

**TITLE 7**  
Licensing and Regulations

- Chapter 1 Licensing of Dogs and Regulations of Animals
- Chapter 2 Fermented Malt Beverages and Intoxicating Liquor
- Chapter 3 Cigarette License; Non-intoxicating Liquors; Soda Water Beverages
- Chapter 4 Direct Sellers
- Chapter 5 Regulation and Licensing of Fireworks
- Chapter 6 Street Use Permits
- Chapter 7 Vending Machines; Amusement Devices and Arcades
- Chapter 8 Massage Establishments
- Chapter 9 Transient and Temporary Public Entertainments
- Chapter 10 Licensees to Pay Local Claims; Appellate Procedures

**CHAPTER 1**  
Licensing of Dogs and Regulations of Animals

- 7-1-1 Dog Licenses Required; Definitions
- 7-1-2 Rabies Vaccination Required for License
- 7-1-3 Issuance of Dog and Kennel Licenses
- 7-1-4 Late Fees
- 7-1-5 Rabies Quarantine
- 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl, and Other Animals
- 7-1-7 Impoundment of Animals; Animal Warden
- 7-1-8 Duty of Owner in Cases of Dog and Cat Bite
- 7-1-9 Animal Feces
- 7-1-10 Injury to Property by Animals
- 7-1-11 Barking Dogs or Crying Cats
- 7-1-12 Prohibited and Protected Animals, Fowl, Reptiles, and Insects
- 7-1-13 Sale of Rabbits, Chicks, or Artificially Colored Animals
- 7-1-14 Providing Proper Food and Drinks to Confined Animals
- 7-1-15 Providing Proper Shelter
- 7-1-16 Neglected or Abandoned Animals
- 7-1-17 Cruelty to Animals and Birds Prohibited
- 7-1-18 Limitation on Number of Dogs and Cats
- 7-1-19 Trapping of Animals
- 7-1-20 Penalties

**SEC. 7-1-1 DOG LICENSE REQUIRED; DEFINITIONS**

- (a) **License Required.** The owner of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay the dog license tax and obtain a license.

- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) "Owner" shall mean any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is resumed to be harboring or keeping the dog or cat within the meaning of this Section.
  - (2) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
  - (3) "Dog" shall mean any canine, regardless of age or sex.
  - (4) "Cat" shall mean any feline, regardless of age or sex.
  - (5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
  - (6) "Animal" means mammals, reptiles and birds.
  - (7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (8) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 169.01 (16), Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
  - (9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (10) "Pet" means an animal kept and treated as a pet.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

#### **SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.**

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Howards Grove after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village

stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.

- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

## **SEC. 7-1-3 ISSUANCE OF DOG AND KENNEL LICENSES.**

- (a) **Dog Licenses.**
  - (1) It shall be unlawful for an person in the Village of Howards Grove to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
  - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
  - (3) The minimum license tax under this Section shall be as indicated on the Village Rate Schedule. The license year shall commence January 1 and end December 31.
  - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material

bearing the same serial number as the license, the name of the county in which issued and the license year.

- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

(b) **Kennel Licenses.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operation of the kennel. Such person shall pay for the license year a license tax as indicated on the Village Rate Schedule.  
Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in allowed areas following a public hearing and approval by the Village Board; the Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
- (3) The term "kennel" means any establishment, lot or premises on which five (5) or more dogs, cats or both, at least five (5) months of age are kept, boarded or trained, whether in special structures, runways or not.
- (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Chapter 951 of the Wisconsin Statutes.
- (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village

officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.

State Law Reference: Sec. 174.053, Wis. Stats.

#### **SEC. 7-1-4 LATE FEES.**

The Village Clerk-Treasurer shall assess and collect a late fee as designated on the Village Rate Schedule from every owner of each dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

#### **SEC. 7-1-5 RABIES QUARANTINE.**

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
  - (1) Quarantine or sacrifice of dog or cat. An officer or animal warden shall order a dog or cat quarantined if the officer 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 dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
  - (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) **Quarantine of Dog or Cat.**
  - (1) Delivery to isolation facility or quarantine on premises of owner. An officer or animal warden who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after

the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian or at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
  - (3) Risk to animal health.
    - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
    - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
  - (4) Destruction of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village, the veterinarian or local health department which prepared the carcass

- and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the Laboratory of hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

#### **SEC. 7-1-6 RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.**

- (a) **Pets, Animals, Birds.** The keeping of small animals or birds is permitted, subject to the following performance standards: Impacts must not be unreasonably objectionable or disruptive to normal residential occupancy of the neighborhood or a hazard to public health or safety. Commercial animal operations are not allowed in residential districts.
- (b) **Restrictions.** It shall be unlawful for any person within the Village of Howards Grove to own, harbor or keep an dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (2) Assaults or attacks any person or destroys property.
  - (3) Is at large within the limits of the Village.
  - (4) Habitually barks or howls to the annoyance of any person or persons. Section 7-1-12.)
  - (5) Kills, wounds or worries any domestic animal.
  - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
  - (7) In the case of a dog, is unlicensed.
- (c) **Vicious Dogs and Animals.**
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
  - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (d) **Animals Running at Large.**
- (1) No person having in his possession or ownership any animal shall allow the same to run at large within the Village. The owner of any animal, whether

licensed or unlicensed, shall keep his animal tied, enclosed in a proper enclosure. Underground fencing or under voice control so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.

