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### **12.01 LICENSES REQUIRED.**

A license shall be required for each of the following businesses or activities at the indicated license fee, which shall be for one year unless otherwise indicated:

- (1) JUNK OR SALVAGE YARDS. No fee.
- (2) LARGE ASSEMBLIES. (Rep. & recr. #28-95) See §12.04.
- (3) TRANSIENT MERCHANTS. (Am. Res. #90-2009) \$50 investigation fee.

### **12.02 GENERAL PROVISIONS AS TO LICENSES.**

- (1) LICENSES OR PERMITS REQUIRED. No person shall engage in any trade, profession, business or activity in the County for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the County in the manner provided in this section, unless otherwise specifically provided.
- (2) APPLICATION. Unless otherwise provided, application for a license or permit shall be made in writing to the County Clerk upon forms provided by the County and applicant shall state the location

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of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit.

- (3) PAYMENT OF FEE. The fees required for any license or permit shall be paid at the office of the County Clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied.
- (4) BOND AND INSURANCE. (Rep. & recr. #28-95) Unless otherwise provided, all required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the County Board. Where policies of insurance are required, such policies shall be approved as to substance and form by the District Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the County before the license or permit is issued.
- (5) APPROVAL OR DENIAL OF LICENSES. Where the approval of any County or State officer is required prior to the issuance of any license or permit, such approval shall be presented to the County before any license or permit is issued.
- (6) CERTIFICATE. Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit. The Clerk shall keep a record of all licenses and permits issued.
- (7) TERMS.
  - (a) Unless otherwise provided, the license year shall end on June 30 of each year.
  - (b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.
  - (c) Permits shall be issued for the term set forth in the permit.
- (8) EXHIBITION OF CERTIFICATE. Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any law enforcement officer or person representing the issuing authority.
- (9) TRANSFER. Unless otherwise provided, no license or permit shall be transferable or assignable.
- (10) INSPECTION. County officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.
- (11) REVOCATION AND SUSPENSION OF LICENSES.
  - (a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the County Board. No license shall be revoked except upon written verified complaint filed with the County Board by the Chairman, a member of the County Board, the Sheriff or a resident of the County. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the County Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.
  - (b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the County Board Chairman or presiding officer of the Board to compel the attendance of witnesses.
  - (c) After hearing the evidence, the Board may revoke such license or impose a limited period of suspension. The determination of the County Board shall be final, subject to review under Ch. 68, Wis. Stats.
  - (d) The Sheriff's Department shall repossess any license revoked hereunder.

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- (e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the County Board. (Ord. No. 28-95)

### **12.03 JUNK OR SALVAGE YARDS.**

- (1) **MOTOR VEHICLE YARDS.** No building or premises in the County shall hereafter be used for the business of wrecking motor vehicles or the conduct of motor vehicle junking, except those already in use or operation, without approval of the location thereof and obtaining a license therefor as herein provided.
- (2) **JUNKYARDS.** No junkyard or salvage depot shall be created or used as such in the County, except those already in use or operation, without approval of the location thereof and obtaining a license therefor as herein provided.
- (3) **ADMINISTRATION.** The County Highway Committee shall administer the provisions of this section and shall issue such licenses [as] herein provided, except no such license shall be issued by such Committee without prior approval in writing of the town board or boards of the town or towns affected hereby. No fee shall be charged for any license issued hereunder.

