

CHAPTER 12 LICENSES AND PERMITS

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Chapter 12 Board Action

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12.01 GENERAL PROVISIONS AS TO LICENSES.

- 1) **TERMS INTERCHANGEABLE.** The words “license” and “permit” as used throughout this Chapter shall be interchangeable.
- 2) **LICENSE REQUIRED.** No person shall engage in any business or activity enumerated in this Chapter without a license therefor as provided by this Chapter.
- 3) **APPLICATION.** Application for a license required by this Chapter shall be made to the Municipal Clerk on a form furnished by the municipality and shall contain such information as may be required by the provisions of this Chapter or as may be otherwise required by the municipality.
- 4) **LICENSE FEES.**
 - a) *Fees to Accompany Application.* License fees imposed under this Chapter shall accompany the license application.
- 5) **GRANTING OF LICENSES.** Unless otherwise designated, licenses required by this Chapter shall be issued by the Municipal Clerk only with the approval of the Board.
 - a) *Exceptions:*
 - i. The Municipal Clerk, Police Chief, or his/her designee, may issue the following licenses without Board approval:
 1. Dog Licenses
 2. Bicycles
 3. Direct Sellers
 4. Cabaret Permits
 5. Firework Transportation Permits
 - ii. The municipal official as designated by Wis. Stats. or by local ordinance may issue permits for fireworks.
- 6) **TERMS OF LICENSE.** All licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term or specified term, when they shall expire at midnight of the last effective day of the license, or unless otherwise provided by Ordinance or State laws.
- 7) **FORM OF LICENSE.** All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the Municipal Clerk.
- 8) **RECORDS OF LICENSES.** The Municipal Clerk shall keep a record of all licenses issued.
- 9) **DISPLAY OF LICENSES.** All licenses in a premise shall be enclosed in a frame having a transparent front which allows the license to be clearly read. All other licenses shall be displayed in a vehicle or carried on the person, dependent upon the type of license.

- 10) COMPLIANCE WITH ORDINANCES REQUIRED. It shall be a condition of holding a license under this Chapter that the licensee shall comply with all ordinances of the municipality. Failure to do so shall be cause for suspension or revocation of the license.
- 11) TRANSFER OF LICENSES. All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Board.
- 12) RENEWAL OF LICENSES. All applications for the renewal of licenses which expire on June 30 shall be made to the Municipal Clerk by April 15.
- 13) CONSENT TO INSPECTION. An applicant for a license under this Chapter thereby consents to the entry of police or authorized representatives of the municipality upon the licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this Chapter all things found there in violation of this Chapter, Municipal Code, or State law.
- 14) REVOCATION AND SUSPENSION OF LICENSES.
- a) Except as otherwise provided, any license issued under this Chapter may be revoked for cause by the Village Board. No license shall be revoked except upon written verified complaint filed with the Village President or Village Administrator.
 - b) The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Village Board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties. Procedures for suspension or revocation of liquor licenses shall be as provided in Wis. Stats. 125.12.
 - c) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Village President or presiding officer of the Village Board to compel the attendance of witnesses.
 - d) After hearing the evidence, the Village Board may revoke such license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Ch. 24 of this Code, provided the licensee shall not be entitled to a further hearing unless granted by the Village Board.
 - e) The Police Chief, or his/her designee, shall repossess any license revoked hereunder.
 - f) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Village Board.
 - g) The Village President or Village Board may suspend the license of a licensee hereunder without hearing for not to exceed ten (10) days.

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

See Chapter 11 of this Municipal Code. All other provisions of this Chapter apply to the licensing provisions of intoxicating liquor and fermented malt beverages.

12.03 CIGARETTE RETAILER LICENSE.

- 1) **REQUIRED.** No person shall sell cigarettes in the Village without first obtaining a license from the Municipal Clerk. The provisions of Sec. 134.65, WI. Stats., are hereby adopted and made a part of the section by reference.
- 2) **LICENSE FEE.** There shall be a non-refundable application fee set by the Village Board.