- (2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it, or accompanied by a person able to control the animal with voice command when the animal is off of the owner's premises.
- (e) **Owners Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

#### **SEC. 7-1-7 IMPOUNDMENT OF ANIMALS; ANIMAL WARDEN.**

- (a) **Animal Control Agency.**
- (1) The Village of Howards Grove may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Howards Grove does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, A law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.
- (c) **Claiming Animals; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes.

Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.

- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.
- (e) **Village Not Liable for Impounding Animals.** The Village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

#### **SEC. 7-1-8 DUTY OF OWNER IN CASE OF DOG OR CAT BITE.**

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten an person shall immediately report such fact to the Village Clerk-Treasurer or Sheriff's Department and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

#### **SEC. 7-1-9 ANIMAL FECES.**

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

#### **SEC. 7-1-10 INJURY TO PROPERTY BY ANIMALS.**

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

#### **SEC. 7-1-11 BARKING DOGS OR CRYING CATS.**

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Village Clerk-Treasurer or Village Constable within a four (4) week period.

**SEC. 7-1-12 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES  
AND INSECTS.**

(a) **Protected Animals.**

- (1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempi*).
- (2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) Regulating the Importation of Certain Birds. No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

(c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals, fowl, reptiles or insects:

- (1) All poisonous animals and reptiles including rear-fang-snakes.
- (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
- (3) Baboons (*Papoi*, *Mandrillus*).
- (4) Bears (*Ursidae*).
- (5) Bison (*Bison*).
- (6) Cheetahs (*Acinonyx jubatus*).
- (7) Crocodylians (*Crocodylia*), thirty (30) inches in length or more.
- (8) Constrictor snakes.

- (9) Coyotes (*Canis latrans*).
  - (10) Deer (*Cervidae*); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
  - (11) Elephants (*Elephas* and *Loxodonta*).
  - (12) Game cocks and other fighting birds.
  - (13) Hippopotami (*Hippopotamidae*).
  - (14) Hyenas (*Hyaenidae*).
  - (15) Jaguars (*Panthera onca*).
  - (16) Leopards (*Panthera pardus*).
  - (17) Lions (*Panthera leo*).
  - (18) Lynxes (*Lynx*).
  - (19) Monkeys, old world (*Cercopithecidae*).
  - (20) Ostriches (*Struthio*).
  - (21) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
  - (22) Rhinoceroses (*Rhinocero tidae*).
  - (23) Sharks (class *Chondrichthyes*).
  - (24) Snow leopards (*Panthera uncia*).
  - (25) Tigers (*Panthera tigris*).
  - (26) Wolves (*Canis lupus*).
  - (27) Poisonous insects.
  - (28) Except on farms in agricultural districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens, ducks, geese, pigeons, peacocks, emu, lama, alpaca or any animal raised for fur bearing purposes unless otherwise permitted elsewhere in this Code.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:
- (1) Their location conforms to the provisions of the zoning ordinance of the Village.
  - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
  - (3) Animals are maintained in quarters so constructed as to prevent their escape.
  - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

#### **SEC. 7-1-13 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.**

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Sec. 951.10 and Sec. 951.11, Wis. Stats.

#### **SEC. 7-1-14 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.**

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 951.13, Wis. Stats.

#### **SEC. 7-1-15 PROVIDING PROPER SHELTER.**

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
- (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
  - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include;
- (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
  - (2) Shelter from inclement weather.
    - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:

- (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 951.14, Wis. Stats.

## **SEC. 7-1-16 NEGLECTED OR ABANDONED ANIMALS.**

- (a) **Neglected or Abandoned Animals.**
- (1) No person may abandon any animal.
  - (2) Any law enforcement officer or animal warden may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
  - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) Whenever in the opinion of any such officer or animal warden an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
  - (5) Section 173.10, Investigation of Cruelty Complaints, and Sec. 173.24, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Sections 173.10 and 173.24, Wis. Stats.

**SEC. 7-1-17 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.**

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 951.06, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

**SEC. 7-1-18 LIMITATION ON NUMBER OF DOGS AND CATS.**

- (a) **Purpose.** The keeping of a large number of dogs or cats within the Village of Howards Grove for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and/or cats is, therefore, declared a public nuisance.
- (b) **Definitions.**
  - (1) Cat. Any feline, regardless of age or sex.
  - (2) Dog. A dog means any canine, regardless of age or sex.
  - (3) Residential Lot. A residential lot means a parcel of land occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. or the purpose of is Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.

- (c) **Number Limited.**
- (1) No family shall own, harbor or keep in its possession more than a total of four (4) dogs or cats in any residential unit without the prior approval of the Village Board except that a litter of pups or kittens or a portion of a litter may be kept for not more than eight (8) weeks from birth. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons.
  - (2) The above requirement may be waived with the approval of the Village Board when a kennel license has been issued by the Village pursuant to Section 7-1-3(b). Such application for waiver shall first be made to the Village Clerk-Treasurer.