### **12.04 LARGE ASSEMBLIES, REGULATION OF. (Rep. & recr. #28-95; Am. #108-2006; #90-2010)**

- (1) **INTENT.**
  - (a) The purpose of this ordinance is to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in this County, in order that the public peace and good order, the health, safety and welfare of all persons in this County, residents and visitors alike, may be protected.
  - (b) It is the intent of the Oneida County Board of Supervisors that all sections and provisions of this ordinance have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Supervisors that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of this ordinance.
  - (c) This ordinance shall be effective in all unincorporated areas of Oneida County. This ordinance shall not be effective in any incorporated municipality of Oneida County unless the governing body of that incorporated municipality passes an ordinance expressly authorizing the enforcement of this chapter within its corporate boundaries, and forwards a copy of said ordinance to the Oneida County Clerk.
- (2) **LICENSE REQUIRED.**
  - (a) No person shall permit, maintain, conduct, undertake or manage an actual or reasonably anticipated assembly of 1,000 or more people which continues or can reasonably be expected to continue for eight or more consecutive hours, of 5,000 persons for four or more consecutive hours, or 10,000 or more persons for one or more consecutive hours, with or without an admission fee, whether on public or private property, unless a license to hold the assembly has first been issued by the governing body of this County as hereinafter provided; application for which must be made at least thirty (30) days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. Any person receiving a license under this ordinance shall, in preparation for, and while conducting the licensed assembly, comply with all applicable federal, state, and local codes of regulations, statutes, ordinances and other applicable laws. Such entities shall also ensure that all of their officers, board members, employees and agents shall comply with all such laws.

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- (b) As used in this ordinance:
- (1) *Person* means an individual natural human being, partnership, corporation, firm, company, university, school, association, society or group;
  - (2) *Assembly* means a company of persons gathered together at any location at any single time for any purpose.
  - (3) *Law enforcement official* means the Oneida County Sheriff, Deputy Sheriff or deputized local police officer, police officer of another police or sheriff's department with jurisdiction or providing mutual assistance under the law, the Oneida County Emergency Management Director, Oneida County Clerk, Oneida County Department Director, Oneida County Zoning Director, Oneida County Corporation Counsel, Oneida County Solid Waste Administrator, any fire chief, assistant fire chief or other fire department official of a jurisdiction in which the assembly is being held, an employee of any department or agency named above, and any other local, county, state or federal employee whose responsibility it is to enforce public safety laws or other laws within a jurisdiction within which the assembly is being held.
  - (4) *Responsible person* means a natural person or persons, of at least eighteen years of age, designated by the applicant, at least one of whom shall be at the assembly at all times during the assembly, and each of whom shall severally have authority to make decisions and to commit necessary financial resources as reasonably required by the County to ensure compliance with this ordinance, accept notices, summonses and other legal process issued with respect to violations of statutes, ordinances, regulations and other laws.
- (c) A separate license shall be required for each event and each location in which an assembly of the size and duration regulated by this ordinance is held; the fee for each license shall be \$100.00.
- (d) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
- (e) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
- (f) The license shall not permit cinders, noxious odors, fumes or gases to unreasonably emanate beyond the property line of the assembly.
- (g) This ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
- (h) This ordinance shall not apply to government financially sponsored fairs such as are held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of this County.
- (i) An applicant shall execute and file with the County Clerk's Office:
- (1) An agreement which shall indemnify and hold harmless this County or any of its agents, officers, officials, servants and employees from any liability or causes of action which might arise by reason of granting this license;
  - (2) Certificates of insurance issued by insurance companies licensed to transact business with the State of Wisconsin providing that the applicant and the assembly are covered by a comprehensive general liability policy providing a minimum coverage of \$2,000,000.00 aggregate coverage; fire legal liability policy in the amount of \$2,000,000.00; and worker's compensation insurance as required by Wisconsin law.

