

**LICENSE REVIEW COMMITTEE
TUESDAY – JANUARY 12, 2016
MONONA CITY HALL
LARGE CONFERENCE ROOM
4:00 P.M.**

1. Call To Order
2. Roll Call
3. Approval of Minutes of December 8, 2015
4. Appearances
5. Unfinished Business
6. New Business
 - A. Consideration Of 2015/2016 “Class C” Wine and Class “B” Fermented Malt Beverage License Premises Extension Of Shrestha Family LLC Owned by Madan Shrestha, d/b/a Swad Indian Restaurant, 6007A Monona Drive, Owner/Agent Madan K. Shrestha.
 - B. Consideration Of 2015/2016 “Class A” Liquor and Class “A” Fermented Malt Beverage License Applications For WDS, Inc., 704 Raymond Road, Waunakee, Wisconsin, 53597, d/b/a Licali’s Lakeside Liquor, 6325 Monona Drive, Agent Bill W. O’Connell.
 - C. Consideration Of 2015/2016 “Class B” Liquor and Class “B” Fermented Malt Beverage License New Board Membership And Change Of Agent For The East Side Club, Inc., d/b/a East Side Club, 3735 Monona Drive, Agent John M. Fadness.
 - D. Consideration Of Ordinance 1-16-674 An Ordinance Amending Chapter 7-13 Of The Code Of Ordinances Concerning Transient Merchants.
 - E. Consideration Of License Fee For Mobile Food Establishments.
 - F. Consideration Of Application For Transient Merchant License – Mobile Food Establishment.
 - G. Consideration Of Amendments To Application For Transient Merchant License.
 - H. Discussion Of Recently Introduced Alcohol License Laws.
 - I. Adjournment.

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number), FAX: (608) 222-9225, or through the City Police Department TDD telephone number 441-0399.

The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business.

It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice. JA

LICENSE REVIEW COMMITTEE MINUTES
December 8, 2015

The regular meeting of the License Review Committee for the City of Monona was called to order by Chairman Wood at 4:02 p.m.

Present: Chairman Doug Wood, Jim Pflasterer, Wayne Kimmell, Scott Warner, and John Klinzing

Also Present: Detective Sergeant Ryan Losby, Mark Rehberg and Managing Owner Patrick Richards from Waypoint Public House, Fraboni's Italian Specialties Owner Garry Fraboni, Silver Eagle Owner Mitch Marks, and City Clerk Joan Andrusz

ROLL CALL; APPROVAL OF MINUTES

A motion by Mr. Klinzing, seconded by Mr. Pflasterer to approve the minutes of October 13, 2015, was carried.

APPEARANCES

There were no Appearances.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Detective Sergeant Losby, Mr. Rehberg, and Mr. Richards provided information and answered member's questions regarding Mr. Rehberg's Operator's License application. After discussion:

A motion by Mr. Pflasterer, seconded by Mr. Kimmell to approve the 2015/2016 Operator License Application For Mark C. Rehberg, 2853 Commercial Avenue, Madison, Wisconsin 53704, was carried.

Detective Sergeant Losby began Discussion Of Alcohol Compliance Check Of Fraboni's Italian Specialties, describing the alcohol compliance check process and that an under-aged agent purchased a bottle of wine. The employee received a citation. Mr. Fraboni stated that this report is exactly what happened. The employee won't let this mistake happen again and paid the \$313 citation. Employees sign the Police Department's alcohol compliance check warning letter so all are aware. Not all employees are cashiers but responsibilities are discussed with all regardless. Signs are posted for customers. Members noted there have been no past experiences of underage sales at Fraboni's.

Detective Sergeant Losby began Discussion Of Alcohol Compliance Re-Check Of Silver Eagle Bar & Grill, describing the event where an under-aged agent purchased a beer at the bar. Mr. Marks stated employees use the excuse of being "too busy". It is difficult to make sure 20 employees check all IDs, but he has a policy manual that employees sign which states they will lose their job if they don't.

Mr. Klinzing stated Manager Lauren Lottes was here at the last meeting, and he wants to emphasize that while he did inform City Clerk Andrusz of his absence, Mr. Marks should attend these meetings as it is his business, not hers. Mr. Klinzing stated he wanted a signed document, not a store stamped letter. Mr.

Marks apologized for his non-attendance.

Mr. Marks reported an electronic ID checker is used on Friday and Saturday nights. Detective Sergeant Losby stated he didn't know they had one and that equipment was a great help in the Tully's II shooting incident. Mr. Kimmell questioned how confident Mr. Marks is that employees will check IDs. Mr. Marks stated he wished he could say 100%. He will continue to stress carding all patrons. They are doing a better job now and he is fully prepared to terminate people. He has met in person with each staff member, scheduling multiple meetings to accommodate their schedules.

City Clerk Andrusz provided information on the Owner/Agent Transfer For Bourbon Street Grille and Licali's Market. The Department of Revenue provided information on the process followed in the event of the death of a license holder. There is no fee and it is basically a paperwork requirement to keep the business open. While the City has the option to have this transfer go through the approval process, members agree this couldn't be denied unless the transferee was a felon. Mr. Mackesey's attorney has stated the businesses will be transferred to Mr. Mackesey's wife Kathryn A. Mackesey, and paperwork copies were received today via email. Detective Sergeant Losby performed a background check and there are no issues with Mrs. Mackesey.

A motion by Chairman Wood, seconded by Mr. Klinzing to table indefinitely Consideration Of Owner/Agent Transfer For Bourbon Street Grille and Licali's Market, was carried.