**SEC. 7-1-19 TRAPPING OF ANIMALS.**

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Howards Grove to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping on private property.
- (e) Nothing in this Section shall prohibit or hinder the Village of Howards Grove or its employees or agents from performing their official duties.

**SEC 7-1-20 PENALTIES.**

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18 or 7-1-19 shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this ordinance.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less Than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.

- (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal he quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
  
- (c) Any person who violates Sections 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.



## ARTICLE A

### Fermented Malt Beverages and Intoxicating Liquor

#### **SEC. 7-2-1 STATE STATUTES ADOPTED.**

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.

State Law Reference: Chapter 125, Wis. Stats.

#### **SEC. 7-2-2 DEFINITIONS.**

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

#### **SEC. 7-2-3 LICENSE REQUIRED.**

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

#### **SEC. 7-2-4 CLASSES OF LICENSES.**

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- (b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

- (c) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (d) **Class "B" Fermented Malt Beverage Retailer's License.**
- (1) License. A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
  - (2) Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (e) **Temporary Class "B" Fermented Malt Beverage License.**
- (1) License. As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Village Board.
  - (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day or which the license is sought. Any person fronting for any group other than the one applied for shall, upon

conviction thereof, be subject to a forfeiture which shall be subject to a forfeiture pursuant to Section 1-1-16 and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

(f) **Temporary "Class B" Wine License.**

- (1) License. Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.
- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day or which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture which shall be determine from time to time by the Village Board and adopted as part of the rate schedule kept by the Village Clerk and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

- (g) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

(h) **Retail "Class C" Licenses.**

- (1) In this Subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.

- (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- (3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.
- (4) A "Class C" license shall particularly describe the premises for which it is issued.

Cross Reference: Section 7-2-17.

### **SEC. 7-2-5 LICENSE FEES.**

There shall be the following classes of licenses which, when issued by the Village Clerk-Treasurer under the authority of the Village Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be as indicated on the Village Rate Schedule. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be as indicated on the Village Rate Schedule. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be as indicated on the Village Rate Schedule.
- (d) **Temporary "B" Wine License.** The fee for this license shall be as indicated on the Village Rate Schedule. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be as indicated on the Village Rate Schedule.
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be as indicated on the Village Rate Schedule.
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be as indicated on the Village Rate Schedule. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (h) **"Class C" Wine License.** The annual fee for this license shall be as indicated on the Village Rate Schedule. The fee for less than twelve (12) months shall be prorated.

**SEC. 7-2-6 APPLICATION FOR LICENSE.**

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.03, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The Village Clerk-Treasurer shall, publish each application for a Class "A", Class "B", "Class A", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published three (3) consecutive times in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.** Retail intoxicating liquor and fermented malt beverage licenses issued by the Village Board shall be limited in number to the quota prescribed by state law.

**SEC. 7-2-7 QUALIFICATIONS OF APPLICANTS AND PREMISES.**

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
  - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation

appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

- (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk-Treasurer a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
  - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **Sales Tax Qualifications.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., That they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (h) **Limitations on Other Business; class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
  - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
  - (3) A combination grocery store and tavern.
  - (4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
  - (5) A combination novelty store and tavern.
  - (6) A bowling alley or recreation premises.
  - (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

**SEC. 7-2-8 INVESTIGATION.**

The Village Clerk-Treasurer shall notify the Village Constable, Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Clerk-Treasurer in writing, who shall forward to The Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

**SEC. 7-2-9 APPROVAL OF APPLICATION.**

- (a) No license shall be granted for operation on any premises or with an equipment for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Village.
- (c) Consideration for the granting or denial of a license will be based on:
  - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
  - (2) The financial responsibility of the applicant;
  - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felon (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

**SEC. 7-2-10 GRANTING OF LICENSE.**

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year.
- (b) If the Village Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. Such written notice shall be mailed or served upon The applicant at least ten (10) days prior to the Village Board meeting at which the application is to be reconsidered.

**SEC. 7-2-11 TRANSFER AND LAPSE OF LICENSE.**

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is as indicated on the Village Rate Schedule. Whenever a license is transferred, the Village Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefore and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village.

**SEC. 7-2-12 NUMBERING OF LICENSE.**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The Village Clerk-Treasurer shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

**SEC. 7-2-13 POSTING LICENSES; DEFACEMENT.**

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

**SEC. 7-2-14 CONDITIONS OF LICENSE.**

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto.

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply, to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B", Class "B", or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time and in direct supervision of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor

or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.

- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- (g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A", "Class B", or "Class C" liquor, wine, or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) **Improper Exhibitions.** It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
  - (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (3) Exposes any portion of the female breast at or below the areola thereof; or
  - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

Annotation: See Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S. Ct. 774 (1970); and State v. Erickson, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

**SEC. 7-2-15 CLOSING AND CARRYOUT HOURS.**

Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:

**(a) Closing Hours.**

- (1) No premises for which a retail "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st. This does not apply to a "Class B" license issued to a winery under 125.51(3)(am).
- (2) Between 9:00 p.m. and 8:00 a.m. no premises for which a "Class B" license (winery) has been issued under S.S. 125.51(3)(am) may remain open for sale of intoxicating liquor.
- (3) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.

