

Monthly Service Charge

Main television set	\$14.95
HBO	10.95
Extension television sets	2.25

NOTE: For those customers that do not have cable-ready television sets or cable-ready VCR's, they will need a converter to receive Channels 17 through 22. The converter will be supplied by the company for a one-time refundable deposit of \$10.00.

Installation Charges

Main television set	\$30.00
Extension television sets	20.00
Reconnection charge	25.00
Hookup charge (first 90 days)	N/C

NOTE: Wisconsin sales tax will be added to the above rates. All accounts thirty (30) days past due will be subject to disconnection after disconnect is sent.

10.06

FIREWORKS PERMIT ORDINANCE

(1) **COVERAGE.** Every person, pursuant to Sections 66.052 and 167.10, (1993-1994) Wisconsin Statutes, and this ordinance in the Village of New Auburn who sells, possesses or uses fireworks in the Village shall seek and obtain a Fireworks Permit from the Village, except if exempt under this ordinance. The permit fee shall be established by the Village Board at not less than Five dollars (\$5.00) nor more than Twenty Dollars (\$20.00) and shall be set forth on Appendix E. The permit shall be issued for the date established for the permitted use. The permit shall be issued by the Village President and a copy of the issued permit shall be given to the Village Marshal pursuant to Section 167.10(3)(g), (1993-1994) Wisconsin Statutes, at least two (2) days before the date of authorized use in the Village of New Auburn.

(2) **APPLICATION/PERMIT.** The application shall be made to the Village President and the Village President, in the exercise of his/her reasonable discretion shall issue or not issue the fireworks permit. The application shall include:

- (A) The name of the applicant.
- (B) The address of the applicant.

(C) The residential and business telephone number of the applicant, if any.

(D) The age of the applicant.

(E) The date requested for purchase of fireworks and the date requested for the fireworks use.

(F) The time and location for the required use.

(G) The classification of the applicant as noted in Section 167.10(3)(c), (1993-1994) Wisconsin Statutes.

(H) The proposed location for the storage of the fireworks in the Village.

(3) **EXEMPTIONS.** Certain persons are exempt from this permit requirement in the Village. The permit requirement does not apply to:

(A) The Village of New Auburn, but Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.

(B) The possession of or use of explosives in accordance with rules or general orders of the State Department of Industry, Labor and Human Relations.

(C) The disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources.

(D) The possession of or use of explosives or combustible materials in any manufacturing process.

(E) The possession of or use of explosives or combustible materials in connection with classes conducted by educational institutions.

(F) The possession of or use of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

(4) ORDINANCE/PERMIT

(A) The person subject to this ordinance shall comply with Section 167.10, (1993-1994) Wisconsin Statutes, and this ordinance.

(B) The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

(C) The applicant and any other person subject to this ordinance shall comply as follows:

(1) No person shall be issued or reissued a fireworks permit in the Village until the appropriate fee has been paid to the Village Clerk.

(2) No person shall be issued or reissued a fireworks permit in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village.

10.07**ALCOHOL BEVERAGES ORDINANCE**

(1) STATE STATUTES ADOPTED. The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, but exclusive of any statutory penalty of imprisonment (no penalty of imprisonment may be imposed for ordinance violations; forfeitures only may be imposed) are adopted and made a part of this ordinance by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED

(A) When Required. No person except as provided by Section 125.06, Wisconsin Statutes, shall within the Village of New Auburn, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this ordinance or Chapter 125, Wisconsin Statutes, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this ordinance. (Reference: Section 125.04(1), Wis. Stats.)

(B) Separate license Required for Each Place of Sale. Except for licensed public warehouse, a license shall be required for each location or premises

which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. (Reference: Section 125.04(9), Wis. Stats.)

(C) **Classes of Licenses and Fees.** The following classes and denominations of licenses may be issued by the Village Clerk under authority of the Village Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal, or traffic in alcoholic beverages as provided in Sections 125.17, 125.25, 125.26, 125.28, 125.51, and 125.57, Wisconsin Statutes. Except as otherwise provided in this ordinance, the full license fee shall be charged for the whole or fraction of any year. Fees shall be noted in Appendix E.

(1) **Class "A" Fermented Malt Beverage Retailer's License.** \$50.00 per year. (Reference: Sec. 125.25, Wis. Stats.)