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- (3) CONDITIONS FOR ISSUING. Before a license may be issued pursuant to this ordinance, the applicant shall first demonstrate compliance with the following requirements:
- (a) Indicate the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of this County.
  - (b) Provide proof that the applicant will furnish at his/her own expense before the assembly commences:
    - (1) A fence or other easily recognizable boundary marking system that completely encloses the proposed location; a fence may be required by the Large Assembly Committee if it is reasonably determined to be necessary to protect the health, safety and welfare of the attendees, the community, and/or neighboring property owners;
    - (2) Potable water, meeting the purity and safety standards of Wisconsin Admin. Code ch. NR 809, for safe drinking water of less than the maximum contaminant level goals as set forth therein, sufficient to provide safe drinking water for the maximum number of people to be assembled;
    - (3) Separate enclosed toilets for males and females, meeting all state and local specifications, in numbers sufficient to comply with the requirements of Table 55.32, Wisconsin Admin. Code ch. COMM 55, conveniently located throughout the grounds, together with an efficient, sanitary means of disposing of waste matter deposited; a supply of running water and a continuous supply of soap, or other type of hand-washing station that is reasonably effective and sanitary, and paper towels shall be provided with each toileting area;
    - (4) A reasonable, sanitary and legal means of disposing of wastewater from any portable water stations, portable washing stations and showers, with such wastewater to be stored in containers of sufficient size that they need not be emptied more often than once every 24 hours, with no such wastewater to be stored in uncovered containers, or to be stored in containers comprised of materials that are not reasonably durable and reasonably capable of resisting cutting, puncturing, rupturing and leaking;
    - (5) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight-fitting lids and personnel to perform the task;
    - (6) An emergency medical station capable of providing emergency treatment and first aid to the assemblage. Such station shall be staffed with personnel trained to, at minimum, the proficiency of a Wisconsin Certified Emergency Medical Technician (CEMT), at a level of two staff persons for an assembly of up to 5,000 persons expected to assemble, and an additional staff person for each additional 2,500 people or portion thereof expected to assemble, and at least one emergency ambulance on site at all times whenever 10,000 or more people are assembled. The applicant shall also have a demonstrated means of contacting local emergency service providers in the event of an emergency that exceeds the capabilities of the on-site medical station;
    - (7) If the assembly is to continue during hours of darkness, illumination sufficient to light the main activity area of the assembly, toileting and washing areas, and areas of ingress, egress and parking at levels sufficient to ensure safety but not to shine unreasonably beyond the boundaries of the location of the assembly.

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- (8) Reasonable parking for vehicles with space sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
- (9) A minimum of either one hard-wired telephone line that shall be operational during the entire period that the event is being held or, in the alternative, the applicant may represent in writing that the applicant will have two (2) or more cellular phones that have been tested and found to function in the area and that will be in constant operation the entire period the event is held. The applicant shall include this phone number or numbers in the application. Additional wireless communications devices may be used as necessary to ensure that the event operators can contact emergency services at all times;
- (10) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Admin. Code and ordinances of this County, sufficient to provide camping accommodations for the maximum number of people camping;
- (11) Security guards sufficient to provide adequate security for the maximum number of people to be assembled. A primary security officer who is a licensed security officer in the State of Wisconsin, or has other similar credentials, shall be designated, whose name, address and telephone number shall be provided to local law enforcement. As a condition of the license, local law enforcement officials shall be granted access to the site to ensure public safety;
- (12) Fire protection, including, but not limited to, alarms, extinguishing devices and fire lanes and escapes sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Admin. Code, ordinances of the County, and any other applicable law;
- (13) All reasonable necessary precautions to ensure that the sound of the assembly will not unreasonably carry beyond the boundaries of the location of the assembly; and that the use of sound amplification devices shall be prohibited and shall not be used between the hours of 12:00 midnight and 8:00 a.m., except in emergency situations which otherwise require such use;

### (4) APPLICATION.

- (a) Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing, on the County's approved application form, to the County Clerk of this County at least thirty (30) days in advance of such assembly. Within three (3) business days after receipt of any application, the County Clerk shall send a copy of such application and the time, date and place of their meeting at which the application shall be considered to the chair of the town in which the proposed assembly will be held, and to each agency listed under the definition of law enforcement official herein. The clerk shall also notify the applicant of the date, time, and location of the meeting at which the Large Assembly Committee will consider the application. Failure to provide a copy of the application, or notice to the town chair or any law enforcement official as required herein shall not preclude issuance of a license to an applicant.
- (b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of any unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.
- (c) The application shall contain and disclose:
  - (1) The name, residential and mailing addresses of all persons required by this ordinance to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, residence and mailing address of the primary officers of said corporation, and the name, residential and mailing addresses and telephone numbers of each responsible person as that term is defined herein;