**(b) Carryout Hours.**

- (1) Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A", license, intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.
- (2) Between 12 midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class B" license, intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.
- (3) Between 12 midnight and 8 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a Class "A" license, fermented malt beverages in original unopened packages, containers or bottles or for consumption away from the premises.
- (4) Between 12 midnight and 6 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a Class "B" license fermented malt beverages in original unopened packages, containers or bottles or for consumption away from the premises.

**SEC. 7-2-16 RESTRICTIONS ON TEMPORARY FERMENTED MALT BEVERAGE OR WINE LICENSES.**

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Village-owned property or privately-owned property within the Village of Howards Grove, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Village Board in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage license or Temporary "Class B" Wine License authorizing the sale and consumption of beer and or wine on Village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Howards Grove. The applicant may be required to furnish a performance bond prior to being granted the license. Cross Reference: Section 11-4-1.

#### **SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL**

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **Abandonment of Premises.** Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the Village or which a quota exists limiting

the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

- (c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

#### **SEC. 7-2-18 NON-ALCOHOL EVENTS FOR UNDERAGE PERSONS ON LICENSED PREMISES.**

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the Village office at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Village office during normal working hours (8:00 a.m. to 12:30 p.m., 1:30 p.m. to 5:00 p.m., Monday through Thursday; 8:00 a.m. to noon on Fridays) and shall be given on forms prescribed by the Village. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Village in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (b) During the period of any non-alcohol event a notice card prescribed by the Village office shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Village to a requesting licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

#### **7-2-19 NUDE EROTIC DANCING IN LICENSED ESTABLISHMENTS.**

- (a) **Acts 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; or
  2. Shows any portion of an areola or nipple of the female breast or shows more than half of the surface area of the female breast; or
  3. Shows the covered male genitals in a discernibly turgid state.
- (b) **Exemptions.** Section 7-2-19 does not apply to licensed theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of artistic merit are offered and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification 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 Village 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 Village pursuant to Ch. 125, Wis. Stats.
- (d) **Penalties.** Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to forfeiture as provided in sec. 1-1-6 of this Code. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under §125.12, Wis. Stats.
- (e) **Severability.** If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

**SEC. 7-2-20 THROUGH SEC. 7-2-29 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Operator's License

#### SEC. 7-2-30 OPERATOR'S LICENSE REQUIRED.

- (a) **Operator's Licenses; Class "A", "Class A", Class "B", "Class B"; or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit may be open for business unless there is upon the premises the licensee, the agent named in the license or permit if the licensee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages, intoxicating liquor or wine to customers. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's immediate family, other than the licensee, or agent, may serve fermented malt beverages, intoxicating liquor or wine in any place operated under a Class "A", "Class A", Class "B", "Class B", or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her operator's license or permit to sell alcohol beverages.
  - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

#### SEC. 7-2-31 PROCEDURE UPON APPLICATION.

- (a) The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk-Treasurer, payment of proper initial fee or renewal fee, and only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village.
- (b) All applications are subject to an investigation by the Village Constable and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The investigating authority shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the investigating authority shall recommend to the Village Board approval or denial of the application. If the investigating authority recommends denial, the investigating authority shall provide, in writing, the reasons for such recommendation.

**SEC. 7-2-32 DURATION.**

Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June of the first year or portion thereof.

**SEC. 7-2-33 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSE.**

- (a) **Fee.** The fee for an operator's license or provisional license shall be as indicated on the Village Rate Schedule for the term or part thereof.
- (b) **Provisional License.** The Village Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Village Clerk-Treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program, and the applicant shall also apply for a regular operator's license. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk-Treasurer may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.

**SEC. 7-2-34 ISSUANCE OR DENIAL OF OPERATOR'S LICENSES.**

- (a) After the Village Board approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) (1) If the application is denied by the Village Board, the Village Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
- (2) If, upon reconsideration, the Board again denies the application, the Village Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) (1) Consideration for the granting or denial of a license will be based on:
  - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;

- b. The financial responsibility of the applicant;
  - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - d. Generally the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

#### **SEC. 7-2-35 TRAINING COURSE.**

- (a) Except as provided in Subsection (b) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:
- (1) The person is renewing an operator's license.
  - (2) Within the past two (2) years, the person held a Class "A", Class "B" "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
  - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Village Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

#### **SEC. 7-2-36 DISPLAY OF LICENSE.**

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

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

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

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

**ARTICLE C**

Penalties

**SEC. 7-2-40 PENALTIES.**

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

## CHAPTER 3

### Cigarette License and Soda Water Beverages

- 7-3-1 Cigarette License
- 7-3-2 Soda Water Beverages

#### SEC. 7-3-1 CIGARETTE LICENSE.

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

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

#### Sec. 7-3-2 SODA WATER BEVERAGES.

- (a) **License Required.** No person shall sell soda water beverages to be consumed on or off the premises where sold, without first having procured a license as provided in this section.
- (b) **Application for License.** Application for a soda water beverage license shall be made in writing to the Village Clerk-Treasurer on forms to be provided by him, which application shall be properly signed. The application shall designate the specific premises for which the license is sought and shall be referred by the Village Clerk-Treasurer to the Village Board. Licenses may be issued upon approval by the Village Board and payment of the fee as indicated on the Village Rate Schedule for the annual license fee.
- (c) **Expiration.** The license shall designate the specific premises for which granted, and shall expire on the 30th day of June thereafter.
- (d) **Exceptions.** A license who has obtained a Class "B" license to sell fermented malt beverages or obtained a vending machine permit for dispensing soda water shall not be required to obtain a license to sell soda water beverages under this Section.

