provide adequate ventilation for each dog and shall be kept clean, dry and in a sanitary condition.

B. Animals shall be maintained in quarters so as to prevent their escape.

iii. Feeding and Health.

A. All kennel dogs shall be provided with sufficient food and have water available at all times. Both shall be free of contamination and shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each dog to ensure the proper health of each dog.

B. Adequate provisions shall be made to ensure daily exercise for each dog kept in a kennel.

C. Sick or diseased dogs in a kennel shall be properly cared for and isolated at all times from any healthy dog in the kennel so as to prevent the illness or disease from being transmitted to any other animal or individual. A sick dog shall not knowingly be sold in such condition.

D. No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any dog.

iv. Absence of Nuisances.

A. The kennel does not produce disturbing effects on nearby residents by:

1) Loud and/or continuous noise;

2) Fouling of the air by odors;

3) Constituting a threat to the safety of persons or domestic animals, including livestock; and

4) Causing unsanitary health conditions, such as, but not limited to, the pollution of ground water run-off.

g. No license shall be issued if the applicant withholds or falsifies any information on the application. A license will be revoked by the Town Clerk if any false information is discovered after the license is issued.

h. No person previously convicted of cruelty to animals shall be issued a kennel license.

i. Kennels are subject to inspection by a Code Enforcement Officer or Police Officer between the hours of 8:00 a.m. and 8:00 p.m. to determine compliance with the license. Any violation of the license that is found relating to the health and welfare of the dogs will result in the immediate suspension of the kennel license by the Town Clerk pending a hearing before the Town Board for a final determination on the license.

j. The number of dogs to be allowed in a kennel shall be determined by the Town Board.

k. Kennel Licenses may be revoked by the Town Board after a complaint is filed with the Town Clerk and following a public hearing. Causes for revocation of a kennel license include, but are not limited to:

i. Violation of any local ordinance, federal or state law related to the keeping or care of the animals or property maintenance.

ii. Evidence of cruelty to animals.

iii. Evidence of animal neglect.

iv. Any dog attacking or biting a human being or other animal.

v. Destruction of property not owned by the license holder by a dog.

vi. Disturbance of the peace by one or more dogs.

vii. Evidence of training or harboring fighting dogs.

- l. The Town Board shall, from time to time, establish an application fee for kennels reasonably related to the cost of license issuance and supervision. In addition to the application fee, each dog is required to be licensed in accordance with Section 5.01 (4)(a).
 - m. In lieu of licensing specific dogs, kennel operators may obtain tags transferable from one dog to another in accordance with [Section 174.053](#), Wis. Stats.
 - n. Compliance Required. No owner of a kennel shall fail to comply with any of the minimum standards set forth in this Ordinance.
 - o. No person shall establish or maintain a kennel in the Town otherwise than in compliance with the provisions of this Ordinance.
4. Late Fees. The Town Finance Director/Treasurer shall assess and collect a late fee from every owner of a dog 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 dog, or if the owner failed to obtain a license. Said late fee shall be charged in addition to the required license fee and will be set by resolution of the Town Board from time to time.
5. Definitions. In this ordinance, unless the context or subject matter otherwise require:
- a. Owner. Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this ordinance.
 - b. At Large. To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
 - c. Dog. Any canine, regardless of age or sex.
 - d. Cat. Any feline, regardless of age or sex.
 - e. Kennel.
 - i. Any structure or other place in or on which four (4) or more dogs are impounded or penned in close proximity to each other; or
 - ii. Any establishment wherein any owner engages in boarding, breeding, buying, grooming, letting for hire, training for a fee or selling four (4) or more dogs.
 - f. Neutered. Describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
 - g. Animal. Mammals, reptiles and birds.
 - h. Cruel. Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - i. Farm Animal. Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - j. Pet. An animal kept and treated as a pet.

5.02 RABIES VACCINE REQUIRED. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days of ownership. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date the immunization expires as stated on the certificate of vaccination or if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of [Section 95.21\(2\)](#), Wis. Stats.

5.03 RESTRICTIONS ON THE KEEPING OF ANIMALS.

1. No person shall keep or harbor more than three (3) dogs or four (4) cats in any family dwelling unit or accessory building, place of residence, or business within the Town of Beloit. The keeping or harboring of more than three (3) dogs or four (4) cats in any family dwelling unit or accessory building, place of residence or business is declared to be a nuisance unless otherwise permitted by the Town Board or this ordinance. This subsection shall not apply to the keeping of female dogs and cats and their litter, when such litter is less than twelve (12) weeks of age.
2. Except as otherwise provided in this chapter, no person shall keep within the Town of Beloit, either temporarily or permanently, any bees, pigeons, fowl, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock; provided, however, that such animals or fowl may be kept at places approved by the Zoning Administrator for educational purposes, for research purposes, for circuses and similar recreational events and may be kept within residential or agricultural districts as permitted in the Town of Beloit Zoning Code.
3. The keeping of honeybees within the boundaries of the Town of Beloit, for personal enjoyment, honey, pollination, and other uses will be permitted in accordance with the restrictions outlined herein. (If you live in a neighborhood that has residential covenants that conflict with this ordinance, the neighborhood covenant shall supersede this ordinance.)
 - a. Definitions.
 - i. Apiary. Colonies, hives, and other equipment associated with honey bees assembled in one location for beekeeping operations; also known as a bee yard.
 - ii. Beekeeper. A person who owns or has responsibility for one or more colonies of honey bees.
 - iii. Beekeeping equipment. Anything used in the operation of a honey bee apiary, such as hive bodies, honey supers, frames, top covers, and/or bottom boards.
 - iv. Colony. An aggregate of honey bees in a hive consisting of workers, but having one queen and potentially many drones, including brood, combs, honey and the receptacle inhabited by the bees.
 - v. Flyway barrier. A natural or manmade obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans. Barriers may be fences and/or dense vegetation and are approximately six (6) feet in height.
 - vi. Hive. The structure containing a colony of honey bees.
 - vii. Honey bee. All stages of the common domestic honey bee, *Apis mellifera* species.
 - viii. Private nuisance. For the purpose of this ordinance, a private nuisance is defined as a condition that interferes with the ordinary comfort, use or enjoyment of the property of another.
 - ix. Swarm. For purposes of this chapter, a swarm is a propagation or colony of honey bees outside of its hive.
 - b. Standards.
 - i. All hives shall be kept in the rear yard of the property, behind the rear line of the residence.
 - ii. Bee hives are only allowable within R-R Rural Residential, R-1 single-family, A-1 and A-2 Agricultural Zoning Districts.

- iii. Bee hives shall be set back a minimum of 20 feet from all property lines, as measured from the nearest point of the hive to the property line.
 - iv. No more than two hives are permitted on a lot under 1 acre. There are no restrictions on the number of hives over 1 acre. Swarming is a natural condition of beehives in the propagation of the species. Beekeepers will be allowed to have a swarm on their property, to temporarily add a third hive. This hive will be moved to another location in a reasonable amount of time.
 - v. Hive entrances shall be pointed generally away from adjoining property lines.
 - vi. Hives shall be maintained using generally accepted beekeeping practices.
- c. Complaints.
- i. Complaints regarding the keeping of bees are to be directed to the Town Clerk. Upon inspection of the complaint by the Town Compliance Officer, should the beekeeper be found in violation of the provisions of this ordinance or standard beekeeping practices, the beekeeper should rectify the issues identified in an amount of time determined by the Town Compliance Officer. Failure to comply may result in involvement by the Town of Beloit Police Department and be treated as a public nuisance.

4. Vicious Dogs and Animals.

- a. For purposes of enforcing this ordinance, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
- b. No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

5. Animals Running at Large.

- a. No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal in a proper enclosure so as not to allow said animal to interfere with the passing public. Any animal running at large unlicensed and required by state law or ordinance to be licensed may be seized and impounded by a law or code enforcement officer.
- b. A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it or is under the owner's verbal command.
- c. Owner's Liability for Damage Caused by Dogs; Penalties. The provisions of [Section 174.02](#), Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated by reference.

6. Animal Feces. The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge.

7. Number of Dogs Restricted. It shall be unlawful for any person within the Town of Beloit to keep or harbor at any one time more than three (3) dogs in any one household or commercial establishment, except as permitted when:

- a. A household is located in an agricultural zoning district and two (2) additional dogs are kept, for a maximum of five (5) dogs.
 - b. Lawfully operating a commercial dog kennel under regulations provided for by the Zoning Code.
 - c. Keeping dogs under the age of six (6) months as a result of on-premises birth with a maximum on one (1) litter in a twelve (12) month period.
 - d. Keeping additional dogs by special permit issued by the Town Board. The criteria for issuance of a permit are pursuant to Section 5.01 (3). Permits are subject to revocation upon the Town Board finding that the dogs are not being kept in accordance with the conditions of the permit.
8. Exotic Animals, Reptiles, Spiders, and Non-Domesticated Animals Prohibited. No exotic animal, reptile, spider, nor non-domesticated animal shall be brought into the Town of Beloit nor kept, harbored, nor allowed to remain on any premises within the Town. For purposes of this Ordinance, the terms "exotic animals, reptiles, spiders, and non-domesticated animals" shall include mammals, such as lions, tigers, panthers, cougars, ocelots, wolves, fox, bear, raccoons, skunks or other mammals or non-mammals snakes or lizards which are ordinarily found in the wild or in zoos.
9. Impoundment of Animals.
- a. Animal Control Agency. The Town of Beloit may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, and confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
 - b. The Town of Beloit does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this ordinance.
 - c. Impounding of Animals. In addition to any penalty provided for a violation of this ordinance, any law or code enforcement officer may impound any dog, cat or other animal 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, cries or howls, kills, wounds any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this ordinance or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.
 - d. Town Not Liable for Impounding Animals. The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this ordinance.
10. Duty of Owner in Case of Dog Bite. Every owner or person harboring or keeping a dog that has bitten any person shall immediately report such fact to a law or code enforcement officer and shall keep such dog confined for not less than fourteen (14) days or for such period of time as a law or code enforcement officer shall direct. The owner or keeper of any such dog shall surrender the dog to a law or code enforcement officer upon demand for examination.
11. Injury to Property by Animals. It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any parkway or private lands or premises without

the permission of the owner of such premises and damage such property in any way. The owner of the animal will be held liable to correct any damage and make such property whole.

12. Providing Food and Water to Confined Animals. No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this ordinance.
 - a. The food shall be sufficient to maintain all animals in good health.
 - b. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

13. Providing Shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as described in this ordinance. In the case of farm animals, nothing in this ordinance shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
 - a. Indoor Standards. Minimum indoor standards of shelter shall include:
 - i. Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
 - ii. Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
 - b. Outdoor Standards. Minimum outdoor standards of shelter shall include:
 - i. Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this Paragraph, "caged" does not include farm fencing used to confine farm animals.
 - c. Shelter from inclement weather. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - i. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
 - d. Space Standards. Minimum space requirement for both indoor and outdoor enclosures shall include:
 - i. Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - ii. Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
 - iii. Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

14. Neglected or Abandoned Animals. No person may abandon any animal.
 - a. Any law or code enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner 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 such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

- b. If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- c. [Section 173.10](#), Investigation of cruelty complaints, and [Section 173.25](#), Wis. Stats., Immunity for euthanizing animals, are hereby adopted by reference and made a part of this ordinance.

15. **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Town or any animal control agency with which the Town has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

16. **Cruelty to Animals Prohibited.**

- a. **Leading Animal from Motor Vehicle.** No person shall lead any animal upon a Town street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- b. **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in [Section 961.49](#), Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal.
- c. **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.
- d. **Beating Animals Prohibited.** No person shall cruelly beat any animal anywhere within the limits of the Town of Beloit.
- e. **De-Clawing of Cats.** No person or business including any veterinarian or veterinary hospital shall engage in the de-clawing of cats within the Town of Beloit. This practice is prohibited due to the questionable adverse effects to the animals over the long-term and is to be considered cruel.

17. **Penalties.**

- a. Any person violating Sections 5.03 (9 through 16) shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This ordinance shall also permit the Town Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this ordinance.
- b. Owners of animals coming forward to claim their pets after the pet(s) has been impounded shall be responsible to pay any and all costs associated with the impoundment including charges, veterinary or otherwise, to the Town made for the welfare of the animal.

- c. Anyone who violates Sections 5.01 (1), (2), (3), (4) and (5) of this Code of Ordinances or [Chapter 174](#), Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- d. An owner who refuses to comply with an order issued under Section 5.03 (7) to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- e. Any person who violates Sections 5.01 (6) through 5.01 (12) of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.
- f. Any person who violates Section 5.01 (3) of this Code of Ordinance by providing false or misleading information in any material respect regarding the issuance of any license described in that ordinance shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00).

5.04 FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR. The provisions of [Chapter 125](#), Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted by reference and made a part of this ordinance 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 ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this ordinance.

1. Definitions. As used in this ordinance the terms “Alcoholic Beverages”, “Intoxicating Liquors”, “Principal Business”, “Legal Drinking Age”, “Premises”, “Sell”, “Sold”, “Sale”, “Restaurant”, “Operators” and “Non-Intoxicating Beverages” shall have the meaning given them by [Chapter 125](#), Wis. Stats.
2. License Required.
 - a. When Required. No person except as provided by Sections [125.16](#), [125.27](#), [125.28](#) and [125.51](#), Wis. Stats., 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, or give any intoxicating liquor or fermented malt beverages, or cause the same to be done, without having procured a license or permit as provided in this ordinance nor without complying with all the provisions of this ordinance 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 for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling, house, plot or residential apartment.
3. Classes of Licenses.

- a. Retail “Class A” Intoxicating Liquor License. A retail “Class A” intoxicating liquor license, when issued by the Town Clerk under the authority of the Town 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.
- b. Retail “Class B” Intoxicating Liquor License. A retail “Class B” intoxicating liquor license, when issued by the Town Clerk under authority of the Town 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.
- c. Class “A” Fermented Malt Beverage Retailer’s License. A Class “A” retailer’s fermented malt beverage license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption off-premise where sold and in the original packages, containers or bottles.
- d. Class “B” Fermented Malt Beverage Retailer’s License.
 - i. License. A Class “B” fermented malt beverage retailer’s license, when issued by the Town Clerk under the authority of the Town 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 (1/2) of a percent of alcohol by volume, without obtaining a special license to sell such beverages.
 - ii. Application. Class “B” licenses may be issued to any person qualified under [Section 125.04\(5\)](#), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class “B” license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this ordinance.
- e. Temporary Class “B” Fermented Malt Beverage License.
 - i. License. As provided in [Section 125.26\(1\) and \(6\)](#), Wis. Stats., temporary Class “B” fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veteran’s organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such license is valid for dates as approved by the Town Board.
 - ii. Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk 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. The applications shall be filed a minimum of fifteen (15) days prior to the meeting to the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a park, the applicant shall specify the main point of sale facility in addition to fees and deposits for the reservation of such park.
- f. Temporary “Class B” Wine License.

- i. License. Notwithstanding [Section 125.68\(3\)](#), Wis. Stats., temporary “Class B” licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering at a meeting of the post, or during a fair conducted by the fair association or agricultural society.
 - ii. Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk 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. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a park, the applicant shall specify the main point of sale facility in addition to fees and deposits for the reservation of such park.
 - g. Retail “Class C” License.
 - i. In this Subsection “barroom” means a room that is primarily used for the sale or consumption of alcoholic beverages.
 - ii. A “Class C” license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
 - iii. A “Class C” license may be issued to a person qualified under [Section 125.04\(5\)](#), Wis. Stats.
 - iv. A “Class C” license shall particularly describe the premises for which it is issued.
4. License Fees. The fees for all licenses and types shall be established by Resolution of the Town Board from time to time in accordance with [Chapter 125](#), Wis. Stats.
5. 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 Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by [Section 887.01](#), Wis. Stats., and shall be filed with the Town Clerk 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 of a corporation.
 - c. Publication. The Town Clerk shall publish each application for a Class “A”, Class “B”, “Class A”, “Class B” or “Class C” license. There is no publication requirement for temporary Class “B” picnic beer licenses under [Section 125.26](#), Wis. Stats., or temporary “Class B” picnic wine licenses under [Section 125.51\(10\)](#), Wis. Stats. The application shall be published once and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under [Section 985.08](#), Wis. Stats.

- 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.
 - e. Quota. License quotas shall be as prescribed in [Chapter 125](#), Wis. Stats.
6. Qualifications of Applicants and Premises.
- a. Residence Requirements. A retail Class “A” or Class “B” fermented malt beverage or “Class A” or “Class B” intoxicating liquor license or retail Class “C” license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
 - b. Right to Premises. No applicant will be considered unless he/she has the right to possession of the premises described in the application for the license period, by lease or by deed.
 - c. Age of Applicant. Licenses related to alcohol beverages shall be granted to persons who have attained the legal drinking age.
 - d. Corporate Restrictions.
 - i. No license or permit may be issued to any corporation unless the corporation meets the qualifications under [Sections 125.04\(a\) 1 and 4 and \(b\)](#), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of [Section 125.04\(a\) 1 and 3 and \(b\)](#) and unless the agent of the corporation appointed under [Section 125.04\(6\)](#) meets the qualification under [Section 125.04\(a\)2](#). The requirement that the corporation meet the qualifications under [Section 125.04\(a\) 1 and \(b\)](#) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - ii. Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and Licensee to file with the Town Clerk a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - iii. 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 percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
 - e. Sales Tax Qualification. All applicants for retail licenses shall provide proof, as required by [Section 77.61\(11\)](#), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller’s permit) before they may be issued a license.
 - f. Connecting Premises. Except in the case of hotels, no person may hold both a “Class A” license and either a “Class B” license or permit, a Class “B” license or permit or a “Class C” license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses and permits are issued simultaneously, both are void.
 - g. Limitation on Other Business; Class “B” Premises. No Class “B” license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premise for which the Class “B”

license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

- i. A hotel.
- ii. A restaurant, whether or not it is a part of or located in any mercantile establishment.
- iii. A combination grocery store and tavern.
- iv. A combination sporting goods store and tavern in towns, villages and 4th class cities.
- v. A combination novelty store and tavern.
- vi. A bowling alley or recreation premises.
- vii. A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

7. Investigation. The Town Clerk shall notify the Chief of Police, Fire Inspector and Building, Inspectors (and, as appropriate, pertinent law enforcement agencies) of each renewal or new application, and the 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 Town Clerk in writing, who shall forward to the Town Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required. Background checks will be performed by the Police Department for each applicant for permit under this ordinance with a corresponding fee to be determined from time to time by Resolution of the Town Board.