City Clerk Andrusz reported she will issue new license certificates when the original paperwork is received. Mr. Mackesey's attorney stated there is interest in purchasing Licali's, and a buyer did contact the City for information. If that application is received it would be treated as a new business with all the approval requirements.

City Clerk Andrusz provided information on Recently Enacted Alcohol License Laws. The Chamber of Commerce can now be licensed for temporary beer and wine sales for "Wine Walks". Patrons would go from business to business in a specific time period and be served beer or wine. Up to 20 businesses are allowed to obtain licenses for a Chamber sponsored event and each must have a licensed Operator, either temporary or regular. There must be an entry fee charged for the event as a whole and then no additional charge for drinks. The maximum license fee allowed is \$10 for each one issued. Members agree there doesn't seem to be a "main street" type of location for this to take place in the City. In the past the Chamber hosted "Pub Crawls", but there were noise issues and patrons carrying alcohol outside. Another bill that would have allowed municipalities to sell liquor and wine in parks, as well as beer, did not advance.

ADJOURNMENT

A motion by Mr. Kimmell, seconded by Mr. Warner to adjourn, was carried. (4:39 p.m.)

Joan Andrusz
City Clerk

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

Applicant's WI Seller's Permit No. / FEIN Number: 456-102224822044 / 46-3905145	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 15.00
TOTAL FEE	\$ 0

For the license period beginning: 7-1-15 ending: 6-30-16
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of } Monona
 Village of }
 City of }

County of Dane Aldermanic Dist. No. — (if required by ordinance)

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C. 02/10/1974

A. Individual or Partnership: * Dates of Birth
 Full Name(s) (Last, First and Middle Name) * MADAN SHRESTHA Home Address 2921 RICHARDSON ST, FITCHBURG, Post Office & Zip Code 53711

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company SHRESTHA FAMILY LLC
 Address of Corporation/Limited Liability Company (if different from licensed premises) —
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:
 Title Name (Inc. Middle Name) DOB Home Address Post Office & Zip Code
 President/Member MADAN K SHRESTHA 2921 Richardson St Fitchburg
 Vice President/Member — 53711
 Secretary/Member —
 Treasurer/Member —
 Agent —
 Directors/Managers —

C. 1. Trade Name SHWAD INDIAN RESTAURANT Business Phone Number 608-819-6950
 2. Address of Premises 6007 MONONA DR. MONONA Post Office & Zip Code 53716

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 1200 sq ft. dining room back store room cabinet behind bar, 1000 sq ft. extension area 6007 B address half back

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. premise extension - Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776] Yes No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this 5th day of January, 20 16
Jean Andrus
 (Clerk/Notary Public)
 My commission expires 9-20-19

M Sam
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
 (Additional Partner(s)/Member/Manager of Limited Liability Company if any)

Date received and filed with municipal clerk <u>1-5-16</u>	Date reported to council/board <u>1-12-16</u> <u>LRC 5-15 / Council 6-15</u>	Date license granted <u>1-19-16</u>
License number issued	Date license issued	Signature of Clerk / Deputy Clerk <u>Jean Andrus</u>

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning February 1 20 16 ending June 30 20 16

TO THE GOVERNING BODY of the: Town of } Monona
 Village of }
 City of }

County of DANE Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's WI Seller's Permit No.: <u>456-0000259161</u>		FEIN Number: <u>39-1754672</u>	
LICENSE REQUESTED			
TYPE	FEE		
<input checked="" type="checkbox"/> Class A beer	\$		
<input type="checkbox"/> Class B beer	\$		
<input type="checkbox"/> Class C wine	\$		
<input checked="" type="checkbox"/> Class A liquor	\$		
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A		
<input type="checkbox"/> Class B liquor	\$		
<input type="checkbox"/> Reserve Class B liquor	\$		
<input type="checkbox"/> Class B (wine only) winery	\$		
Publication fee	\$ <u>15.00</u>		
TOTAL FEE	\$ <u>15.00</u>		

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): W.D.S. Inc

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Bill O'Connell</u>	<u>704 Raymond Rd</u>	<u>Wausau, WI 53597</u>
Vice President/Member	<u>Mary O'Connell</u>	"	"
Secretary/Member			
Treasurer/Member			
Agent	<u>Bill O'Connell</u>	"	"
Directors/Managers			

3. Trade Name KICALI'S LAKESIDE LIQUOR Business Phone Number 608-204-2887
 4. Address of Premises 6325 MONONA DR Post Office & Zip Code MONONA 53716

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
 8. (a) Corporate/limited liability company applicants only: Insert state WIS and date _____ of registration.
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

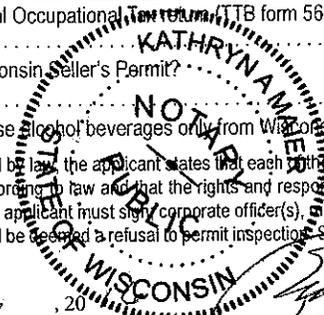
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Front Room, Back Room, Cooler

10. Legal description (omit if street address is given above): _____
 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____
 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
 13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
 14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 5th day of January, 2016
Kathryn A. Mauer
 (Clerk/Notary Public)
 My commission expires 6/18/19



Bill O'Connell
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
Mary O'Connell
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk <u>1-6-16</u>	Date reported to council/board <u>1-12-16 LRC</u>	Date provisional license issued	Signature of Clerk / Deputy Clerk <u>Jean Anderson</u>
Date license granted	Date license issued	License number issued	

Criteria For Granting A Class "B" Fermented Malt Beverage And "Class B" Liquor License