## CHAPTER 4

### Transient Merchants

- 7-4-1 Registration Required
- 7-4-2 Definitions
- 7-4-3 Exemptions
- 7-4-4 Registration
- 7-4-5 Investigation
- 7-4-6 Appeal
- 7-4-7 Regulation of Transient Merchants
- 7-4-8 Records
- 7-4-9 Revocation of Registration

#### **SEC. 7-4-1 REGISTRATION REQUIRED.**

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

#### **SEC. 7-4--2 DEFINITIONS.**

In this Chapter:

- (a) **Transient Merchant** means any individual who engages in the retail sale of merchandise at any place in this village temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.
- (b) **Permanent Merchant** means any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
  - (1) Has continuously operated an established place of business in the Village or among the communities bordering the village; or
  - (2) Has continuously resided in the Village or communities bordering the Village and now does continuous business from his properly zoned property.
- (c) **Merchandise** shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.
- (d) **Charitable Organization** shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Clerk** shall mean the Village of Howards Grove Clerk-Treasurer or Deputy Clerk-Treasurer.

- (f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

### **SEC. 7-4-3 EXEMPTIONS.**

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

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) Any person selling Wisconsin agricultural products which the person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) 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 merchandise;
- (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 that there is submitted to the Village Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter;
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Village Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) continuous year prior to the date complaint was made;
- (k) Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.;
- (l) This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board;
- (m) Any Village resident selling cosmetics, jewelry, health care items, household sundries and home care products and Christmas wreaths;
- (n) Any Village resident less than eighteen (18) years of age selling a product, service or ticket promoted and sponsored by a school or a youth service, religious, nonprofit or charitable organization having an individual item cost of Ten Dollars (\$10.00) or less.

**SEC. 7-4-4 REGISTRATION.**

- (a) **Registration Information.** Applicants for registration must complete and return to the Village Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
- (1) Name, permanent address and telephone number, and temporary address, if any;
  - (2) Height, weight, color of hair and eyes, and date of birth, drivers license, issuing state;
  - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
  - (4) Temporary address and telephone number from which business will be conducted, if any;
  - (5) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
  - (6) Proposed method of delivery of merchandise, if applicable;
  - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
  - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
  - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
  - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.
  - (11) Dates in which selling activity will occur.
- (b) **Identification and Certification.** Applicants shall present to the Village Clerk-Treasurer for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required;
  - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
  - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) **Registration Fee.**
- (1) At the time of filing applications, a non-refundable fee as stated on the Village rate schedule shall be paid to the Village Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form.
  - (2) The applicant shall sign a statement appointing the Village Clerk-Treasurer his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

(3) Upon payment of said fees and the signing of said statement, the Village Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.

**(d) Bond.**

- (1) When Required. Every applicant who is not a resident of Sheboygan County or who represents a firm whose principal place of business is located outside of the State of Wisconsin shall file with the Village Clerk-Treasurer a surety bond in the amount of Five Hundred Dollars (\$500.00), conditioned that the applicant will comply with all provisions of the Village ordinances and the state laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee, and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee.
- (2) Action on Bond. Action on such bond may be brought by any person aggrieved.

**SEC. 7-4-5 INVESTIGATION.**

- (a) Upon receipt of each application, the Village Clerk-Treasurer shall refer it immediately to the Wisconsin Dept. of Justice for an investigation of the statements made in such registration, said investigation to be completed within fifteen (15) days from the time of referral.
- (b) The Village Clerk-Treasurer shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years. the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

**SEC. 7-4-6 APPEAL.**

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

**SEC. 7-4-7 REGULATION OF TRANSIENT MERCHANTS.**

**(a) Prohibited Practices.**

- (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.
- (6) No transient merchant shall conduct sales in a period not specifically noted on the license

**(b) Disclosure Requirements.**

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of merchandise or services he offers to sell.
- (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, he 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.

- (4) **POSSESSION/DISPLAY OF LICENSE.** Transient merchants shall at all times when engaging in direct sales activities, have on their person and visibly displayed to the public, the license issued pursuant to this section, as well as photo identification. Direct sellers shall show their license to sell issued by the Village of Howards Grove, as well as photo identification upon request.

**SEC. 7-4-8 RECORDS.**

The Sheriff's/Police Department or Village Constable shall report to the Clerk-Treasurer all convictions for violations of this Chapter and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

**SEC. 7-4-9 REVOCATION OF REGISTRATION.**

- (a) **Revocation.** Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) **Hearing Notice.** Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (c) **Penalty.** Any person adjudged in violation of any provision of this Chapter shall forfeit not less than One-Hundred Dollars (\$100.00) nor more than One-Thousand Dollars (\$1,000.00) for each violation plus costs of prosecution. Each day's violation shall constitute a separate offense.

