

CHAPTER 12
LICENSES AND PERMITS

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LICENSES AND PERMITS 12.01

12.01 GENERAL PROVISIONS. (1) **LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the City in the manner provided in this chapter, unless otherwise specifically provided.

(2) **APPLICATION.** Unless otherwise provided, application for a license or permit shall be made in writing to the City Clerk upon forms provided by the Clerk and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit.

(3) **PAYMENT OF FEE.** (a) General. The fees for any license or permit shall be paid at the office of the City Clerk with the application for a license or permit.

(b) Alcohol Beverage Licenses. The publication fee for any alcohol beverage license shall be paid at the office of the City Clerk with the application. The alcohol beverage license fee shall be paid not less than 15 days prior to the date the license is to be issued.

(4) **NO REFUND OF FEES.** No license or permit fee shall be refunded if a license or permit is surrendered or revoked for cause.

(5) **BOND AND INSURANCE.** All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the City Attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the City Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the City before the license or permit is issued.

(6) **FORM.** Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the City Clerk and be impressed with the City seal. The Clerk shall keep a record of all licenses and permits issued.

(7) **LICENSE AND PERMIT TERM.** (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.

(b) When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

(c) Permits shall be issued for the term set forth in the permit.

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(8) EXHIBITION OF LICENSES OR PERMITS. Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(9) TRANSFER. Unless otherwise provided, no license or permit shall be transferable or assignable.

(10) RENEWAL. Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.

(11) SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Council for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:

(a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

(b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.

(c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City upon recommendation of the appropriate City official.

(d) Expiration or cancellation of any required bond or insurance.

(e) Actions unauthorized or beyond the scope of the license or permit granted.

(f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.

(g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(12) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS. No license shall be granted for any premises for which taxes, assessments or other claims of the City are delinquent and unpaid, or to any person delinquent in the payment of such claims to the City.

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12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.075, 125.08, 125.14(4), 125.15, 125.16, 125.19, 125.29, 125.30, 125.32(3), 125.33, 125.52, 125. 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.63, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section.

(2) DEFINITIONS. As used in this section, the following definitions apply:

(a) Legal Drinking Age. Twenty one years of age.

(b) Underage Person. A person who has not attained the legal drinking age.

(3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3), Wis. Stats., and shall be filed, together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats., with the City Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under §§125.26(6) and 125.51(10), Wis. Stats., shall be filed with the Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant.

(4) SAFETY AND SANITATION REQUIREMENTS: Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose being used. Each licensed premises shall be operated and maintained in a manner compliant to applicable State Code relative to building and sanitation and building and fire safety.

a) The Chief of Police, or an agent appointed by the Chief, shall investigate all applications to ascertain if the same are proper and to ascertain if the granting of the application is consistent with the public interest of the City, including information as to whether there have been violations of the liquor and fermented malt beverage regulations, laws, and rules of the City, or any other federal, State, or local law directly related to the licensed activity.

b) The City Council may refuse to issue or renew a license or may revoke or suspend an existing license for any operator or premises which fails to comply with this Section in a manner which creates a substantial risk of serious injury or illness to its employees, customers, or others lawfully on the licensed premises. The City Council shall refuse to issue or renew a license under this subsection only after giving the operator a reasonable opportunity to remedy the relevant conditions.

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(5) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows:

