

SEC. 7-2-36 DISPLAY OF LICENSE.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.

SEC. 7-2-37 REVOCATION OF OPERATOR'S LICENSE.

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

SEC. 7-2-38 THROUGH SEC. 7-2-39 RESERVED FOR FUTURE USE.

ARTICLE C

Penalties

SEC. 7-2-40 PENALTIES.

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the Village of Nichols, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the Village of Nichols, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Village of Nichols.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

CHAFFER 3

Cigarette License

7-3-1 Cigarette License

SEC. 7-3-1 CIGARETTE LICENSE.

- (a) **License Required.** No person, firm or corporation in the Village of Nichols shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the Village Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk a license fee of Five Dollars (\$5.00).
- (c) **Issuance and Term of license.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

CHAFFER 4

Direct Sellers

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemptions
7-4-4	Registration
7-4-5	Investigation
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7-4-7	Regulation of Direct Sellers
7-4-8	Revocation of Registration

SEC. 7-4-1 REGISTRATION REQUIRED.

It shall be unlawful for any direct seller and/or transient merchant to engage in direct sales within the Village of Nichols without being registered for that purpose as provided herein.

SEC. 7-4-2 DEFINITIONS.

In this Chapter:

- (a) **Direct Seller** means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) **Permanent Merchant** means a direct seller who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business in this Village;
or
 - (2) Has continuously resided in this Village and now does business from his/her residence.
- (c) **Goods** shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
- (d) **Charitable Organization** shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, and religious organizations, including Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Clerk** shall mean the Village of Nichols Clerk.
- (f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

SEC. 7-4-3 EXEMPTIONS.

The following shall be exempt from all provisions of this Chapter:

- (10) 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, the nature of the offence and the place of conviction.
- (b) Documentation. Applicants shall present to the Clerk for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required;
 - (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 by state authorities;
 - (3) A state health officer's certificate where applicant's business involves 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 ninety (90) days prior to the date the application for license is made.
- (c) Registration fee.**
- (1) At the time of registration, a fee shall be paid to the Clerk to cover the cost cost of processing and investigating said registration. In the case of a group, each member shall be considered a direct seller and shall be required to register and pay said fee. The fee shall be \$25.00. A waiting period of three (3) days is required before a license will be issued and each registration is valid for seven (7) days.
 - (2) The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon compliance with the foregoing statements, filing of a bond (if required) and payment of the license fee as herinafter set forth, the Clerk shall register the applicant as a direct seller and issue a license to the applicant. The license shall be operative only during the days listed on the registration form.
 - (4) Registrants shall exhibit their license at the request of any citizen or police officer.
 - (5) Every applicant who intends to take sales orders and down payments for later delivery of goods and services and who is not a resident of Outagamie County, Wis. or who is a resident and represents a business or organization outside the State of Wisconsin, shall file with the Clerk a surety bond, for a term of one (1) year from the date of