The City of Monona License Review Committee requests that you attach a written statement regarding your Class "B" Beer and "Class B" Liquor License Application describing your proposed establishment and your need for the requested license based upon the following criteria:

- 1. Traffic
- 2. Need for diversity in restaurant type. *liquor st. We treat everyone the same*
- 3. Size of establishment. *4000 sq ft*
- 4. Layout of establishment. *front room, back room, cooler, office*
- 5. Staffing for security. *2 or more people on Busy nights*
- 6. Parking to meet needs. *Plenty*
- 7. Illumination. *lights*
- 8. Proximity to residential areas and churches. *commercial area*
- 9. Clientele demographics (music, etc.) *NO*
- 10. History of applicant. *own 3 stores, NEWLY MIDDLETON, NEILS FITCH MIDDLETON GOOD NEIGHBOR LIQUOR*
- 11. Would the license be consistent or necessary to promote City planning for redevelopment?
- 12. Location relationship to other licensed establishments. *fitchburg and MIDDLETON*
- 13. Access and availability of owner to Police Department Personnel. *WHENEVER NEED ME*
- 14. Need of business type for a liquor license *liquor store*
- 15. Training of staff (above State requirements). *ALL HAVE BEVERAGE TRAINING COURSE*
- 16. Is a Zoning Permit or change required? *NO*
- 17. Other factors the License Review Committee and City Council consider relevant.

*3 other establishments
Clean record*

Bill W. O'Connell

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7-1-15 ending: 6-30-16
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of Village of City of Monona

County of Dane Aldermanic Dist. No. — (if required by ordinance)

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership: * Dates of Birth
 Full Name(s) (Last, First and Middle Name) * Farness John Mallory Home Address 4205 Wisconsin Rd Monona Post Office & Zip Code 53716
chrg of Agent

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company
 Address of Corporation/Limited Liability Company (if different from licensed premises)
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:
 Title Name (Inc. Middle Name) Home Address Post Office & Zip Code
 President/Member Gayle Brooksack H. [REDACTED] 5378 Sudbury Way Madison 5714
 Vice President/Member Mala Baker 383 Miller
 Secretary/Member Ann Badreau M. [REDACTED] 1108 Birchaven Cir Monona 53716
 Treasurer/Member Nancy Schmalzer L. [REDACTED] 5109 Maywood Rd Monona 53716
 Agent John M. Farness [REDACTED]
 Directors/Managers

C. 1. Trade Name Eastside Club Business Phone Number 608-222-9131
 2. Address of Premises 3235 Monona Dr Monona Post Office & Zip Code 53714

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No
 4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
East side Club - Bar 1st Floor BAR DOWNSTAIR - BAR OUTSIDE

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No
 b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No
 7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Board members & Agent change Yes No
 8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No
 9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776] Yes No
 10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
 11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this 7th day of January, 20 15
Joan Andrusz
(Clerk/Notary Public)
 My commission expires 9-20-19

John M. Farness
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
John M. Farness
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK		
Date received and filed with municipal clerk	Date reported to council/board	Date license granted
<u>1-7-16</u>	<u>1-12-16</u> <u>LRC 5-12-15 / Council 6-7-15</u>	<u>1-19-16</u>
License number issued	Date license issued	Signature of Clerk / Deputy Clerk
		<u>Joan Andrusz</u>

AT-115 (R. 12-14)
 Det Sgt R LOSBY 01 07 16 -DK

Applicant's WI Seller's Permit No.:	FEIN Number:
<u>456-1026024353-03</u>	<u>39-0755517</u>
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>-15.00</u>
TOTAL FEE	\$ <u>10.00</u>

**Ordinance No. 1-16-674
Monona Common Council**

**AN ORDINANCE AMENDING CHAPTER 7-13 OF THE CODE OF ORDINANCES
CONCERNING TRANSIENT MERCHANTS**

WHEREAS, the City has recently experienced an increase in the number of transient food establishments desiring to do business on public and private property within the City.

WHEREAS, the operation of transient food establishments poses risks of foodborne illness and interference with vehicular and pedestrian traffic if they are not operated in a safe and sanitary manner.

WHEREAS, the Common Council finds it necessary and in the public interest to amend Chapter 7-13 to regulate and license transient food establishments doing business within the City.

NOW, THEREFORE, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Section 7-13 of the Code of Ordinances is hereby amended to read as stated in the attached exhibit.

SECTION 2. The Fee Schedule, section 7-15-1 of the Code of Ordinances, is hereby amended to add the following fees, which are hereby established as the fee for the listed activity:

7-13-1	Transient Merchant	\$15.00 annually
7-13-1	Transient Merchant (Mobile Food Establishment)	\$50.00 annually

SECTION 3. All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 4. This ordinance shall take effect upon passage and publication as provided by law.

Adopted this _____ day of _____, 2016.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN

Robert E. Miller
Mayor

ATTEST:

Joan Andrusz
City Clerk

Requested By: License Review Committee – 12/23/15
Drafted By: William S. Cole, City Attorney – 12/24/15
Approved As To Form By: William S. Cole, City Attorney – 12/24/15

Chapter 13

Regulation of Transient Merchants

7-13-1	License Required
7-13-2	Definitions
7-13-3	Exemptions
7-13-4	Application
7-13-5	Investigation
7-13-6	Appeal
7-13-7	Regulation of Operations
7-13-8	Records
7-13-9	Revocation of License
7-13-10	Penalty

Sec. 7-13-1 License Required.

It shall be unlawful for any Transient Merchant to engage in sales within the City of Monona without being registered, and receiving a Transient Merchant's license, for that purpose as provided herein. All licenses granted under this Chapter shall be valid from the date of issuance through December 31 of the current year. Licenses may be renewed annually and expire on December 31st of each year.