- (a) Class "A" Fermented Malt Beverages. \$100 per year.
- (b) Class "B" Fermented Malt Beverages. \$100 per year or \$50 for 6 months; a 6-month license may not be renewed in the same calendar year.
- (c) Temporary Class "B" License. 1. Picnic License, Beer. \$10 per day. Issued to organizations enumerated in §125.26(6) Wis. Stats., to sell or serve fermented malt beverages at a picnic, meeting or gathering.
 - 2. Picnic License, Wine. \$10 per day, except that no fee shall be charged in the event a license under subpar. 1. above is simultaneously issued to organizations enumerated in §125.51(10), Wis. Stats., to sell or serve wine at a picnic, meeting or gathering.
 - 3. Annual Quota. No more than 2 licenses may be issued to any one organization in any 12 month period.
- (d) "Class A" Intoxicating Liquor. \$400 per year. See §125.51(2), Wis. Stats.
- (e) "Class B" Intoxicating Liquor. \$300 per year, except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the State for at least 6 years shall be \$50 per year, as provided in §125.51(3), Wis. Stats.
- (f) "Class C" Wine. \$100 per year. Issued to restaurants for the sale of wine by the glass. Sale of alcohol beverages shall account for less than 50% of gross receipts and no barroom is permitted if City's "Class B" quota prohibits the issuance of a "Class B" license. (See §125.51 (3m), Wis. Stats.)
- (g) Wholesalers Fermented Malt Beverages. \$25 per year.
- (h) Operator's License. Operators' licenses are issued annually, to expire on June 30, as provided in §125.17(3), Wis. Stats. The license fee is \$10 per year. No operator's license shall be granted unless the applicant has successfully completed a VTAE responsible beverage server training course or is otherwise exempt from such requirements under §125.17(6) (a), Wis. Stats. The City Clerk may issue a provisional operator's license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course.
- (i) Provisional Operator's License. \$6 for up to 60 days, as provided in §125.17(5), Wis. Stats. (See also par. (j) above)
- (k) Temporary License. \$1.00 for up to 14 days, as provided in §125.17(4), Wis. Stats. The City Clerk shall issue temporary licenses.

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(l) Transfer of License to Another Premises. \$10.

(m) "Class B" Retailer's Winery License. \$100.00 per year. For the sale of wine to be consumed on the premises where sold and also authorizes the sale of wine in the original package to be consumed off the premises where sold.

(6) OPERATOR'S LICENSE. All applications for an operator's license shall be filed in the office of the City Clerk.

(7) LICENSE REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all Statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.

(8) QUALIFICATIONS FOR LICENSES AND PERMITS. (a) Natural Persons. Licenses related to alcohol beverages, issued to natural person under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to §§111.321, 111.322, 111.335 and §125.04(5)(a), Wis. Stats.

2. Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.

3. Have attained the legal drinking age, except that operators' licenses may be issued to persons who have attained the age of 18.

4. Have successfully completed a VTAE responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a), Wis. Stats.

(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322, 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.

(c) Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under §125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of pars. (a) 1. and 3. and (b) above, except that par. (a)2. does not apply to agents.

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(9) ALCOHOL BEVERAGE LICENSE QUOTAS. (a) On-Premises Intoxicating Liquor Licenses. The number of on-premises "Class B" intoxicating liquor licenses is limited to 9.

(b) On/Off Premises Fermented Malt Beverage Licenses. The number of persons and places that may be granted a Class "B" (on/off premises) fermented malt beverage license under this section is limited to fourteen (14).

(c) Off-Premises Intoxicating Liquor Licenses. The number of off-premises "Class A" intoxicating liquor licenses is limited to four (4).

(d) Off-Premises Fermented Malt Beverage Licenses. The number of off-premises retail Class "A" fermented malt beverage licenses is limited to 8.

(e) Restaurant On-Premises Wine Licenses. The number of "Class C" on-premises wine licenses is limited to four (4).

(10) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

(b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.

(c) Sales to Underage Persons Prohibited. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless he is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

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

(e) Commencement of Operations. Within 90 days after the issuance of a "Class B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.

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(f) Cessation of Operations. If any licensee shall suspend or cease doing business for 90 consecutive days or more, his "Class B" intoxicating liquor license or his Class "B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.

(g) Transfer of License. No license shall be transferable from person to person except as provided in §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.

(h) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the City.

(i) Clear View of Premises Required. Except as otherwise provided in this subsection, all windows in the front of any licensed premises shall be of clear glass, unobstructed by any signs, advertising material or Venetian blinds, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk at all times.

(j) City Taxes and Claims. No license shall be granted for operation on any premises upon which personal property taxes or assessments or other financial claims of the City are delinquent and unpaid.

(k) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(l) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(11) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail "Class A", Class "A", or "Class B" Retailer's Winery License. Between the hours of 9:00 P.M. and 8:00 A.M.

