

PLAN COMMISSION APPLICATION



Home of the Apple River

APPLICANT'S NAME: Brock Montpetit - La Pointe Events

APPLICANT'S ADDRESS: 710 Spring Street, Somerset, WI 54025

PHONE: [REDACTED] EMAIL: brockgeneralsams@gmail.com

Parcel number and legal description of property: 181-1000-60-000, 181-1002-60-000, 181-1002-50-000, 181-1003-30-000. Part of the SE1/4 of the NW1/4, part of the NE1/4 of the NW1/4, part of the SW1/4 of the NE1/4, and part of the NW1/4 of the NE1/4, Section 35, T31N, R19W; also part of Outlots 1, 3, 8 and 9 of the Village of Somerset Outlot Map

☐ REZONING – Complete Application to Rezone (Application fee \$250.00)

☐ CONDITIONAL USE PERMIT – Complete Conditional Use Permit Application (Application fee \$250.00)

☒ REPLAT OF LAND – Attach a survey of parcels to be replated. Refer to Section 14 Article D - Plat Review and approval and Article E –Technical Requirements for Plats and Certified Surveys. (Application fee see sec. 14-1-90) There is a \$200.00 deposit fee.

☐ EXTRA TERRITORIAL PLAT REVIEW – Attach a survey of parcels. Refer to Section 14-1-20(b) for application fee - one hundred dollars (\$100.00) for each review of an extra-territorial plat that comes before the Plan Commission and an additional fee of ten dollars (\$10.00) per lot for plats of five (5) or more lots

☐ SITE PLAN REVIEW – Complete Application and review site plan check list

Submit to P.O. Box 356, Somerset, WI 54025: with application fees, two (2) copies of the application and any attachments with the Village Clerk, who will present them to the *Village Planning Commission* for public hearing and recommendation to the *Village Board*.

I have completed this application to the best of my knowledge and believe the information herein to be true and correct. I submit that the request will not be detrimental to the general public interest and purpose of the Zoning Ordinances of the Village of Somerset.

[Signature]
Signature of Applicant

9.12.25
Date

pd. 9/17/25

Authorization: The Village Board, acting under the power given it under Zoning Ordinances of the Village of Somerset do hereby:

_____ Accept your application

_____ Reject your application

Village President

Date

La Pointe Land Description

A parcel of land located in part of the Southeast Quarter of the Northwest Quarter, part of the Northeast Quarter of the Northwest Quarter, part of the Northwest Quarter of the Northeast Quarter and part of the Southeast Quarter of the Northeast Quarter, all in Section 35, Township 31 North, Range 19 West; also being a part of Outlots 1, 3, 8 and 9 of the Outlot Map, Village of Somerset, St. Croix County, Wisconsin, described as follows:

Commencing at the West Quarter corner of said Section 35; thence along the west line of the Northwest Quarter of said Section 35, N01°23'20"W a distance of 1321.63 feet; thence along the south line of said Northwest Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter, S89°49'13"E a distance of 1644.14 feet to the point of beginning; thence along said south line of the Northeast Quarter of the Northwest Quarter and said Outlot 3, S89°49'16"E a distance of 603.87 feet; thence along the west line of that parcel of land described on that deed recorded as Document Number 611789, N00°38'47"E a distance of 787.92 feet to the beginning of a meander line along the westerly shore of the Apple River; thence along said meander line S61°41'00"E a distance of 179.69 feet; thence along said meander line, S01°26'27"E a distance of 418.39 feet; thence along said meander line, S57°30'25"E a distance of 638.80 feet; thence along said meander line S06°59'58"W a distance of 750.39 feet to the end of said meander line; thence N84°45'31"W a distance of 85.89 feet; thence N37°41'34"W a distance of 487.68 feet; thence S39°48'46"W a distance of 302.21 feet; thence along the boundary of that parcel of land described on that deed recorded as Document Number 489880, N50°28'31"W a distance of 110.56 feet; thence along said boundary, N75°34'38"W a distance of 460.06 feet; thence along said boundary, S57°21'58"W a distance of 266.28 feet to the easterly right-of-way of County Trunk Highway "I"; thence along said right-of-way, N31°34'07"W a distance of 220.28 feet; thence northwesterly along said right-of-way a distance of 101.30 feet, being the arc of a 1024.93 foot radius curve, concave southwesterly, with a central angle of 5°39'47" and a chord that bears N34°24'00.5"W for a distance of 101.26 feet; thence along the east line of that parcel of land described on that deed recorded as Document Number 518140, N01°17'29"W a distance of 187.73 feet; thence along the southerly line of that parcel of land described on that deed recorded as Document Number 602498, N83°34'09"E a distance of 344.30 feet; thence along the easterly line of last said parcel, N30°29'12"W a distance of 122.01 feet to the point of beginning. Including all land lying between the above described meander line and the westerly shore of the Apple river, which lies between a line bearing N00°38'47"E from the beginning of said meander line, and a line bearing S84°45'31"E from the end of said