Sec. 7-13-2 Definitions.

- (a) **Charitable Organization** shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (b) **Chief of Police** shall mean the City Chief of Police or his/her duly appointed officer.
- (c) **Clerk** shall mean the City Clerk or his/her duly appointed agent.
- (d) **Food** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (e) **Merchandise** shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.
- (f) **Mobile Food Establishment** means a Transient Merchant who serves or sells food intended for human consumption from a movable vehicle, push cart, trailer, boat, or temporary structure which periodically or continuously changes location.
- (g) **Permanent Merchant** means one who, for at least one year prior to the consideration of the application of this ordinance to said merchant a) has continuously operated an established place of business in Dane County or b) has continuously resided in Dane County and now does business from his/her residence.
- (h) **Service Base** means 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.
- (i) **Transient Merchant** means one who engages in the sale of merchandise at any place in the City of Monona temporarily, and who does not intend to become and does not become a permanent merchant of the City. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received. Transient Merchant shall also include any one engaged in the sale of food, ice cream, candy, beef or other merchandise out of a vehicle.

Sec. 7-13-3 Exemptions.

The following shall be exempt from all the provisions of this chapter:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from the statute's requirements, shall be required to comply with this chapter;
- (j) Any person who claims to be a permanent merchant, but against whom a complaint has been made to the Chief of Police or Clerk that such person is a Transient Merchant; provided that there is submitted to the Chief of Police or Clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the City for at least one year prior to the date the complaint was made;
- (k) Any individual licensed by an examining board as defined in Section 15.0(7), Wis. Stats.;
- (l) This chapter does not apply to Transient Merchants while doing business at special events authorized by the City Council;
- (m) Any group or individual selling merchandise for the primary purpose of raising funds for a public or private school engaged in the education of children from kindergarten through high school or any extracurricular group affiliated with such a school;
- (n) Any family member holding an estate sale of the personal property of a deceased member of their family;
- (o) Any individual holding a garage sale as provided by Section 13-1-44;
- (p) Any individual engaged in proselytizing, canvassing or pamphleteering regarding political or religious views and not selling any merchandise or soliciting any funds or services.

Sec. 7-13-4 Application.

- (a) INFORMATION. Applicants for a license must complete and return to the Clerk an application form furnished by the Clerk which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Copy of a current driver license or other form of identification that includes a photograph of the applicant;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the Transient Merchant represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Documentation showing that the applicant has permission to be at that location;
 - (6) Nature of business to be conducted and a brief description of the merchandise, and any services offered;
 - (7) Proposed methods of delivery of merchandise, if applicable;
 - (8) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (9) Most recent cities, villages, town, not to exceed three, where applicant conducted his/her business;

- (10) Place where applicant can be contacted for at least seven (7) days after leaving this City;
 - (11) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's Transient Merchant business within the last five (5) years, and the nature of the offense and the place of conviction.
 - (12) Mobile Food Establishments shall provide the following additional information:
 - i. A description of all food to be offered for sale;
 - ii. The location(s) where business will be conducted;
 - iii. The dates and times business will be conducted.
 - iv. The address of the Service Base from which the operation will be supported.
- (b) DOCUMENTATION. Applicants shall include with the applications a true a complete copy of the following:
- (1) A state issued driver's license, or other proof of identity containing a photograph of the applicant;
 - (2) A state certificate of examination and approval from the sealer of weights and measures for each device utilized which is regulated by Chapter 7-14.
 - (3) A current valid Wisconsin Seller's Permit;
 - (4) A current auto insurance declaration page for coverage in force for the entire license period;
 - (5) Applications for Mobile Food Establishments shall also include the following:
 - i. A current mobile food establishment permit issued by the Wisconsin Department of Health Services, or its designated agent;
 - ii. A current service base permit issued by the Wisconsin Department of Health Services, or its designated agent;
 - iii. Written consent from the owners of all private property upon which it intends to operate.
- (c) FEE. At the time the application is filed, a fee shall be paid to the Clerk to cover the cost of processing said application. Each and every member of a group must file a separate application form. The fee for a Transient Merchant's license is nonrefundable and shall be in the amount listed in the Fee Schedule, section 7-15-1.

Sec. 7-13-5 Investigation.

- (a) Upon receipt of each application, the Chief of Police or his/her duly appointed officer may immediately make and complete an investigation of the statements made in such application.
- (b) The Clerk shall refuse to license the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provisions of this chapter.

Sec. 7-13-6 Appeal.

Any person refused or denied a license may appeal the denial through the appeal procedure provided by Title IV, Chapter 1.

Sec. 7-13-7 Regulation of Operations.

(a) **Prohibited Practices.**

- (1) A Transient Merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant, or other person having authority over such premises.