(c) Retail Class B License. No premises for which a retail Class B liquor and malt beverage license has been issued shall be permitted to remain open for sale of alcohol beverages between the hours of 2:00 A.M. and 6:00 A.M. on Monday through Friday and between the hours of 2:30 A.M. and 6:00 A.M. on Saturday and Sunday.

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(d) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell alcohol beverages during the closing hours stated in par. (c) above.

(e) Presence on Premises After Closing Hour Restricted. 1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.

2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.

(12) SALE OF CLASS B PACKAGED GOODS. (a) Sale Restrictions. Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any "Class B" intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(b) Hours of Sale. Between the hours of 12:00 midnight and 8:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

(13) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. (a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(b) Exceptions. Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises. at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

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2. An underage person who enters a Class A premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
3. Hotels, drug stores, grocery stores or bowling alleys or athletic fields or stadiums owned by a county or municipality.
4. Licensed restaurants where the principal business is that of a restaurant.
5. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
6. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

(14) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES. (a) Restrictions. Pursuant to §125.07 (4) (b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian, or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

(b) Exceptions. Any underage person may possess alcohol beverages if employed by any of the following:

1. A Brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in §125.32 (2) or §125.68 (2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(c) Selling or serving alcohol beverages. Pursuant to §125.32 (2) or §125.68 (2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class

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B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

(15): REVOCATION AND SUSPENSION OF LICENSES. (a) Procedure. Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by §125.12, Stats., as amended, and the provisions herein relating to granting a new license shall likewise be applicable.

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

(c) Continuation of Business. Every licensee under this section shall conduct the licensed business at the authorized location for a period of thirty-two (32) hours per week, unless excepted by the Common Council for good cause. Failure to conduct the licensed business at the authorized location for a period of thirty-two (32) hours per week may result in revocation, suspension, or non-renewal of the license. The thirty-two (32) hour per week requirement shall not apply to any license held by a bona fide non-profit organization. There shall be no refund of any license fee paid to a party whose license is revoked or suspended under this section.

(d) At the time of application for license or renewal of license, every licensee shall provide the City Clerk with a detailed statement of the licensee's hours of operation on a form provided by the City Clerk.

(16) NUDE DANCING IN LICENSED ESTABLISHMENTS. (a) Prohibited. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

1. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering.
2. Shows any portion of the female breast below a point immediately above the top of the areola.
3. Shows the covered male genitals in a discernibly turgid state.

(b) Exemptions. The provisions of this subsection do not apply to licensed establishments such as theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or

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sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(c) Definitions. For purposes of this subsection:

1. **Licensed Establishment.** Any establishment licensed by the City to sell alcohol beverages pursuant to Ch. 125, Wis. Stats.

2. **Licensee.** The holder of a retail "Class A", "Class B", Class "B", Class "A" or "Class C" license granted by the City pursuant to Ch. 125, Wis. Stats.

(d) Penalties. Any person who violates any of the provisions of this subsection shall be subject to a forfeiture of not less than \$200 and not more than \$1,000 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this subsection constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under §125.12, Wis. Stats.

12.03 CIGARETTE RETAILER LICENSE. (1) **REQUIRED.** No person shall sell cigarettes in the City without first obtaining a license from the City Clerk. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.

(2) **LICENSE FEE.** The license fee shall be \$40 per year.

12.04 RUMMAGE AND GARAGE SALES REGULATED. (1) **LICENSE REQUIRED.** No person shall conduct a rummage or garage sale within the City without having obtained a license from the City Clerk, except as provided in sub. (2) below. Before issuing the license, the Clerk shall refer the application to the Building Inspector for verification as to whether or not such sale at the proposed location is compatible with ch. 17 of this Code.

(2) **EXCEPTIONS TO LICENSE REQUIREMENT.** No person shall be required to obtain a license if:

(a) The sale is conducted in a business district and is a permitted use in such district.

(b) The person conducts, on his own residential premises, no more than 3 sales in any one year. Each sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.