(2) **Class "B" Fermented Malt Beverage Retailer's License.** \$100.00 per year. (Reference: Sec. 125.26, Wis. Stats.)

(a) **Six Month.** A license may be issued at any time for six (6) months in any calendar year for which three-fourths (3/4ths) of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.

(b) **Picnic (Temporary).** \$10.00. (Reference: Sec. 125.25(1) and (6), Wis. Stats.)

(c) The Village authorizes the Village Clerk to issue temporary Class "B" licenses under Section 125.26(6), Wisconsin Statutes.

(3) **Wholesaler's Fermented Malt Beverage License.** \$15.00 per year or fraction thereof. (Reference: Sec. 125.28, Wis. Stats.)

(4) **Retail "Class A" Liquor License.** \$250.00 per year. (Reference: Sec. 125.15(2), Wis. Stats.)

(a) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof until the following June 30.

(5) **Retail "Class B" Liquor License.** \$500.00 per year. (A retail Class "B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises.) Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. (Reference: Sec. 125.51(3), Wis. Stats.)

(a) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Licenses valid for six (6) months may be issued at any time. The fee for the license shall be fifty percent (50%) of the annual license fee. The license may not be renewed during the calendar year in which issued.

(c) Clubs as defined in Section 125.02(4), Wisconsin Statutes, shall be subject to a \$50.00 per year fee for a restricted license and a fee of \$250.00 if nonrestricted (sales to the general public).

(6) **Retail "Class C" Wine Licenses.** \$100.00 per year. (Reference: Sec. 125.51(3m), Wis. Stats.)

(7) **Pharmacists.** \$10.00 per year. (Reference: Sec. 125.57, Wis. Stats.)

(8) **Operators.** \$15.00 per year. (Reference: Sec. 125.17, Wis. Stats.) Provisional operators: \$10.00. The provisional fee may be applied against the regular operator's license of \$15.00 per year upon completion of the training course.

(a) Operators' licenses may be granted to individuals by the Village Board for the purposes of complying with Sections 125.32(2) and 125.68(2), Wisconsin Statutes.

(b) Operators' licenses may be issued only on written application on forms provided by the Village Clerk.

(c) Operators' licenses shall be valid for one (1) year but all such licenses shall expire on June 30 of each year regardless of whether or not issued on July 1 of the preceding year.

(d) The provisions of Section 125.17(6) of the Wisconsin Statutes are hereby adopted. Operators' licenses will not be issued to nonexempt applicants who have not successfully completed the Responsible Beverage Server training course offered by a vocational, technical, and adult education district which conforms to curriculum guidelines specified by the Board of Vocational, Technical, and Adult Education or a comparable training course that is approved under Section 125.17, Wisconsin Statutes. Such applicant must provide a certificate of completion of said course unless the applicant meets one of the following exemptions set forth in the statute:

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1. The applicant is renewing an operator's license.
2. Within the past two (2) years, the person held a Class "A", Class "B", or "Class A" or "Class B", or "Class C" license or permit or a manager's or operator's license.
3. Within the past two (2) years, the person has completed such a training course.

(e) If the individual applying for the operator's license has not completed the course by the time of application, the Village Board, or its designee, may issue a provisional operators license to such person who is enrolled in a training course. The Board shall revoke that license if the applicant fails to successfully complete the course in which he or she enrolls.

(f) **Provisional Operator's License:** \$10.00 provisional operator's licenses under 125.17(5) may be issued by the Village Clerk who is designated as the municipal officer with authority to issue provisional operator's license. Said licenses may be issued upon payment of a fee of \$10.00 upon the following conditions:

1. A provisional operator's license may be issued only to a person who has applied for an operator's license and may not be issued to any person who has been denied a license by the Village of New Auburn.
2. A provisional operator's license expires 60 days after its issuance or when an operator's license is issued or denied to the holder, whichever is sooner.
3. The Village Clerk may revoke the provisional operator's license if the holder of the license is discovered to have made a false statement on the application. If the provisional operator's license is revoked, the Village Clerk shall mail or have a written notice delivered to the license holder notifying the person of the action taken, the reasons for such action and the right to have a license review hearing before the Village Board upon the applicant's written request. The request for hearings and procedures shall be as set forth in section 125.12.

(g) This ordinance shall not be interpreted as requiring additional regulations not permitted pursuant to Section 125.17(6)(c), Wisconsin Statutes.