8. Approval of Application.

- a. No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures of other financial claims of the Town are delinquent and unpaid.
- b. 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 local 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 Town.
- c. Consideration for the granting or denial of a license will be based on:
 - i. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections [111.321](#), [111.322](#) and [111.335](#), Wis. Stats.;
 - ii. The financial responsibility of the applicant;
 - iii. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - iv. Generally, the applicant's fitness for the trust to be reposed.
- d. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has

been a law offender. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, act to suspend such license for a period of one (1) year or more for one (1) or more arrests and convictions.

9. Granting or Denial of License.

- a. 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 Town Board, the Town Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town. The full license fee shall be charged for the whole or fraction of any year.
- b. If the Town Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Town Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to [Section 19.85\(1\) \(b\)](#), Wis. Stats., unless the applicant requests such reconsideration to be held in open session and the Town Board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Town Board meeting at which the application is to be reconsidered.

10. Transfer of License.

- a. No license, or any rights thereunder, or ownership or control of any license shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation or limited liability company holding such license, except upon application to and approval by the Town Board.
- b. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. A change in corporation or limited liability company name only shall not be construed as a change in ownership or control but such licensee shall file with the Town Clerk a copy of the amended Articles of Incorporation or Articles of Organization within thirty (30) days of filing with the appropriate agency of the State of Wisconsin.
- c. Application to the Town Board made pursuant to paragraph (a) above, shall be made at least forty five (45) days prior to the contemplated date of said transfer and shall include:
 - i. The name and address and state of incorporation of the corporate licensee or the name and address and state of incorporation of the limited liability company licensee.
 - ii. A listing of the previous stockholders, officers and directors of a corporate licensee or a listing of the previous members and managers of a limited liability company licensee; the extent of their interest and/or control, if any, in any Class "A" or Class "B" fermented malt beverage or intoxicating liquor license in the State of Wisconsin.
 - iii. A listing of the proposed transferee or transferees; assignee or assignees; or the recipient of any other form of their interest and/or control; if any, in any other Class "A" or Class "B" fermented malt beverage or intoxicating liquor license in the State of Wisconsin.

- iv. The name of the present licensed agent for said corporate or limited liability company licensee.
 - v. The name of the proposed licensed agent for said corporate or limited liability company licensee.
 - vi. The date any proposed transfer of ownership or control of a corporate or limited liability company licensee is contemplated to become effective.
- d. In applying the provisions of Paragraph (3) to the stockholder of a corporation which has more than fifty (50) voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own one percent (1%) or more of the outstanding voting stock.
 - e. Failure of the licensee to comply with the provisions of this Subdivision shall result in the revocation of said licensee's alcohol beverage license after a hearing pursuant to the provisions of Section 5.03 (13) of this ordinances.
 - f. The fee for filing an application for change of control of any corporation or limited liability Company holding such a license shall be determined by a Resolution of the Town Board from time to time.
 - g. In accordance with the provision of [Section 125.04\(12\)](#), Wis. Stats., a license shall be transferable from one premise to another within the Town if such transfer is first approved by the Town Board. An application for transfer shall be made on a form furnished by the Town Clerk. Proceedings for such transfer shall be had in the same form and manner as the original applications. Whenever a license is transferred, the Town Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. No license shall be entitled to more than one (1) such transfer during the license year.
 - h. Whenever the agent of a corporation or limited liability company holder of a license is for any reason replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefore and the new appointment. Until the next regular meeting or special meeting of the Town 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 Town Clerk 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 license of the corporation or Limited Liability Company shall not be in force after receipt of such notice or after a regular or special meeting of the Town Board until the successor agent or another qualified agent is appointed and approved by the Town.
11. Conditions of License. All retail Class "A", Class "B", "Class A", "Class B" and "Class C" licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this ordinance and subject to all other Ordinances and regulations of the Town applicable thereto:
- a. Consent to Entry. Every applicant procuring a license thereby consents to the entry of law enforcement authorities or duly authorized representatives of the Town 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 Town 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" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to

hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.

- 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”, Class “B” or “Class C” license at all times the Licensee, members of the Licensee’s immediate family who have attained the legal drinking age, and/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 person other than the Licensee shall serve fermented malt beverages in any place operated under a “Class B”, Class “B” or “Class C” license unless he/she possesses an operator’s license, or there is a person with an operator’s license upon said premises at the time of such service.
- 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 or “Class C” licenses issued under this ordinance. No “Class B” or “Class C” 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”, Class “B”, “Class A” or “Class B” license shall be issued for premises, the main entrance of which is less than three hundred (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 entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- g. Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- h. Gambling Prohibited. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this ordinance or the laws of the State of Wisconsin.
- i. Credit Prohibited. No retail Class “A”, Class “B”, “Class A”, “Class B” or “Class C” liquor, wine or fermented malt beverage Licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such Licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- j. Licensee or Permittee Responsible for Acts of Help. A violation of this ordinance by a duly authorized agent or employee of a Licensee or permittee under this ordinance shall constitute a violation by the Licensee or permittee. Whenever any Licensee or Permittee under this ordinance shall violate any portion of this ordinance, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed by this ordinance.

12. Closing Hours. Closing hours shall be established in conformance with [Section 125.32\(3\)](#), Wis. Stats., and further restricted as follows:

- a. Class “A” Fermented Malt Beverage Retailer’s Licenses. Between 12:00 midnight and 6:00 a.m. no person may sell fermented malt beverages upon any premises for which a Class “A” license has been issued. The purpose of this Subsection is to prohibit all carry-out sales of beer and malt beverages after 12:00 midnight. During the hours that sale of carry-out alcoholic beverages is prohibited, such areas or equipment from which such beverages are offered for sale shall be secured or cordoned off if other parts of the premises remain open to the public.
- b. Class “B” Fermented Malt Beverage Retailer’s License. Between 2:00 a.m. and 6:00 a.m. no person may sell fermented malt beverages upon any premises for which a Class “B” fermented malt beverage license has been issued in an original unopened package, container or bottle to be consumed off the licensed premises. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight savings time begins as specified in [Section 175.095\(2\)](#) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1, the premises are not required to close.
- c. “Class A” License for Sale of Intoxicating Liquors. Between 9:00 p.m. and 6:00 a.m. no person shall sell intoxicating liquors upon any premises for which a “Class A” license has been issued for the sale of intoxicating liquors. The purpose of this Subsection is to prohibit all carry-out sales of intoxicating liquors.
- d. “Class B” License for Sale of Intoxicating Liquors. Between 2:00 a.m. and 6:00 a.m. no person shall sell intoxicating liquors upon any premises for which a “Class B” license for the sale of intoxicating liquors has been issued. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight savings time begins as specified in [Section 175.095\(2\)](#) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 the premises are not required to close.
- e. Class “B” and “Class B” Licenses – On-Premises Consumption.
 - i. Hotels and restaurants, whose principal business is the furnishing of food or lodging to patrons, bowling centers, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses shall be permitted to remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours above.
 - ii. The licensee or permittee and one (1) employee shall be permitted to check out receipts, check the licensed premises for security and do minor cleaning during the closing times established above. For purposes of this ordinance, entertainers shall not be included with the definition of employees. Under no circumstances shall the consumption of alcohol beverages be permitted after the designated closing time. Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning after closing hours. The premises shall be well lighted during cleanup. Prior approval must be requested and granted by the Town Board for any variance of the above requirements.
 - iii. Class “A” and “Class A” Retail Licensed Premises – Other Uses. A premises used for purposes other than Class “A” sales must comply with the closing hours enumerated above if over fifty percent (50%) of the floor area of the premises are used for or devoted to intoxicating liquor and/or fermented malt beverage sales. Otherwise, such premises may remain open for whatever retail hours it chooses, but no sales of intoxicating liquors or

fermented malt beverages shall take place during the closing hours enumerated herein.

13. Revocation and Suspension of Licenses; Non-Renewal.

- a. Procedure. Whenever the holder of any license under this ordinance violates any portion of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this ordinance.
- b. Abandonment of Premises. Any Licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he/she may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The loss of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Town Board. All persons issued a license to sell alcohol beverages in the Town for which a quota exists limiting the number of such licenses that may be issued by the Town shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.
- c. Revocation for Noncompliance. The Town Board of the Town of Beloit may revoke any license hereunder at any time for any violation of the provisions of this ordinance.
- d. Revocation and Suspension of Licenses.
 - i. Procedure. Except as hereinafter provided, the provisions of [Section 125.12](#), Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this ordinance.
 - ii. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.
- e. Repossession of License or Permit. Whenever any license or permit under this ordinance shall be revoked or suspended by the Town Board, action of any court or by effect of Subsection (d)(2) above, it shall be the duty of the Town Clerk to notify the licensee or permittee of the suspension or revocation and to notify any applicable law enforcement official who shall take physical possession of the license or permit wherever it may be found and file it in the Town Clerk's office.
- f. Removal of Alcohol Beverages. Upon the suspension, revocation or nonrenewal of an alcohol beverage license, the license holder shall remove all alcohol beverages from the formerly licensed premises within twenty-four (24) hours of the date of suspension, revocation or non-renewal.
- g. Denial of Renewals. Before denial of any renewal, the licensee shall be given written notice of any violation or reason for non-renewal. The licensee shall be entitled to a hearing.
- h. Other Provisions. Any license issued pursuant to this ordinance shall be subject to such further regulations and restrictions as may be imposed by the Town Board by amendment to this ordinance or by the enactment of new ordinances. If any licenses shall fail or neglect to meet the requirements imposed by such new restriction and regulations his/her license may be revoked in accordance with this Section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

- i. Public Emergency License Suspension. If three-fifths (3/5) of the members of the Town Board of the Town of Beloit find and determine, at a regular or special meeting of the Town Board, that a public emergency exists directly affecting the public welfare and safety, the Town Board may, by a three-fifths (3/5) vote of the members of the Town Board, order an immediate closing of all Class “A” licensed premises for the duration of the public emergency, not to exceed five (5) days, unless the Town Board finds the public emergency continues to exist, in which event, the Town Board may continue the order for successive periods not to exceed five (5) days each in duration.
14. Non-Alcoholic Events for Underage Persons on Licensed Premises. The presence of underage persons on a licensed premise as provided under [Section 125.07\(3\)\(a\) 10](#), Wis. Stats., shall be subject to the following:
- a. The Licensee or agent of a corporate Licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 4:30 p.m. Monday through Friday) and shall be given on forms prescribed by the Town. After a non-alcohol event notice has been given, the Licensee may cancel an event(s) only by giving like notice to the Police Department in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class “B”, “Class B” or “Class C” license.
 - b. During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Town to a requesting Licensee.
 - c. Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
 - d. During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the Licensee or a licensed bartender in the employ of the Licensee. All beer taps and automatic dispensers of alcohol beverage (“speed guns”) shall be either disconnected, disabled or made inoperable.

5.05 OPERATOR’S LICENSE REQUIRED.

1. Operator’s Licenses; Class “A”, Class “B”, or “Class C” Premises. Except as provided under [Section 125.32\(3\)\(b\)](#), and [Section 125.07\(3\)\(a\)10](#), Wis. Stats., no premises operated under a Class “A”, Class “B” or “Class C” license or permit may be open for business unless there is upon the premises the Licensee or permittee, the agent named in the license or permit if the Licensee or permittee is a corporation, or some person who has an operator’s license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator’s license issued in respect to a vessel under [Section 125.27\(2\)](#), Wis. Stats., is valid outside the municipality that issued it. For the purpose of this ordinance, any

person holding a manager's license under [Section 125.18](#), Wis. Stats., or any member of the Licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the Licensee's or permittee's immediate family, other than the Licensee, permittee or agent may serve fermented malt beverages in any place operated under a Class "A", Class "B" or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the Licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

2. Use by another Prohibited.
 - a. No person may allow another to use his/her Class "A" or Class "B" license or permit to sell alcohol beverages.
 - b. The license or permit of a person who violates Section 5.04 (2)(a) above shall be revoked.
3. Exceptions. The provisions of this ordinance shall not apply to the following persons:
 - a. The holder of a Class "B" license or Class "C" license when he/she is serving or dispensing intoxicating liquor, fermented malt beverages or wine on the premises for which he/she holds such license.
 - b. The spouse, son or daughter of a holder of a Class "B" license or a Class "C" license who is living in the same household as the holder of the license and who is over eighteen (18) years of age and serving or dispensing intoxicating liquor, fermented malt beverages and wine on the premises for which the holder of the license has been issued is licensed.
 - c. Waitresses and waiters provided that they are dispensing or serving intoxicating liquor, fermented malt beverages or wine at or across a bar.
4. Procedure upon Application.
 - a. The Town Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Town.
 - b. The Town Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk. Prior to issuance of an operator's license, the Town of Beloit Police Department shall review the application for an operator's license and report back to the Town Clerk. If the investigating authority recommends denial, the investigating authority shall provide in writing the reasons for such recommendation.
5. Duration. Licenses issued under the provisions of this ordinance shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June.
6. Operator's License Fees; Provisional or Temporary Licenses.
 - a. Permit Fees. The fee for an operator's license and provisional license shall be set by Resolution of the Town Board from time to time as necessary. There shall be no fee for a temporary operators' license. Background Investigations through the Police Department shall incur a separate fee to be paid at time of application which is also set from time to time by Resolution of the Town Board.
 - b. Provisional Operator's License. A provisional operator's license is issued for purposes of compliance with Sections [125.32\(2\)](#) and [125.68\(2\)](#), Wis. Stats. The Town of Beloit Police Chief or the Chief's designee is hereby granted the authority to issue said provisional

operator's license following the performance of a background check if the applicant has submitted an application for an annual operator's license and paid all corresponding fees.

- i. Expiration. A provisional operator's license issued pursuant to this ordinance shall expire upon the earlier of: sixty (60) days after its issuance; or the applicant's application for an operator's license has been either approved or denied by the Town Board.
- ii. Revocation. If, after issuance of a provisional operator's license pursuant to this ordinance, the Town Clerk or the Clerk's designee discovers that the holder of said license made a false statement on his/her application for operator's license, the Town Clerk shall immediately revoke the provisional operators' license.

7. Temporary License. The Town Clerk may issue a temporary operator's license provided that:
 - a. This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
 - b. No person may hold more than one (1) license of this kind per year.
 - c. The license is valid for any period from one (1) day to fourteen (14) days and the period for which it is valid shall be stated on the license.

8. Issuance or Denial of Operator's Licenses.

- a. After the Town Board approves the granting of an operator's license, the Town Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- b. If the application is denied by the Town Board, the Town Clerk shall, in writing, inform the applicant of the denial, the reasons therefore and of the opportunity to request a reconsideration of the application by the Town Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
- c. If, upon reconsideration, the Board again denies the application, the Town Clerk shall notify the applicant in writing of the reasons therefore. An applicant, who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to [Section 125.12\(2\)\(d\)](#), Wis. Stats., for review.
- d. Consideration for the granting or denial of a license will be based on:
 - i. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections [111.321](#), [111.322](#) and [111.335](#), Wis. Stats.;
 - ii. The financial responsibility of the applicant;
 - iii. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - iv. Generally, the applicant's fitness for the trust to be reposed.
- e. If a Licensee is convicted of an offense substantially related to the licensed activity, the Town Board may act to revoke or suspend the license.
- f. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.

9. Training Course.
 - a. Except as provided in Subsection (b) below, the Town Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course or unless the applicant fulfills one of the following requirements:
 - i. The person is renewing an operators' license.
 - ii. Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license.
 - iii. Within the past two (2) ears, the person has completed such a training course.
10. Display of License. Each license issued under the provisions of this ordinance shall be posted on the premises whenever the operator dispenses beverages or be in his/her possession, or carry a license card.
11. Revocation of Operator's License. Violation of any of the terms or provisions of the State law or of this ordinance relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.
12. Penalties.
 - a. Forfeitures for violations of Sections [125.07\(1\)-\(5\)](#) and [125.09\(2\)](#), Wis. Stats., as adopted by reference in this ordinance, 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 ordinance 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 a license, shall be subject to a forfeiture as provided in this Code of Ordinances.
 - c. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

5.06 CIGARETTE LICENSE.

1. 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 paper or cigarette wrappers, or any substitute therefore, without first obtaining a license as hereinafter provided.
2. Application for License; Fee. Every person, firm or corporation desiring a license under this ordinance shall file with the Town Clerk a written application therefore, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Town Clerk and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Town Clerk a license fee in accordance with the Town Board's current fee schedule.
3. 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 therefore shall be issued by the Town Clerk. Each license shall be issued on the first day of July in each

year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this ordinance.

5.07 PEDDLERS AND HAWKERS LICENSE.

1. License Required. It shall be unlawful for any person, firm or corporation to engage in the business of peddler of any merchandise, article or things without having first shown evidence of good character and secured a license therefore. Non-profit charitable organizations may obtain a group license for each member participating.
2. Applications. Applications for such licenses shall be made to the Town Clerk and shall state thereon the description and number of vehicles, of any intended to be operated, the kind of merchandise to be peddled and the permanent address of the peddler.
3. Fee. The fees for such license except in the case of non-profit charitable organizations shall be One Hundred Dollars (\$100.00) per month, not to exceed Six Hundred Dollars (\$600.00) per year. Exemptions will be made for those who qualify under [Section 440.51](#), Wis. Stats.
4. The Town Clerk shall issue to every peddler to whom a license is issued an identification card showing the name, home address and describing the merchandise to be offered for sale. The identification card shall show the date of issuance and expiration.
5. Street Peddlers. No peddler shall ply his vocation on any street, sidewalk, park, parkway, or in any other public place, unless this peddler's license specifies that peddling in such public places is permitted thereunder.
6. Fraud. Any licensed peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a peddler in the Town or who shall barter, sell or peddle any goods or merchandise, or wares other than those specified in his application for a license shall be deemed guilty of a violation of this ordinance. [Section 241.27](#), Wis. Stats is hereby incorporated by reference.