meander line. Containing 25.57 acres of land more or less. Subject to all easements, restrictions and covenants of record.

CERTIFIED SURVEY MAP

LOCATED IN PART OF THE SE1/4 OF THE NW1/4, PART OF THE NE1/4 OF THE NW1/4, PART OF THE NW1/4 OF THE NE1/4 AND PART OF THE SW1/4 OF THE NE1/4, ALL IN SECTION 35, T 31 N, R 19 W; ALSO BEING A PART OF OUTLOTS 1, 3, 8 AND 9 OF THE OUTLOT MAP, VILLAGE OF SOMERSET, ST. CROIX COUNTY, WISCONSIN.

PREPARED FOR:
LA POINTE EVENTS
BROCK MONTPETIT
710 SPRING ST.
SOMERSET, WI 54025

PREPARED FOR:
FLOAT-RITE, INC.
710 SPRING ST.
SOMERSET, WI 54025

SURVEYOR:
DOUGLAS ZAHLER
AUTH CONSULTING & ASSOC.
2920 ENLOE STREET SUITE 101
HUDSON, WI 54016

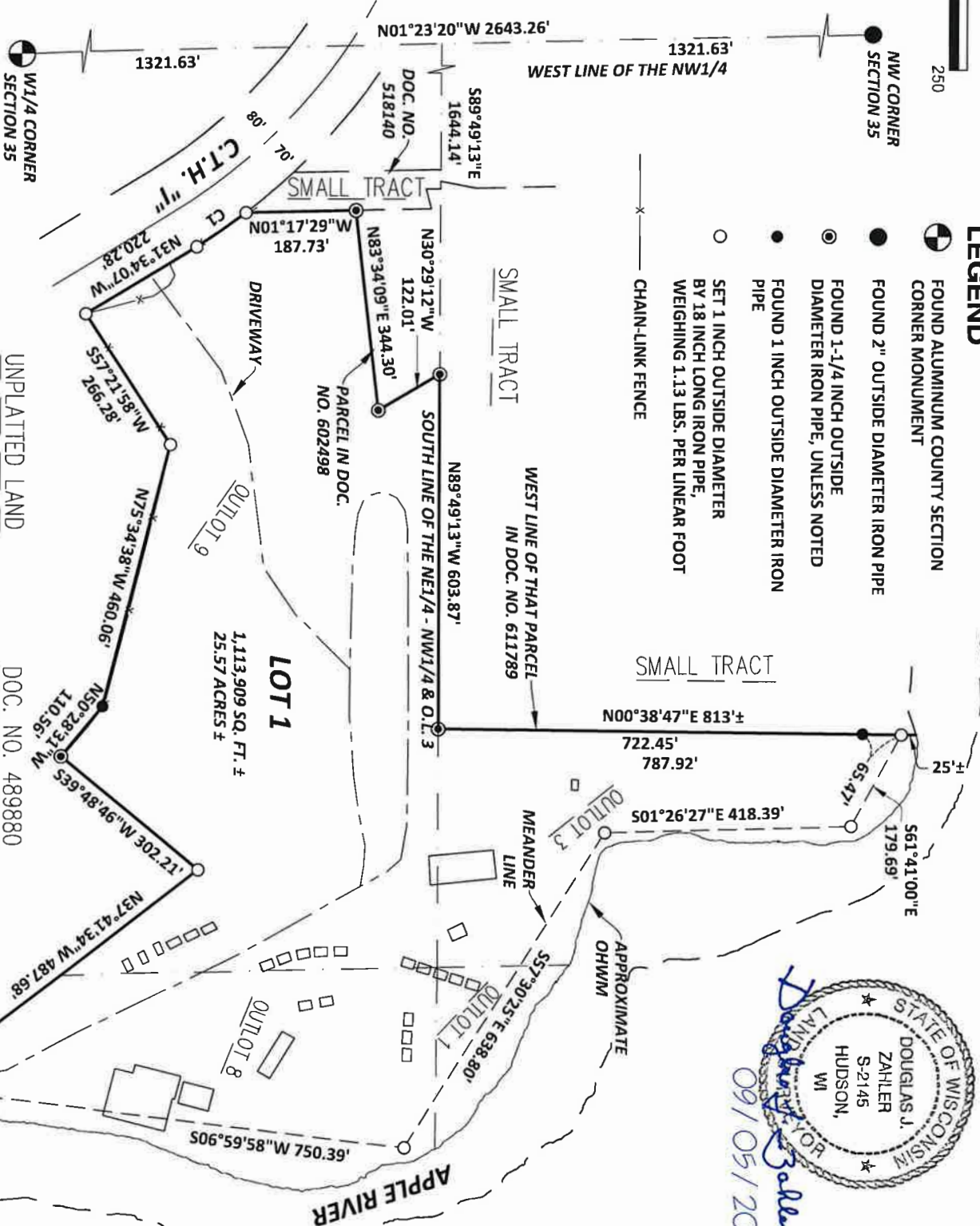
THE WEST LINE OF THE NW1/4 OF SECTION 35 BEARS N01°23'20"W AS REFERENCED TO THE ST. CROIX COUNTY COORDINATE SYSTEM



