

**VILLAGE OF MELROSE
LICENSES AND PERMITS – CHAPTER 3**

3.10 AUTHORITY TO ISSUE

The Village Clerk/Treasurer shall issue licenses and permits by the authority delegated by the Village Board. If no specific authority is granted to a person, committee, or department, it shall be presumed that the authority to issue the license or permit has been conferred upon the Clerk/Treasurer.

3.20 REGULATION OF ACTIVITIES; INCLUSION

In addition to the enumeration of licenses and permits issued by the Village of Melrose, it is the expressed intent of the Village Board that rules and regulations governing the issuance of licenses and permits shall be set forth herein.

3.25 AN ORDINANCE PROVIDING FOR NON-RENEWAL OF PERMIT, LICENSE OR FRANCHISE

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Section 3.25 of the Code of Ordinances of the Village of Melrose is hereby created so as to read as follows:

1. PERMIT, LICENSE, OR FRANCHISE

a) No permit, license or franchise shall be granted or renewed by the Village or by any Village officer, board or employee, to any person, partnership, corporation or other recognized legal entity which owes the Village any money or has any debts outstanding to the Village. Included without limitation shall be delinquent real and personal property taxes, delinquent special assessments, delinquent licensing fees, and any sums due for personal property delivered or services rendered for which the applicant is indebted to the Village and upon which timely payment has not been made. The provisions hereunder shall not apply to any applicant which is making regular payments on its debts to the Village according to a previously approved plan by the Village board.

b) No permit, license or franchise shall be granted or renewed by the Village or by any Village officer, board or employee, to any person, partnership, corporation or other recognized legal entity which is delinquent on any taxes, fees or other money owed to any wholesaler, retailer or other recognized legal entity.

c) If any holder of any permit, license or franchise which was granted or renewed by the Village, has any debts outstanding (as specified in section 1(a) hereof) owed to the Village, the Village shall have the power to revoke or suspend any such permit, license or franchise.

2. PROCEDURE

a) Written notice of intention not to grant or renew any permit, license or franchise under the provisions of section 1 hereof shall be given to the applicant prior to the denial or failure to renew such permit, license or franchise. The applicant shall be given the opportunity to appear before and be heard by the Village board if the applicant requests such opportunity in writing filed with the Village clerk prior to the time set to act upon such application or renewal thereof.

b) In a revocation and/or suspension matter, any resident of the Village may file a sworn written complaint with the Village clerk alleging a violation of section 1 hereof. The clerk shall issue a summons commanding the permit, license or franchise holder to appear not less than three (3) days and not more than ten (10) days from the date of issuance and show cause why his or her license should not be revoked or suspended. Thereafter the Village shall use the hearing procedure specified in Wis. Stat. s. 125.12(2)(b).

SECTION 2: SEVERABILITY

If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent, jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3: CONFLICTING ORDINANCES

All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE

Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

/signed/

Tory Lockington, Village President

/signed/

Dan Ciechanowski, Village Clerk

Passed: 9-4-2013

Approved: 9-4-2013

Published: 9-18-2013

3.30 DIRECT SALES

1. DEFINITIONS: For the purpose of this section, the following definitions and meanings shall apply:

- 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 year prior to the consideration of the application of this ordinance to said merchant has met one or both of the following requirements:
 - 1) Has continuously operated an established place of business within the village limits of the Village of Melrose.
 - 2) Has continuously resided in the Village of Melrose and now does business from his/her or 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.
 - e) “Clerk” shall mean the Village Clerk/Treasurer.
2. EXEMPTIONS: The following shall be exempt from all provisions of this subchapter.
- a) Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes.
 - b) Any person selling goods at wholesale to dealers in such goods.
 - c) Any person selling agricultural products which such person has grown.
 - d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in their regular course of business.
 - e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person.
 - f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

- g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- i) Any member, employee, officer, or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided proof is submitted that such charitable organization is registered under Sec. 440.41, Stats. Any charitable organization not so registered under Sec. 440.41, Stats., or which is exempt from the statute's registration requirements, shall not be required to register under this section.
- j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant provided that there is submitted to the clerk, proof that such person has leased for at least one year or purchased, the premises from which he or she is conducting business, or proof that such person has conducted such business in the Village of Melrose for at least one year prior to the date complaint was made.

3. REGISTRATION:

- a) Registration Form: Applicants for registration must complete and return to the clerk a registration form furnished by the clerk which shall require the following information:
 - 1) Name, permanent address, telephone number, and temporary address, if any.
 - 2) Age, height, weight, date of birth, color of hair and eyes.
 - 3) Name, address, and telephone number of the person, firm, association, or corporation that the direct seller 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 goods offered, and any services offered.
 - 6) Proposed method of delivery of goods, if applicable.
 - 7) Make, model, and license number of any vehicle to be used by applicant in the conduct of his/her business.

- 8) Last counties, cities, villages, towns, not to exceed three, where applicant conducted similar business.
 - 9) Place where applicant can be contacted for at least seven days after leaving the Village of Melrose.
 - 10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years, the nature of the offense, and the place and date of conviction.
- b) Additional 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 seller 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 90 days prior to the date the application for license is made.
- c) Fee: At the time the registration is returned, a fee of \$5.00 shall be paid to cover the cost of processing said registration and administration of this ordinance.