(c) The sale is conducted by religious, educational, charitable or civic organizations on premises located in a residential district no more than 3 times in any one year. Each such sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.

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(3) LICENSE FEE. The license fee shall be \$10 per sale, such sale not to exceed 3 days,

12.05 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS. (1) DEFINITIONS. (a) Peddler. A person who goes from place to place within the City offering for sale property which he carries with him. It includes vendors who distribute their products to regular customers on established routes.

(b) Canvasser or Solicitor. A person who goes from place to place within the City soliciting orders for the future delivery of property or for services to be performed in the future. It does not include any person who occupies any place within the City for the purpose of exhibiting samples and taking orders for future delivery.

(c) Transient Merchant. A person who engages, at a fixed location in the City, in the temporary business of selling property at such location. It does not include a person who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

(2) LICENSE REQUIRED. Except as provided by sub. (3) below, no person shall conduct any of the activities enumerated in sub. (1) above without a license therefore issued by the Police Chief.

(3) EXEMPTIONS. No license shall be required hereunder of the following:

- (a) Persons selling personal property at wholesale to dealers in such articles.
- (b) Newsboys.
- (c) Children under 18 years of age who are residents of the City
- (d) Merchants or their employees delivering goods in the regular course of business.
- (e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.
- (f) A veteran holding a special State license under §440.51, Wis. Stats., but he shall comply with subs. (7) through (11) below.

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(g) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization, but shall comply with subs. (8), (10) and (11) below.

(h) Sales required by statutes or order of a court, (i) Bona fide auction sales, conducted pursuant to law.

(4) INVESTIGATION FEE. At the time of filing his application, the applicant shall pay to the Police Chief \$5 to cover the cost of investigation of the facts stated in the application.

(5) INVESTIGATION. The Police Chief shall cause the applicant and the facts stated in the application to be investigated and shall, within 5 days, approve or disapprove the application and, if approved, shall issue the license.

(6) BOND. (a) When Required. Every applicant who is not a resident of Jackson County or who represents a firm whose principal place of business is located outside of the State shall file with the Police Chief a surety bond in the amount of \$500, approved by the City Attorney, conditioned that the applicant shall comply with all provisions of the ordinances of the City and 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 shall be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery shall be delivered according to the representations of the licensee.

(b) Action on Bond. Action on such bond may be brought by any person aggrieved.

(7) EXCESSIVE NOISE PROHIBITED. No person licensed hereunder shall, in hawking his wares, create any noise annoying to a person of ordinary sensibilities.

(8) USE OF STREETS. No licensee shall use the public streets or sidewalks for purpose of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(9) DISPLAY OF LICENSE. Any person licensed hereunder shall carry his license with him while engaged in licensed activities and shall, upon request, display such license to any officer of the City or any person with whom he seeks to do business.

(10) HOURS RESTRICTED. No person licensed hereunder shall call at any residence or other place between 9:00 P.M. and 9:00 A.M., except by appointment.

(11) PROHIBITED PRACTICES. No licensee shall:

(a) Call at any place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning.

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(b) Remain on the premises after being requested to leave by the owner, occupant or person in authority.

12.06 MOBILE HOMES AND MOBILE HOME PARKS. (1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of §66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

(2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS, (a) Restricted. No occupied mobile home shall be permitted to be located in the City unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.

(b) Exceptions. 1. Paragraph (a) above is not intended to restrict the location of one- and 2-family manufactured homes which meet the applicable one- and 2-family standards set forth in Ch. 101, Wis. Stats., and the requirements of ch. 17 of this Code.

2. Notwithstanding other provisions of this sub-Section, the Council may, upon application, issue a special permit for the location of a mobile home outside a mobile home park for temporary use solely as a field office, and such permit shall specifically state the expiration date thereof which shall not exceed 12 months.

(3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the City a mobile home park without having first secured a license therefore from the Council. The application for such license shall be made to the City Clerk and shall be accompanied by a fee of \$2 for each space in the existing or proposed park, but not less than \$25. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference, and all zoning requirements set forth in ch. 17 of this Code.