LEGEND

- FOUND ALUMINUM COUNTY SECTION CORNER MONUMENT
- FOUND 2" OUTSIDE DIAMETER IRON PIPE
- FOUND 1-1/4 INCH OUTSIDE DIAMETER IRON PIPE, UNLESS NOTED
- FOUND 1 INCH OUTSIDE DIAMETER IRON PIPE
- SET 1 INCH OUTSIDE DIAMETER BY 18 INCH LONG IRON PIPE, WEIGHING 1.13 LBS. PER LINEAR FOOT
- CHAIN-LINK FENCE

CURVE DATA TABLE					
NUMBER	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	1024.93'	5°39'47"	N34°24'00.5"W	101.26'	101.30'



CERTIFIED SURVEY MAP

LOCATED IN PART OF THE SE1/4 OF THE NW1/4, PART OF THE NE1/4 OF THE NW1/4, PART OF THE NW1/4 OF THE NE1/4 AND PART OF THE SW1/4 OF THE NE1/4, ALL IN SECTION 35, T 31 N, R 19 W; ALSO BEING A PART OF OUTLOTS 1, 3, 8 AND 9 OF THE OUTLOT MAP, VILLAGE OF SOMERSET, ST. CROIX COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

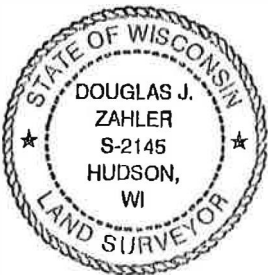
I, Douglas J. Zahler, Professional Wisconsin Land Surveyor, hereby certify that by the direction of Brock Montpetit, I have surveyed, divided and mapped part of the Southeast Quarter of the Northwest Quarter, part of the Northeast Quarter of the Northwest Quarter, part of the Northwest Quarter of the Northeast Quarter and part of the Southeast Quarter of the Northeast Quarter, all in Section 35, Township 31 North, Range 19 West; also being a part of Outlots 1, 3, 8 and 9 of the Outlot Map, Village of Somerset, St. Croix County, Wisconsin, described as follows:

Commencing at the West Quarter corner of said Section 35; thence along the west line of the Northwest Quarter of said Section 35, N01°23'20"W a distance of 1321.63 feet; thence along the south line of said Northwest Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter, S89°49'13"E a distance of 1644.14 feet to the point of beginning; thence along said south line of the Northeast Quarter of the Northwest Quarter and said Outlot 3, S89°49'16"E a distance of 603.87 feet; thence along the west line of that parcel of land described on that deed recorded as Document Number 611789, N00°38'47"E a distance of 787.92 feet to the beginning of a meander line along the westerly shore of the Apple River; thence along said meander line S61°41'00"E a distance of 179.69 feet; thence along said meander line, S01°26'27"E a distance of 418.39 feet; thence along said meander line, S57°30'25"E a distance of 638.80 feet; thence along said meander line S06°59'58"W a distance of 750.39 feet to the end of said meander line; thence N84°45'31"W a distance of 85.89 feet; thence N37°41'34"W a distance of 487.68 feet; thence S39°48'46"W a distance of 302.21 feet; thence along the boundary of that parcel of land described on that deed recorded as Document Number 489880, N50°28'31"W a distance of 110.56 feet; thence along said boundary, N75°34'38"W a distance of 460.06 feet; thence along said boundary, S57°21'58"W a distance of 266.28 feet to the easterly right-of-way of County Trunk Highway "I"; thence along said right-of-way, N31°34'07"W a distance of 220.28 feet; thence northwesterly along said right-of-way a distance of 101.30 feet, being the arc of a 1024.93 foot radius curve, concave southwesterly, with a central angle of 5°39'47" and a chord that bears N34°24'00.5"W for a distance of 101.26 feet; thence along the east line of that parcel of land described on that deed recorded as Document Number 518140, N01°17'29"W a distance of 187.73 feet; thence along the southerly line of that parcel of land described on that deed recorded as Document Number 602498, N83°34'09"E a distance of 344.30 feet; thence along the easterly line of last said parcel, N30°29'12"W a distance of 122.01 feet to the point of beginning. Including all land lying between the above described meander line and the westerly shore of the Apple river, which lies between a line bearing N00°38'47"E from the beginning of said meander line, and a line bearing S84°45'31"E from the end of said meander line. Containing 25.57 acres of land more or less. Subject to all easements, restrictions and covenants of record.

I also certify that this Certified Survey Map is a correct representation to scale of the exterior boundary surveyed and described; that field surveying has been completed as of the signed date hereon; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin statutes and the land subdivision ordinance of the Village of Somerset in surveying and mapping the same.

Douglas J. Zahler
Douglas J. Zahler PLS #2145
Auth Consulting & Associates
2920 Enloe St. Hudson, WI 54016
(715) 386-2007
dzahler@authconsulting.com

09/05/2025
Date



VILLAGE BOARD RESOLUTION

Resolved, that this Certified Survey Map, in the Village of Somerset, Float-Rite, Inc. owner, is hereby approved by the Village Board.

Ryan S. Sicard _____
President Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of the Village of Somerset.

Jessica Lehman _____
Village Clerk Date

ARTICLE D. CONDITIONAL USES

Sec. 13-1-60. Purpose of article.

The development and execution of this Article is based upon the division of the Village of Somerset into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

Sec. 13-1-61. Authorization; review; conditions; compliance with chapter.

- (a) The Village Board hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Plan Commission provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Village Board and Plan Commission action, and the resulting conditional use permit shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board and Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (½) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Board or Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-1-62. Application—Who may apply.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-63. Same—Contents, fee.

An application for a conditional use shall be filed on a form prescribed by the Village with an application fee of Two Hundred Fifty Dollars (\$250.00). The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board or Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 13-1-64. Same—Evaluation; roles of village clerk, village board, plan commission; public hearing.

All requests for conditional uses shall be applied for with the Village Clerk or the Village Board or Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board on its own motion from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 13-1-65. Same—Notification to public and to applicable parties of hearing; action of plan commission, village board.

- (a) Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
- (b) The Plan Commission shall report its action to the Village Board within forty-five (45) days after a matter has been referred to it, after which the Village Board shall take formal action.

Sec. 13-1-66. Standards for granting.