## CHAPTER 5

### Regulation and Licensing of Fireworks

#### 7-5-1 Regulation of Fireworks

#### SEC. 7-5-1 REGULATION OF FIREWORKS

- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
  - (2) A firearm cartridge or shotgun shell.
  - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
  - (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
  - (6) A toy snake which contains no mercury.
  - (7) A model rocket engine.
  - (8) Tobacco and a tobacco product.
  - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
  - (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
  - (12) A device that emits smoke with no external flame and does not leave the ground.
  - (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
  - (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- (b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
- (1) To a person holding a permit under Subsection (c)(3);
  - (2) For a purpose specified under Subsection (c)(2)a-f
- (c) **Use.**
- (1) Permit Required. No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.

- (2) Permit Required. Subparagraph (c)(1) above does not apply to:
- a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
  - b. The possession or use of explosives in accordance with rules of general orders of the Wisconsin Department of Industry, Labor and Human Relations.
  - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
  - d. The possession or use of explosive or combustible materials in any manufacturing process.
  - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (3) Who May Obtain Permit. A permit under this Subsection may be issued only to the following:
- a. A public authority.
  - b. A fair association.
  - c. An amusement park.
  - d. A park board.
  - e. A civic organization.
  - f. An agricultural producer for the protection of crops from predatory birds or animals.
  - g. A group of residents or non-residents.
- (4) Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (5) Bond. The Village President issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Village and any person injured thereby may bring an action on the bond or policy in the persons own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the officer of the Village.
- (6) Required Information for Permit. A permit under this Subsection shall specify all of the following:
- a. The name and address of the permit holder.
  - b. The date on and after which fireworks may be purchased.
  - c. The kind and quantity of fireworks which may be purchased.
  - d. The date and location of permitted use.
  - e. Other special conditions prescribed by ordinance.

- (7) Copy of Permit. A copy of a permit under this subsection shall be given to the Fire Chief and Village Constable at least two (2) days before the date of authorized use.
- (8) Minors Prohibited. A permit under this subsection may not be issued to a minor.
- (d) **Storage and Handling**
  - (1) Fire Extinguishers Required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
  - (2) Smoking Prohibited. No person may smoke where fireworks are stored or handled.
  - (3) Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
  - (4) Storage Distance. No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
  - (5) Restrictions on Storage. No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.
- (f) **Temporary Sales of Legal Fireworks.** Temporary or seasonal sales of legal fireworks from a seasonal sales stand, not to exceed thirty (30) days in one (1) calendar year, are permitted only after issuance of a direct seller's license to each person providing services at the sales stand.
  - (1) Legal Fireworks Defined. For purposes of this subsection, legal fireworks are the products described in Sec. 7-5-1 (a) (3), (5), (6), (7), (9), (10), (11), (12), (13), and (14).
  - (2) Fire Extinguishers. Each seasonal sales stand shall be equipped with the number and type of fire extinguishers directed by the Fire Chief. All employees and others working at the stand shall be trained in the proper use of the fire extinguishers.
  - (3) Location. No seasonal sales stand may be located in any required property setback area.
  - (4) Employment of Minors. No person under the age of 16 may be employed at, or may volunteer services for, any seasonal sales stand in any capacity.
  - (5) Sales to Minors. No stand may sell any products to any minor under the age of 14 without written parental approval, unless the minor is accompanied by a parent and the parent gives verbal consent.

## CHAPTER 6

### Street Use Permits

7-6-1 Street Use Permits

#### SEC. 7-6-1 STREET USE PERMITS.

- (a) **Purpose.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village Clerk-Treasurer may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk-Treasurer and shall be filed with the Village Clerk-Treasurer. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
  - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
  - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
  - (4) The date and duration of time for which the requested use of the street is proposed to occur.
  - (5) An accurate description of that portion of the street proposed to be used.
  - (6) The approximate number of persons for whom use of the proposed street area is requested.
  - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **Review by Village Constable and Street Superintendent.** Before any application for a Street Use Permit is considered by the Village Board, the application shall be reviewed by a Village Constable and the Superintendent of Streets for their recommendation as to the affect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- (e) **Mandatory Denial of Street Use Permit.** An application for a Street Use Permit shall be denied if:
- (1) The proposed street use is primarily for private or commercial gain.
  - (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
  - (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.

- (4) The application for a Street Use Permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of six (6) hours.
- (6) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as here-in-above set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (f) **Permit Fee.** Each application for a Street Use Permit shall be accompanied by a fee as indicated on the Village Rate Schedule.
- (g) **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form;

#### PETITION FOR STREET USE PERMIT

We, the undersigned residents of the \_\_\_\_\_ hundred block of \_\_\_\_\_ Street in the Village of Howards Grove, hereby consent to the \_\_\_\_\_ recreational or business use of this street between the hours of \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the purpose of \_\_\_\_\_ and do hereby consent to the Village of Howards Grove to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Howards Grove shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than six (6) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate \_\_\_\_\_ as the responsible person or persons who shall apply for an application for a Street Use Permit.

- (h) **Insurance.** The applicant for a Street Use Permit may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the

applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Howards Grove. The applicant may be required to furnish a performance bond prior to being granted the permit.