5.08 TRANSIENT MERCHANTS LICENSE.

1. License Required. Any farm stands or other business, not covered by any other ordinance, shall procure a license with the Town of Beloit for the purpose of conducting business with the Town. This ordinance is not intended to apply to any non-profit or charitable organization, or event sponsored by the Town of Beloit.
2. Applications. An application shall be filed with the Town Clerk outlining pertinent business and contract information for a single business location. Information regarding the land owner shall also be included, along with written permission for the property owners for the business to operate.
3. Fees. A fee of One Hundred Fifty Dollars (\$150.00) per year shall be required, and will be valid for the current calendar year.

4. Inspections. The application shall identify all business operations, time and schedules. The Zoning Administrator shall approve the operation, and may inspect the operations as needed during the year. Inspections should include vehicle and pedestrian access, parking and other health and safety considerations.

5.09 SOLICITORS AND CANVASSERS LICENSE.

1. Registration Required. It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions, or business of any kind, or seeking for information or donations without first having registered with the Town of Beloit Police Department. The registrant shall give his employer, the nature of the products or services in which he is interested, the name of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the Town. Non-profit charitable organizations may register as a group.
2. Each registrant, unless engaged in canvassing or soliciting on behalf of a charitable or non-profit organization, shall pay to the Town of Beloit a registration fee of One Hundred Fifty Dollars (\$150.00) for the period expiring ten (10) days after the date of said registration.
3. Certificate. Each applicant who shows evidence of good character and who pays the fee (excepting non-profit charitable organizations) provided for herein shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration. Non-profit charitable organizations shall be issued a certificate for each member participating.
4. Exceptions. The provisions of this Ordinance shall not apply to officers or employees of the Town, County, State or Federal Government, or any subdivision thereof, when on official business.
5. Revocation. Any such registration may be revoked by the Chief of Police or the Town Administrator because of any violation by the registrant of this ordinance or of any other ordinance of the Town, or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this ordinance for the original registration.
6. Consent of Occupant. The practice of going in and upon private residence in the Town by solicitors, peddlers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or for the purpose of disposing of and/or peddling or hawking the same, is declared to be a nuisance and unlawful.

5.10 FIREWORKS.

1. Purpose. The Town of Beloit has determined that the public health, safety and welfare will be promoted by adopting an ordinance to regulate the safe and orderly sale, possession and use of fireworks and novelty fireworks.

2. State Statutes Adopted. The provisions of [Section 167.10](#), Wis. Stats., including any amendments thereto, are hereby adopted and incorporated in this ordinance by reference insofar as they are not in conflict with the remainder of this ordinance. In the event of any conflict between this ordinance and the State Statute, whichever provision is more restrictive shall apply.

3. Definitions.
 - a. Fireworks. Defined as provided in [Section 167.10\(1\)](#), Wis. Stats.
 - b. Fireworks Display. A display of fireworks by any person or entity holding a permit to use fireworks.
 - c. Minor. A person who has not attained the age of eighteen (18) years, except that for purposes of investigation or prosecuting a person who is alleged to have violated this Section of the Code of Ordinances, “minor” does not include a person who has attained the age of seventeen (17) years.
 - d. Novelty Fireworks. Defined as those items listed in [Sections 167.10\(1\)\(e\), \(f\), \(i\), \(j\), \(k\), \(l\), \(m\), \(n\) and \(p\)](#), Wis. Stats., and listed as follows:
 - i. A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - ii. A toy snake which contains no mercury.
 - iii. A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length that is designed to produce audible and visual effects.
 - iv. A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - v. A fuse less device that is designed to produce audible or visual effects or audible and visual effects and that contains less than one-quarter (1/4) grain of explosive mixture.
 - vi. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visual effects, or audible and visual effects.
 - vii. A cylindrical fountain that consists of one (1) or more tubes and that is classified by the Federal Department of Transportation as a division 1.4 explosive, as defined in [49 CFR 173.50](#).
 - viii. A cone fountain that is classified by the Federal Department of Transportation as a division 1.4 explosive, as defined in [49 CFR 13.50](#).
 - ix. A novelty device that spins or moves on the ground.

4. Sales of Fireworks Prohibited. No person shall sell, offer to sell, possess with intent to sell, give away or otherwise cause or allow the transfer of fireworks within the Town of Beloit. Exhibiting fireworks on any premises held open to the public shall be conclusively presumed to represent an offer to sell and possession with intent to sell. Subsection (d) shall not apply to:
 - a. A person who sells the fireworks, offers to sell, possesses with intent to sell, gives away or otherwise causes or allows the transfer of fireworks to a person holding a User’s Permit under Subsection 5.10 (7).
 - b. A person who sells the fireworks, offers to sell, possesses with intent to sell, gives away or otherwise causes or allows the transfer of fireworks to a city, village or town.

- c. A person who sells the fireworks, offers to sell, possesses with intent to sell, gives away or otherwise causes or allows the transfer of fireworks to a person who is not a resident of this state.
 - d. A person who sells the fireworks, offers to sell, possesses with intent to sell, gives away or otherwise causes or allows the transfer of fireworks for any of the following purposes:
 - i. The possession or use of explosives in accordance with rules or general orders of the Department of Safety and Professional Services.
 - ii. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
 - iii. The possession or use of explosive or combustible materials in any manufacturing process.
 - iv. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - v. A possessor or manufacturer of explosives in possession of a license or permit under [18 USC 841 to 848](#) if the possession of the fireworks is authorized under the license or permit.
5. Possession and/or Use of Fireworks Regulated. No person shall possess or use fireworks without a valid user's permit issued pursuant to Section 5.10(7).
6. Exclusions. Section 5.10(4) shall not apply to:
- a. Possession of fireworks in the Town while transporting fireworks to a city, village or town where the possession of fireworks is authorized by permit or ordinance, unless the person doing the transporting remains in the Town for at least twelve (12) hours.
 - b. Use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events, or use by militia, police or military organizations.
 - c. Exceptions as set forth in [Section 167.10\(3\)\(b\)1-6](#), Wis. Stats. which are:
 - i. A city, village or town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - ii. The possession or use of explosives in accordance with rules or general orders of the Department of Safety and Professional Services.
 - iii. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
 - iv. The possession or use of explosive or combustible materials in any manufacturing process.
 - v. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - vi. A possessor manufacturer of explosives in possession of a license or permit under [18 USC 841 to 848](#) if the possession of the fireworks is authorized under the license or permit.
7. User's Permit.
- a. Application Required. User's Permits may be issued by the Town Board after proper application to the Town Clerk on forms provided by the Town Clerk. A User's Permit may be issued by the Town only to the following:
 - i. A public authority.
 - ii. A fair association.
 - iii. An amusement park.

- iv. A park board.
 - v. A civic organization.
 - vi. Any individual or group of individuals.
 - vii. An agricultural producer for the protection of crops from predatory birds or animals. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop prevention.
- b. The application must be received no later than thirty (30) days prior to the date of the proposed use.
- i. Content of Application. The application and permit shall specify, at a minimum, the following information:
 - A. The names and addresses of all persons authorized to use fireworks under the permit.
 - B. The date on or after which fireworks may be purchased.
 - C. The kind and quantity of fireworks that may be purchased.
 - D. Designation of the dates and locations for which the permit authorizes the use of fireworks.
 - E. The kind and quantity of fireworks to be used under the permit.
 - F. The event for which the fireworks will be used.
 - G. Such other information as the Town may require.
- c. Investigation. The Town Clerk shall refer the application to the Town Fire Chief or his/her designee for investigation. The Fire Chief or his/her designee shall investigate the applicant and the location where the fireworks will be stored, used or displayed. Within thirty (30) days of the date the application is filed, the Fire Chief or his/her designee shall indicate in writing his or her approval or disapproval of the application stating the reasons if he/she should disapprove. The grounds for disapproving a permit include, but are not limited to, the following:
 - i. The applicant has been convicted of a violation of a State or local law pertaining to the manufacture, sale, use or possession of fireworks, during the past five (5) years.
 - ii. The zoning for the premises does not permit the storage or handling of fireworks at the proposed location.
 - iii. The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
- d. Fee. The fee for a User's Permit shall be the fee established by Town Board resolution. The applicant shall pay a separate fee for each day for which a User's Permit is issued.
- e. Insurance Requirement. Before granting a User's Permit, the applicant shall file with the Town Clerk a certificate of liability insurance from an insurance company authorized to write such policies in Wisconsin, with liability limits acceptable to the Town Board. The certificate of insurance shall name the Town of Beloit as an additional insured and shall unconditionally provide that the policy or policies of insurance shall not be cancelled or altered without thirty (30) days written prior notice to the Town.
- f. Approval. User's Permits shall be granted by the Town Board and the permit shall be signed by the Town Chairperson.
- g. Contents of Permit. A User's Permit shall specify the following:
 - i. The name and address of the permit holder.
 - ii. The date on and after which fireworks may be purchased.
 - iii. The general kind and approximate quantity of fireworks which may be purchased.

- h. Non-transferable. All User's Permits are issued at the pleasure of the Town and may not be transferred, bartered, sold, given or assigned to another individual, group of individuals, organization, family, partnership, business, proprietorship or corporation.
 - i. Alcohol. No alcohol beverages as defined in [Chapter 125](#), Wis. Stat., shall be permitted in the area for use or possession of fireworks specified in the permit and no person within such area shall have an alcohol concentration as defined in [Chapter 340](#), Wis. Stats., in excess of 0.0.
 - j. Minors. A permit under this ordinance may not be issued to a minor.
 - k. Revocation of User's Permit. A User's Permit issued under this ordinance may be revoked, in writing, by the Town Clerk for any of the following reasons:
 - i. Fraud, misrepresentation or a false statement contained in the application for the permit.
 - ii. Any violation of this ordinance.
 - iii. Conviction of a crime or ordinance violation involving fireworks.
 - iv. Conducting the business of fireworks sales in an unlawful manner or in such a manner as to constitute a breach of the peace or endangering the general health, safety and welfare of the public.
 - v. Verification by the Fire Chief or Building Inspector that the premises, means of storage or methods of handling or use of fireworks are unsafe or do not meet any applicable governmental regulations.
 - l. Appeal. The applicant may appeal the decision of the Police Chief, Fire Chief or the Building Inspector to the Town Administrator.
8. Fireworks Displays. No person, other than the holder of a User's Permit, may use or possess any kind of fireworks or novelty fireworks, except sparklers defined in [Section 167.10\(1\)\(i\)](#), Wis. Stats., while attending the fireworks display which is open to the public and for which a User's Permit has been issued pursuant to Subsection 5.10 (7) of this ordinance.
9. Seizure of Fireworks or Novelty Fireworks. Fireworks stored, handled, sold, possessed, or used by a person who violates this ordinance may be seized and held as evidence of the violation. The fireworks that are the subject of a violation of the ordinance may be destroyed after conviction of the person for a violation. Fireworks or novelty fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.
10. Selling or Furnishing Fireworks and Novelty Fireworks to Minors.
- a. No person may sell or furnish fireworks to any minor.
 - b. No person may possess fireworks with the intent to sell or furnish the same to a minor.
 - c. No person shall permit a minor to use fireworks.
 - d. No person, except a minors' parent, legal guardian, foster parent or family-operated group home parent, may sell or furnish novelty fireworks to a minor or permit a minor to use novelty fireworks.
11. Possession and/or Use of Fireworks shall be prohibited. Except pursuant to a User's Permit, no person shall:
- a. Use fireworks.
 - b. Possess fireworks.
 - c. Purchase fireworks.

12. Parental Liability. A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.
13. Out-of-State and In-State Shipping. Nothing in this ordinance shall be construed to prohibit a vendor from selling fireworks to a non-resident person or to a person or group granted a User's Permit under this ordinance. A vendor that ships the fireworks sold shall package and ship the fireworks in accordance with applicable state and federal law.
14. Annual and Seasonal Vendor Permits. No vendor may sell fireworks within the Town of Beloit without first obtaining a permit from the Town.
15. Term of Permit. The annual vendor's permit shall be issued for a one (1) year period commencing on July 1 and ending on June 30. The seasonal vendor's permit shall be issued for a six (6) month period commencing from the date of grant of permit.
16. Fee. Permit fees shall be established by Town Board resolution.
17. Contents of Application. The application for a vendor's permit shall be on a form furnished by the Town Clerk which shall, at a minimum, require the following information to be disclosed:
 - a. The name, address and phone number of the applicant and the name, address and phone number of the proposed permit holder, if different from the applicant.
 - b. The address or addresses at which wholesale fireworks will be sold and stored.
 - c. The applicants Wisconsin sales tax identification number.
 - d. A description of the fireworks that the applicant proposes to sell at wholesale.
18. Investigation. The Town Clerk shall refer the application to the Fire Chief or his/her designee for investigation. If an application for a fireworks seller's permit is filed with the Town Clerk on or before June 1, the Fire Chief or his/her designee shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief or his/her designee shall indicate within thirty (30) days of the date the application is filed whether they approve or disapprove the application. If the Fire Chief or his/her designee disapproves the application, he/she shall state the reason for disapproval. The grounds for disapproving a permit include, but are not limited to the following:
 - a. The applicant has been convicted of a violation of a State or local law pertaining to the manufacture, sale, use or possession of fireworks during the past five (5) years.
 - b. The zoning for the permitted premises does not permit the sale, storage or handling of fireworks at the proposed location.
 - c. The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
19. Appeal. The applicant may appeal the decision of the Fire Chief to the Town Administrator.
20. Storage and Handling.
 - a. Fire Extinguishers Required. No vendor may store or handle fireworks in a premise unless the premise is equipped with fire extinguishers approved by the Fire Chief.
 - b. Smoking Prohibited. No person may smoke where fireworks are stored or handled.

- c. Notification of Fire Chief. A person who stores fireworks shall notify the Fire Chief of the location and quantity of fireworks stored.
 - d. Storage Distance. No vendor may store fireworks closer than fifty (50) feet to the storage facility lot line.
 - e. Storage Restriction. No person may store fireworks within fifty (50) feet of a private dwelling, public assemblage or place where gasoline or volatile liquid is sold or stored in quantities exceeding one (1) gallon.
 - f. Storage in Vehicles Prohibited. No person may store fireworks within any motor vehicle, vehicle trailer of any kind or part of a vehicle for a period of time greater than twenty-four (24) hours.
 - g. Outdoor Storage. Outdoor storage of fireworks shall comply with the outdoor storage requirements in the Town of Beloit Zoning Code.
 - h. Annual Inspections. The Fire Chief and other authorized safety officials shall perform an annual inspection of every premise where fireworks are stored.
21. Penalties. In addition to the denial, suspension or revocation of a permit issued under this ordinance, any person who shall violate any provision of this ordinance or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture pursuant to this Code of Ordinances. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

5.11 SPECIAL EVENTS.

- 1. Definitions.
 - a. Class I. A special event in which more than one hundred (100) people attend and any of the following occurs: alcohol is sold or served; outdoor entertainment/amplified music is involved; tent(s) larger than four hundred (400) square feet are utilized; or the event lasts more than one (1) day.
 - b. Class II. A special event with less than one hundred (100) people and no alcohol is sold or served or no outdoor entertainment/amplified music is provided.
 - c. Event Coordinator. The individual identified by the special event sponsor that will be on-site at all times during the special event to address problems as well as implement directions from Town Officials during the special event.
 - d. Special Event. Any activity that uses public streets, rights-of-way, sidewalks, or private property or may require increased levels of Town services. This includes, but is not limited to, fairs, festivals, sporting events, foot runs, walk-a-thons, bike-a-thons, bike races, markets, outdoor merchandise sale, parades, parade of homes, exhibitions, auctions, dances, motion picture filming, and other similar events.
 - e. Exceptions:
 - i. Funerals and funeral processions.
 - ii. Students going to and from school or participating in educational activities or school sporting events provided such activity is under immediate direction and supervision of the proper school authority.
 - iii. Events sponsored by the Town or a Town agency.
 - iv. Event in a Town park with under one hundred (100) people attending. Note: A park rental permit is required. Contact the Town Clerk's office.

2. Permits Required.

- a. No person or organization shall conduct a special event as defined herein within the Town of Beloit without first having obtained a special event permit. Permits are valid only for the dates, time and location specified in the permit. This provision shall apply to all events proposed after the date of the adoption whether or not the event in question has been a reoccurring event within the Town.
- b. A park rental permit may be required depending on the location of the special event and is not provided for in this permit process.
- c. Other Permits Required. All vendors operating as part of a special event permit obtained under this ordinance shall obtain and display any and all required Town, county, or state permits for the duration of the event (i.e. food, vendor, temporary beer, etc.). If serving beer and/or alcohol there must be either a licensee or a person holding an operator's license onsite in accordance with Sections [125.17\(1\)](#), [125.32\(2\)](#), and [125.68\(2\)](#), Wis. Stats.
- d. Special events with more than fifty (50) people but less than one hundred (100) people, are not required to obtain a permit, but are encouraged to contact the Police and Fire Devices in advance of the event. These events, if located at or sponsored by a business, may require consideration from the Town Plan Commission.

3. Application.

a. Application Requirements.

- i. Application for a special event permit shall be filed with the Town Clerk at least 60 days prior to the proposed event.
- ii. Permit fees are required with submission of application. Permit fees shall be set from time to time by resolution of the Town Board.
- iii. The application shall include the following:
 - A. The name, address and phone number of the special event sponsor(s). If more than one person, entity or organization is the sponsor, all must be listed. In the case of a corporation, Limited Liability Corporation, limited liability partnership, or partnership, the name and mailing address of each person holding ten percent or more of the ownership.
 - B. The name, address and phone number for the special event sponsor's contact or agent.
 - C. The name, address and phone number of the event coordinator and the method by which the Town can contact the Event Coordinator during the special event.
 - D. Special event on private property.
 - i. The address of all private property upon which the special event is to be held, together with the name, and mailing address of the owners of record.
 - ii. Notarized authorization from the property owner(s) that the applicant has permission to use property for a special event.
 - E. The nature of the assembly.
 - F. The dates and hours during the special event. Applicant should include dates and hours for set up and clean up in the information provided.
 - G. The maximum number of persons allowed at any given point at any time. This may also be determined by the Fire Chief and/or Chief Fire Inspector.
 - H. Plans and description for the following, as necessary for the event:

- 1) Fencing and gates as necessary to control access to or within the special event;
 - 2) Potable water locations;
 - 3) Toilet and lavatory facility locations and number;
 - 4) Solid waste collection locations and disposal;
 - 5) First aid station, or additional medical care facilities as required upon Town review;
 - 6) Lighting plan, including location, hours of use and power source;
 - 7) Parking size and location;
 - 8) Access to event and to parking, if located separately;
 - 9) Camping facilities;
 - 10) Crowd control/security personnel including number and responsibilities;
 - 11) Sound control and amplification, location, size and number of speakers and amplifiers;
 - 12) Access for emergency vehicles and personnel.
- I. Certification that by signing the application, the applicant is authorized to act on behalf of the event sponsor(s).
 - J. Applicant's acknowledgement that by signing and submitting the application they accept and comply with the provisions of Sections 5.11 (4)(a) and (b).
 - K. Proof of insurance as described in Subsection 5.11 (4)(a) below.
 - L. Park rental approval, if applicable.

b. Application Process.