12.04 DOGS AND CATS, KENNELS, LICENSING AND REGULATIONS.

- 1) **DOG LICENSES REQUIRED.** No person shall own, harbor or keep any dog more than 5 months of age without complying with the provisions of Secs. 174.05, through 174.09, Wis. Stats., relating to the listing, licensing and tagging of dogs and cats.
- 2) **DOG LICENSE FEES:** Fees shall be paid to the Village Treasurer, due and payable on the 1st day of January, each license year.
 - a) *Term of License:* Dog licenses shall be issued for the calendar year, in accordance with Walworth County Ordinance or Wis. Stats.
 - b) *Late Fee:* A late charge for any dog license issued after the grace period established by Walworth County Ordinance (April 1) or Wis. Stats.
- 3) **NUMBER OF DOGS OR CATS LIMITED.** Unless otherwise licensed as a kennel, no person shall keep more than a combined total of more than three (3) dogs or cats, over 5 months of age, on their premises at one time, except litters of pups or kittens under six months of age.
- 4) **KENNEL LICENSE REQUIRED.** The term “kennel” means any premises used for raising, breeding, boarding, training, grooming or foster care of animals or where four or more dogs are kept.
 - a) No person shall maintain or operate a dog kennel in the municipality without obtaining a license as herein provided. The application for a dog kennel license shall be filed in writing with the Municipal Clerk disclosing the name and address of the applicant, the location at which the proposed kennel is kept, and the number of dogs proposed to be kept, a description of the various facilities of the dog kennel, and such other information as the Village Board may require.
 - b) Such application shall be accompanied by a license fee. Dog kennel licenses shall be limited to persons who reside in the municipality.

- c) By the filing of such application, the applicant shall be deemed to have consented to an inspection, prior to the issuance of such license, by the Village Board, Village Health Officer or any other Village Officer for the purpose of determining whether or not such license shall be granted. The Village Board may issue or deny a license in exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare. Application for renewal of a license shall be made in the same manner as application for the original license with payment of like fee.
- d) Operation & Use. No premises shall be licensed that is not in compliance with Chapter 27 Zoning Ordinance and is accompanied with a zoning permit. No premises shall be licensed or allowed as a dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. No kennel shall be located on less than five (5) acres of land. All buildings and dog yards of a kennel shall be enclosed in a secure woven wire fence of not less than six (6) feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the public. In addition, the operator of dog kennel shall comply with the provisions of Wis. Stats.

12.05 DIRECT SELLERS.

- 1) **REGISTRATION REQUIRED.** It shall be unlawful for any direct seller to engage in direct sales within the Village of Bloomfield without being registered for that purpose provided herein.
- 2) **DEFINITIONS:**

For the purposes of the Section, the following terms shall have the following meanings:

- a) “Direct Seller.” Any individual who, for him/herself, or for a partnership, association or corporation, or other entity, sells goods, 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, corporation, or other entity, and shall include, but 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.” A direct seller who, for at least one year prior to the consideration of the application of this ordinance to said merchant has continuously resided in the Village and now does business from his/her residence.
- c) “Goods.” Includes, but is not limited to, personal property of any kind and shall include goods provided incidental to services offered or sold.
- d) “Charitable Organization.” Includes, any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association, corporation, or other entity, or one purporting to be such, including for example The Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.

- 3) EXEMPTIONS. The following shall be exempt from all provisions of this Subchapter:
- a) Any person delivering products 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 State 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 at 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 sales 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 employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided there is submitted to the Municipal Clerk proof that such charitable organization is registered under Sec. 202.12, Wis. Stats. Any charitable organization not registered under Sec. 202.12, Wis. Stats., or which is exempt from the Statute's registration requirements, shall be required to register under this subchapter if involved in sale of goods as hereunder defined.
 - j) Veterans and patriotic organizations which "give" tokens as evidence of donations, local service and religious organizations in sale of tickets, local youth organizations, such as Boy Scouts and Girl Scouts in fund raising project areas.
 - k) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Municipal Clerk that such person is a transient merchant; provided that there is submitted to the Municipal Clerk, proof that such person has leased for a least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in the Village for at least one year prior to the date complaint was made.
- 4) REGISTRATION. At the time of filing, the application shall be sworn to by the applicant and filed with the Municipal Clerk and shall contain such information as the Municipal Clerk shall require for effective enforcement of this Section and the safeguarding of the residents of the Village from fraud, misconduct or abuse.