- (i) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by a Village Constable if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or Ordinances of the Village of Howards Grove. The Village law enforcement officers have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

## CHAPTER 7

### Vending Machines; Amusement Devices and Arcades

7-7-1 Vending Machines

7-7-2 Amusement Devices and Arcades

#### **SEC. 7-7-1 VENDING MACHINES.**

Every operator of a vending machine as defined in Sec. 254.61(7), Wis. Stats., shall obtain therefore a license under this Section from the Village Clerk-Treasurer. The annual license fee shall be as indicated on the Village Rate Schedule.

#### **SEC. 7-7-2 AMUSEMENT DEVICES AND ARCADES.**

(a) **Definitions.**

- (1) Amusement Device. Any machine, device or game which, upon the insertion of a coin, slug, token or similar item, 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, and which is not a gambling device. The term shall include, but not be limited to, electronic or mechanical game machines, pinball machines and pool or billiard tables.
- (2) Minor Arcade. Any single premises or location at which is located between four (4) and nine (9) mechanical or electronic amusement devices.
- (3) Major Arcade. Any single premises or location at which is located more than nine (9) mechanical or electronic amusement devices.

(b) **Registration and Licensing.**

- (1) All Devices to be Licensed. Any person maintaining, operating or permitting the operation of mechanical or electronic amusement device shall obtain a license to operate such device from the Clerk-Treasurer, unless the premises on which the device is maintained or operated is licensed as a minor or major arcade. Such license shall expire on June 30th of each year. The applicant shall submit an application for each place where a mechanical or electronic amusement device is to be operated, stating the name of the owner of the device, the place where the device is to be operated and such other information as the Clerk-Treasurer may reasonably require. If the Clerk-Treasurer is satisfied that the applicant meets all the requirements of this Section, he shall issue the license. Such license shall be conspicuously displayed on the premises at all times while the device is operable.
- (2) Minor Arcade License.
  - a. Any person owning or operating a premises on which between four (4) and nine (9) mechanical or electronic amusement devices are kept at any one time shall, in lieu of obtaining a license under Subsection (b)(1) above, obtain a minor arcade license for the premises which shall permit the holder thereof to operate or maintain the specified number of devices on the licensed premises. Such license shall expire on June 30th of each year. The license fee for a Minor Arcade License shall be as indicated on the Village Rate Schedule.

- b. The application shall contain the following information:
1. Name and address of the applicant.
  2. Name and address of person responsible for management of the arcade, including list of such person's qualifications, experience and references, and date, place and circumstances of conviction of violation of any local ordinance, state or federal law directly related to the activity proposed to be licensed.
  3. Complete description of the premises to be licensed.
  4. Statement of the number of devices to be kept on the premises, describing each by make and type.
  5. Name of owner of the machines.
  6. Type of supervision to be provided.
  7. A zoning permit or current zoning application.
  8. Detailed operating plan, including hours of operation and manner of supervision to be provided.
  9. Such other information as the Clerk-Treasurer may reasonably require.
- c. If the Clerk-Treasurer is satisfied that the premises and management thereof meet the requirements of this Section, he shall issue a minor arcade license to the applicant. The applicant shall display such license conspicuously on the premises at all times during which the arcade is in operation.

**(3) Major Arcade License.**

- a. Any person owning or operating a premises on which ten (10) or more mechanical or electronic amusement devices are kept at any time shall obtain for such premises a major arcade license in lieu of obtaining a license under Subsection (b)(1) above. Such license shall expire on June 30th of each year. The license fee for a Major Arcade License shall be as indicated on the Village Rate Schedule.
- b. Application for a major arcade license shall be in writing on forms provided by the Clerk-Treasurer and shall contain the information required under Subsection (b)(2)b above.
- c. The operating plan and any restrictions placed on the premises under the zoning permit, if required, shall be incorporated by reference in any arcade license or renewal thereof. No major arcade license shall be valid until approved by the Village Board. The license shall be conspicuously displayed on the premises at all times during which the arcade is in operation.

**(c) Restrictions Applicable to All Mechanical or Electrical Amusement Devices and Arcades.**

- (1) Premises to be Safe and Sanitary. No license shall be granted for any mechanical or electronic amusement device or arcade unless the premises complies with all fire and building code requirements of the Village and the state, provides adequate room for operation of the devices without blocking access and is an otherwise safe and sanitary environment.
- (2) Premises to be Supervised. No mechanical or electronic amusement device or arcade license shall be granted unless the applicant therefore shows that the premises will be adequately supervised.
- (3) Orderly Conduct Required. The licensee shall maintain supervision of the premises in such a manner as to insure that no disorderly conduct, gambling or other activity prohibited by local ordinance, state or federal law is

permitted on such premises.