- (2) A Transient Merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization Transient Merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
 - (3) No Transient Merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
 - (4) No Transient Merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred (100) foot radius of the source.
 - (5) No Transient Merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) **Disclosure Requirements For Transient Merchants Other Than Mobile Food Establishments.**
- (1) After the initial greeting and before any other statement is made to a prospective customer, a Transient Merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
 - (2) If any sale of merchandise is made by a Transient Merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction in accordance with Section 423.202, Wis. Stats. And any other provision under the law; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Section 423.203, Wis. Stats.
 - (3) If the Transient Merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (c) Any Transient Merchant engaged in the sale of fireworks, as defined in Section 7-5-1, shall fully comply with the provisions of Title VII, Chapter 5 as well as this chapter.
- (d) **Mobile Food Establishments.** In addition to the provisions of subsection (a), all Mobile Food Establishments operating within the City shall:
- (1) Comply with all applicable requirements of Chapter DHS 196 of the Wisconsin Administrative Code.
 - (2) Operate only between the hours of 7:00 a.m. and 9:00 p.m.
 - (3) Place no seating for consumer consumption of products sold within the public right-of-way.
 - (4) Provide a minimum four foot clearance on sidewalks and rights-of-way for pedestrian access and traffic.
 - (5) When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace area immediately adjacent.
 - (6) Maintain clear access and visibility of cross walks and street corners.
 - (7) Not connect to any public source of electricity, water or sewer.
 - (8) Not use any public property such as light poles or other utility poles, flower planters, trees, or other amenities to attach any ropes, posters, signs, electrical cords, or other objects used in its operations.
 - (9) Keep the area clean and free from litter, garbage, rubble, and debris at all times.
 - (10) Maintain at least one leak-proof container for the deposit of waste, garbage, litter and refuse. When leaving vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from its operations.
 - (11) **LOCATIONS OF OPERATION.** Mobile Food Establishments issued a license under this section shall only operate at the following locations:
 - a. **PRIVATE PROPERTY.** On private property for no more than 120 days per calendar year at the same property, provided the operations do not impair traffic flow or obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas. All

operations on private property shall be first approved by the City Planner as consistent with the Zoning Code.

- b. PUBLIC STREET. On any public street which has a speed limit no greater than 25 mph, provided is parked in legal parking space greater than 200 feet from the property line of any restaurant, and removed by 10:00 p.m. each day.
- c. OTHER PUBLIC PROPERTY. On any public property other than a public street only as specifically approved in writing by the City Clerk and stated on the issued license.

Sec. 7-13-8 Records.

The Chief of Police shall report to the Clerk all convictions for violation of this ordinance and the Clerk shall note any such violation on the record of the applicant.

Sec. 7-13-9 Revocation of License.

- (a) License may be revoked by the License Review Committee after notice and hearing, if the applicant made any material omission or materially inaccurate statement in the application of application, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the applicant's fitness to engage in selling.
- (b) Written notice of the hearing shall be served personally or pursuant to Sec. 7-13-4(c) above on the applicant at least seventy-two (72) hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Sec. 7-13-10 Penalty.

Any person adjudged in violation of any provision of this ordinance shall forfeit not less than Ten Dollars (\$10.00) or more than One Thousand Dollars (\$1,000.00) for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

Sec. 7-13-11 Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portion thereof of the ordinance which shall remain in force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Chapter 13

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Regulation of Transient Merchants

7-13-1	<u>Registration License Required</u>
7-13-2	Definitions
7-13-3	Exemptions
7-13-4	<u>Registration</u>
7-13-4	<u>Application</u>
7-13-5	Investigation
7-13-6	Appeal
7-13-7	<u>Regulation of Transient Merchants Operations</u>
7-13-8	Records
7-13-9	<u>Revocation of Registration License</u>
7-13-10	Penalty

Sec. 7-13-1 Registration License Required.

It shall be unlawful for any ~~transient merchant~~ Transient Merchant to engage in sales within the City of Monona without being registered, and receiving a ~~seller's~~ Transient Merchant's license, for that purpose as provided herein.

All licenses granted under this Chapter shall be valid from the date of issuance through December 31 of the current year. Licenses may be renewed annually and expire on December 31st of each year.

Sec. 7-13-2 Definitions.

- (a) ~~Transient merchant~~ Charitable Organization shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (b) Chief of Police shall mean the City Chief of Police or his/her duly appointed officer.
- (c) Clerk shall mean the City Clerk or his/her duly appointed agent.
- (d) Food means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (d)(e) Merchandise shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.
- (f) Mobile Food Establishment means a Transient Merchant who serves or sells food intended for human consumption from a movable vehicle, push cart, trailer, boat, or temporary structure which periodically or continuously changes location.
- (g) Permanent Merchant means one who, for at least one year prior to the consideration of the application of this ordinance to said merchant a) has continuously operated an established place of business in Dane County or b) has continuously resided in Dane County and now does business from his/her residence.
- (h) Service Base means 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.

- (e)(i) **Transient Merchant** means one who engages in the sale of merchandise at any place in the City of Monona temporarily, and who does not intend to become and does not become a permanent merchant of the City. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state. Transient merchant ~~Merchant~~ shall also include any one engaged in the sale of food, ice cream, candy, beef or other merchandise out of a vehicle.
- (f) **Permanent merchant** means one who, for at least one year prior to the consideration of the application of this ordinance to said merchant a) has continuously operated an established place of business in Dane County or b) has continuously resided in Dane County and now does business from his/her residence.
- (g)(j) ~~Merchandise shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.~~
- (h)(k) ~~Charitable organization shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.~~
- (i)(l) ~~Chief of Police shall mean the City Chief of Police or his/her duly appointed officer.~~
- (j)(m) ~~Clerk shall mean the City Clerk or his/her duly appointed agent.~~

Sec. 7-13-3 Exemptions.