- 5) INVESTIGATION: ISSUANCE. Upon receipt of each application, a law enforcement officer shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within seven to ten days after it has been filed with the Municipal Clerk, and the Municipal Clerk shall issue or deny the permit in accordance with the standards set forth in this Code and upon payment of the permit fee.
- 6) FEE. At the time of filing applications, a filing fee set by the Village Board shall be paid to the Municipal Clerk to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of the group must file a separate registration form.
- 7) EXPIRATION; RENEWAL; TRANSFER. The Municipal Clerk shall date all permits issued hereunder and shall specify thereon the fee paid and date of expiration. Annual permits shall be issued on a calendar year basis and expire December 31 of the year of issue. Applications for renewals shall be handled in the same manner as original applications. Permits issued under this Section are personal and may not be transferred.
- 8) APPEAL. 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 Sec. 68.07 through 68.15, Stats.
- 9) REGULATIONS AND RESTRICTIONS OF DIRECT SELLERS.
 - a) Display of Permit. Persons permitted under this Section shall carry their licenses with them while engaged in licensed activities and shall display permits to any law enforcement officer or citizen upon request.
 - b) Misrepresentation Prohibited. No direct seller shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits his sales.
 - c) Loud Noises and Speaking Devices. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard a one-hundred-foot radius of the source. With the exception of music used by Ice Cream Trucks.
 - d) Use of Streets. No direct seller shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Ordinance, the judgement of a law enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
 - e) Prohibited Practices. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9pm and 9am, 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.

f) Disclosure Requirements.

- i. 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, his evidence of registration and the identity of goods and services he/she offers to sell.
- ii. If any sale of goods is made by a direct seller, or any sales 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, Wis. States.; 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 Sec. 423.203(1) (a) (b) and(c)(2) and (3), Wis. Stats.
- iii. 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 where 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.

12.06 MOBILE HOMES AND MOBILE HOME PARKS – RESERVED.

12.07 SPECIAL EVENTS ON PUBLIC PROPERTY.

- 1) SPECIAL EVENT. For purposes of this chapter, special event shall mean an event or fundraiser that takes place on any portion of roadway, waterway, park, public space or public property within the municipality's jurisdiction, whether or not owned by the municipality, or if event significantly impacts traffic, safety, or security, which event, in the determination of the Police Chief, Fire Chief, or Village President, requires extraordinary traffic or advance notification to establish safety services to ensure the safety of participants and the traveling public. Special events shall include, but not be limited to, races of any kind, walks or tours. Special events shall not include parades held by the village. Additional permits shall be obtained when required by the Municipality, County, and State and a copy shall be submitted with the application for Special Event.
- 2) REQUIRED. No person or entity shall hold or use public property for special events in the Village without first obtaining a permit from the Village Board.
- 3) APPLICATION PROCEDURE. The owner, controlling partner, or other representative of trade, business, or other entity shall complete a Special Events application form provided by the Municipal Clerk, and shall return the completed form to the Municipal Clerk, together with a copy of a map showing the routes requested for use of public roads, public lands or

other public facility use. The application form shall contain at a minimum the physical location and mailing address of the trade or business, and a description of the special event or activity conducted therein and be submitted with any required fees. A certificate of insurance is required by all applicants, naming the Village of Bloomfield, its employees and agents, as additionally insured.

12.07.01 COMMUNITY ROOM RENTAL.

A separate application, together with a user fee, as set from time to time by the Village Board, for the use of the Community Room is required for use of the municipal center indoor facilities. Users shall reimburse the Village for any costs related to damages to public facilities or contents thereof.

12.08 FIREWORKS SELLERS LICENSED.

1) TRANSPORTATION PERMITS REQUIRED; FEES ESTABLISHED.