- i. Upon receipt of an application for a permit, the Town Clerk shall immediately distribute the complete application to Police Department, Fire Department, Public Works Department and Town Administrator for review and comment. Department review and comments shall be returned to the Town Clerk within thirty (30) days of distribution of the application.
- ii. The Town, in reviewing the application, shall consult any other state, county or local body as necessary for assistance in evaluating the application in order to promote the safety, health, welfare and security of the residents of the Town of Beloit and the persons attending the special event.
- iii. Permit review.
 - A. The Town Clerk shall review Class II applications for conformity with the provisions of this ordinance and the comments from the departments and if the applicable requirements are met, shall issue a permit.
 - B. The Town Board shall review all class I permit applications and department recommendations and either deny the permit, approve the permit or approve the permit with conditions. The permit shall be issued by the Town Clerk.

4. Permit Conditions.

- a. Liability Insurance. The special event sponsor is required to obtain insurance for special events that include alcohol, have more than one hundred (100) people per day or involve a road closure. Proof of comprehensive general liability insurance which names and endorses the Town, its officers, agents, employees, and contractors as an additional insured party shall be submitted to the Town no later than twenty (20) days before the event. The applicant shall notify the Town in the event there is a modification of any of the terms of the insurance coverage. Such notification shall be provided not less than two

- (2) weeks prior to the effective date of that change. Any change to coverage requires Town approval.
- b. Indemnification. The applicant and event sponsor(s) shall agree to hold the Town, its officers, employees, agents, and contractors, harmless against all claims, liability, loss, damage or expense (including but not limited to actual attorney's fees) incurred by the Town for any damage or injury to person or property caused by or resulting directly or indirectly from the activities for which the permit is granted.
 - c. Town Services. All requests by applicants for Town services must be made at time of application. The applicant shall be responsible for reimbursement to the Town for any Town personnel, services, equipment, and facilities provided for the special event. Reimbursable costs shall be calculated to include wages, overtime, and fringe benefits. An invoice shall be sent to the applicant, within fifteen (15) days following the event. Payment is due within thirty (30) days of invoice. The Town reserves the right to require full or partial payment of estimated costs in advance.
 - d. Cleaning/Damage Deposit. The applicant may be required to submit to the Town a cleaning/damage deposit of Two Hundred Dollars (\$200.00) per day for each scheduled day of the event (or a portion thereof), two (2) weeks prior to the starting date of the event. The deposit shall be refunded to applicant, if, upon inspection, all is in order, or a prorated portion thereof as may be necessary to reimburse the Town for loss or cleaning costs. The Town reserves the right to retain the entire deposit if cleanup is not completed satisfactorily in the time frame as specified in the permit. Unless otherwise stated in the permit, the applicant shall be fully responsible for all necessary cleanup associated with the permitted event to be completed within twelve (12) hours after the conclusion of the event.
 - e. Noise. Amplified music, public address systems, loudspeakers, or other amplification devices must end by 11:00 p.m. on Fridays and Saturdays, and by 10:00 p.m. all other nights. This condition may be modified by the request of the Event Coordinator or any resident through the Town Board.
 - f. Sufficient Staffing and Security. The special event sponsor shall provide sufficient staffing to provide assistance with crowd control, parking, sanitation, and medical services. A determination as to these needs will be made by the departments as part of the review process. All special events that are determined to require added Police, Fire or Emergency Medical presence will agree to terms of payment to the Town prior to the event being held. The Town will bill the individual, group or organization for the actual cost of staff incurred by the Town. If alcohol is served, one Police Officer will be required for every three hundred (300) people anticipated. If no alcohol is served, one Police Officer will be required for every five hundred (500) people anticipated.
 - g. Event Coordinator. The special event sponsor shall have at least one (1) representative on site during the event at all times, as identified on the permit application. Depending on the size and activities of the event, the Town may require a meeting with Event Staff prior to the event occurring.
 - h. Site Requirements.
 - i. All tents must be installed in accordance with NFPA guidelines.
 - ii. Wiring shall be installed by a licensed electrician. All persons requiring electricity at a special event shall follow [NEC](#) and [SPS Ch. 316](#), Wis. Administrative Code.
 - iii. Attendees and staffing shall not exceed the maximum number which can reasonably attend at the location of the special event, in consideration of the nature of the special event.

- iv. Responsibility for arranging any inspections required to meet these standards or any other requirements prior to the special event is the sponsor's. Any fees for such inspections shall be paid by the special event sponsor.
 - i. Notification. The Town may require that the permit holder give written notice fifteen (15) days in advance of the Town Board meeting where action is scheduled to be taken regarding the proposed event to any property owners or tenants as determined during the Town departments' review. Notice shall, at a minimum, include the type of event, name of the special event sponsor(s), date, time and location, event coordinator's name and contact information during the event.
5. Limitation or Termination of Special Event.
- a. The Town may limit the size of or shut down a special event if it is deemed to be a public safety hazard or public nuisance by the Police Department or Fire Department, or there is a violation of Town or county ordinances, state statutes or the terms of the applicant's permit. The Town may limit or shut down any amplified music at an event if complaints are received by the Police Department from neighboring citizens. The Town Clerk or designee may revoke an approved special event permit if the applicant fails to comply with the provisions of the permit prior to the event date.
6. Denial of Permit.
- a. Reasons for denial of a special event permit include, but are not limited to:
 - i. The event will disrupt traffic within the Town beyond practical solution.
 - ii. The event will create a likelihood of endangering the public.
 - iii. The event will interfere with access to emergency services.
 - iv. The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents.
 - v. The event will require the diversion of Town resources(s) that would unreasonably affect the maintenance of regular Town service levels.
 - vi. The application contains incomplete or false information.
 - vii. The applicant fails to provide proof of insurance.
 - viii. Inadequate provision for garbage or debris removal.
 - ix. Inadequate provision of temporary restroom facilities.
 - x. Inadequate provisions for parking.
 - xi. Denial of a permit by the joint park and recreation department.
 - xii. Applicant fails to submit the required fees and/or deposits.

5.12 PARADES.

1. Definitions. A "parade" is any parade, ceremony, show, exhibition, pageant, motorcade or procession of any kind, or any similar display in or upon any street, sidewalk or other public place in the Town of Beloit.
2. Permit Required. No person shall engage in, participate in, aid, form, or start any parade unless a parade permit shall have been obtained from the Town Board of the Town of Beloit.
3. Application. A person seeking issuance of a parade permit shall file a written application with the Town Clerk.

4. Filing Date. A written application for a parade permit shall be filed with the Town Clerk not less than thirty (30) days before the date on which it is proposed to conduct the parade.
5. Contents. The application for a parade permit shall set forth the following information:
 - a. The true and correct name, address and telephone number of the person seeking to conduct the parade.
 - b. If a parade is proposed to be conducted for, on behalf of, or by any organization, the true and correct name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
 - c. The true and correct name, address and telephone number of the person who will be the parade chairman and of all persons who will be in charge of and responsible for its conduct.
 - d. The date when the parade is to be conducted.
 - e. The route to be traveled, the starting point and the termination point.
 - f. The approximate number of persons who, animals and vehicles which and signs, banners and flags which will be in the parade; the type of animals, description of the vehicles and the signs, banners and flags.
 - g. The hours when the parade will start and terminate.
 - h. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be transversed.
 - i. The location by the streets of any assembly areas for the parade.
 - j. The time at which units of the parade will begin to assemble at any such assembly area or areas.
 - k. The interval of space to be maintained between units of the parade.
 - l. Any additional information which the Town Board shall find reasonably necessary to make a fair determination as to whether a permit shall be issued.
6. Fee. There shall be paid at the time of filing the application for a parade permit, a fee of Fifty Dollars (\$50.00). The Town Board shall have authority to waive the fee for a parade permit.
7. Standards for Issuance. The Town Board shall direct the Town Clerk to issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained find that:
 - a. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - b. The conduct of the parade will not require the diversion of so great a number of Police Officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town.
 - c. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly area.
 - d. The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire, or with fire rescue equipment.
 - e. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create disturbance or incite a riot.
 - f. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

- g. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
 - h. That no other parade permit has been issued for conducting any other parade at the same time within the Town.
8. Notice of Rejection. The Town Board shall act upon the application for a parade permit within thirty (30) days after the filing thereof. If the Town Board disapproves the application, it shall direct the Town Clerk to mail to the applicant within three (3) days after the date upon which the application was disapproved, a notice of its action stating the reasons for its denial of the permit.
9. Alternative Permits. The Town Board in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall within two (2) days after notice of the action of the Town Board, file a written notice of acceptance with the Town Clerk. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this ordinance.
10. Notice to Town and Other Officials. Immediately upon the issuance of a parade permit, the Town Clerk shall send a copy thereof to the following:
- a. The Police Chief
 - b. The Fire Chief
 - c. Director of Public Works
 - d. Town Administrator
11. Contents of Permit. Each parade permit shall state the following information:
- a. Starting Time.
 - b. Minimum Speed.
 - c. Maximum Speed.
 - d. Maximum interval of space to be maintained between units of the parade.
 - e. The portions of the streets to be traversed that may be occupied by the parade.
 - f. The maximum length of the parade in blocks or fractions thereof.
 - g. The route of the parade.
 - h. Terminating Time.
 - i. The Date of the Parade.
 - j. Such other information as the Town Board shall find necessary to the enforcement of this Ordinance.
12. Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances of the Town of Beloit. A permittee shall also be responsible for gathering and removing all litter and refuse resulting from the parade and discarded along the route of the parade within twenty-four (24) hours after its termination.
- a. Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the course of the parade.
13. Public Conduct During Parades.

- a. Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade nor shall any other organization or group of person not mentioned in the application for a parade permit participate in the parade.
 - b. Driving through Parades. No driver of a vehicle shall drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade unless directed by a Police Officer. However, the parade shall permit passage of authorized emergency vehicles.
14. Revocation of Permit. The Town Board shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth

5.13 PAWN BROKER AND SECOND-HAND DEALERS LICENSE.

1. Purpose.
 - a. Pawnbrokers and secondhand articles dealers provide an opportunity for the commission of crimes and concealment of crimes because pawnshops and secondhand articles dealers have the ability to receive and transfer stolen property easily and quickly. The Board of Supervisors finds that consumer protection regulation is warranted in transactions involving these businesses. The Board of Supervisors further finds that pawnshops and secondhand goods dealers have surpassed the Town's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this ordinance is to prevent pawnshops and secondhand articles dealers from being used to facilitate the commission of crimes, to prevent youth from being involved in pawn and secondhand articles industries, and to assure that they comply with basic consumer protection standards, thereby protecting property values, preventing blight, and protecting the public health, safety and general welfare of the citizens. This ordinance is enacted pursuant to the authority granted by [Section 134.71\(14\)](#), Wis. Stats.
 - b. This ordinance implements and establishes the required use of an automated pawnshop and secondhand articles dealer system (APS) to help the Police Department better regulate current and future pawnshops and secondhand articles dealers to decrease and stabilize costs associated with the regulation of pawnshops and secondhand articles dealers and to increase identification of criminal activities in pawnshops and secondhand articles dealers through the timely collection and sharing of transaction information.
2. Definitions.
 - a. APS. Automated Pawn System (APS) is a computerized method of tracking pawn and secondhand articles transactions. Pawnbrokers and secondhand articles dealers enter their transactions into a point of sale (POS) software program at their places of business. At the close of business each day, the data from the POS is transferred to the APS central site via email. The places of business of pawnbrokers and secondhand articles dealers need to be equipped with a computer, internet connection and email capabilities along with the POS software program.
 - b. Article. A tangible personal property.
 - c. Auctioneer. An individual who is registered as an auctioneer under [Chapter 480](#) of the Wisconsin Statutes and who sells secondhand articles of secondhand jewelry at an auction, as defined in [Section 480.01\(1\)](#), Wis. Stats.

- d. Billable Transaction. Every reportable transaction except renewals, redemptions, voids, or extensions of existing pawns or purchases previously reported and continuously in the pawnbrokers or secondhand articles dealers possession.
- e. Charitable Organization. A corporation, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- f. Countertop. Any horizontal surface located inside or directly outside the business premises of a pawnbroker or secondhand articles dealer, which is used to conduct business, negotiations, transactions, or any other customer related function.
- g. Customer. A person with whom a pawnbroker or secondhand articles dealer engages in a transaction of any secondhand article.
- h. Digital Video. A video recording system that works by using a digital video signal, and can be copied with no degradation in quality.
- i. Director. The director of a corporation.
- j. Garage/Yard Sale. A sale, during a period not to exceed seventy-two (72) hours, of secondhand articles by the owner of the articles at the owner's home or the home of a neighbor of the owner.
- k. Manager. The person in charge of the business premises of the pawnbroker or secondhand articles dealer.
- l. Member. A member of a limited liability company.
- m. Minor. A person who has not attained the age of eighteen (18) years.
- n. Officer. An officer of a corporation.
- o. Partner. A partner in a partnership.
- p. Pawn. An article deposited with a pawnbroker as security for a loan.
- q. Pawnbroker. Any person who engages in the business of lending money on the deposit of any article, or purchasing any article with the expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.
- r. Pawnshop. The premises in which a pawnbroker regularly conducts business.
- s. Police Chief. The Town of Beloit Police Chief.
- t. Police Department. The Town of Beloit Police Department.
- u. Police Officer. A Town of Beloit police officer.
- v. Primary Video. The original recording of the color digital video as it was initially streamed from the camera.
- w. Reportable Transaction. Every transaction conducted by a pawnbroker or secondhand articles dealer in which an article is received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided or redeemed. The following transactions are not reportable:
 - i. The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided a pawnbroker or secondhand articles dealer must maintain a record of such purchase or consignment that describes each article, and must mark each article in a manner that relates it to that transaction record.
 - ii. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.
- x. Secondhand. Owned by any person, except a wholesaler, retailer or secondhand articles dealer licensed under this ordinance, immediately before the current transaction.

- y. Secondhand Article. Any article which is secondhand and includes without limitation: electronic audio or video equipment; firearms; musical instruments; sports equipment; photographic equipment; outboard motors; inboard drives; nautical sonar or radar devices; electric pneumatic or hydraulic powered construction or mechanical equipment or tools; computers or computer-related equipment; cellular phones or other communication devices; jewelry; coins; precious metals; artist signed or artist attributed original works of art.
 - z. Secondhand Articles Dealer. Any person whose regular business includes selling or receiving secondhand articles, including consignment house dealers, flea market dealers, antique dealers and any person conducting more than two (2) garage/yard sales in a year, but not including used car sales involving vehicles with titles requiring registration with the Wisconsin Department of Motor Vehicles or boats requiring registration with the Department of Natural Resources.
 - aa. Town. Town of Beloit.
 - bb. Town Board. The Town of Beloit Board of Supervisors.
 - cc. Transaction. Any sale, purchase, pawn, consignment, trade, loan, pledge, receipt, exchange, renewal, redemption, void or extension between a customer and a pawnbroker or secondhand articles dealer.
 - dd. Zoom. To focus a camera on an object using a lens so that that object's apparent distance from the observer changes. A correctly "zoomed" camera covers the entire desired area without including a picture or information from the larger undesired area.
3. Non-Applicability of this Ordinance. This ordinance does not apply to:
- a. Any transaction by an auctioneer.
 - b. Any transaction at a garage/yard sale where the person conducting the garage/yard sale is not a secondhand articles dealer, an estate sale, a gun, knife, gem or antique show or a convention.
 - c. Any transaction entered into by a person while engaged in the business of junk collector, junk dealer or as a scrap processor as described in [Section 70.995\(2\)\(x\)](#), Wis. Stats.
 - d. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.
 - e. Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:
 - i. The return of the article.
 - ii. The exchange of the article for a different, new article.
 - f. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
 - g. Any transaction as a seller of a secondhand article that the person brought from a charitable organization if the secondhand article was a gift to the charitable organization.
4. License.
- a. No person may operate as a pawnbroker or secondhand articles dealer in the Town unless the person first obtains a pawnbroker or secondhand articles dealer license under this ordinance.
 - b. A person who operates as a secondhand articles dealer only on premises or land owned by a person having a secondhand articles dealer's license and who operates a secondhand dealer mall or flea market need not obtain a secondhand article dealer's license.

5. License Application. A person wishing to operate as a pawnbroker or secondhand articles dealer shall apply for a license from the Town Clerk. The Clerk shall furnish application forms approved by the Police Department that shall require the following:
 - a. The applicants name, place and date of birth, residence and address and all states where the applicant has previously resided.
 - b. The names and addresses of the business and of the owner of the business premises.
 - c. A statement as to whether the applicant, including the applicant's officers, directors, members, partners, or managers, has been convicted within the preceding ten (10) years of a felony or within the preceding ten (10) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.
 - d. Whether the applicant is a natural person, corporation, limited liability company or partnership, and:
 - i. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - ii. If the applicant is a partnership, the names and addresses of all partners.
 - iii. If the applicant is a limited liability company, the names and addresses of all members.
 - e. The name of the manager or managers of the business.
 - f. Whether the applicant or the applicant's officers, directors, members, partners or managers has ever used or been known by any other name, and if so, the other name or names used and dates and places where used.
 - g. Whether the applicant or the applicant's officers, directors, members, partners or managers has previously been denied or had revoked or suspended a pawnbroker license or secondhand articles license from any governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the denial, revocation or suspension.
 - h. Any other information that the Town Board may reasonably require.
6. Investigation of License Applicant. The Police Department shall investigate each applicant for a pawnbroker's or secondhand articles dealer's license. The investigation shall include each officer, director, member, partner or manager of the applicant. The Police Department shall furnish the information derived from the investigation in writing to the Town Clerk.
7. License Issuance. The Town Board shall grant a license if all the following apply:
 - a. The applicant, including the applicants officers, directors, members, partners or managers has not been convicted within the preceding ten (10) years of a felony or within the preceding ten (10) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker or a secondhand articles dealer.
 - b. The applicant provides to the Town a bond of Two Thousand Five Hundred Dollars (\$2,500.00) from a corporate surety licensed to do business in the State of Wisconsin, for compliance with all Town ordinances relating to pawnbrokers and secondhand articles dealers. The bond must remain in full force and effect during the term of the license.
 - c. No license issued under this ordinance may be transferred.