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

Upon payment of said fee and the signing of said statement the clerk shall register the applicant as a direct seller, issue a permit, and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section 4(b) below.

4. INVESTIGATION:

- a) Upon receipt of each application, the clerk may refer it to the Village Marshal who may make and complete an investigation of the statements made in such registration.
- b) The clerk shall refuse to register the applicant 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 counties, cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation, or ordinance violation within the last five 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 3(b) above.

- c) The Village Marshal shall have 48 hours to conduct his investigations.
5. APPEAL: Any person denied registration may appeal the denial through the appeal procedure, provided by this Code, or, if none has been so provided, under the provisions of Sections 68.07 through 68.16 Stats.
 6. PROHIBITED ACTIVITIES: PENALTY
 - a) Permit: No direct seller may engage in direct sales within the Village of Melrose without first being registered and having paid the registration fee.
 - b) Hours: A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Salesmen," "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.
 - c) Misrepresentation: A direct seller shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or character of any goods offered for sale, the purpose of his/her visit, his/her identity, or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods 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 goods.
 - d) Restriction of Location: No direct seller 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. No sales may be made or goods displayed in public parking lots.
 - e) Noise: No direct seller shall make any loud noises or use of any amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.
 - f) Littering: No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

- g) Prior Display: Each direct seller shall display goods to be offered for sale during normal business hours for at least 2 days prior to making any sales or taking any sales orders.
- h) Permit Display: A direct seller shall prominently display the permit issued under this section.
- i) It shall be unlawful for any direct seller to make a sale without first complying with the following disclosures:
 - 1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
 - 2) If any sale of goods is made by direct seller, or any sale order for the later delivery of goods 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 \$25.00, in accordance with the procedure as set forth in Sec. 423.203 Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b)(c) and (2) and (3) Stats.
 - 3) If the direct seller takes a sales order for the later delivery of goods; 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.
- j) Penalty: The penalty for any violation of this section shall be as set forth in Sections 2.30(1) and (2) of this code.

7. REGISTRATION: REVOCATION:

- a) Grounds: Registration may be revoked by the Village Board of the Village of Melrose 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 section 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) Notice: Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

**VILLAGE OF MELROSE
ORDINANCE NO. 3.40**

BUILDING PERMIT ORDINANCE FOR THE VILLAGE OF MELROSE

The Village Board of the Village of Melrose do ordain as follows:

SECTION 1: Building Permit Required

No building shall be constructed, added to, moved into, moved within, or dismantled within the village limits of the Village of Melrose without first obtaining a building permit from the Village Clerk of the Village of Melrose. A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twelve (12) months from the date of issuance. If construction has not commenced within six (6) months, or if construction has not been completed within twelve (12) months from the date of issuance, the owner-applicant must submit a new application with the Village Clerk and pay the requisite annual fee. (This Section Revised by Addendum on 9/3/14)

SECTION 2: Exceptions

This ordinance shall not apply to any interior or exterior remodeling, siding, painting, roofing, or replacement of existing improvements on any buildings/home within the Village of Melrose.

SECTION 3: Penalties

Any person firm, or corporation who shall violate the provisions of this ordinance, upon conviction thereon, shall be liable for payment of a fine of \$25.00 together with the costs of the prosecution.

SECTION 4: Inclusion Within Village of Melrose Code of Ordinances

After the effective date of this ordinance, such ordinance shall become known Section 3.40 of Chapter 3 of the Code of Ordinances of the Village of Melrose.

SECTION 5: Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 6: Effective Date

This ordinance shall take effect and be in full force upon its proper passage and publication as provided by law.

Signed by:
Charles Andersen, President
Village of Melrose

Attest signed by:
Kathleen Zeman, Clerk
Village of Melrose

Dated: 07/07/1993
Passed: 07/07/1993
Published: 07/14/1993

**VILLAGE OF MELROSE
ADDENDUM -- ORDINANCE NO. 3.40**

BUILDING PERMIT ORDINANCE FOR THE VILLAGE OF MELROSE

The Village Board of the Village of Melrose do ordain as follows:

SECTION 1: All contents contained in SECTION 1 are repealed and recreated to read as follows:

SECTION 1: Building Permit Required

No building shall be constructed, added to, moved into, moved within, or dismantled within the village limits of the Village of Melrose without first obtaining a building permit from the Village Clerk of the Village of Melrose. A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twelve (12) months from the date of issuance. If construction has not commenced within six (6) months, or if construction has not been completed within twelve (12) months from the date of issuance, the owner-applicant must submit a new application with the Village Clerk and pay the requisite annual fee.

SECTION 2: SEVERABILITY

If a section, subsection, clause, provision, or portion of this Ordinance Is judged unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

SECTION 3: CONFLICTING ORDINANCES

All other Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as provided by law.