(h) The Village Clerk may issue temporary operator's licenses upon written application pursuant to Section 125.17(4) of the Wisconsin Statutes, without a fee, provided that;

1. A temporary license may be issued only to operators employed by or donating their services to non-profit corporations;

2. No person may hold more than one license of this kind per year; and,

3. The license is valid for any period from one day to fourteen (14) days and the period for which it is valid shall be stated on the license.

(9) **Provisional Retail Licenses**. Provisional retail licenses under Section 125.185 may be issued by the Village Clerk who is designated as the municipal officer with authority to issue provisional retail licenses. Said licenses may be issued upon payment of a fee of \$15.00 upon the following conditions:

(a) A provisional retail license may be issued only to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes.

(b) A provisional retail license expires 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued to the holder whichever is sooner. The Village Clerk may revoke the provisional retail license if he or she discovers that the holder of the license made a false statement on the application. If the provisional retail license is revoked, the Village Clerk shall mail or have a written notice delivered to the license holder notifying the person of the action taken, the reasons for such action, and the right to have a license review hearing before the Village Board upon the applicants written request. The request for hearings and procedures shall be as set forth in Section 125.12.

(c) Notwithstanding the foregoing provisions, the Village Clerk may not issue a provisional "Class B" license if the municipality's quota under Section 125.51(4), prohibits the municipality from issuing a "Class B" license.

(d) No person may hold more than 1 provisional retail license for each type of license applied for by the holder per year.

(e) All standards under which retail licenses are issued under these ordinances and the State Statutes for the regular ordinance shall apply to provisional retail licenses.

(D) **License Application**

(1) **Form**. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators' licenses and filed with

the Village Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(2) **Application to be Notarized.** Applications shall be signed and sworn to by the applicant as provided in Section 887.01 Wisconsin Statutes. The Village Clerk is authorized to take statements under oath.

(3) **Board Appearance.** All applicants for alcoholic beverage to include "Class A" liquor licenses, Class "A" fermented malt beverage licenses, "Class B" liquor licenses and Class "B" fermented malt beverage licenses, issued pursuant to Section 125 of the Wisconsin Statutes and of these ordinances shall (except as set forth in this subsection below) appear in person before the Village Board at the time of license application to present the application and answer questions from the Village Board members as to the application and conduct of the permitted activities. Personal appearance shall be required for all original applications. Personal appearance shall not be required for all renewal applications unless the Board has cause to deny renewal pursuant to Wis. Stat. 125.12.

Effective July 1, 2009, applicants for a license to serve fermented malt beverages and intoxicating liquors (bartender's license) are not required to appear in person before the Village Board unless the applicant has a serving violation (Wis. Stat. 125.07), other criminal record, or other issues which, in the Board's discretion, requires personal appearance before the Board to determine compliance with the requirements of this Ordinance and Wis. Stat. 125.04(5).

(E) **License Restrictions**

(1) **Statutory Requirements.** Licenses shall be issued only to persons eligible therefore under Sections 125.04 and 125.33(3)(b), Wisconsin Statutes.

(2) **Location**

(a) No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than three hundred feet (300') from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.

(b) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred feet (300') thereof by any school building, hospital building, or church building.

- (3) **Violators of Liquor or Beer Laws or Ordinances.** No retail Class A or B license shall be issued to any person who has been convicted of a violation of any Federal or state liquor or fermented malt beverage law or the provisions of this ordinance or any other criminal violation substantially related to the performance of the applicant's duties, during one (1) year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one (1) year.
- (4) **Health and Sanitation Requirements.** No retail Class "B" or "Class B" or "Class C" license shall be issued for any premise which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.
- (5) **License Quota.** The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Section 125.51(4), Wisconsin Statutes.
- (6) **Corporations.** No license shall be granted to any corporation in which more than fifty percent (50%) of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.
- (7) **Age Requirement.** No license hereunder shall be granted to any underage person. For purposes of this section, "underage person" shall be defined as an individual who has not attained the age of 21 years. For purposes of this section, "underage person" as it relates to issuance of **Operator's** licenses shall be defined as individuals who have not attained the age of 18 years as per Wisconsin Statute 125.04(5)(d)2.
- (8) **Effect of Revocation of License.** Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.
- (9) **Issuance for Sales in Dwellings Prohibited.** No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcoholic beverages in any dwelling, house, flat or residential apartment.
- (10) **Inspection of Application and Premises.** The Village Clerk shall notify the Village Marshal, and Village Board of all license and permit applications, and these officials may inspect or cause to be inspected such applications and premises to determine whether the applicant and the premises sought to be

licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. If an inspection is conducted, these officials shall furnish to the Village Board in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of the Village Board, and no license shall be renewed without a reinspection of the premises and report as herein required.