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- (2) The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;
- (3) Proof of ownership of all property upon which the assembly is to be held, or a valid, written lease executed by the property owner, and a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons. If the property is owned by a corporation, proof that the person purporting to act for the corporation has actual authority of the shareholders of said corporation to authorize the use of the corporate real estate for the proposed purpose;
- (4) The nature or purpose of the assembly;
- (5) The total number of days and/or hours during which the assembly is to last;
- (6) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the County if the assembly is to continue overnight;
- (7) The maximum number of tickets to be sold, if any;
- (8) The plans of the applicant to limit the maximum number of people permitted to assemble;
- (9) The plans, including an accurate description of the means to be used, for marking the boundaries of the location of the assembly;
- (10) The plans for supplying potable water, including the source, amount available and location of outlets;
- (11) The plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited;
- (12) The plans to provide for medical services and on-site first aid, to include the names and hours of availability of the medical support personnel and provisions for contacting emergency medical service;
- (13) The plans, if any, to illuminate the location of the assembly as required by this ordinance;
- (14) The plans for parking vehicles, including size and location of lots, how traffic flow and traffic control is to be maintained, points of highway access and interior roads, including routes between highway access and parking lots;
- (15) The plans for telephone service including the source, number and location of the hard-wired telephone;
- (16) The plans for camping facilities, if any, including facilities available and their location;
- (17) The plans for security, including the number of guards and the name, address and telephone number of the primary security officer, along with certification that such information has been provided to local law enforcement agencies;
- (18) The plans for fire and severe weather protection and emergency response, including on-site capabilities to respond to fire or severe weather emergencies;
- (19) The plans for sound control and sound amplification, if any;
- (20) The plans for the sale, preparation and distribution of food and beverages, including a statement as to whether alcohol will be allowed and/or served, and whether it will be sold or given away, and the method of disposal of solid waste, including, but not limited to, recyclables, garbage, trash, rubbish or other refuse accumulated as a result of such activities. If any person other than the person applying for the permit shall engage in the

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sale of food or beverages, the names, addresses, and license or permit number of such persons shall be included on the application. If such information is not known at the time of the application, a list shall be provided at least 15 days prior to the start of the assembly. All recyclables, garbage, trash rubbish and other refuse shall be stored in securely-covered containers until removed from the assembly area. Such containers shall be maintained in a sanitary condition, shall not be over-filled, and shall be emptied at least once daily. Nothing herein shall be deemed to guarantee the issuance of any alcohol beverage license or be deemed to be a waiver of any requirement for such license under any ordinance or other law.

- (21) If any tattooing or body piercing shall take place at the assembly, the plans to ensure that such practices are done in a safe and sanitary way, and in structures which have walls, ceilings and floors which are not composed of fabric, vinyl, or any other easily pliable material that is not durable, easily cleanable and which are such that there are no unreasonable openings to the outdoors which would allow the entry of dust, airborne contaminants, insects or other pests. Any such structures and artists shall also be licensed by the Oneida County Health Department, unless the code providing for such licensure provides an exception to the licensing requirement.
  - (22) A map of the location of the assembly, which may be handwritten but must be legible. The map need not be precisely to scale but shall be reasonably close to scale. The map shall include all of those of the following things which will exist at the time of the assembly:
    1. Vehicular traffic routes.
    2. Fire lanes.
    3. Parking areas.
    4. Camping areas.
    5. Admissions areas.
    6. Stage/performance areas.
    7. Vendor areas.
    8. Seating areas.
    9. Office headquarters.
    10. Emergency/medical stations.
    11. Security/law enforcement areas.
    12. Structures.
    13. Sanitary facilities.
    14. Potable water locations.
    15. Any areas containing combustible or hazardous materials.
    16. Fencing including accesses and gates.
  - (d) The application shall include: the above information in sufficient detail to determine the applicant's compliance with the requirements for issuance of a license hereunder.
  - (e) Applicants applying for licenses for assemblies which are substantially similar to licensed assemblies previously held by the same applicant may attach a copy of the previous application, however, all differences between the previous assembly and the assembly for which the application is being made must be clearly described in writing in the application.
- (5) **ISSUANCE.** (Am. #55-2011) The application for a license shall be processed within twenty (20) days of receipt. The application shall be reviewed by the Public Safety Committee, with the assistance of