- d. Each license is valid from January 1 until the following December 31 or any prorated portion thereof.
8. Inspection of Articles. At all times during the term of the license, the pawnbroker or secondhand articles dealer must allow the Police Department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, for the purpose of inspecting such premises to verify compliance with this ordinance.
9. Display of License. Each license issued under this ordinance shall be displayed in a conspicuous place visible to anyone entering a licensed premises.
10. Pawnbroker and Secondhand Articles Dealer Requirements.
- a. Identification. No pawnbroker or secondhand articles dealer may engage in a transaction of a secondhand article with a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker or secondhand articles dealer shall require the customer to present one of the following types of identification:
 - i. A valid Wisconsin identification card.
 - ii. A valid Wisconsin vehicle operator's license.
 - iii. A valid motor vehicle operator's license, containing a picture, issued by another state.
 - iv. A valid military identification card containing a photograph.
 - v. A valid passport.
 - vi. An alien registration card containing a photograph.
 - vii. A senior citizen's identification card containing a photograph.
11. Transaction with Minors.
- a. Except as provided herein, no pawnbroker or secondhand articles dealer may engage in a transaction of any secondhand article with a minor.
 - b. A pawnbroker or secondhand articles dealer may engage in a transaction with a minor if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as provided in Section 5.13 (10)(a)(vii).
12. Records Required. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker or secondhand articles dealer must immediately record in English the following information by a computerized records system approved by the Town of Beloit Police Department:
- a. A complete and accurate description of each article, including, but not limited to any trademark, identification number, serial number, model number, brand name, or identifying mark on such an item.
 - b. The purchase price or amount of money loaned.
 - c. The nature of the transaction such as trade, consignment or sale.
 - d. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all fees and charges.
 - e. Date, time and place the article was received by the pawnbroker or secondhand articles dealer.

- f. Full name, current residence address, current residence telephone number, cell phone number, date of birth and accurate description of the customer from whom the property was received, including sex, height, weight, race, color of eyes and color of hair.
- g. A photocopy of the form of identification listed in Subsection 5.13 (10)(a) given to the pawnbroker or secondhand articles dealer.
- h. The signature of the customer in the transaction.
- i. For renewal, extensions and redemptions, the pawnbroker or secondhand articles dealer shall provide the original transaction date, the date of the current transaction and the type of transaction.

13. Holding Period.

- a. Except as provided herein, any secondhand article purchased or received by a pawnbroker or secondhand articles dealer shall be kept on the business premises or other place for safekeeping for not less than thirty (30) business days after the date of purchase or receipt, unless the person known by the pawnbroker or secondhand articles dealer to be the lawful owner of the secondhand article redeems it.
- b. During the period set forth in Subsection 5.13 (13)(a), the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker or secondhand articles dealer shall permit any police officer to inspect the secondhand article during this period. Within twenty-four (24) hours after a request of a police officer during this period, a pawnbroker or secondhand articles dealer shall make available for inspection any secondhand article which is kept off the premises for safekeeping.
- c. Subsections herein do not apply to secondhand article consigned to a pawnbroker or secondhand articles dealer.
- d. Redemption Period. Any customer pledging, pawning or depositing any article for security must have a minimum of sixty (60) days from the date of that transaction to redeem the article before it may be sold. The date of the transaction shall be stated on a written receipt given to the customer pledging, pawning or depositing the article. During the sixty (60) day holding period, the article may not be removed from the licensed premises. Pawnbrokers or secondhand articles dealers are prohibited from redeeming any article to anyone other than the customer to whom the receipt was issued. However, pawnbrokers or secondhand articles dealers may redeem an article to any person authorized in a written and notarized statement to redeem the property by the customer to whom the receipt was issued; to a person identified in writing and signed by the customer to whom the receipt was issued at the time of the transaction; or to a person approved by the Police Department. Written authorization for release of property to persons other than the customer to whom the receipt was given must be maintained along with the records of the original transaction record.
- e. Police Order to Hold Property.
 - i. Investigative Hold. Whenever a police officer notifies a pawnbroker or secondhand articles dealer not to sell an article, or remove an article from the license premises, the article shall not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the Police Department within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, until the investigative order is cancelled, or until an order to confiscate is issued, whichever comes first.
 - ii. Order to Confiscate.

- A. If an article is identified as stolen or as evidence in a criminal case, the Police Department may physically confiscate and remove it from the licensed premises, pursuant to a written order from the Police Department.
 - B. When an article is confiscated, the police officer doing so shall provide identification upon request of a pawnbroker or a secondhand articles dealer, and shall provide the pawnbroker or secondhand articles dealer with the name and phone number of the confiscating police officer and the case number related to the confiscation.
 - C. When an order to confiscate is no longer necessary, the Police Department shall so notify the pawnbroker or secondhand articles dealer.
- f. Daily Reports to Police.
- i. Pawnbrokers and secondhand articles dealers must submit the records for every reportable transaction to the Police Department daily by transmitting it over the internet to APS. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the Police Department using procedures that address security concerns of the pawnbroker and secondhand articles dealers and the Police Department. Pawnbrokers and secondhand articles dealers must display a sign of sufficient size in a conspicuous place on their premises which informs customers that all transactions are reported daily to the Police Department by APS.
 - ii. Pawnbrokers and secondhand articles dealers will be charged for each transaction reported to the Police Department by APS.
 - iii. If a pawnbroker or secondhand articles dealer is unable to successfully submit the required reports to APS, the pawnbroker or secondhand articles dealer must provide the Police Department with printed copies of all reportable transaction by 12:00 noon the next business day.
 - A. If the failure to submit the required reports to APS is determined to be the fault of the computer system of the pawnbroker or secondhand articles dealer and the failure is not corrected by the close of business the first business day following the failure, the pawnbroker or secondhand articles dealer must provide printed copies of all required reports and shall be charged a daily reporting failure fee of Ten Dollars (\$10.00) until the failure is corrected.
 - B. If the failure to submit the required reports to APS is determined not to be the fault of the computer system of the pawnbroker or secondhand articles dealer, the pawnbroker or secondhand articles dealer must provide printed copies of all required reports, and when the failure is corrected to submit all required reports to APS.
 - iv. Daily reports are not required to be filed for returns or exchanges of secondhand articles purchased from a pawnbroker or secondhand articles dealer.
 - v. Daily reports must accurately report the information required. If an inaccurate report is submitted, the pawnbroker or secondhand articles dealer shall be charged a reporting failure fee of Ten Dollars (\$10.00) for each such report and shall submit an accurate report by the end of the next business day after the inaccurate report is discovered.

- g. Receipt Required. Every pawnbroker or secondhand articles dealer must provide a receipt to the customer in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt must include at least the following information:
- i. The name, address and telephone number of the licensed business.
 - ii. The date and time the article was received by the pawnbroker or secondhand articles dealer.
 - iii. Whether the article was pawned or sold or the nature of the transaction.
 - iv. An accurate description of each article received, including, but not limited to, any trademark, identification number, serial number, model number, brand name or other identifying marker on such article.
 - v. The signature of the pawnbroker or secondhand articles dealer who conducted the transaction.
 - vi. The amount advanced or paid.
 - vii. The monthly and annual interest rates, including all pawn fees and charges.
 - viii. The last regular day of business by which the article must be redeemed by the customer without risk that the article will be sold, and the amount necessary to redeem the pawned article on that date.
 - ix. The full name, residence address, residence telephone number, cell phone number, and the date of birth of the customer.
 - x. The identification number and type of identification of the forms of identification used by the customer from the list of Section 5.13 (10)(a).
 - xi. Description of the customer, including approximate sex, height, weight, race, color of eyes and color of hair.
 - xii. Signature of the customer
- h. Label Required. Pawnbrokers and secondhand articles dealers must attach a label to every article at the time it is pawned, purchased or received in any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction date, the name of the article, and the description or the model and serial number of the article as reported to the Police Department, and the date the article is out of pawn or can be sold. Labels shall not be reused.
- i. Camera System. Pawnbrokers and secondhand articles dealers must maintain a color digital video camera system. The digital video camera system shall conform to the following standards:
- i. Minimum Cameras: The digital video camera system must include no less than three (3) separately located interior cameras and one (1) exterior mounted camera. Depending on the configuration of the interior and exterior of the business premises more than three (3) interior digital video cameras may be needed and more than one (1) exterior digital video camera may be needed. The premises are required to have a sufficient number of digital video cameras to comply with this ordinance.
 - ii. Interior Cameras:
 - A. One (1) digital video camera shall cover the entire doorway of the main entrance, with the view not to exceed six (6) inches above and/or below the associated doorjamb. The purpose of this camera will be to view all persons and articles entering and leaving the business premises.
 - B. One (1) digital video camera shall cover each countertop used for customer transactions.

- C. One (1) digital video camera shall be placed within ten (10) feet of the main entrance and shall be placed, zoomed, and focused in a manner that obtains a quality video image of the overall interior of the business premises.
- vi. Exterior Camera(s): A minimum of one (1) digital video camera and more than one (1) if needed, shall be placed on or around the exterior of the building to show:
 - A. The entire parking lot of the business, and any entrance to the business; and
 - B. All customer, pawnbroker and employee parking spaces.
- vii. Video Recording and Storage:
 - A. Video from each camera shall be digitally recorded on a hard disk drive (HDD) or by use of comparable solid-state electronic technology. Tapes, media disks or any type of analog video storage method will not be permitted for primary video recording.
 - B. All primary video at all times and in all forms shall remain at the business premises which made the recording. Remote camera (HDD) servers or a similar remote video storage technology are not permitted.
 - C. A minimum of sixty (60) days of video will be digitally stored to be made available for the Police Department by the pawnbroker or secondhand articles dealer.
 - D. Video, from all cameras, will be digitally stored during all business hours and also whenever a pawnbroker, employee or customer is present.
 - E. Digital video systems that utilize pixel-change-only recording technology are permitted, provided they are proven as reliable.
- viii. Video Availability for Law Enforcement:
 - A. Upon request of the Police Department, a pawnbrokers or secondhand articles dealers digital video camera system shall be made available for immediate viewing of video or inspection for compliance with this ordinance.
 - B. Pawnbrokers and secondhand articles dealers shall provide the Police Department with a digital copy of a requested video.
 - C. Pawnbrokers or secondhand articles dealers video, provided to the Town of Beloit Police Department must adhere to the following requirements:
 - 1) Video shall be an exact color digital copy, of evidentiary quality, without degradation, and containing all desired camera views in relation to an incident.
 - 2) All digital video copies shall be provided timely to the Police Department on a CD, DVD, or any other media approved by the Police Chief. This video will be considered provided when it is delivered to the Police Department or is ready for pick-up at the business premises which recorded the requested incident.
 - 3) A request by the Police Department for video will be viewed as provided timely if the video is available within twenty-four (24) hours of the request. The twenty-four (24) hours shall not include weekends or holidays.
 - 4) The video provided to the Police Department shall be in a common format, supported by either a current version of Microsoft Windows Media Player, or the equivalent. The Police Department shall not require a unique software program or a paid service to utilize video provided by a pawnbroker or secondhand articles dealer.

- 5) The video copy provided to the Police Department shall remain on the business premises which recorded the requested incident until provided to the Police Department.
- ix. Upon request, the Police Department will provide the pawnbroker or secondhand articles dealer one (1) unused CD or DVD media disc for which to copy all requested video for each incident.
 - x. Video Timestamp: All digital video provided to the Police Department by pawnbrokers and secondhand articles dealers shall be correctly dated, time stamped, and list its correct associated camera number or description. Any video provided to the Police Department with a date, time or camera description error shall be accompanied with a written, signed explanation of the error by the person providing the video. The pawnbroker or secondhand articles dealer will then immediately correct the date, time or camera description error.
 - xi. Approval of Video System: A pawnbroker or secondhand articles dealer shall obtain approval from the Police Chief or his designee before installation of a digital video camera system. The Police Chief or his designee shall examine the proposed system for compliance with this ordinance. Upon approval by the Police Chief or his designee, written approval of the digital camera system will be provided to the applicant pawnbroker or secondhand articles dealer.
- j. Business at only One Place. A license under this ordinance authorizes the licensee to carry on the licensee's business only at the place of business designated in the license. Upon written request, the Police Chief or his designee may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility. All provisions of this ordinance regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the Town of Beloit Code of Ordinances. The licensee must either own the storage facility or have a lease on the storage facility that extends for more than six (6) months.
- k. Prohibited Acts:
- i. No person who is a minor may pawn or sell, or attempt to pawn or sell articles with any pawnbroker or secondhand articles dealer, nor may any pawnbroker or secondhand articles dealer receive any goods from a person who is a minor, except as permitted by Subsection 5.13 (11)(a) & (b).
 - ii. No pawnbroker or secondhand article dealer may receive any goods unless the customer presents identification in a form set forth in Subsection 5.13 (10)(a).
 - iii. No pawnbroker or secondhand articles dealer may receive any article that possesses an altered or obliterated serial number or identification number, or any article that has had its serial number removed.
14. Suspicious Property. All pawnbrokers and secondhand articles dealers must report to the police any article the pawnbroker or secondhand articles dealer has a reason to believe was stolen or which contains an altered, obliterated, or removed serial number or other identification.
15. License Revocation. The Town Board may revoke any license issued by it under this ordinance for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this ordinance or Sections [943.34](#), [948.62](#) or [948.63](#), Wis. Stats.

16. Fees. The fees under this ordinance are adopted from time to time by a resolution of the Town Board.

17. Penalty.

- a. Upon conviction for a first offense under this ordinance, a person shall forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00).
- b. Upon conviction for a second or subsequent offense under this ordinance, a person shall forfeit not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00).

5.14 GENERAL BUSINESS LICENSE. This ordinance is enacted under the authority of Sections [60.10\(2\)\(c\) & \(h\)](#), [60.22 \(1\) & \(3\)](#), [60.55](#), [60.61 \(lm\)](#), [60.61 \(2\)](#) and [66.0423](#), Wis. Stats.

1. It is the purpose of this ordinance to establish processes and procedures for the equitable administration and regular enforcement of Town ordinances related to the conduct of business operations within the community.
2. It is recognized during the normal conduct of their affairs businesses alter their location, operations, facilities, processes and equipment to meet changing needs and to advance their economic interests. In doing so, businesses may have an impact on the health and safety of the community, the environment, and their compliance with federal, state and local laws. It is the intent of this ordinance to assist businesses to operate in a safe and healthful manner, avoid negative environmental affects and facilitate compliance with local regulations.
3. The scope, variety and complexity of business operations are too broad to be all regulated by any single ordinance or agency. Business licenses are issued by the Town of Beloit for the specific purposes specified in this ordinance. This ordinance, and any business license issued by the Town of Beloit, does not relieve any business from other responsibilities found in any law, ordinance or regulation.
4. Definitions.
 - a. Business. Trades, occupations, professions, and services of all and every kind of calling whether or not carried on for profit, including but not limited to retailing, wholesaling, manufacturing, service purveying, warehousing, and personal and property rentals, the growing of plants and crops, animal husbandry for market and home occupations.
 - b. Home Occupation. As defined in the Zoning Code of the Town of Beloit, as amended from time to time.
 - c. Transient Merchant. A person who engages in the sale of merchandise at any place in the Town of Beloit temporarily and who does not intend to become and does not become a permanent merchant at any place in the Town.
5. Permit Required.
 - a. It is unlawful for any business located, or with a facility, in the Town of Beloit, to operate such business or business activity in the Town without first obtaining a General Business License from the Town.
 - b. The following types of businesses are exempt from the provisions of Section 5.14 and do not require a General Business License from the Town of Beloit:

- i. Agricultural Businesses solely engaged in the raising of crops and/or animal husbandry or agriculturally zoned property, when such agricultural business employs two (2) or fewer non-family members for more than ninety (90) days in any twelve (12) month period.
- ii. Transient Merchants.
- iii. Rental property.
- iv. Utilities regulated by the Wisconsin Public Services Commission.
- v. Communication businesses regulated by the Wisconsin Department of Administration.
- vi. Government agencies.

6. Application Process.

- a. New businesses to the community shall submit an application for a General Business License to the Town Clerk prior to conducting business in the community to allow adequate time for processing and issuance. The application shall be made on forms available from the Town Clerk.
- b. Existing businesses in the community shall submit an application for a General Business License to the Town Clerk by January 31st on forms available from the Town Clerk.
- c. A separate license is required for each place of business and for each separate business conducted at one place.
- d. The Town Clerk shall, within sixty (60) days of receipt of a General Business License Application being submitted completely and accurately, either issue a General Business License to the applicant, or deny the application by providing the applicant a written notice of the specific cause for denial.
- e. The permit shall be valid for a period of one (1) year and is non-transferable.

7. General Standards for Issuance. The Town Clerk shall issue a General Business License to the applicant upon finding that the applicant, application, property and business operations conform to the conditions listed below:

- a. The property on which the business operates has not been condemned.
- b. The business has submitted a complete and accurate inventory of personal property to the Town Treasurer.
- c. The business' property taxes, municipal utility bills and charges, fines and forfeits are paid as of the date of application.
- d. Effluent deposited into the municipal sanitary sewer by the business, or on the business' property conforms to Town Ordinances.
- e. Storm water discharged from the property conforms to the Town Ordinances and state statutes.
- f. Solid waste disposal and recycling conform to the Town Ordinances.
- g. The business has provided a fire protection plan to the Town Fire Department.
- h. The business facilities and operations conform to the state fire code.
- i. The business' use of real property in the Town of Beloit conforms to the Zoning Codes of the Town of Beloit.
- j. The business' facilities in the Town of Beloit conform to any approved site plan and any conditional use permit issued to the business.
- k. All buildings and structures located on the property of the business have been permitted and constructed as required by law.