- (a) *Standards.* No application for a conditional use shall be granted by the Village Board or recommended by the Plan Commission unless the Village Board or Plan Commission shall find all of the following conditions are present:
 - (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the

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- establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) *Application of Standards.* When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board or Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (c) *Additional Considerations.* In addition, in passing upon a Conditional Use Permit, the Village Board or Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-67. Notice to applicant of reasons for denial.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Village Board, the Plan Commission and/or Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission and/or Village Board has used in determining that each standard was not met.

Sec. 13-1-68. General regulations for conditional uses.

The following conditions shall apply to all conditional uses:

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- (a) *Conditions.* Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) *Site Review.* In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) *Alteration of Conditional Use.* No alteration of a conditional use shall be permitted unless approved by the Village Board, upon the recommendation of the Plan Commission.
- (d) *Architectural Treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) *Sloped Sites; Unsuitable Soils.* Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or

slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

Sec. 13-1-69. Effective period of permit under this article.

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Village Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village at least thirty (30) days before the expiration of said permit.

Sec. 13-1-70. Complaints; assessment and correction of violations.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-71. Regulations applicable to bed and breakfast establishments.

- (a) *As Conditional Use.* Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) *Definition.* "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- (c) *State Standards.* Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-72. Regulations applicable to home occupations.

- (a) *Intent.* The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) *Restrictions on Home Occupations.* Except as provided in Subsection (c) below, home occupation and professional home offices are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
 - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or a garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall comply with district sign regulations.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The Village Board may determine the percentage of the property that may be devoted to the occupation, but shall not exceed thirty percent (30%).
 - (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited.
 - (9) The types and number of equipment or machinery may be restricted by the Plan Commission.
 - (10) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
 - (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
 - (12) No more than one (1) non-resident employee may work on the premises.
 - (13) No activity associated with the home occupation may occur outside on the premises prior to 8:00 a.m.
- (c) *Permitted Use Exception.* A home occupation or professional home office under this Section may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one (1) person works on the premises, no customers regularly come to the house ["regularly" defined as averaging more than three (3) customers/clients per week coming to the home occupation premises] and the business is service-oriented and not engaged in retail trade.

Sec. 13-1-73. Interim permit application; examples; effective term; yearly review.

- (a) *Applications.* Applications for interim conditional use permits shall be submitted to the Village Clerk-Treasurer on forms provided by the Village and shall be accompanied by a site plan. Notice of the time, place

and purpose of such hearing shall be given by publication of a Class 1 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the properties affected; said notice is to be sent at least ten (10) days prior to the date of such public hearing. An application fee of Two Hundred Fifty Dollars (\$250.00) shall be submitted with the application. If the application is approved, the applicant shall reimburse the Village for all costs it incurred in the review/approval process for the application. The Village shall provide an itemized statement of any such costs and the costs shall be paid by the applicant prior to issuance of the interim conditional use permit.

- (b) *Examples of Interim Conditional Use Permits.* The following are examples of interim conditional uses:
 - (1) Large gatherings of five hundred (500) people or more (examples: concerts, flea markets, outdoor dances, etc.).
 - (2) Ongoing business without permanent structures (examples: used car lot, propane tank storage facility, refuse/waste transfer station, recycling center, generator of hazardous waste, etc.).
- (c) *Term.* A conditional use permit may be applied for after an interim conditional use permit has been approved by the Plan Commission and the Village Board for no less than two (2) consecutive years with a history of compliance with the interim conditional use permit conditions.
- (d) *Annual Review.* Interim conditional use permits will be reviewed annually. During the review process and when reasonably necessary to protect the health, safety and welfare of the public, the Village Board has the right to rescind or change any part of the interim conditional use permit.

Secs. 13-1-74—13-1-79. Reserved.

ARTICLE L. ADMINISTRATION

Sec. 13-1-170. General provisions.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administration" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-171. Position of zoning administration established.