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law enforcement officials, to ensure compliance with this ordinance. The license shall be issued by the County Clerk if all conditions are complied with as determined by the Public Safety Committee.

- (6) **REVOCAION.** (Am. #55-2011) The license may be revoked by the governing body of Oneida County, the Public Safety Committee, or any committee thereof designated by the governing body to so act at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any condition previously met ceases to be complied with.
- (7) **ENFORCEMENT.**
  - (a) The provisions of this ordinance may be enforced by injunction of any court of competent jurisdiction and by citation issued by local law enforcement officials or officers and/or by designated County enforcement personnel.
  - (b) The holding of an assembly in violation of any provision or condition contained in this ordinance or any license issued hereunder shall be deemed a public nuisance and may be abated as such.
  - (c) Any person, firm, company or corporation, which or who violates [subsection] 12.04(2), or who violates any condition upon which license is granted may be fined not less than \$1,000.00 or more than \$10,000.00 for each violation. Each day of violation shall be considered a separate offense.

### **12.05 TRANSIENT MERCHANTS.**

- (1) **DEFINITION.** "Transient merchant" is any peddler, canvasser or solicitor, whether principal, agent or employee, who engages in, does or transacts any temporary or transient business in the County, either in one location or by moving his place of business from place to place in the County, selling goods, wares or merchandise or solicits for such trade, and whether or not for the purpose of carrying on such business, such person occupies, leases, hires or uses a building, structure, vacant lot or railroad car or other vehicle for the exhibition or sale of such goods, wares and merchandise. The term shall include transient photographers.
- (2) **EXEMPTIONS.** No license shall be required hereunder of the following:
  - (a) Persons selling personal property at wholesale to dealers in such articles.
  - (b) Newsboys.
  - (c) Children under 18 years of age who are residents of the County.
  - (d) Merchants or their employees delivering goods in the regular course of business.
  - (e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.
  - (f) A veteran holding a special State license under §440.51, Wis. Stats., but he shall comply with subs. (10), (11) and (12).
  - (g) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization.
  - (h) Sales required by State law or order of a court.
  - (i) Bona fide auction sales conducted pursuant to law.
  - (j) Any city or town within the County which has already enacted its own ordinance restricting transient merchants.
- (3) **PERMITS.**
  - (a) *Permit required.* No transient merchant shall vend, sell or dispose of, or offer to vend, sell or dispose of any goods, wares, merchandise or produce at any place within the County without first obtaining a permit therefor.