8. Violations. Any conduct of business requiring a General Business License, without having first obtaining such license, is a violation of this ordinance. Each day such unlicensed business is conducted shall be considered a separate violation. Violations of this ordinance shall be administered in accordance with the Town of Beloit Code of Ordinances, and shall be subject to the penalties prescribed therein.
9. Compensation for Costs. The Town of Beloit shall charge a permit fee at the time of the application for General Business License. Such fee shall be established by resolution of the Town Board from time to time. Any business in existence at the time this ordinance goes into effect shall file an application but shall not be charged a permit fee.

5.15 FOOD PREPARATION LICENSE.

1. Definitions.
 - a. Adulterated. Means the condition of a food if it:
 - i. Bears or contains any poisonous or deleterious substance in a quantity which may be injurious to health;
 - ii. Bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established under U.S. Food and Drug Administration regulations, or is in excess of the tolerance if one has been established;
 - iii. Consists in whole or in part of any filthy, putrid or decomposed substance;
 - iv. Is otherwise unfit for human consumption;
 - v. Has been processed, prepared, packed or held under unsanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
 - vi. It is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or
 - vii. Its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
 - b. Approved. Means acceptable to the department, based on its determination of conformance to this ordinance and good public health practices.
 - c. Department or Health Department. Means the Health Department of the County of Rock, the Town of Beloit Community Development Department or the authorized agents of the Rock County Health Department or Town of Beloit Community Development Department.
 - d. Easily Cleanable.
 - i. A characteristic of a surface that:
 - A. Allows effective removal of soil by normal cleaning methods;
 - B. Is dependent on the material, design, construction, and installation of the surface; and
 - C. Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use;
 - D. Easily cleanable includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under the ordinance. Apply one of these subsections to different situations in which varying degrees of clean ability are required:

- 1) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel for a food preparation surface for floors or for tables used for consumer dining; or
 - 2) The need for a different degree of clean ability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.
- e. Easily Movable.
- i. Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
 - ii. Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.
- f. Employee. Any person working in a food establishment.
- g. Equipment. Devices used in connection with the operation of a food establishment, stoves, ranges, hoods, counter freezers, meatblocks, counters, refrigerators, microwave ovens, sinks, ice-making machines, dishwashing machines, steam tables, blenders, meat grinders, slicers and similar items other than utensils.
- h. Existing. An establishment licensed before January 1, 2017 and remaining in continuous operation since that date by the same licensee.
- i. Food. Any raw, cooked or processed edible substance, ice, beverage, chewing gum or ingredient used or intended for use or for sale in whole or in part for human consumption.
- j. Food-contact Surface.
- i. A surface of equipment or a utensil with which food normally comes into contact;
 - ii. A surface of equipment or a utensil from which food may drain, drip or splash into a food, or onto a surface normally in contact with food.
- k. Food Establishment. Any restaurant, tavern, coffee shop, cafeteria, delicatessen, sandwich stand, luncheonette, soda fountain, and all other eating or drinking places, as businesses, bakeries, confectioneries and any building, room or place where food is processed, prepared, sold, served, stored and all places used in connection therewith. However, the term shall not include vending machines or kitchens or a kitchen in a private home.
- l. Food Preparation. Any operation whereby unpackaged, unwrapped or otherwise unprotected food comes in contact with hands, utensils, machinery or any other food service equipment for purposes of canning, extracting, portioning, freezing, drying, smoking, grinding, micro-waving, irradiating, blending, mixing, packaging, cooking, frying or otherwise treating or preserving the same for subsequent sales or service as food.
- m. Food Service Equipment. All cutlery, tableware, kitchenware, other utensils, containers, slicers, hoods, ranges, refrigerators, microwaves, freezers, cutting boards and any other auxiliary equipment used in direct conjunction with food handling in any food establishment.
- n. Furnishings. All items used in connection with the operation of the food establishment such as, linens, tables, counters, shelves, baskets, drapes, curtains, decorations, fixtures and similar items.
- o. Handwashing Sink. A lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of hands. This includes an automatic handwashing facility.
- p. Hot Water. Water at a temperature of 43.5°C (110°F.) or higher.

- q. Imminent Health Hazard. A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
 - i. The number of potential injuries; and
 - ii. The nature, severity and duration of the anticipated injury.
- r. Licensee. The entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and possesses a valid permit to operate a food establishment.
- s. Mobile Food Establishment. A restaurant or retail food establishment where food is served or sold from a movable vehicle, push cart, or trailer which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the service base definition. It does not include a vehicle which is used solely to transport or deliver food or a common carrier regulated by the state or federal government or a movable concession stand designed to operate as a temporary food establishment or a traveling retail food establishment.
- t. Operator. The owner or person responsible to the owner for the operation of the food establishment.
- u. Person. An individual, partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, whether tenant, owner, lessee or licensee, or the agent, heir or assignee of any of these.
- v. Portable Equipment. Equipment that is:
 - i. Small and light enough to be moved by one person;
 - ii. Has no utility connection;
 - iii. Has a utility connection that disconnects quickly; or
 - iv. Has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.
- w. Potable Water. Water that does not contain pollution, contamination, disease causing organisms, objectionable minerals, and infective agents and is considered safe for human consumption.
- x. Potentially Hazardous Food. Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. Potentially hazardous food does not include foods which have a pH level of 4.6 or below or a water activity (wa) value of 0.85 or less.
- y. Premises. The physical facility, its contents, and the contiguous land or property under the control of the licensee.
- z. Refuse. Solid waste not carried away by water through the sewage system.
- aa. Sanitization. The application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of five logs, (which is equal to a 99.999% reduction), of representative disease microorganisms of public health importance.
- bb. Service Animal. An animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.
- cc. Service Base. An operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment

cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

- dd. Sewage. Liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
 - ee. Single Service Article. Items intended by the manufacturer and generally recognized by the public as for one usage only after which it is to be discarded including but not limited to a cup, container, lid or closure, plate, knife, fork, spoon, stirrer, paddle, straw, place mat, napkin, doily, wrapping material, or any similar article constructed wholly or in part paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible material.
 - ff. Tempered Water. Water ranging in temperature from 29°C (85°F) and no more than 43.3°C (110°F) through a mixing valve or combination faucet.
 - gg. Temporary Food Establishment. A food establishment that operates at a fixed location for no more than fourteen (14) consecutive days in conjunction with a single event such as fair, carnival, festival, public exhibition, anniversary sale or occasional sales promotion.
 - hh. Utensil. Any kitchenware, tableware, glassware, cutlery, container or similar item with which food or drink comes in contact during storage, preparation or serving.
 - ii. Water Activity. A measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol aw.
2. Licensed Required.
- a. Before opening for business, every food establishment operator shall obtain a license from the Town by application made upon a form furnished by the Town. The license is not transferable to another place, person or operator.
 - b. The license issued by the Town shall be conspicuously displayed in view of the public in the food establishment.
3. Change of Ownership. Upon notification of a change of ownership, an inspection shall be made which includes a full evaluation and report of the compliance status pertaining to food supplies, equipment and utensils, sanitary facilities and control and the construction and maintenance of the physical facilities as defined in any applicable Town ordinance or state codes and regulations. The report shall delineate those violations related to material assets and shall be submitted to the legal licensee. If violations pertaining to food supplies, sub-standard utensils and equipment and physical facilities exists, approval for food license will not be granted until compliance with current Town ordinance and State codes has been achieved.
4. Revocation and Suspension of License. Revocation and suspension of a license shall occur under rules promulgated in Food Licenses.
5. Approved Comparable Compliance. The Town may approve a modification of a rule for a facility if the Community Development Department is provided with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.
6. Employee Practices.
- a. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food establishment.

- b. Employees shall abstain from the use of tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing, food storage, utensil storage, or food preparation. Employees may use tobacco only in designated areas. An area may not be designated for this purpose if the use of tobacco there may result in contamination of food, equipment, utensils or other items needing protection.
 - c. Employees may consume food only in designated areas. An employee food consuming area may not be designated for that purpose if consuming food there may result in contamination of food, equipment, utensils, or other items needing protection.
 - d. Employees shall handle soiled tableware, eating utensils, and food preparation utensils and equipment in a way that minimizes contamination of their hands and shall wash their hands as often as necessary to keep them clean.
7. Employee Health.
- a. No person knowingly infected with a disease in a form that is communicable by food handling, as defined under [Section 252.18](#) Wisconsin Statutes, may be employed or work as a food handler in a public eating place or other establishment where food products to be consumed by others are served, repackaged, produced or otherwise prepared.
 - b. If the food establishment operator suspects that any employee has a communicable disease that may be transmitted by food handling, the operator shall exclude the employee from the food establishment. In the case of a reportable communicable disease (defined under [Section 252.05](#) Wisconsin Statutes), the operator shall notify the local health authority immediately.
8. Clothing.
- a. The outer clothing of employees shall be clean.
 - b. Effective hair restraints, such as hair nets or caps, shall be used by food preparation personnel. Hair sprays and head bands are not acceptable hair restraints. Effective hair restraint shall be practiced by all food preparation personnel to eliminate the touching or handling of hair and the touching of food by unrestrained hair.
9. Personal Cleanliness. Food-preparation personnel shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean. In addition hands shall be washed after:
- a. Smoking;
 - b. Handling money;
 - c. Eating;
 - d. Drinking;
 - e. Using the toilet; or
 - f. Handling soiled utensils and supplies. Employees shall keep their fingernails clean and trimmed.
10. Food.
- a. General. Food shall be: (a) Free from spoilage, filth or contamination; (b) Not adulterated; and (c) Shall otherwise be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food, food handling, food processing and

labeling. The use of food in hermetically-sealed containers not prepared in approved food processing establishment is prohibited.

- b. Food Code. [Chapter HFS 196](#) of the Wisconsin Administrative Code is adopted by reference as though fully set forth herein.
- c. General. All new and replacement food equipment and food utensils which are approved by:
 - i. [National Sanitation Foundation \(NSF\)](#);
 - ii. [Underwriters Laboratory \(UL\)](#); or
 - iii. Is approved by the [U.S. Public Health Service](#) are approved for use. All other new or replacement food equipment and food utensils may be used upon department approval.

11. Design and Fabrication.

- a. Materials. Multi-use equipment and utensils shall be:
 - i. Constructed and repaired with safe materials, including finishing materials;
 - ii. Corrosion-resistant and non-absorbent; and
 - iii. Smooth, easily cleanable, and durable under conditions of normal use. Equipment, utensils and single service articles shall not impart odors, color, and taste or contribute to the contamination of food. Hard maple or an equivalent nonabsorbent safe material may be used for cutting blocks, cutting boards, salad bowls and baker's tables. Wood may be used for single-service articles such as chop sticks, stirrers or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.
- b. Single Service Articles. Single-service articles shall be made from clean, sanitary, safe materials and shall not impart odors, color, taste, or contribute to the contamination of food. Reuse of single service articles is prohibited.
- c. Design. All equipment and utensils (including single-service articles) shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping and crazing.
- d. Food Contact Surfaces. Food contact surfaces shall be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections, and have no difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated (such as in grills, griddle tops and skillets) Sinks and drain boards shall be self-draining. Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection.
- e. Non-Food Contact Surfaces. Non-food contact surfaces of equipment which are not intended for contact with food but which are exposed to splash or food debris or which otherwise require frequent cleaning shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections or crevices, and readily accessible for cleaning.
- f. Maintenance. All equipment and utensils shall be kept in good repair so as to be easily maintained in a clean and sanitary condition. Equipment and utensils not suitable for use or not capable of being maintained in a sanitary condition shall be removed from the premises.

12. Equipment Installation and Location.

- a. Equipment (including ice makers and ice storage equipment) shall not be located under exposed or unprotected waste water lines, water lines, and plumbing lines subject to

dripping from condensation, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law. Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceiling shall be not more than one mm (.04 inch), or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjoining walls or ceiling.

- b. Dispensers. Soft drink, water or other similar dispensing devices shall not be located over a sink or basin used for ice storage or for washing, rinsing or sanitizing utensils. Drainage or drainage tubes from dispensing devices shall not pass through the ice machine storage compartments, ice storage bins, sinks used for washing, rinsing, and sanitizing utensils or sinks used for food preparation.
 - c. Table Mounted Equipment. Equipment placed on tables or counters (unless portable) shall be sealed to the table or counter or elevated on legs to provide at least a ten (10) cm (four (4) inches) clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of equipment and adjacent areas.
 - d. Floor and Wall Mounted Equipment. Floor and wall mounted equipment, unless easily movable, shall be:
 - i. Sealed to the floor wall; and
 - ii. Installed on a raised platform of concrete or other smooth masonry, or elevated on legs to provide at least fifteen (15) cm (six (6) inches) clearance between the floor and equipment, except that large equipment such as vertically mounted floor mixers may be elevated to provide at least a ten (10) cm (four (4) inches) clearance between the floor and equipment if no part of the floor under the large equipment is more than fifteen (15) cm (six (6) inches) from cleaning access.
13. Cleaning, sanitization and storage of equipment and utensils.
- a. Eating Utensils. Eating utensils shall be washed, rinsed and sanitized immediately after each use.
 - b. Food Contact Surfaces. Food contact surfaces and food preparation utensils shall be washed, rinsed and sanitized after each use and following any interruption of operations during which time contamination may have occurred. Equipment and utensils used on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at intervals throughout the day on a schedule based on food temperature, type of food and amount of food particle accumulation. The food-contact surfaces of grills, griddles and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.
 - c. Non-Food Contact Surfaces. Non-food contact surfaces of equipment and utensils shall be cleaned as often as is necessary to keep the equipment and utensils free of the accumulation of dust, dirt, food particles and other debris.
 - d. Dry Cloths. Wiping cloths used dry for wiping food spills on tableware, equipment and utensils shall be clean, light colored, dry and used for no other purpose.
 - e. Moist Cloths. Wiping cloths used moist for wiping food spills on kitchenware, utensils, and equipment shall be clean, light colored, and rinsed frequently in an approved sanitizing

solution and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

- f. Utensil Washing Sinks. A sink with at least three (3) compartments shall be provided for manually washing, rinsing and sanitizing equipment and utensils.
- g. Labeling. The individual compartments shall be labeled as to use with smooth, easily cleanable, water resistant letters not less than five (5) cm (two (2) inches) in height. The labels shall read: wash; rinse; and sanitize or other words approved by the department.
- h. Cleaning Sequence. When equipment and utensils are cleaned in sink compartments the following sequence shall be followed:
 - i. All sinks shall be cleaned prior to use;
 - ii. Pre-wash. Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, presoaked to remove gross food particles and soil.
 - iii. Wash. Equipment and utensils shall be washed in water having a minimum temperature of 43.5°C. (110°F.) and containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently.
 - iv. Rinse. Equipment and utensils shall then be rinsed free of soap, detergent and abrasives with clean water.
 - v. Sanitize. Following washing and rinsing, all equipment and utensils shall be subjected to sanitization by one of the following methods:
 - A. Submerge for at least two (2) minutes in a hypochlorite solution with a chlorine concentration continuously maintained at one hundred (100) parts per million or in any sanitizer approved by the Wisconsin Department of Health and Social Services for use in restaurants at the concentrations listed on the label.
 - B. Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for the particular sanitizing solution in the case of equipment too large to sanitize by immersion.
 - 1) Mechanical Cleaning and Sanitizing.
 - I. Cleaning and sanitizing may be performed by a spray-type or immersion dishwashing machine or by any other type of machine or device approved by the department. The machine or device shall be properly installed, maintained in good repair and operated in accordance with the manufacturer's instructions. Utensils and equipment placed in the machine or device shall be exposed to all dishwashing cycles. If there is an automatic detergent dispenser, wetting agent dispenser or liquid sanitizer injector, it shall be properly installed and maintained. For pre-washing purposes, there shall be either a single-compartment sink located adjacent to the soiled utensil drain board or a well-type garbage disposal with overhead spray. The additional sink may also be used for disposal of liquid wastes, washing of counter cloths and as an employee handwashing facility if the utensil washing area is in the food preparation area. The well-type garbage disposal with overhead spray wash shall be used only for pre-washing purposes.
 - II. Operation. The following additional requirements shall also be met when using mechanical cleaning and sanitizing equipment.

- III. Drain boards shall be provided and shall be of adequate size for the proper handling of soiled utensils prior to washing and of clean utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not (with the approval of the department) preclude the use of easily moveable dish table for the storage of soiled utensils or the use of easily movable dish table for the storage of clean utensils following sanitization.
 - IV. The temperature of the wash water shall not be less than 54°C (130°F).
 - V. The wash water shall be kept clean.
 - VI. Chemicals added for sanitization purposes are automatically dispensed. Liquid sanitizer dispensers shall be installed with an audible warning device or in such a manner that the containers are in view of the machine operator.
 - VII. Machines using hot water for sanitizing shall subject all utensils and equipment to a rinse period of not less than ten seconds at a temperature in the supply line at the machine of at least 82°C (180°F). All utensils which reach a surface temperature of 72°C (161.6°F) shall be considered effectively sanitized.
 - VIII. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.
- vi. Drying. After sanitization and before storage, all equipment, food preparation utensils and eating utensils shall be air dried.

i. Storage and Handling.

- i. Cleaned and sanitized equipment, food utensils and food equipment shall be handled in a way that protects them from contamination.
- ii. Cleaned and sanitized utensils and equipment shall be stored at least fifteen (15) cm (six (6) inches) above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. The food contact surfaces of fixed equipment shall also be protected from contamination. Food equipment and utensils shall not be placed or stored in garbage and refuse storage areas, a toilet room or toilet room vestibule.
- iii. Equipment and utensils shall not be placed under exposed or unprotected waste water lines or overhead plumbing lines subject to drippage from condensation, except for automatic fire protection sprinkler heads that may be required by law.

- j. Sanitizer Testing. A test kit or other device that accurately measures the parts per million concentration of the sanitizer solution in the sanitizing rinse water shall be available and used daily.

14. Single-Service Articles.

a. Storage and Handling.

- i. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user. Single-service knives, forks and spoons packaged in bulk shall

be inserted into holders or wrapped by an employee who has washed their hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks, and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer. Self-service single-service drink cups shall be dispensed by an approved dispenser. Single-service drink cups shall be dispensed from an approved dispenser or from the original packaging exposing as few cups as possible.

- ii. Single-service articles shall be stored at least fifteen (15) cm (six (6) inches) above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. Single-service articles shall not be placed or stored in a toilet room or toilet room vestibule.
- iii. Single-service articles shall not be placed under exposed or unprotected waste water lines or overhead plumbing lines subject to drippage from condensation, except for automatic fire protection sprinkler heads that may be required by law.