The following shall be exempt from all the provisions of this chapter:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from the statute's registration requirements, shall be required to register under ~~register under~~ comply with this chapter;
- (j) Any person who claims to be a permanent merchant, but against whom a complaint has been made to the Chief of Police or Clerk that such person is a ~~transient merchant~~ Transient Merchant; provided that there is submitted to the Chief of Police or Clerk proof that such person has leased for at least

one year, or purchased, the premises from which he/she has conducted business in the City for at least one year prior to the date the complaint was made;

- (k) Any individual licensed by an examining board as defined in Section 15.0(7), Wis. Stats.;
- (l) This chapter does not apply to ~~transient merchants~~ Transient Merchants while doing business at special events authorized by the City Council.;
- (m) Any group or individual selling merchandise for the primary purpose of raising funds for a public or private school engaged in the education of children from kindergarten through high school or any extracurricular group affiliated with such a school.;
- (n) Any family member holding an estate sale of the personal property of a deceased member of their family.;
- (o) Any individual holding a garage sale as provided by Section 13-1-44.;
- (p) Any individual engaged in proselytizing, canvassing or pamphleteering regarding political or religious views and not selling any merchandise or ~~selling~~ soliciting any funds or services.

Sec. 7-13-4 Registration Application.

- (a) **INFORMATION.** Applicants for ~~registration~~ license must complete and return to the Clerk a ~~registration~~ application form furnished by the Clerk which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Age, height, weight, color of hair and eyes;
 - (2) Copy of a current driver license or other form of identification that includes a photograph of the applicant;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the ~~transient merchant~~ Transient Merchant represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Documentation showing that the applicant has permission to be at that location;
 - (5)(6) Nature of business to be conducted and a brief description of the merchandise, and any services offered;
 - (6)(7) Proposed methods of delivery of merchandise, if applicable;
 - (7)(8) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (8)(9) Most recent cities, villages, town, not to exceed three, where applicant conducted his/her business;
 - (9)(10) Place where applicant can be contacted for at least seven (7) days after leaving this City;
 - (10)(11) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's ~~transient merchant~~ Transient Merchant business within the last five (5) years, and the nature of the offense and the place of conviction.
 - (12) Documentation showing that ~~Mobile Food Establishments~~ shall provide the applicant has permission following additional information:
 - i. A description of all food to be at that offered for sale;
 - (11)ii. The location-(s) where business will be conducted;
 - iii. The dates and times business will be conducted.
 - iv. The address of the Service Base from which the operation will be supported.
- (b) **DOCUMENTATION.** Applicants shall ~~present to the Clerk for examination~~ include with the applications a true a complete copy of the following:
 - (1) A state issued driver's license, or some other proof of identity s may be reasonably required containing a photograph of the applicant;

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- (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved for each device utilized which is regulated by state authorities; Chapter 7-14.
- (3) A state health officer's certificate where applicant's business involved the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.
- (3) A current valid Wisconsin Seller's Permit;
- (4) A current auto insurance declaration page for coverage in force for the entire license period;
- (5) Applications for Mobile Food Establishments shall also include the following:
 - i. A current mobile food establishment permit issued by the Wisconsin Department of Health Services, or its designated agent;
 - ii. A current service base permit issued by the Wisconsin Department of Health Services, or its designated agent;
 - iii. Written consent from the owners of all private property upon which it intends to operate.

(e) ~~FEE.~~ At the time the registration application is returned filed, a fee shall be paid to the Clerk to cover the cost of processing said registration application. Each and every member of a group must file a separate registration application form. The fee for a solicitor's Transient Merchant's license is nonrefundable and shall be Fifteen Dollars (\$15.00) per year.

~~The applicant shall sign a statement appointing the Chief of Police or his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, the amount listed in the event the applicant cannot, after reasonable effort, be served personally.~~

(c) ~~Upon payment of said fee and the signing of said statement, the Chief of Police shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section 7-13-5(b) below Fee Schedule, section 7-15-1.~~

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Sec. 7-13-5 Investigation.

- (a) Upon receipt of each application, the Chief of Police or his/her duly appointed officer may immediately make and complete an investigation of the statements made in such registration application.
- (b) The Clerk shall refuse to register license the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provisions of this chapter.

Sec. 7-13-6 Appeal.

Any person refused or denied registration a license may appeal the denial through the appeal procedure provided by Title IV, Chapter 1.

Sec. 7-13-7 Regulation of ~~Transient Merchants~~ Operations.

(a) Prohibited Practices.

- (1) ~~A transient merchant~~ A Transient Merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No ~~Solicitor~~ Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant, or other person having authority over such premises.
- (2) ~~A transient merchant~~ A Transient Merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization ~~transient merchant~~ Transient Merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) No ~~transient merchant~~ Transient Merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No ~~transient merchant~~ Transient Merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred (100) foot radius of the source.
- (5) No ~~transient merchant~~ Transient Merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) Disclosure Requirements For Transient Merchants Other Than Mobile Food Establishments.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a ~~transient merchant~~ Transient Merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
- (2) If any sale of merchandise is made by a ~~transient merchant~~ Transient Merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction in accordance with Section 423.202, Wis. Stats. And any other provision under the law; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Section 423.203, Wis. Stats.
- (3) If the ~~transient merchant~~ Transient Merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

- (c) ~~(e)~~ Any ~~transient merchant~~ Transient Merchant engaged in the sale of fireworks, as defined in Section 7-5-1, shall fully comply with the provisions of Title VII, Chapter 5 as well as this chapter.

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(d) Mobile Food Establishments. In addition to the provisions of subsection (a), all Mobile Food Establishments operating within the City shall:

- (1) Comply with all applicable requirements of Chapter DHS 196 of the Wisconsin Administrative Code.
- (2) Operate only between the hours of 7:00 a.m. and 9:00 p.m.
- (3) Place no seating for consumer consumption of products sold within the public right-of-way.