(11) **Health and Sanitation.** No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the Department of Industry, Labor and Human Relations and the State Department of Health and Social Services and to all such ordinances and regulations adopted by the Village.

(F) **Form and Expiration of Licenses.** All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee, and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Village Clerk shall affix his or her affidavit as required by Section 125.04(4), Wisconsin Statutes.

(G) **Transfer of Licenses**

(1) **As to Person.** No license shall be transferable as to licensee except as provided by Section 125.04(12), Wisconsin Statutes.

(2) **As to Place.** Licenses issued pursuant to this section may be transferred as provided in Section 125.04(12), Wisconsin Statutes. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(H) **Posting and Care of Licenses.** Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Section 125.04(10), Wisconsin Statutes. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(I) **Regulation of Licensed Premises and Licenses**

(1) **Gambling and Disorderly Conduct Prohibited.** Each licensed and permitted premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or illegal gambling shall be allowed at any time on any such premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept upon the premises.

(2) **Employment of Underage Persons.** No retail "Class B" or Class "B" licensee shall employ any underage person to serve, sell, dispense or give away any alcoholic beverage, except hotels, restaurants, combination grocery stores--taverns, where not to exceed twenty percent (20%) of the gross revenues are derived from the sale of alcoholic beverages, except as provided in Section 125.32(2) and 125.68(2) (Operator's License).

(3) **Sales by Clubs.** No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(4) **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(5) **Dancing and Entertainment Allowed.** Dancing and entertainment including music, singing, and related forms of musical entertainment shall be permitted upon premises licensed under this ordinance, during such hours and under such conditions as the Village Board may determine.

(6) **No Sale on Credit or Trade In.** No retail Class "A", "Class A", Class "B", "Class B", or "Class C" licensee shall sell or offer to sell fermented malt beverages or intoxicating liquor to any person on credit excepting credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell fermented malt beverages or intoxicating liquor to any person on a pass book or store order or receive from any person any goods, wares, merchandise, or other articles in exchange for fermented malt beverages or intoxicating liquor.

(7) **Search of Licensed Premises.** It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer or the Village Marshal without any warrant, and the application for a license hereunder shall be deemed a consent to this provision.

(J) **Closing Hours.** No premises for which an alcoholic beverage license has been issued shall remain open for the sale of alcoholic beverage:

(1) If a wholesale license, between 5 p.m. and 8 a.m. except on Saturday when the closing hour shall be 9 p.m.

(2) If a retail Class "A" (fermented malt beverage) license, between 12 midnight and 6 a.m. as provided by Section 125.32(3)(b), Wisconsin Statutes (updated 2009-2010).

(3) If a retail "Class A" (intoxicating liquor) license, between 9 p.m. and 8 a.m. as provided by Section 126.68(4)(b), Wisconsin Statutes.

(4) If a retail Class "B" (fermented malt beverage) or "Class B" (intoxicating liquor) or "Class C" (retail wine license) license, between 2 a.m. and 6 a.m. On Saturday and Sunday the closing hours shall be between 2:30 a.m. and 6 a.m. On January 1, premises operating under a Class "B" or "Class B" license or permit are not required to close. No package, container, or bottle sales may be made between 12 midnight and 6 a.m. (Reference: Secs. 125.68(4)(c), 125.32(3)(am), Wis. Stats.)

(5) Hotels and restaurants whose principal business is in the furnishing of food and lodging to patrons, and bowling alleys and golf courses may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(K) **Revocation and Suspension of Licenses**

(1) **Procedure.** Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Section 125.12, Wisconsin Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.

(2) **Automatic Revocation.** Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Chapters 125 or 139, Wisconsin Statutes, or any other State or Federal liquor or fermented malt beverage laws.

(3) **Revocation for Non-Use.** Any license or permit issued hereunder may be revoked if not used within thirty (30) days after issuance or if its use is discontinued for thirty (30) days or more.

(4) **Effect of Revocation.** See Section 10.07(2)(E)(8) of this ordinance.

(L) **Non-renewal of Licenses.** Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Village Board.