- a) Any fireworks seller, whether temporary or permanent, shall collect a \$5.00 fireworks transportation fee from each purchaser within a calendar year.
- b) The transportation permit shall be issued in a form prepared by the Municipal Clerk.
- c) The transportation permit shall be given to the purchaser and shall be available for inspection by the Police Chief or his designee upon request. Said transportation fee is not a permit to use the fireworks. A municipal license is required per Wis. Stats.
- d) A sales report shall be submitted in the form provided by the Municipal Clerk for monthly or quarterly collections depending on the type of stand. Temporary stand payments and reports are due the 10th day of the month following the sales month. Permanent stand payments and reports are due the 10th day of the month following the quarter end sales month.
- e) Failure to comply with this Section is subject to revocation, suspension, or non-renewal of license to sell fireworks in this municipality.

12.08.01 TEMPORARY FIREWORKS STANDS.

- 1) **REQUIRED.** No person or entity shall sell fireworks in the Village without first obtaining a license from the Village Board.
- 2) **APPLICATION PROCEDURE.** The applicant, being the owner, controlling partner, or other representative of trade, business, or other entity, shall complete a Fireworks Seller application form provided by the Municipal Clerk and shall return the completed form to the Municipal Clerk, together with a copy of a map showing the location and layout of the enclosure, traffic, and parking. The application form shall contain at a minimum the physical location and mailing address of the trade or business, and the tax parcel number of the proposed location of the temporary facility.

- 3) **APPLICATION FEE.** There shall be a non-refundable application fee set by the Village Board.
- 4) **ZONING APPROVAL REQUIRED.** The initial license and renewal applications with any changes to the location, traffic or parking shall require Zoning Administrator approval. A separate fee as determined by the Chapter 27 Zoning Code shall be submitted together with an application form prescribed by the Zoning Administrator. All recommendations by the Zoning Administrator shall be incorporated as a condition to the Village Board's decision to grant a license.
- 5) **FIRE DEPARTMENT APPROVAL REQUIRED.** There shall be a separate review by the Fire Department. All recommendations by the Fire Department shall be incorporated as a condition to the Village Board's decision to grant a license. The applicant shall be required to pay the Bloomfield Genoa City Fire Department directly for any required stand-by units for the public health, safety and welfare of the Village and the participants of the event.
- 6) **POLICE DEPARTMENT APPROVAL REQUIRED.** There shall be a separate review by the Police Department. All recommendations by the Police Department shall be incorporated as a condition to the Village Board's decision to grant a license. The applicant shall be required to reimburse the Village directly for any required stand-by units in the best interests of the municipality.
- 7) **CERTIFICATE OF INSURANCE REQUIRED.** A certificate of insurance is required by all applicants, naming the Village of Bloomfield, its employees and agents, as additionally insured.
- 8) **LICENSES LIMITED.** There shall be a municipal limit of three (3) licenses granted for any season. Renewal applicants will be preferred over new applicants in the event of multiple applications.
- 9) **REVOCATION OR SUSPENSION.**
 - a) Any license granted under the provisions of this section shall be subject to revocation or suspension for cause by the Village Board upon complaint filed with the Village Administrator, signed by any law enforcement officer, health officer or building inspector, after a public hearing upon such complaint.
 - b) A licensee shall be deemed liable for revocation or suspension if the licensee violates any of the regulations and standards of license or conditions set forth in this section, or if the licensee fails to pay the license or permit fees herein set forth.

12.09 OUTDOOR CABARET PERMIT.

- 1) **PERMIT REQUIRED.** No holder of a "Class B" Liquor or Class "B" Beer License within the incorporated areas of the municipality shall afford to his patrons unless he first shall have obtained an Outdoor Cabaret Permit from the Municipal Clerk:
 - a) The music of one or more musicians

- b) The use of a disc jockey utilizing mechanical devices to reproduce music, including amplified karaoke
- 2) PERMIT PERIOD; FEE ESTABLISHED. A Cabaret permit shall be issued per event of not more than 3 consecutive days for a fee set by the Village Board.
- 3) OUTDOOR HOURS ESTABLISHED. Music may be amplified outside only during daylight hours provided the correction in decibels is 5 or less.
- 4) REGULATIONS. Good order shall be maintained at all times. Without limitation due to enumeration, a lack of “good order” for purposes of this section shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons urinating in public, using profane language or fighting.
- 5) NON-RENEWAL; REVOCATION. A recorded hearing shall be held for the purpose of non-renewal or revocation of a Cabaret Permit. This hearing shall be preceded by written notice to the holder of such permit at least ten days prior to said hearing. All hearings for non-renewal and/or revocation shall be heard by the Village Board, which hearings shall afford the holder of such a permit an opportunity to present evidence on his or her behalf, to cross examine witnesses sworn under oath by the Municipal Clerk, or his/her designee, and all such other due process rights to which the applicant may be entitled. The Board prior to non-renewal or revocation of such permit shall make specific findings of fact to support the non-renewal or revocation of the permit.