- (a) The Zoning Administration is hereby designated as the primary administrative officer for the provisions of this Chapter, and shall be referred to as the Zoning . The Zoning Administration shall be appointed by resolution of the Village Board. The duty of the Zoning Administration shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Zoning Administration shall further:
- (1) Issue all zoning certificates, and make and maintain records; which records shall be maintained in the Village hall. DUTIES OF VILLAGE CLERK AND BUILDING INSPECTOR
 - (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter. DUTIES OF BUILDING INSPECTOR AND ZONING ADMINISTRATION
 - (3) Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore. DUTIES OF VILLAGE CLERK
 - (4) Provide and maintain a public information function relative to all matters arising out of this Chapter. DUTIES OF VILLAGE CLERK
 - (5) Receive, file and forward to the Village Clerk-Treasurer all applications for amendments to this Chapter.
 - (6) Receive, file and forward to the Plan Commission all applications for conditional uses. DUTIES OF VILLAGE CLERK
 - (7) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Village Board. DUTIES OF VILLAGE CLERK
 - (8) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make recommendations to the Plan Commission not less than once a year. DUTIES OF THE ZONING ADMINISTRATION

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-172. Roles of planning commission, village board, and zoning board of appeals in administration of chapter.

- (a) *Plan Commission.* The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, one of its functions is to make recommendations to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and always being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- (b) *Village Board.* The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments in zoning districts, the zoning map and supplementary flood-land zoning map; and to amend the text of this Chapter. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this subchapter and other provisions therefore elsewhere in this Chapter.
- (c) *Zoning Board of Appeals.* A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-173. Permit requirement; with exception of R1 and R2 application; decision by zoning administration.

- (a) *Zoning Certificate Required.* No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been examined by the office of the Zoning Administration and has affixed to it a certificate of the office of the Zoning Administration indicating that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this Chapter.
- (b) *Application.* Applications for a zoning permit shall be made to the Zoning Administration and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administration: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.

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- (4) Additional information as may be required by the Zoning Administration or Plan Commission (if involved).
 - (c) *Action.*
 - (1) A zoning permit shall be granted or denied in writing by the Zoning Administration within sixty (60) days of application. Applicant shall post such permit in a conspicuous place at the site.
 - (2) The permit shall expire within six (6) months unless substantial work has commenced or within twenty-four (24) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
 - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.
- (Ord. No. A-692, 2-13-2024)

Sec. 13-1-174. Required approval of site plan; with exception of R1 and R2 application; evaluation by village.

- (a) *Site Plan Approval.* All applications for building permits for any construction, reconstruction, expansion or conversion in an R-3, C-1, C-2, and I-1 District, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- (b) *Application.* The applicant for a zoning or building permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) *Administration.* The Zoning Administration shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Plan Commission and/or Village Engineer to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within sixty (60) days of its receipt of the application, the Zoning Administration shall issue or refuse a zoning permit.
- (d) *Requirements.* In acting on any site plan, the Plan Commission may impose conditions upon the issuance of site plan approval as it deems necessary to address the following issues:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.

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- (e) *Effect on Municipal Services.* Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-175. Required certificate of compliance; with exception of R1 and R2 application; issuance for existing uses.

- (a) *Requirement.* No vacant land shall hereafter be occupied, used, or developed; and no building shall hereafter be located, moved, reconstructed, or structurally altered; and no nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administration. Such certificate shall show that the structure or premises or use is in conformance with the provisions of this Chapter. Such certificate shall be applied for at the time a party occupies any land or structure or there is a renewal or change in a nonconforming use.
- (b) *Application for Certificate of Compliance shall be made in the same manner as for a zoning permit.*
- (c) *Existing Uses.* Upon written request from the owner, the Zoning Administration shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-176. Enforcement.

- (a) *Violations.* It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Plan Commission, the Zoning Administration or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) *Remedial Action.* Whenever an order of the Zoning Administration has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administration or the Village Attorney may institute appropriate legal action or proceedings.
- (c) *Penalties.* Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administration issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

(Ord. No. A-692, 2-13-2024)

Secs. 13-1-177—13-1-179. Reserved.

TITLE 7, CHAPTER 4. TRANSIENT MERCHANTS

Sec. 7-4-1. Registration required for direct sales.

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

Sec. 7-4-2. Definitions.

In this Chapter:

- (a) *Transient Merchant* means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. 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.
- (b) *Permanent Merchant* means any person 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 the Village; or
 - (2) Has continuously resided in the Village and now does business from his residence.
- (c) *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 merchandise by a donor or prospective customer.
- (d) *Charitable Organization* shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) *Clerk* shall mean the Village of Somerset Clerk-Treasurer or Deputy 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 from registration.