- (4) Provide a minimum four foot clearance on sidewalks and rights-of-way for pedestrian access and traffic.
- (5) When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace area immediately adjacent.
- (6) Maintain clear access and visibility of cross walks and street corners.
- (7) Not connect to any public source of electricity, water or sewer.
- (8) Not use any public property such as light poles or other utility poles, flower planters, trees, or other amenities to attach any ropes, posters, signs, electrical cords, or other objects used in its operations.
- (9) Keep the area clean and free from litter, garbage, rubble, and debris at all times.
- (10) Maintain at least one leak-proof container for the deposit of waste, garbage, litter and refuse. When leaving vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from its operations.
- (11) LOCATIONS OF OPERATION. Mobile Food Establishments issued a license under this section shall only operate at the following locations:
 - a. PRIVATE PROPERTY. On private property for no more than 120 days per calendar year at the same property, provided the operations do not impair traffic flow or obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas. All operations on private property shall be first approved by the City Planner as consistent with the Zoning Code.
 - b. PUBLIC STREET. On any public street which has a speed limit no greater than 25 mph, provided is parked in legal parking space greater than 200 feet from the property line of any restaurant, and removed by 10:00 p.m. each day.
 - c. OTHER PUBLIC PROPERTY. On any public property other than a public street only as specifically approved in writing by the City Clerk and stated on the issued license.

Sec. 7-13-8 Records.

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

Sec. 7-13-9 Revocation of Registration License.

- (a) Registration License may be revoked by the License Review Committee after notice and hearing, if the ~~registrant~~applicant made any material omission or materially inaccurate statement in the application of registration application, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the ~~registrant's~~applicant's fitness to engage in selling.
- (b) Written notice of the hearing shall be served personally or pursuant to Sec. 7-13-4(c) above on the ~~registrant~~applicant at least seventy-two (72) hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Sec. 7-13-10 Penalty.

Any person adjudged in violation of any provision of this ordinance shall forfeit not less than Ten Dollars (\$10.00) ~~nor~~ more than One Thousand Dollars (\$1,000.00) for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

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Sec. 7-13-11 Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portion thereof of the ~~Ordinance~~ordinance which shall remain in force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

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City of Monona
Application for Transient Merchant License
MOBILE FOOD ESTABLISHMENT

Fee: \$50 Yearly

Date of Application: _____ License Expiration Date: **December 31,** _____

It shall be unlawful for any Transient Merchant to engage in sales within the City of Monona without being licensed for that purpose.

The undersigned hereby makes application for a Transient Merchant License, as defined in Chapter 13 of Title 7 of the Municipal Code for the City of Monona, to engage in said business, in the City of Monona, Wisconsin, subject to the limitations imposed by law, and hereby agrees to comply with all laws, resolutions, ordinances, and regulations.

I further understand that this license is not transferable and that a copy of my driver license is required.

Name of Firm, Association, or Corporation		Telephone Number	
Manager's Name			
Business Address	City	State	Zip
Service Base Address	City	State	Zip

Name Applicant – Include Middle Initial		Date of Birth	
Permanent Address	City	State	Zip
Temporary Address (if applicable)	City	State	Zip
Telephone Number	Temporary Telephone Number (if applicable)		
Vehicle Make	Model	License Plate Number	
Driver License Number (copy required)		State Issued	

Description of all food items to be offered for sale:

Address or location of sales and telephone number, if applicable:

Dates and times of sales:

Address of Service Base:

Three most recent cities, villages, or towns where business has been conducted:

Please list your contact information for the next seven (7) days after leaving the City of Monona:

Address

Telephone Number

Required document copies (please submit with application):

- Wisconsin driver license or other proof of identity containing a photograph of the applicant.
- Wisconsin certificate of examination and approval from the sealer of weights and measures for each device utilized.
- Current, valid Wisconsin Seller's Permit.
- Current auto insurance declaration page for coverage in force for the entire license period.
- Current mobile food establishment permit issued by the Wisconsin Department of Health Services.
- Current service base permit issued by the Wisconsin Department of Health Services.

Have you ever been convicted of any crime or ordinance violation related to food service within the last five (5) years?

No _____ Yes _____ If yes, describe nature of offense:

Place of conviction: _____

The undersigned declares the above information is true and complete. If the City subsequently learns the information provided is untrue or incomplete, the license is subject to revocation.

Signature of Applicant

Date

If selling at a fixed, private location, signature of property owner or manager giving applicant permission to be at location:

Signature of Property Owner/Manager

Date

If selling at a public location, signature of City of Monona Department Head giving applicant permission to be at location:

Signature of City of Monona Department Head

Date

If selling on a public street, signature of City of Monona Police Department giving applicant permission to be at location:

Signature of City of Monona Police Department

Date

FOR OFFICE USE ONLY:

Police Chief Review: Recommended Denied: If not recommended, reason for denial:

Signature of Police Chief (or designee)

Date

Approval of City Clerk

Date

License Issue Date: _____

License Number: _____



City of Monona Application for Transient Merchant

Fee: \$15 Yearly

Date of Application: _____

License Expiration Date: **December 31,** _____

It shall be unlawful for any Transient Merchant to engage in sales within the City of Monona without being licensed for that purpose.

The undersigned hereby makes application for a Transient Merchant License, as defined in Chapter 13 of Title 7 of the Municipal Code for the City of Monona, to engage in said business, in the City of Monona, Wisconsin, subject to the limitations imposed by law, and hereby agrees to comply with all laws, resolutions, ordinances, and regulations.

I further understand that this license is not transferable and that a copy of my driver license is required.