12.10 AMUSEMENT DEVICE LICENSE.

- 1) DEFINITIONS.
 - a) *Amusement Device*. Includes any machine, game, or similar device whether or not operated by coins, slugs, tokens, or similar items which permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, which may cause a person or operator of the same to secure some amusement, enjoyment, or entertainment. The term shall include, but not be limited to enumeration, jukebox, electronic, video, or mechanical game machines, pinball machines, shuffleboard, dart boards, and pool or billiard tables.
- 2) LICENSE REQUIRED.
 - a) *Amusement Device License*. No person, corporation or other legal entity which has possessory control of any commercial premises, shall permit, keep, or maintain an amusement device(s) as herein defined without first obtaining an “amusement device” license to be issued by the Municipal Clerk. The annual fee for such license shall be set by the Village Board. In the event the Licensee adds additional device during the licensing period it shall be the licensee’s responsibility to advise the Municipal Clerk of any increase in the number of such devices and pay the appropriate fee prior to installing the additional device. The Municipal Clerk shall issue an updated license in the event additional devices are added during the license term. All licenses shall expire on the 30th day of June each year and there shall be no proration or adjustment of a license fee for

less than 1 year. The license shall not be transferable. Upon written notice to the Municipal Clerk by the Licensee, devices added for the purpose of conducting a state or city tournament shall be exempt from this provision. Notice shall be filed with the Municipal Clerk 7 days prior to the start of the tournament. Upon completion of the tournament, the devices shall be removed from the premises or be subject to licensing.

- b) *Applications* for amusement device license shall be made to the Municipal Clerk on forms furnished by the Municipal Clerk accompanied by the required fee.
- c) *Review*. Licenses will be reviewed by the Village Board. If the Village Board is satisfied that the applicant should be entitled to a license the Municipal Clerk shall issue a license. However, any applicant desiring to appeal the Municipal Clerk's or designee's ruling to the Village Board may do so by filing a written Notice of Appeal with the Municipal Clerk. Appeals may be acted upon by the Village Board following the review and recommendation made by the Administrative Committee.
- d) *License Display, Posted*.
 - i. *Frame*. An amusement device license shall be enclosed in a frame having a transparent front which allows the license to be clearly read.
 - ii. *Display*. An amusement device license shall be conspicuously displayed for public inspection at all times.
- e) *Exemptions From License Fee*.
 - i. A charitable organization registered and in good standing with the State of Wisconsin Department of Financial Institutions upon submission of a copy of their proof of registration.
 - ii. An organization that is described in Section 501(c)(3) of the internal revenue code upon submission of a copy of their 501(c) tax exemption letter issued by the Internal Revenue Service.

3) **REVOCATION OF LICENSE**. The violation of this section and any regulations set forth herein for the violation by the licensee of any city, county, state, or federal laws, rules and regulations, or permitting others to violate such ordinances, laws, rules and regulations on the premises shall be sufficient grounds for revocation of license.

12.11-12.17 RESERVED FOR FUTURE USE.

12.18 OTHER LICENSES AND PERMITS.

This chapter does not include license, permit, and application fees as forth in other chapters of the Municipal Code, all of which shall be fully enforced as provided in the Village Fee Schedule.

12.19 SUSPENSION, REVOCATIONS AND DISCONTINUED USE OR NON-USE OF LICENSE.

Suspension, revocation and non-renewal of any license shall be in accordance with Sec. 125.12 Wis. Stats.

12.20 PENALTIES.

In addition to the suspension or revocation of any license issued under this Chapter, any violation of this Chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by Chapter 25.04 of this Municipal Code.