(4) ADDITIONS TO PARKS. Licensees of mobile home parks shall furnish information to the City Clerk and Assessor on such homes added to their parks within 5 days after their arrival on forms furnished by the Clerk.

(5) PARKING PERMIT FEES. There is imposed on each mobile home located in the City a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the City Clerk on or before the 10th day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats.

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(6) PAYMENT OF FEES FOR HOMES OUTSIDE PARKS. The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the City Clerk all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(7) MOBILE HOME PARK REQUIREMENTS. See ch. 17 of this Code.

12.07 REGULATION AND LICENSING OF DOGS. (1) DOG LICENSE REQUIRED. It shall be unlawful for any person in the City to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.

(2) LICENSE FEE. The license fee for a dog shall be as follows

- (a) Un-neutered Male Dog. \$8.
- (b) Un-spayed Female Dog. \$8.
- (c) Neutered Male Dog. \$3.
- (d) Spayed Female Dog. \$3.
- (e) If the dog becomes 5 months of age after July 1, 1/2 of the above amounts.
- (f) Duplicate License. \$2.

(3) LATE FEES. The City Clerk shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

(4) KENNEL LICENSE OPTION. The owners of kennels may opt to pay a kennel license fee of \$30 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the City Clerk shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential district.

(5) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination

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issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

(6) DEFINITIONS. In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

(a) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) At Large. A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(c) Kenel. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

(7) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the City to own, harbor or keep any dog which:

(a) Habitually pursues vehicles upon any street, alley or highway.

(b) Molests passersby or assaults or attacks any person without provocation.

(c) is at large within the limits of the City.

(d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the City Pound.

(e) Kills, wounds or worries any domestic animal.

(f) Urinates or defecates on public property or other private property. In the event the dog defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.

(8) DOGS RUNNING AT LARGE AND UNTAGGED DOGS. (a) Dogs Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (6)(b) above.

(b) Untagged Dogs. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog or cat is securely confined in a fenced area.

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(c) Dogs Subject to Impoundment. Police officers shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog or cat to be untagged, the owner shall forfeit \$10 for the first offense and \$20 for subsequent offenses.

(9) DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.

(10) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (a) Quarantine or Sacrifice of Animal. A police officer may order a dog, cat or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) Quarantine Order. If a quarantine is ordered, the owner of the dog, cat or other animal shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

(11) SETTING ANIMALS AT LARGE PROHIBITED. No person shall open any door or gate of any private premises for the purpose of setting any dog, cat or other animal at large, except the owner of such animal.

(12) IMPOUNDING AND DISPOSITION OF DOGS. (a) Impounding of Dogs. A police officer or other person restraining a dog running at large shall take such animal to the Jackson County Animal Shelter. The police officer shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

(b) Release of Dog to Owner or Representative. The police officer may release the dog to the owner or his representative if:

1. The owner *or* representative gives his name and address.

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2. The dog is licensed and vaccinated against rabies.
3. Pays the dog's intake fee and the boarding fee.

(c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the police officer may release the dog to a person other than the owner if such person:

1. Gives his name and address.
2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(13) PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Council, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

12.08 KEEPING OF VICIOUS DOGS REGULATED. (1) DEFINITION. A vicious dog is defined as follows:

(a) Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

(b) Any dog which attacks a human being or another domestic animal without provocation.

(c) Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

(2) REQUIREMENTS AND PROHIBITIONS. (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person

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is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief.

(b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.

(e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(3) VIOUS DOG DETERMINATION. The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Police Chief makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

(4) APPEAL OF VIOUS DOG DETERMINATION. Any person aggrieved by the determination of the Police Chief, as provided in sub. (3) above, may appeal such determination, as provided in ch. 6 of this Code.

