

Chapter 313

LICENSING

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Licensee Liability for Taxes, Assessment and Claims

[Adopted 10-6-1987 (Sec. 7-10-1 of the 1987 Code of Ordinances)]

§ 313-1. Payment of claims.

The Village shall not issue or renew any license to transact any business within the Village of Hixton:

- A. For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
- B. For any person who is delinquent in payment:
 - (1) Of any taxes, assessments or other claims owed the Village; or
 - (2) Of any forfeiture resulting from a violation of any Village Ordinance.

§ 313-2. Exception.

This section shall apply to licenses issued pursuant to the provisions of Chapter 212, Direct Sellers; Chapter 246, Fireworks; Chapter 278, Intoxicating Liquor and Fermented Malt Beverages; this Chapter 313, Licensing; Chapter 337, Nonmetallic Mining; and Chapter 418, Streets and Sidewalks, of this Code of the Village of Hixton.

§ 313-3. Applicability.

An application for renewal of a license subject to this chapter shall be denied pursuant to the provisions of § 313-1 only following notice and opportunity for hearing as provided by § 313-4 below.

§ 313-4. Hearings.

Prior to any denial of an application for renewal of a license, including denials pursuant to § 313-1, the applicant shall be given notice and opportunity for a hearing as hereinafter provided:

- A. With respect to licenses renewable under Chapter 278, Intoxicating Liquor and Fermented Malt Beverages, Article I, Licenses, of this Code of the Village of Hixton, notice and opportunity for hearing shall be as provided by § 125.12, Wis. Stats., as amended from time to time.

- B. With respect to licenses other than those described in Subsection A, the Village Board or its assignee shall notify the applicant, in writing, of the Village'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 days nor more than 10 days after the date of the notice on which the applicant shall appear before the Village 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 nonrenewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village 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 Village Board determines the applicant shall not be entitled to renewal pursuant to § 313-1, the application for renewal shall be denied.

§ 313-5. Appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Where an individual, business or corporation wishes to appeal the Village Clerk-Treasurer's decision not to issue a license or permit under this Title on grounds other than those specified in §§ 313-1 through 313-4 above, the applicant may file a request in writing with the Village Clerk-Treasurer that the matter be referred to the Village Board. A public hearing shall be scheduled within 14 calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

ARTICLE II

Cigarette License

[Adopted 10-6-1987 (Sec. 7-3-2 of the 1987 Code of Ordinances)]

§ 313-6. License required.

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

§ 313-7. Application for license; fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Every person, firm or corporation desiring a license under this section shall file with the Village Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee as set by the Village Board.

§ 313-8. Issuance and term of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of any cigarette, cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer. 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 30 unless sooner revoked for any violation of this section.

ARTICLE III

Transient and Temporary Public Entertainment License [Adopted 10-6-1987 (Sec. 7-9-1 of the 1987 Code of Ordinances)]

§ 313-9. License required.

- A. No person shall maintain or operate any transient or temporary public entertainment within the Village without first obtaining a license therefor as hereinafter provided.
- B. This section does not require a license for the conducting of fairs, lectures, concerts, exhibitions or entertainments of a scientific, historical, political, literary or musical character for humane, religious, charitable or scientific purposes.

§ 313-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

TRANSIENT OR TEMPORARY PUBLIC ENTERTAINMENT — One to which the public may gain admission by payment of an admission charge. It includes shows, circuses, exhibitions, carnivals and vaudeville.

§ 313-11. Application.

Application for carnival licenses shall be made by the applicant to the Clerk-Treasurer in writing at least 10 days before the planned event and all of the information regarding insurance, etc., shall be filed within 10 days and referred to the Village Board for examination of the qualifications, character and reputation of the applicant, and of the desirability of permitting the carnival to operate, show or exhibit in the Village.

§ 313-12. Requirements.

- A. Insurance required. No license shall be granted unless the applicant therefor shall have filed with the Clerk-Treasurer a public liability insurance policy in a sum as set by the Village Board from time to time, with the condition that the applicant shall indemnify and save harmless the Village and its officers and agents and citizens against any injuries and damages resulting or arising from the conducting of any carnival for which the license is issued or from the performance by the applicant or his agents of any negligence incident to or connected with the conduct of such carnival, and that the applicant shall pay all judgments, costs and charges that may be recovered against the Village or any of its officers or agents by reason of the conducting of such carnival.
- B. License fees required.
 - (1) No permit shall be issued unless the applicant shall pay a permit fee as set by the

Village Board for the operation or maintenance of the public entertainment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (2) All public entertainments listed in § 313-10 shall be exempt from any license fee if sponsored by a nonprofit organization.
- C. Posting of license. Such permits when issued shall be prominently displayed while the carnival is in operation.
- D. Food handlers to obtain health certificate. Any person employed in such carnival for the purpose of preparing, handling or selling food or drink shall submit to a physical examination and obtain a health certificate as required by state statute.
- E. Inspection of mechanical devices. The applicant shall indicate the date of the last state inspection of rides, merry-go-rounds and other mechanical devices. The Village reserves the right to require inspections of all mechanical devices that would be available to the public. All inspection costs shall be paid for by the licensee.

§ 313-13. Revocation.

Any license granted by the Village Board under the provisions of this section may be revoked by the Village President provided such carnival shall not be maintained or if the person who maintains, owns, controls or operates such carnival shall permit the violation of any provisions of this Municipal Code or state laws or where, in the opinion of the Village President, the carnival is deemed undesirable. Revocations or suspensions may be appealed to the Village Board.