15. Handwashing Facilities.

a. Location.

- i. In new food establishments and when substantially remodeling the toilet rooms, handwashing facilities shall be located in the toilet rooms.
- ii. In existing food establishments employee hand-wash facilities shall be located in or immediately adjacent to the food preparation area.
- iii. In new food establishments, at the time of substantial remodeling, or at the time of a change of the legal licensee of an existing food establishment, employee hand wash facilities shall be located in all food preparation areas.
- iv. Food employees shall clean their hands only in a hand washing sink or approved automatic hand washing facility, and may not clean their hands in a sink used for food preparation or ware washing, or in a service sink or curbed cleaning facility used for the disposal of mop water and similar liquid waste. For existing food establishment operators, the department may approve the use of a pre-wash/pre-scape sink compartment for hand washing provided that the permit holder can demonstrate that the sink can be used in a manner that minimizes the risk of contamination. When an existing food establishment is extensively remodeled, or has a change in operator, the approval is voided.
- v. Additional hand wash facilities to service isolated areas or to provide adequate hand washing to protect the public health may be required at the discretion of the department.

b. Requirements.

- i. Soap, single service hand towels and suitable dispensers for the single service towels or adequate electric hot air hand dryers shall be provided at handwashing facilities. Common towels are prohibited.
- ii. Hot and cold potable water under pressure with a single discharge faucet or a single control, single discharge faucet supplying tempered water under pressure shall be provided and available at all hand wash sink compartments.

16. Toilet Rooms.

a. Number and Location.

- i. The number of toilet rooms and fixtures in food establishments and the required ventilation of toilet rooms shall be as required by the Wisconsin Administrative Code [Chapter SPS 362](#) and the [Americans with Disabilities Act](#).
 - ii. Public toilet rooms shall be located so that it is not necessary for patrons using the facilities to pass through a food preparation, food serving, food storage or utensil washing area.
 - iii. Public toilet rooms at new or substantially remodeled food establishments shall be located contiguous to the dining or serving areas and be readily available to the patrons from within the food establishment. Outside entrances to toilet rooms are not permitted, except for food establishments having only outside seating, and the toilet facilities must be readily accessible to patrons and employees.
- b. Requirements.
- i. The food establishment operator shall be responsible for the cleaning and maintenance of the toilets rooms.
 - ii. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors which shall be closed except during cleaning or maintenance.
 - iii. When separate toilet rooms are available the door to each toilet room shall be marked to identify whether it is for men or for women. Words such as "men" or "women" shall be in letters not less than three (3) cm (1.2 inches) high. Toilet room signage shall also comply with the requirements of the [Americans with Disabilities Act](#).
 - iv. Toilet rooms and toilet room fixtures shall be kept clean and in good repair. A supply of toilet tissue in a dispenser shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials.

17. Construction and Maintenance of Physical Facilities.

- a. All food establishments shall comply with the Wisconsin Administrative Code [SPS 332](#).
- b. Floors.
 - i. Material. Floors and floor coverings of all food preparation, food storage, utensil washing areas, refuse storage areas, walk-in refrigeration units, dressing rooms, locker rooms, toilet rooms, and vestibules shall be constructed of smooth durable material approved by the department, and maintained in good repair. Nothing in this Subsection shall prohibit the use of department approved anti-slip floor covering in areas where necessary for safety reasons.
 - ii. Special Floor Covering. In areas subject to spilling or dripping of grease or fatty substances, the floor covering shall be of grease-resistant material. In areas subject to spilling or accumulations of water, the floor covering shall be of a water-resistant material.
 - iii. Carpeting. Carpeting is prohibited in food preparation, food storage, equipment and utensil washing, and back bar areas, rooms in which urinals and/or toilet fixtures are located and in any room or area where the carpeting would be exposed to spillage and accumulations of food, grease and water. Carpeting used in dining or other public areas as a floor covering shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.
 - iv. Floor Junctures. An impervious covered base of materials approved by the department shall exist at the juncture of the floor and wall in food preparation

- and utensil washing areas and in rooms in which urinals and toilet fixtures are located.
- v. Utility Line Installation. Exposed utility service lines and pipes shall be installed in ways that do not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.
 - vi. Mats and Duckboards. Approved mats, where used, shall be easily washable and maintained in a clean and sanitary condition. Wooden duckboards are prohibited.
 - vii. Floor Drains. Properly installed and trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Floors in these areas shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.
 - viii. Maintenance. Floors shall be maintained in good repair.
 - ix. Cleaning. Floors shall be kept clean. Cleaning of floors, except emergency cleaning, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Only dustless methods of cleaning walls and ceilings may be used, such as vacuum cleaning, wet cleaning or the use of dust-arresting sweeping compounds with brooms.
- c. Wall and Ceilings.
- i. Construction. The walls and ceilings of walk-in refrigerating units, food preparation and storage areas, equipment-washing and utensil-washing areas and toilet rooms, shall be light-colored, smooth, nonabsorbent and easily cleanable. Concrete blocks or pumice blocks used for interior wall construction in these areas shall be finished and sealed to provide an easily cleanable surface. No wood or other porous material may be used for the interior surface of a walk-in refrigerating unit used for food storage. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.
 - ii. Exposed Construction. Studs, joists, rafters, heating and cooling ductwork, plumbing pipes, electrical conduits and other similar structural components shall not be exposed in walk-in refrigeration units, food preparation areas, equipment-washing and utensil-washing areas, food and single service article storage areas and toilet rooms.
 - iii. Utility Line Installation. Exposed utility service lines and pipes shall be installed in ways that do not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, and toilet rooms.
 - iv. Attachments. Light fixtures, vent covers, windows, doors, wall-mounted fans, decorative materials and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained clean and in good repair.
 - v. Maintenance. Walls and ceilings, including doors, windows, skylights, similar closures, appurtenances and attachments shall be maintained clean and in good repair.
 - vi. Cleaning. Walls and ceilings (including doors, windows, skylights, similar closures, appurtenances, attached equipment and decorative materials) shall be kept clean. Cleaning of walls and ceilings shall be done during periods when the least

amount of food is exposed, such as after closing or between meals. Only dustless methods of cleaning walls and ceilings may be used, such as vacuum cleaning or wet cleaning.

d. Ventilation.

- i. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to the requirements of Wisconsin Administrative Code, and, when vented to the outside, shall not create accumulations of grease, food, dirt and debris which may act as food or harborage for insects, rodents or other pests.
- ii. An adequately sized and approved ventilation hood with grease-removal devices shall be provided over all grease-producing cooking equipment. Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters and other grease-extracting equipment shall be kept in good repair and shall be readily removable for cleaning and replacement if not designed to be cleaned in place. Filters shall be cleaned monthly and as often as necessary to prevent the accumulation of grease or dust.
- iii. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt and other contamination materials.

e. Utility Cleaning Facility.

- i. In new or extensively remodeled food establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Lavatories, utensil-washing sinks, equipment-washing sinks, or food preparation sinks shall not be used for the cleaning of mops or similar wet floor cleaning tools or for the disposal of mop water or similar liquid wastes.

f. Plumbing.

- i. All plumbing and plumbing fixtures shall be designed, located, constructed, installed and maintained to conform to the requirements of Wisconsin Administrative Code.
- ii. Hot and cold potable water under pressure shall be available at all sink compartments in rooms in which food is prepared or utensils are washed, at all lavatories, in all employee and public toilet rooms and at employee hand wash sinks. Potable tempered water rather than hot and cold water may be provided at handwashing facilities in employee and public toilet rooms.
- iii. All plumbing, plumbing fixtures, appliances and devices shall be designed, located, installed and maintained in such a way as to prevent backflow, back-siphonage and cross-connections.

g. Electrical.

- i. All electrical equipment and fixtures shall be designed, located, constructed, installed and maintained to conform to the requirements of Wisconsin Administrative Code.

h. Lighting.

- i. Permanently fixed electrical light sources shall be installed in the food establishment to provide illumination as required under Wisconsin Administrative Code.

- ii. Protective Shielding. Shielding to protect against broken glass falling onto food shall be provided for all electrical lighting fixtures located over, beside, or within food storage, preparation, service and display facilities, and facilities where utensils and equipment are cleaned and stored. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

18. Insect, Rodent and Pest Control.

- a. The premises shall be maintained free of insects, rodents and other pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:
 - i. Routinely inspecting shipments of food and supplies;
 - ii. Routinely inspecting the premises for evidence of pests;
 - iii. Using methods, if pests are found, such as trapping devices or other means of pest control;
 - iv. Eliminating harborage conditions.
- b. Openings to the outside shall be effectively protected against the entrance of insects, rodents and other pests. Outside openings shall be protected against the entrance of insects by tight-fitting and self-closing doors, closed windows, screening or other means. Screen doors shall be self-closing, and screens for window, doors, skylights, transoms, intake and exhaust air ducts and other openings to the outside shall be tight-fitting and free of breaks. Screening materials may not be less than 16 mesh to 2.54 cm (16 mesh to the inch)
- c. A pesticide shall be applied in a food establishment only by a certified applicator, except that spraying of a general use insecticide that only contains pyrethrins, piperonyl butoxide, and N-octyl bicycloheptene dicarbox-imide need not be done by a certified applicator.
- d. A pesticide shall be applied so that direct or indirect contact is prevented with food, equipment, utensils, linens, and single-service and single-use articles by protecting those items from toxic residues due to spray, drip, drain, splash and from application of a restricted use pesticide by: removing items; covering the items with impermeable covers; taking other appropriate preventive actions and; cleaning and sanitizing equipment and utensils after the application.

19. Storage of Poisonous or Toxic Materials.

- a. Food establishments may keep on premises only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils and controlling insects, rodents and other pests.
- b. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.
- c. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils or single service articles, except that this requirement does not prohibit keeping detergents or sanitizers conveniently available at utensil or dishwashing stations.
- d. Pesticides shall not be stored in food preparation, food storage, single service storage or utensil washing areas.

- e. Bactericides, cleaning compounds or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on the surfaces or that constitutes a hazard to employees or other persons.
- f. Personal medications may not be stored in food preparation, food storage, utensil washing or food service areas.
- g. First-aid supplies shall be stored in a way that prevents them from contaminating food and food contact surfaces.

20. Premises.

- a. Food establishments and all parts of property used in connection with their operations shall be kept free of unused or inoperative equipment and utensils, food wastes, litter, debris and refuse.
- b. The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete, asphalt, gravel or similar materials effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter, debris and refuse.
- c. Only articles necessary for the operation and maintenance of the food service establishment may be stored on the premises.
- d. The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.
- e. Living Areas. No operation of a food establishment may be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning including floor to ceiling partitioning, and solid, self-closing doors.
- f. Laundry Facilities. Laundry done by a food establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer shall be provided and used. Clean clothes and linens shall be stored in a clean place and protected from contamination until used.
- g. Storage of Cleaning Equipment. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.
- h. Animals.
 - i. Live animals may not be allowed on the premises of a food establishment.
 - ii. Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, and linens, and unwrapped single service and single use articles cannot result:
 - A. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice, or under refrigeration, and shellfish and crustacea in display tank systems;
 - B. Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
 - C. In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or individual, if a health or safety hazard will not result from the presence or activities of the service animal;

- D. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
 - 1) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
 - 2) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
 - 3) Dining areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in variety store that sells pets or a tourist park that displays animals.
- iii. Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, and linens; unwrapped single service and single use articles cannot result.

21. Temporary Food Establishments.

- a. Applicable Rules. In addition to requirements of this ordinance that apply to temporary food establishments as well as other food establishments, the following specific requirements apply to temporary food establishments.
- b. License.
 - i. No temporary food establishment shall be operated before being granted a license.
 - ii. No license shall be granted without a prior inspection.
 - iii. The license issued by the Town shall be conspicuously displayed in view of the public in the temporary food establishment.
 - iv. Licenses shall be applied for a minimum of seven days before the anticipated date of beginning operation.
- c. Roof, Sidewalls and Floors.
 - i. All food preparation and utensil washing areas with extensive food preparation maintained in connection with temporary food establishments shall be effectively enclosed or screened and provided with approved roof and sidewalls.
 - ii. Floors shall be maintained in a sanitary condition.
 - iii. Grills, barbecue pits or other cooking facilities located outside of the enclosed area shall be effectively fenced, screened or otherwise protected so as not to be accessible to the public.
- d. Cleaning. The roof, sidewalls, screening, floors, counters, and all equipment shall be maintained in a clean and sanitary condition. The grounds immediately surrounding the temporary food establishment, including the refuse and garbage storage area, shall be kept free of food scraps, paper and other debris.
- e. Water.
 - i. When food preparation occurs at a temporary food establishment, water under pressure through a conventional piping system shall be available at the restaurant or be transported from an approved public or private water supply. If water is transported, the containers for hauling and water storage shall be smooth, easily cleanable and provided with a tight-fitting cover. The containers shall be emptied at the end of each day's operation. Prior to each day's operation the containers shall be cleaned and sanitized. The containers shall be stored six (6) inches or

- higher above the floor or ground in such a manner to prevent possible contamination.
 - ii. When food preparation occurs at a temporary food establishment, there shall be hot and cold water for handwashing and utensil washing.
 - iii. Containers for sanitary waste disposal shall be available and used. Sanitary waste containers shall be emptied when necessary into a public sewer.
- f. Utensil Washing.
- i. All utensils shall be air-dried after being washed, rinsed and sanitized.
 - ii. Cleaning Sequence. When equipment and utensils are cleaned in sink compartments the following sequence shall be followed:
 - A. All sinks shall be cleaned prior to use.
 - B. Pre-wash equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, presoaked to remove gross food particles and soil.
 - C. Wash equipment and utensils shall be washed in water having a minimum temperature of 43.5°C (110°F) and containing an adequate amount of an effective soap or detergent.
 - D. Water shall be kept clean by changing it frequently.
 - E. Rinse equipment and utensils shall then be rinsed free of soap, detergent and abrasives with clean water.
 - F. Sanitize. Following washing and rinsing, all equipment and utensils shall be subjected to sanitization by one of the following methods:
 - 1) Submerge for at least two (2) minutes in a hypochlorite solution with a chlorine concentration continuously maintained at one hundred parts per million or in any sanitizer approved by the Wisconsin Department of Health and Social Services for use in restaurants at the concentrations listed on the label; or
 - 2) Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for the particular sanitizing solution in the case of equipment too large to sanitize by immersion.
- g. Handwashing.
- i. When food preparation occurs at a temporary food establishment, a sanitary method of washing and rinsing hands as approved by the department shall be provided.
 - ii. Soap and single-service towels for handwashing and drying hands shall be provided for each handwashing facility.
- h. Food.
- i. Food shall be protected from contamination while being stored, prepared and served, and during transportation.
 - ii. Perishable and potentially hazardous food shall be maintained at safe temperatures of 41°F or below or 135°F or above, as appropriate, at all times, except during necessary periods of preparation.
 - iii. All food and containers of food shall be stored a minimum of fifteen (15) centimeters (six inches) above the ground or floor in a manner that protects the food from splash and other contamination.
- i. Single-Service Articles.
- i. Single-service articles shall be protected from contamination while being stored, served and during transportation. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come

in contact with food or with the mouth of the user. Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or wrapped by an employee who has washed their hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks, and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer. Self-service single-service drink cups shall be dispensed by an approved dispenser. Single-service drink cups dispensed from an approved dispenser or from the original packaging exposing as few cups as possible.

- ii. All single-service articles shall be stored a minimum of fifteen (15) centimeters (six inches) above the ground or floor in a manner that protects the food from splash and other contamination. Single-service articles shall not be placed or stored in a toilet room or toilet room vestibule.
- iii. Single service articles shall not be placed under exposed or unprotected waste water lines or overhead plumbing lines subject to drippage from condensation, except for automatic fire protection sprinkler heads that may be required by law.

22. Mobile Food Establishments.

- a. Definition. Mobile food establishment means a push cart, trailer, food truck or movable vehicle selling food and beverage on a temporary basis and which periodically or continuously changes location.
- b. Declaration. It is recognized that the primary purpose of a public street or alley is to permit pedestrian and vehicular travel and to provide access to abutting properties. It is further recognized that the commercial use of the public streets, alleys or public ways for the sale or vending of food merchandise is a privilege rather than a right which may be prohibited or closely regulated to encourage the safe, convenient and uninterrupted use of the public streets for travel. It is, therefore, declared to be the purpose of this ordinance to prohibit mobile food establishment operations except as otherwise specifically provided for by this ordinance.
- c. Delegation of Authority. The Town Board has the authority to regulate the use of the public streets, alleys and other public lands of the Town of Beloit for commercial purposes and is authorized to issue mobile food establishment licenses within the terms of this ordinance. The Town of Beloit Community Development Department is delegated the authority to conduct inspections, investigate and enforce local and state food and food establishment regulations.
- d. Operating Rules.
 - i. Mobile food establishments may be operated in the Town in accordance with the requirements of this ordinance as applicable to mobile food establishments and the provisions of this ordinance.
 - ii. Mobile food establishments serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this ordinance, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment are not subject to this ordinance if the required equipment for cleaning and sanitizing equipment and utensils exists at the service base and an employee handwashing facility is provided on the mobile food establishment.