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(5) COMPLIANCE. Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub. (4) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

(6) DISPOSITION OF VICIOUS DOGS. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(7) PENALTY. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

12.09 PARADE PERMIT. (1) REQUIRED. No parade shall be held within the City unless at least 30 days prior to the date of the parade, the person or organization sponsoring or having control of the operation of the parade submits to the Police Chief an application for a parade permit. However, the Mayor or, in his absence, the Council President has a discretionary power to waive the 30 day requirement for the submittal of the application for a parade permit if he deems it in the best interests of the citizens of the City. In the event a State highway is to be part of the route, the application shall be made no less than 2 weeks prior to the parade.

(2) APPLICATION. The application for a parade permit shall contain the following:

- (a) Date and time of the parade.
- (b) Duration of the parade.
- (c) Approximate number of participants or units to be included in the parade.
- (d) Route to be used.
- (e) Any unusual or extraordinary items that may require the special attention of the Police Department or the Street Department.
- (f) Signature of the applicant.

(3) ISSUANCE OF PERMIT. If the Police Chief determines that the holding of the parade would have no adverse effect upon the citizens of the City, he shall issue the permit. However, if the Chief determines that the issuance of a permit would be detrimental to the citizens of the City, he shall deny the application.

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12.10 FARMERS MARKET. (a) ESTABLISHED. There is hereby established a Farmers Market. Except for sales within enclosed structures and business establishments within the City, all persons offering for sale articles for human consumption such as fruits, vegetables, edible grains, nuts and berries, apiary products, baked goods, maple sugars, syrups and eggs or non-edible articles such as cut or potted flowers may offer the same for sale only within the designated Farmers Market. No such sales as described above shall be made in any other place within the City.

(2) PERMITS. No person may use the Farmers Market without first obtaining an annual permit from the Chief of Police for \$5, effective from July 1 of each year to June 30 of the next year.

(3) LOCATION. The area of the Farmers Market shall be designated by the Chief of Police.

(4) TIME AND HOUR OF OPERATION. The Farmers Market shall be open for operation each week day from June 1 through November 1 from 8:00 A.M. to 8:00 P.M. Use of the Market at times other than those set forth herein may be available upon the consent of the Chief of Police.

(5) PENALTY. Any person who offers for sale the items set forth in sub. (1) above outside of the designated Farmers Market or who has not obtained a permit for the use of the Market shall, upon conviction thereof, be subject to a forfeiture of not less than \$10 nor more than \$100, together with the costs of prosecution.

12.11 FOWL & FARM ANIMALS. (1) Purpose. The purpose of this ordinance is to govern the ownership of non-traditional domestic animals in the city. This ordinance is not meant to conflict with any current ordinances governing traditional domestic animals. It also is not meant to supersede any zoning ordinances.

(2) Authority. The Common Council of the City of Black River Falls, Jackson County, Wisconsin, has the specific authority to adopt this Fowl and Farm Animal Ordinance under s. 66.0103 Wis. Stats.

(3) Adoption of Ordinance. This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Common Council present and voting, provides the authority for the City to regulate the ownership of fowl and other farm animals in the city.

(4) DEFINITIONS. The following definitions shall apply to this section:

- a) "Fowl" means any domestic breed of chicken or guinea hen. No other species of bird shall fall under this definition.
- b) "Livestock" means bovine animals, equine animals, goats, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish. In this definition, "swine" does not include potbelly pigs.

(5) RESTRICTIONS ON KEEPING OF FOWL AND OTHER FARM ANIMALS.

- a) No person shall keep any livestock within the city limits.
- b) No person shall keep more than four (4) fowl on their property.
 - 1) None of the allowed fowl shall be roosters or male animals of the species.
- c) No person shall keep more than four (4) rabbits on their property.
- d) No person shall keep more than two (2) potbelly pigs on their property.
- e) All animals that fall under this Section shall remain subject to the other applicable Chapters of the Municipal Code of Black River Falls.

(6) BUILDINGS. Any person keeping animals under this Section shall provide appropriate shelter for those animals, as required by Chapter 951.14 Wis. Stats. Said shelter must comply with the Zoning Codes for the City of Black River Falls.

(7) Enforcement. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

(8) Penalties. Any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 25.04 of this Code.

(9) Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

12.15 PENALTY. Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a forfeiture as provided in sec. 25.04 of this Code.