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

- (a) *Regular Delivery Routes.* Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) *Wholesalers.* Any person selling merchandise at wholesale to dealers in such merchandise;

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- (c) *Agricultural Products.* Any person selling Wisconsin agricultural products which the person has grown;
 - (d) *Deliveries by Permanent Merchants.* 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) *Requested Home Visits.* Any person who has an established place of business where the merchandise being sold or 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) *Prior Sales Transactions.* 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) *Services Not Offering Merchandise.* Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
 - (h) *Auctions; Sales Authorized by Statute.* 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) *Charitable Organizations; Limited Exemptions.* 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 Village Clerk-Treasurer 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 that statute's registration requirements, shall be required to register under this Chapter.
 - (j) *Alleged Transient Merchants.* Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Village Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) year prior to the date complaint was made.
 - (k) *Persons Licensed by Examining Boards.* Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
 - (l) *Village Authorized Events.* This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board.
 - (m) *Resident Minors.* Minors under eighteen (18) years of age who are residents of the Village.

Sec. 7-4-4. Application; information required; identification; fee; bond.

- (a) *Registration Information.* Applicants for registration must complete and return to the Village Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (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) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
 - (6) Proposed method of delivery of merchandise, if applicable;

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- (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
 - (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 offense and the place of conviction.
- (b) *Identification and Certification.* Applicants shall present to the Village Clerk-Treasurer 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 filing applications, a total fee of Thirteen Dollars (\$13.00) shall be paid to the Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form. The primary applicant shall pay a Ten Dollar (\$10.00) registration fee plus a Three Dollar (\$3.00) CIB investigation fee; each assistant under the application shall also be required to pay the Three Dollar (\$3.00) CIB fee.
 - (2) The applicant shall sign a statement appointing the Village Clerk-Treasurer his 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, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon payment of said fees and the signing of said statement, the Village Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.
- (d) *License; Fees.* Except as provided by Section 7-4-3, no person shall conduct any activity as a transient merchant without a license. Every applicant for a license shall pay a license fee. The fee for an annual license shall be Twenty Dollars (\$20.00) which shall be paid to the Village Clerk-Treasurer. Such license shall be for a calendar year and shall expire on December 31 following its issuance, provided however, that the fee shall be one-half (½) of the amount stipulated for a calendar year if it is issued on or after July 1 of any year.
- (e) *Bond.* Every applicant who is not a resident of St. Croix County or who represents a firm whose principal place of business is located outside of the State shall file with the Clerk-Treasurer a surety bond in the amount of Five Hundred Dollars (\$500.00), conditioned that the applicant will comply with all provisions of the ordinances of the Village and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.
- (f) *Solicitors.* Solicitors of funds or donations for charitable or other organizations shall comply with all disclosure and registration requirements above, but shall be exempt from the Ten Dollar (\$10.00) registration fee; such applicants, however, shall each pay the Three Dollar (\$3.00) CIB fee.

Sec. 7-4-5. Investigation of applicant.

- (a) Upon receipt of each application, the Police Department shall make and complete an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The Village Clerk-Treasurer shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), 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 provision of Section 7-4-4(b) above.

Sec. 7-4-6. Appeal of denial.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Wis. Stats.

Sec. 7-4-7. Regulations.

- (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 8:00 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 character 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 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.*
 - (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his 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.

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- (2) if any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; 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 Sections 423.203(1)(a)(b) and (c), (2) and (3), 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.

Sec. 7-4-8. Revocation; notice and hearing.

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

Sec. 7-4-9. Special event vending permit required; fee; restrictions, rules and procedures.

- (a) *Permit Required.* There shall be a Five Dollar (\$5.00) per day charge for a special event vending permit. The Village Board will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.
- (b) *Exclusive Vending Rights During Special Events.*
 - (1) During a special event the Village Board may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Village Board for the special event.
 - (2) To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Village Board may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Village Board shall take precedence.
 - (3) For each such specific day during which certain or all vending permits have been declared to be not valid, the Village Board may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Village Board at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Village Board as to any specific day

during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.

- (4) No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.