- iii. Mobile food establishments must be removed from any site at the end of each day of operation except as otherwise expressly approved at the time of permit issuance.
 - iv. No mobile food establishment may be used for living or sleeping purposes.
 - v. Mobile food establishments shall not be used for any non-food establishment purposes or business.
 - vi. Non-employees are not permitted in or on the vehicle.
- e. Service Base.
- i. Every mobile food establishment shall have a licensed service base of operation consisting of an enclosed building of sufficient size to accommodate mobile units for servicing, cleaning, inspection and maintenance.
 - ii. Each mobile food establishment shall return to its service base not less than once in each twenty-four (24) hours for servicing and maintenance and more often if necessary.
 - iii. Service bases need not be located in the Town.
- f. Food and Mobile Food Establishment Licenses; Inspections; Fees.
- i. No mobile food establishment shall operate before being granted a food license issued by the Town under this ordinance and a mobile food establishment license issued by the Town Clerk upon approval of the Town Board. The approval process requires a completed application with a fee as set forth in the Town fee schedule.
 - ii. The mobile food establishment license shall identify the mobile food establishment by make, model, serial number or other means approved by the Town Board. The licenses shall be conspicuously displayed in view of the public in or on the mobile food establishment.
 - iii. Licenses may not be transferred from one mobile food establishment to another mobile food establishment.
 - iv. A mobile food establishment shall be available for inspection by the health department at any time while it is in operation in the Town and shall be made available for inspection at a pre-arranged period of not less than one (1) hour between eight (8:00) a.m. and five (5:00) p.m.
 - v. The license fee may not be refunded in whole or in part and shall be valid for a period of one (1) year from July 1 to June 30, unless otherwise suspended or revoked. The fee entitles the licensee to the operation of one vehicle at a time. The license may be renewed and the fee paid annually.
 - vi. The requirements of this ordinance shall be in addition to any other ordinance and licensing requirements of any other provisions of the Town of Beloit ordinance or state law.
- g. Water.
- i. The watering point for the mobile food establishment shall be located in the service base and shall consist of a threaded tap installed and maintained in a manner that will assure protection against contamination.
 - ii. Hoses shall be of food grade material. Each end of the hose shall have a threaded attachment for connection to the service base watering tap fixture and the water storage tank respectively. Both ends of the hose shall be prevented from touching the ground or any contamination material by permanent placement of a fifteen (15) centimeter (six-inch) disk near each end. After connecting the hose to the watering point tap, and before using any water from it, the hose shall be thoroughly flushed. The water filling attachment on the water tank shall be

flushed just before the hose is attached for filling the tank. Hoses shall be used for this purpose only and shall be stored on a special reel or in a special locker labeled "For Water Point Hose Only."

- iii. When required the mobile food establishment shall be equipped with a gravity or pressurized water storage tank. A mobile food establishment that serves beverages or food or heats food shall have a water storage tank with a capacity of at least forty (40) liters (10.6 gallons) for employee handwashing, except that the water storage tank of a food pushcart shall have a minimum capacity of twenty (20) liters (5.3 gallons). A mobile food establishment that prepares food or beverages on the mobile unit shall have a water storage tank with a capacity of at least one hundred fifty (150) liters (39.7 gallons) for utensil washing and sanitizing purposes. Water for the tank shall be obtained from the service base watering point and the vehicle shall return to the service base whenever the amount of water in storage does not equal at least four (4) liters (one gallon). With approval of the department, limited food service utensils may be returned to the service base for washing and sanitizing.
 - iv. The water storage tank containing a threaded inlet shall be of durable construction using at least (14) fourteen-gauge metal or other durable food grade material. The tank shall be provided with a glass-sight gauge graduated to read the water volume in liters or gallons. A U-bend overflow directed downward shall be provided. A threaded opening on the inlet line or on the tank with a locking device shall be provided for flushing and sanitizing the tank. Following flushing the interior, and prior to each filling, the tank shall be subjected to a chlorine sanitizing solution of one hundred parts per million concentration for a period of at least two (2) minutes.
- h. Waste; Liquid Waste.
- i. Operators are responsible for ensuring that all waste is disposed of in accordance with Town regulations and for maintaining all areas used for food vending and customer activity in a safe and clean condition.
 - ii. Storage Tank. A mobile food establishment with only handwashing facilities shall be equipped with a wastewater storage tank which has a capacity of at least sixty (60) liters (15.9 gallons) and is twenty (20) liters (5.3 gallons) larger than the water storage tank. A food pushcart shall have a wastewater storage tank which has a minimum capacity of thirty (30) liters (7.9 gallons) and is ten (10) liters (2.6 gallons) larger than the water storage tank. A mobile food establishment with utensil washing facilities on the unit shall be equipped with a wastewater storage tank which has a capacity of at least two hundred (200) liters (52.8 gallons) but is at least forty (40) liters (10.6 gallons) larger than the water storage tank. The contents of the tank may be emptied only at the service base, in an approved manner and to an approved sewage disposal system. The tank shall be completely emptied each time the supply is replenished.
 - iii. The waste tank shall be of durable construction, using at least fourteen-gauge metal or other durable smooth surfaced material. The tank discharge connection shall contain a minimum one and one-half-inch (1 – ½) half-union attachment for gravity draining. A tight-closing valve shall be located between the attachment and tank proper. The waste storage tank shall be maintained in a reasonable sanitary condition.

- iv. Disposal. Every service base shall have provision for the sanitary disposal of liquid wastes to receive the gravity flow of wastewater from the vehicle wastewater collection tank. The discharge pipe of the waste collection tank shall contain a tight-closing valve.
- v. When liquid waste cannot be discharged directly to sanitary sewers, a hose with a minimum one and one-half-inch (1 – ½) half-union attachment for connection to the vehicle waste water tank shall be provided. The hose shall be maintained in a clean and serviceable condition and when not in use shall be stored in a separate cabinet labeled "For Wastewater Hose Only."
- i. Parking, Residential and Non Residential Location and Hours of Operation.
 - i. It is the purpose of this ordinance to maintain the character of a residential area by limiting commercial activity within residentially zoned districts of the Town as defined in the Town Zoning Code. Parking for the purpose of vending in residentially zoned districts is prohibited. No mobile food establishment operator shall park such vehicle within a residentially zoned district for a period in excess of five (5) minutes for the purpose of or while engaged in vending.
 - ii. For the purpose of accommodating the Town of Beloit’s Festival on the Rock, the above provisions of this ordinance shall not apply to the area within Preservation Park where such Festival is hosted.
 - iii. The use of amplified chimes, bells, recordings or other sound producing devices on a mobile food establishment is prohibited in residential areas.
 - iv. Mobile food establishments are allowed in all nonresidential zoning districts, provided they are located at least fifty (50) feet from the main public entrance to a restaurant.
 - v. Mobile food establishment operators must leave adequate sight distance at all times between his or her vehicle and any potentially view-blocking object. Mobile food establishments may not obstruct pedestrian, bicycle or vehicle circulation routes.
 - vi. Mobile food establishment operators must obey all parking and traffic laws.
 - vii. Mobile food establishment operators are responsible for obtaining consent of property owners to operate on private property.
 - viii. If operated on public property, operators may be required to have liability insurance as approved by the Town Attorney and to provide a certificate of insurance naming the Town of Beloit as an additional insured.
 - ix. Operating hours shall not be longer than or extend after the hours of operation of nearby businesses.
- 23. Penalty. Any person, firm, or corporation violating any provision of this ordinance shall be subject to the general penalty provisions of this code. A citation may be issued pursuant to this ordinance and [Chapter 800](#), Wis. Stats.

5.16 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.

- 1. Payment of Claims. The Town shall not issue or renew any license to transact any business within the Town of Beloit:
 - a. For any purposes for which taxes, assessments or other claims of the Town are delinquent and unpaid.
 - b. For any person who is delinquent in payment:
 - i. Of any taxes, assessments or other claims owed the Town; or

- ii. Of any forfeiture resulting from a violation of any Town Ordinance.
2. Applicability. An application for renewal of a license subject to this ordinance shall be denied pursuant to the provisions of Subsection 5.16 (1) only following notice and opportunity for hearing as provided by Subsection 5.16 (4) below.
 3. Hearings. Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection 5.16 (1), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
 - a. Notice and opportunity for hearing shall be as provided by [Section 125.12](#), Wis. Stats., as amended from time to time, and Town ordinances.
 - b. With respect to licenses other than those described in Subsection 5.16 (1) herein, the Town Board or its designee shall notify the applicant in writing of the Town's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Town Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for non-renewal exist, the Town Board shall conduct a hearing with respect to the matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Town Board determines the applicant shall not be entitled to renewal pursuant to Subsection 5.16 (1), the application for renewal shall be denied.
 4. Appeals. Where an individual, business or corporation wishes to appeal the Town's decision not to issue a license or permit under this ordinance on grounds other than those specified in Subsection 5.16(1) through (3) above, the applicant may file a request in writing with the Town Clerk that the matter be referred to the Town Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Town Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

5.17 PUBLIC BUILDING ACCESS AND USE.

1. Authority for Public Access. The Town Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town. In addition, the Town Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town.
 - a. Town Hall. The Town Hall of the Town of Beloit shall be open to the public as posted following times and dates unless written notice to the contrary is posted at the usual and customary locations in the Town. The Town Hall shall be open to the public at other times with the approval of the Town Board.
 - b. Possession of Alcohol and Drugs. The Town Board does not permit use or possession, by any person, of any alcohol beverages or controlled substance drug in or on the premises of any Town of Beloit public buildings, except in authorized park facilities.

- c. Litter and Discharge. The Town Board does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Town public building and on the premises of any Town building except in disposal containers authorized by the Town.
2. No person shall dispose or discharge the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Town public building.

5.18 **PARK REGULATIONS.**

1. Purpose and Definition. In order to protect the parks, parkways, recreational facilities and public conservancy areas within the Town of Beloit from injury, damage or desecration, these regulations are enacted. The term “park” as hereinafter used in this ordinance, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landings, public lake accesses, and recreation facility in the Town of Beloit.
2. General Regulations.
 - a. Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
 - b. Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board, or its authorized designee.
 - c. Bill Posting. No person shall post, paste, fasten or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Town Board.
 - d. Trapping. No person shall trap in any Town park unless specific written authority is first obtained from the Town Board.
 - e. Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
 - f. Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
 - g. Illegal Entry. It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
 - h. Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
 - i. Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park, unless authorized by the Town Board or its designee.

- j. Vending. Vending is prohibited in Town parks unless authorized by the Town Board.
 - k. Plant materials. No unauthorized removal of any plant materials or plants from any park.
 - l. Structures. No temporary or permanent structures are to be erected in a park without specific approval of the Town Board.
 - m. Hours. Unless otherwise determined by the Town Board, parks shall be closed to all uses and all persons between the hours of 10:00 p.m. and 6:00 a.m. Central Standard Time or Central Daylight Time, whichever shall be in effect in the State of Wisconsin.
 - n. Firearms. Hunting or the use or possession of any firearms, bow and arrow, crossbow, BB or pellet gun or slingshot is prohibited at all times.
 - o. Fireworks. The setting or building of any fire, or the use or possession of any fireworks within the park is prohibited at all times; except on express permission of the Town Board and under such conditions and restrictions as he/she shall deem necessary and proper, and which permission shall be granted only for special group occasions.
 - p. Parking Restricted. No person shall drive, stop, park or leave standing any motor vehicle, whether attended or unattended, in any public park, playground or recreational area within the Town of Beloit except in areas designated for such use by structural improvements, such as paved driveways, parking lots and loading areas, or by signs erected under the authority of the Town Board, or by permit granted by the Town Board.
 - q. Unlicensed Vehicles. Any motor vehicle which cannot be or is not subject to being licensed in the State of Wisconsin, including off the road motor bikes, minibikes and all-terrain vehicles, shall not be operated in or on any parks, recreational areas, industrial park lands or other Town-owned lands within the Town of Beloit unless authorized by the Town Board.
 - r. Exception – Maintenance and Emergency Vehicles. Nothing in this ordinance shall be construed to prohibit the operation of maintenance vehicles or emergency vehicles in or on such parks, recreational areas, industrial park lands or other Town-owned lands within the Town of Beloit.
3. Use of Metal Detectors on Public Property. Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town property, except beaches where no vegetation is present, is prohibited.
4. Fees and User Regulations.
- a. Fee Schedule. It shall be unlawful for any person to use any Town of Beloit park facility, shelter, land or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge.
 - b. Additional Rules. Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams, and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.
 - c. Permits. Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town of Beloit as fully as though the laws were inserted in each permit.
5. Public Utilities and Private Construction.
- a. Public Utilities – Location. The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone and electric power posts and

lines, manholes, conduits, and pumps within any Town park or parkway shall be subject to the jurisdiction and control of the Town Board, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town Board.

- b. Private Construction.
 - i. No curb, whether stone, concrete or asphalt, shall be cut for the purpose of constructing a private driveway across any parkway border, nor for any other purpose, without the written permission of the Town Board.
 - ii. The location, width, grade, and construction of all paths, driveways, and roadways across any sidewalk bordering along any parkway shall be subject to the approval of the Town Board and constructed only after written permission is obtained from the Town Board.
6. Boating Regulations.
- a. Intent. It is the intent of this ordinance to promote the public health, safety and welfare of citizens using the Rock River by providing safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.
 - b. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of the Rock River within the jurisdiction of the Town of Beloit, Rock County Wisconsin, and shall be enforced by authorized representatives of the State of Wisconsin or the Town of Beloit who have the authority and responsibility for such enforcement.
 - c. State Boating and Water Safety Laws Adopted. Pursuant to and in accordance with the authority granted by [Section 30.77\(3\)\(a\)](#), Wis. Stats., the Town of Beloit hereby adopts and incorporates by reference herein, as if fully set forth herein, [Sections 30.60 to 30.71](#), Wis. Stats., which regulate the equipment, use and operation of boats as well as other aquatic recreational activity.
 - d. Definition – “Slow-No-Wake”. In this ordinance, “Slow-No-Wake” means the slowest possible speed so as to maintain steerage.
 - e. “Slow-No-Wake Zone”.
 - i. A “Slow-No-Wake” zone is hereby established on the Rock River within the jurisdictional limits of the Town of Beloit from one hundred (100) yards south of the sandbar located south of the railroad trestle located south of the Wisconsin Power & Light Generation facility on said Rock River to a point at the north end of said island on both the east and west side of said island.
 - ii. Buoy markers are hereby authorized and shall be placed in such a position as to advise the public that this area is restricted as a “Slow-No-Wake” zone.
 - f. Violation Prohibited. No person shall operate his/her boat or other aquatic recreational vehicle in such a manner as to violate the “Slow-No-Wake” zone as established herein.
 - g. Penalty. Any person violating this ordinance shall be subject to the penalties set forth in [Section 30.80](#), Wis. Stats., is hereby adopted and incorporated by reference as if fully set forth herein.
7. Public Boat Launching.
- a. Purpose. In the interest of public health, safety, welfare and convenience, and in accordance with and as provided by [Section 30.77](#), Wis. Stats., the Town of Beloit does hereby make, establish and regulate the launching of boats or other water craft from public access areas within the Town of Beloit.

- b. Definitions. As used in this ordinance, a “public access” area shall be considered to be any location within the Town of Beloit where the public has access to a waterway over or by the use of lands which have been dedicated to the public or are owned by the Town of Beloit, and from which facility boats and other water craft are launched.
 - c. Use Regulated. No person shall use a public access area and its public boat launching facilities within the Town of Beloit without having first obtained a permit as required by this ordinance.
 - d. Display of Sticker or Daily Pass Required.
 - i. No person shall make use of public boat launching facilities within the Town of Beloit, nor shall they park a motor vehicle while using such public boat launching facilities, without obtaining and displaying a sticker and/or daily pass which shall indicate that a permit has been obtained for use of the facility on the date such facility is being used.
 - ii. The sticker shall be displayed on the left hand side of the trailer tongue being used to launch the boat or other water craft from the public boat launching facility. The daily pass shall be displayed in the front window of the driver’s side of the motor vehicle being used at such public boat launching facilities.
 - e. Obtaining a Permit, Sticker and/or Daily Pass. A permit, sticker or daily pass may be obtained from the Town Clerk’s Office of the Town of Beloit, during regular business hours, or at the public boat launching facility upon the forms and in accordance with the directions posted at such facility. Residents of the Town of Beloit which obtain a sticker and possess two or more watercraft shall be issued one (1) or more additional stickers at no additional cost provided that they show proof of residency and proof of ownership for the boats or watercraft for which the stickers are required.
 - f. Fee for Public Access Use. The Town Board shall, from time to time, by resolution establish fees to be charged for the use of public boat launch access areas within the Town. Such fees may be divided into categories for seasonal and daily use, for resident and non-resident users, and such other classifications as deemed prudent by the Board.
 - g. Penalty –Towing and Removal.
 - i. Any motor vehicle or boat trailer parked or left standing upon a highway, street or the public grounds of the public access area and boat launching facility is declared to be a hazard to traffic and public safety. Such motor vehicle or trailer shall be removed by the operator upon request of any police officer to a location where such parking, stopping or standing is not prohibited.
 - ii. Any law enforcement officer, after issuing a citation for illegal parking, stopping or standing for an unattended motor vehicle or boat trailer which is in violation of this ordinance, is authorized to remove such motor vehicle or boat trailer. The officer may order a licensed towing service which provides vehicle towing services to remove and store such vehicle or trailer in any storage garage, rental parking grounds or any other facility of the person providing towing services. In addition to the penalty provided herein, the owner or operator of such vehicle or boat trailer so removed shall be responsible to pay the cost of towing and storage prior to the return of such motor vehicle or trailer.
8. Vehicles on the Ice of the Rock River. No person shall drive or permit to be driven any vehicle or boat, power driven or propelled by any other means, including but not limited to, iceboats, sailboats, automotive vehicles and snowmobiles, upon the ice of Rock River within the limits of the Town of Beloit, at any time unless a permit has been issued for said vehicle or boat by

the Chief of Police of the Town of Beloit, which permit shall be issued when there is some urgent reason or need therefore or after the vehicle or boat meets water safety standards reasonably insuring the safety of operators and passengers, and the safety of others using the river.

5.19 GRIEVANCES REGARDING ACCESS TO PUBLIC BUILDINGS, PROGRAMS, SERVICES AND EMPLOYMENT.

1. Statement of Purpose. The Town of Beloit, in complying with the [Americans with Disabilities Act \(ADA\), 42 USC Sec. 12101](#), has developed a plan by which access to all Town programs, facilities, services and employment is guaranteed to all citizens.
 - a. An ADA Coordinator for the Town of Beloit shall be appointed from time to time by the Town Board, but shall generally be the official appointed to the position of Town Clerk.
 - b. Complaints shall be filed with the ADA Coordinator, in care of the Town Clerk.
 - c. A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
 - d. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
 - f. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
 - g. The Town Clerk shall maintain the files and records of the Town relating to the complaints filed.
2. Appeals.
 - a. If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the Town Administrator. The Administrator may establish rules to review the complaint and will issue its written decision within thirty (30) days.
 - b. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Administrator will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
 - c. If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Town Board and that a determination be made within thirty (30) days of the Town Administrator's ruling. The decision by the Board shall be final. An open, public meeting of the Town Board shall precede the vote.
3. Other Remedies. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Town believes that resolution of the complaint will be more promptly achieved if the Town is able to provide a remedy before the complaint is brought to an external organization.
4. Due Process. This ordinance shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