Name of Firm, Association, or Corporation		Telephone Number	
Manager's Name			
Business Address	City	State	Zip

Name Applicant – Include Middle Initial		Date of Birth	
Permanent Address	City	State	Zip
Temporary Address (if applicable)	City	State	Zip
Telephone Number	Temporary Telephone Number (if applicable)		
Vehicle Make	Model	License Plate Number	
Driver License Number (copy required)	State Issued		

Description of merchandise to be sold or articles of merchandise to be handled and method of delivery:

Location of sales:

Three most recent city, village, or town where business has been conducted:

Please list your contact information for the next seven (7) days after leaving the City of Monona:

Address

Telephone Number

Required document copies (please submit with application):

- Wisconsin driver license or other proof of identity containing a photograph of the applicant.
- Wisconsin certificate of examination and approval from the sealer of weights and measures for each device utilized.
- Current, valid Wisconsin Seller's Permit.
- Current auto insurance declaration page for coverage in force for the entire license period.

Have you ever been convicted of any crime or ordinance violation related to solicitation of merchandise or articles of merchandise that are being handled within the last five (5) years? NO _____ YES _____

If yes, describe nature of offense: _____

Place of conviction: _____

The undersigned declares the above information is true and complete. If the City subsequently learns the information provided is untrue or incomplete, the license is subject to revocation.

Signature of Applicant

Date

If selling at a fixed, private location, signature of property owner or manager giving applicant permission to be at location:

Signature of Property Owner/Manager

Date

FOR OFFICE USE ONLY:

Police Chief Review: Recommended Denied: If not recommended, reason for denial:

Signature of Police Chief (or designee)

Date

Approval of City Clerk

Date

License Issue Date: _____

License Number: _____



City of Monona Application for Transient Merchant

Fee: \$15 Yearly

Date of Application: _____

License Expiration Date: **December 31,** _____

It shall be unlawful for any Transient Merchant to engage in sales within the City of Monona without being registered licensed for that purpose.

The undersigned hereby makes application for a Transient Merchant License, as defined in Chapter 13 of Title 7 of the Municipal Code for the City of Monona, to engage in said business, in the City of Monona, Wisconsin, subject to the limitations imposed by law, and hereby agrees to comply with all laws, resolutions, ordinances, and regulations.

I further understand that this license is not transferable and that a copy of my driver license is required.

Name of Firm, Association, or Corporation		TelepPhone Number	
Manager's Name			
Business Address	City	State	Zip

Name Applicant – Include Middle Initial		Date of Birth		
Permanent Address	City	State	Zip	
Temporary Address (if applicable)	City	State	Zip	
TelepPhone Number	Temporary TelepPhone Number (if applicable)			
Age	Height	Weight	Hair Color	Eye Color
Automobile Vehicle Make	Model	License Plate Number		
Driver License Number (copy required)	State Issued			

Description of merchandise to be sold or articles of merchandise to be handled and method of delivery:

Location of sales:

If selling at a fixed location, documentation giving applicant permission to be at location (attach copy):

Three mMost recent city, village, or town where business has been conducted:

Please list your contact information for the next seven (7) days after leaving the City of Monona:

Address

Telephone Number

Required document copies (please submit with application):

- Wisconsin driver license or other proof of identity containing a photograph of the applicant.
- Wisconsin certificate of examination and approval from the sealer of weights and measures for each device utilized.
- Current, valid Wisconsin Seller's Permit.
- Current auto insurance declaration page for coverage in force for the entire license period.

Have you ever been convicted of any crime or ordinance violation related to solicitation of merchandise or articles of merchandise that are being handled within the last five (5) years? NO _____ YES _____

If yes, describe nature of offense:

Place of conviction: _____

The undersigned declares the above information is true and complete. If the City subsequently learns the information provided is untrue or incomplete, the license is subject to revocation.

Signature of Applicant

Date

If selling at a fixed, private location, signature of property owner or manager giving applicant permission to be at location:

Signature of Property Owner/Manager

Date

FOR OFFICE USE ONLY:

Police Chief Review: Recommended Denied: If not recommended, reason for denial:

Signature of Police Chief (or designee)

Date

Approval of City Clerk

Date

License Issue Date: _____

License Number: _____



League of Wisconsin Municipalities

Legislative Bulletin

Recently Introduced Legislation

AB 612, Creating New Liquor License Quota Exceptions. This bill allows a municipality to purchase a reserve "Class B" liquor license from a municipality that is contiguous with, or within two miles of, the municipality. The receiving municipality may then issue the license for a premises within that municipality. The quota of the transferring municipality is decreased, and the quota of the receiving municipality is increased, for each license transferred. A municipality may transfer no more than three reserve "Class B" licenses in this manner. The transferring municipality establishes the issuance fee for the license after it is transferred, which may not be less than \$10,000, and this fee must be remitted to the transferring municipality. This fee may not be rebated or refunded.

The bill also allows a municipality to designate a geographic area within the municipality as a premier economic development district, if certain requirements are met, and to issue two "Class B" liquor licenses in connection with an economic development project within the premier economic development district. These licenses are in addition to the "Class B" licenses counted toward the municipality's quota. The municipality must establish an initial issuance fee for these "Class B" licenses, which may not be less than \$30,000, and this fee may not be rebated or refunded.

The bill also prohibits a municipality from rebating or refunding the \$10,000 fee for a reserve "Class B" liquor license.

This bill also modifies the quota exception for a full-service restaurant that has a seating capacity of at least 300 persons to require an interior, permanent seating capacity of at least 300 persons. By Rep. Steffen (R-Green Bay) *The League supports this bill.* [Comment to the League on this bill.](#)