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- (b) *Application.* Application for a license hereunder shall be on a permit application form available from the County Clerk, and shall state the nature of and the place where the applicant's business is to be carried on, the length of time for which a permit is desired, a general description of the things intended to be sold, disposed of or contracted for, the name, date of birth and permanent address of all the employees to be covered by such permit, the name and address of the person he represents, and the place or places of residence of the applicant for the 2 previous years. No permit shall be issued hereunder until sub. (5) has been complied with.
- (4) **INVESTIGATION FEE.** At the time of filing application, the applicant shall pay to the County Clerk an amount as provided in §12.01 of this chapter for each person to be covered by the permit to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the Sheriff's Department, and shall contain such information as the Sheriff's Department shall require for the effective enforcement of this section and the safeguarding of the residents of the County from fraud, misconduct or abuse. Religious, charitable, patriotic or philanthropic agencies or their agents shall not be required to pay the investigation fee.
- (5) **INVESTIGATION.** The Sheriff shall investigate the applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon such application within 96 hours after it has been filed with him. In accordance with his findings, the Sheriff shall either issue or deny the permit.
- (6) **BOND.** If the Sheriff determines from his investigation of such application that the interests of the County or its inhabitants, where this section is in effect, require protection against possible misconduct of the licensee, or that the applicant is otherwise qualified, but due to causes beyond his control is unable to supply all the information required by sub. (3)(b), he may require the applicant to file with the County Clerk a bond in the amount of \$250 with surety acceptable to the County Clerk, running to the County, conditioned that he shall fully comply with County ordinances and State laws and guaranteeing to any citizen of the County doing business with him that the property purchased shall be delivered according to the representations of the applicant, provided action to recover on any such bond shall be commenced within 6 months after the expiration of the license of the principal.
- (7) **ISSUANCE OF PERMITS.**
- (a) *Information contained.* All permits shall be numbered in the order in which they are issued and shall state clearly the place where the business may be carried on, the kind of goods, wares and merchandise to be sold, disposed of or contracted for, the date of issuance and expiration of permit, the fee paid and the name and address of the licensee and all employees covered by such permit, and the date of expiration of permit.
- (b) *Expiration.* Such permit shall automatically expire on January 1 following the date of issuance of such permit.
- (c) *Not granted.* No permit shall be granted to a person under 18 years and no applicant to whom a license has been refused or whose permit has been revoked shall make further application until a period of at least 6 months has elapsed since the last rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists.
- (d) *Posting.* Every permittee, while exercising his permit, shall post his permit in a conspicuous place on the premises or carry it on his person and shall exhibit the same upon demand of any officer, customer or prospective vendee.
- (e) *Not assignable.* A permit shall not be assignable and any holder of such permit who allows it to be used by any other person shall be guilty of a violation of this section.
- (f) *Duplicate.* Whenever a permit is lost or destroyed, a duplicate thereof under the original application may be issued by the County Clerk upon the filing by the permittee of an affidavit stating the circumstances of the loss and what, if any, search has been made for its recovery. A fee of \$2 shall be charged for the duplicate.

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- (8) **MUTILATION OF PERMIT.** On the expiration of the permit, the holder shall surrender the same to the Sheriff. No person shall alter or change in any manner any permit issued hereunder and such alteration or the failure of the licensee to display the permit in a conspicuous place on the premises or to exhibit the same upon demand of any officer, customer or prospective vendee shall be cause for revocation of such permit.
- (9) **REVOCAION.** The Sheriff may, at any time for a violation of this section or other County ordinances or State law, revoke any permit issued hereunder. When a permit is revoked, no refund of any unearned portion of the permit fee shall be made. Written notice of such revocation and the reasons therefor shall be immediately served personally upon the person named in the application or by mailing the same to the permittee at the address stated in the permit, and by filing a copy of such notice with the County Clerk. Appeal from revocation shall be to the County Board within 60 days of date of revocation.
- (10) **PREPAYMENTS.** All orders taken by a licensee hereunder who accepts or receives payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid.
- (11) **HEALTH OFFICER'S CERTIFICATE.** No person shall carry on any business included in sub. (1) involving the handling or sale of foodstuffs without first obtaining from the Health Officer, if any, a certificate stating that he is apparently free from any contagious or infectious disease and agreeing in writing to submit to a further physical examination upon the request of the Health Officer.
- (12) **REGULATIONS.** A transient merchant holding a permit shall:
  - (a) Not falsely or fraudulently misrepresent the quality, character or quantity of any article offered for sale or offer for sale any unwholesome or tainted food or foodstuffs, nor intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, the name of business of his principal, if any, the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.
  - (b) Not use the permit provided by the County after the expiration or revocation of the permit.
  - (c) Keep the premises in a clean, sanitary condition and the foodstuffs offered for sale well covered and protected from dirt, dust and insects.

### **12.10 PENALTY.**

In addition to the revocation, suspension or nonrenewal of any license issued under the provisions of this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code.