Signed by:

/signed/
Tory Lockington
President
Village of Melrose

Attest signed by:

/signed/
Daniel Ciechanowski
Clerk
Village of Melrose

Dated: 9/3/14
Passed: 9/3/14
Published: 9/10/14

VILLAGE OF MELROSE
ORDINANCE NO. 3.50
(See Addendum 2/5/14)

AN ORDINANCE FOR ADOPTION AND ENFORCEMENT
OF WISCONSIN UNIFORM DWELLING CODE

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Authority

The regulations as set forth below are adopted under the authority granted by Section 101.65, Wisconsin Statutes.

SECTION 2: Purpose

The purpose of this Ordinance is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

SECTION 3: Scope

The scope of this Ordinance includes the construction and inspection of one and two family dwellings built since June 1, 1980.

SECTION 4: Wisconsin Uniform Dwelling Code Adopted

The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

SECTION 5: Building Inspector

There is hereby created the position of Building Inspector for the Village of Melrose, who shall administer and enforce this ordinance. Said Building Inspector shall be certified by the Division of Safety and Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, the inspector shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

SECTION 6: Building Permit Required

No person shall alter, build, add onto, or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code – complaint condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces, and installation of cabinetry shall be exempted from permit requirements.

SECTION 7: Building Permit Fee

The building permit fees for the Village of Melrose shall be determined by resolution.

SECTION 8: Penalties

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures, and injunctive action. Forfeitures shall be not less than \$25.00 or more than \$1,000.00 each day of noncompliance.

SECTION 9: Effective Date

This Ordinance shall take effect upon its passage and publication as provided by law.

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Judith Andersen, Clerk
Village of Melrose

Dated: 03/03/2004
Passed: 03/03/2004
Published: 03/10/2004

**VILLAGE OF MELROSE
ADDENDUM - ORDINANCE NO. 3.50**

**AN ORDINANCE FOR ADOPTION AND ENFORCEMENT OF WISCONSIN
UNIFORM DWELLING CODE**

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 4: All contents contained in SECTION 4 are repealed and recreated to read as follows:

WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, SPS 350-364 Building, Heating & Ventilating of the Wisconsin Administrative Code, SPS 316 State Electrical Code, and NFPA 70 National Electric Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

SECTION 2: SEVERABILITY

If a section, subsection, clause, provision, or portion of this Ordinance Is judged unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

SECTION 3: CONFLICTING ORDINANCES

All other Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as provided by law.

Signed by:

/signed/
Tory Lockington
President
Village of Melrose

Attest signed by:

/signed/
Daniel Ciechanowski
Clerk
Village of Melrose

Dated: 2/5/14
Passed: 2/5/14
Published: 2/12/14

**VILLAGE OF MELROSE
RESOLUTION NO. 01-04**

**RESOLUTION ESTABLISHING BUILDING INSPECTION, SEAL AND PERMIT FEES
AS REQUIRED BY THE WISCONSIN UNIFORM DWELLING CODE IN THE
VILLAGE OF MELROSE, JACKSON COUNTY, WISCONSIN**

WHEREAS, the Village of Melrose is now required to be in compliance with the Wisconsin Uniform Dwelling Code on or before March 15, 2004; and,

WHEREAS, on March 3, 2004, the Village of Melrose enacted the appropriate Ordinance adopting the Wisconsin Uniform Dwelling Code for the Village of Melrose; and,

WHEREAS, by appropriate motion made at its February 2004 Board meeting, the Village of Melrose agreed to hire RANDY P. SULLIVAN, a Certified Building Inspector from Sparta, Wisconsin, to serve as its Building Inspector as required by Section 5 of the above described Ordinance.

WHEREAS, Section 7 of the above-described Ordinance indicated that building inspection, seal and permit fees were to be determined by appropriate resolution adopted by the Village Board for the Village of Melrose.

NOW, THEREFORE BE IT RESOLVED, by the Village Board of the Village of Melrose does hereby establish the following inspection, seal and permit fees in relation to the Wisconsin Uniform Dwelling Code as adopted at the March 2004 Board Meeting:

1. Inspection fee to be paid to the Building Inspector in relation to all new one (1) and two (2) family homes constructed hereafter within the Village of Melrose
.....\$500.00
2. "Seal" fee for all one (1) and two (2) family homes constructed hereafter.....\$
25.00
3. Permit fees for construction as follows:
 - a) Fences, outdoor wood burners, above-grade patios, decks, utility sheds.....\$
25.00

- b) House additions/remodeling, attached porches/decks with roofs, garage additions, garages, and gazebos.....\$
50.00
- c) Single family dwelling.....\$
75.00
- d) Multi-family, commercial, churches, school, other tax exempts (including additions to these structures).....\$100.00

BE IT FURTHER RESOLVED, by the Village Board of the Village of Melrose that all of the inspection, seal and permit fees as described above shall be paid to the Village Clerk of the Village of Melrose before any construction or repairs as above-described are initiated within the Village of Melrose.

Dated at Melrose, Wisconsin, this 3rd day of March 2004

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Judith Andersen, Clerk
Village of Melrose

I, Judith Andersen, as Village Clerk do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Village of Melrose, Jackson county at the meeting held March 3, 2004

Signed by:
Judith Andersen, Clerk
Village of Melrose