- (4) Department of Justice Registration Required. No mechanical or electronic amusement device may lawfully be operate in the Village unless there is affixed thereto a Department of Justice AD number, if required by law. If any device is found in the Village without such registration number, any police officer is authorized to summarily revoke the license of the premises where the offense is committed.
  - (5) Offering of Prizes or Awards Prohibited. No licensee under this Section shall advertise, make or give any reward, prize money or thing of value to any person by reason of the operation of any mechanical or electronic amusement device.
  - (6) Consent to Inspection. An application for a license under this Section thereby consents to the entry of police or authorized representatives of the Village 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 Section all things found therein in violation of this Section or State law.
- (d) **Transferability of Licenses.**
- (1) Amusement Device License. Mechanical or electronic amusement device licenses may be transferred from premises to premises during the license year without charge. The holder of such license shall notify the Clerk-Treasurer within ten (10) days of the time such transfer is made.
  - (2) Minor Arcade License. A minor arcade license may be transferred from one premises to another or from the holder to another person upon application to the Clerk-Treasurer. The Clerk-Treasurer may grant or deny such application for transfer, and if denied, the applicant has the right to review of such determination under Section 7-10-1.
  - (3) Major Arcade License. Major arcade licenses are not transferable.
- (e) **Revocation of Licenses.**
- (1) Any license issued under this Section may be revoked for cause by the Village Board. Except for summary revocation under Subsection (c)(4), no license shall be revoked except upon written verified complaint filed with the Village Board by a member of such body, a law enforcement officer or resident of the Village. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard. He shall be given notice of such hearing not more than twenty (20) nor less than five (5) days after service of the charges, except as otherwise agreed between the parties.
  - (2) 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 presiding officer to compel the attendance of witnesses.

## CHAPTER 8

### Massage Establishments

- 7-8-1 Definitions
- 7-8-2 License Required
- 7-8-3 Application and Fee
- 7-8-4 Application for License for Massage Establishment
- 7-8-5 License
- 7-8-6 Construction and Maintenance Requirements for Massage Establishments
- 7-8-7 Permit for Masseur or Masseuse
- 7-8-8 Application for Masseur or Masseuse
- 7-8-9 Issuance of Permit for Masseur or Masseuse
- 7-8-10 Hours of Operation
- 7-8-11 Enforcement and Penalties

#### **SEC. 7-8-1 DEFINITIONS.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **Massage.** Any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, crèmes, lotions, soaps, ointments or other similar preparations commonly used in this practice.
- (b) **Massage Establishment.** Any establishment having its place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged or carried, on any of the activities mentioned in Subsection (a) hereof except when part of a doctor's or chiropractic's practice.
- (c) **Massage Services.** The providing of a massage or massages by any person, firm, association or corporation.
- (d) **Masseur or Masseuse.** Any person who, for any consideration whatever, engages in the practice of massage as above defined except when employed as part of a doctor's or chiropractic's practice.
- (e) **Employee.** Any and all persons other than masseurs or masseuses who render any service for the licensee and who receive compensation directly from the licensee but have no physical contact with customers or clients.
- (f) **Persons.** Any individual, co-partnership, firm, association, joint stock company, corporation or any combination of individuals of whatever form or character.
- (g) **Licensee.** The operator of a massage establishment.

#### **SEC. 7-8-2 LICENSE REQUIRED.**

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the Village of Howards Grove, the operation of a massage establishment as herein defined without first having obtained a license from the Village Clerk-Treasurer which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided. This ordinance does not pertain to massage establishments if the operation is part of a doctor's or chiropractor's practice.

**SEC. 7-8-3 APPLICATION AND FEE.**

- (a) Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in triplicate, under oath, with the Village Clerk-Treasurer upon a form provided by the Village and pay a fee as indicated on the Village Rate Schedule to the Village who shall issue a receipt which shall be attached to the application filed with the Clerk-Treasurer. The Village Clerk-Treasurer shall forthwith refer copies of such application and all additional information to the Fire Inspector. These officials shall, within thirty (30) days, inspect the premises proposed to be operated as massage establishment and make recommendations to the Village Board concerning compliance with Village Ordinances. After review by the Village Board pursuant to Section 7-10-5, the Clerk-Treasurer shall notify the applicant as to whether his application has been granted, denied or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. At the conclusion of such period or such longer period if agree to, the Clerk-Treasurer shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Clerk-Treasurer shall advise the applicant in writing of the reason for such denial.
- (b) The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this Section shall be grounds for denial of the application.

**SEC. 7-8-4 APPLICATION FOR LICENSE FOR MASSAGE ESTABLISHMENT.**

The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information:

- (a) Written proof that each individual is at least eighteen (18) years of age.
- (b) Current residential addresses.
- (c) Whether the individual has had any license denied, revoked or suspended elsewhere for a massage establishment, the reason therefore, and the business activity of occupation of the individual subsequent to each suspension, revocation or denial.
- (d) Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one (1) year and of the county for at least ninety (90) days.

**SEC. 7-8-5 LICENSE.**

- (a) Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Village Board may issue, after receipt of the recommendations of the respective Village departments and public hearing, a license to maintain, operate or conduct a massage establishment, unless the Board finds:

- (1) That the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the Village, including but not limited to the building, health, planning, housing, fire prevention and zoning codes of the Village.
  - (2) That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
  - (3) That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Chapter.
- (b) The license provided herein shall be for a period of one (1) year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.

#### **SEC. 7-8-6 CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR MASSAGE ESTABLISHMENTS.**

Any massage establishment as defined herein shall construct its facilities and maintain same in accordance with the following regulations:

- (a) All massage parlors and all restrooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacterial, mold or fungus growth.
- (b) Shower rooms must be finished in tile or equal material with proper floor drains.
- (c) Each massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
- (d) Floors, walls and equipment in massage parlors, restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six (6) inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
- (e) Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
- (f) Doors on massage rooms shall not be locked, but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
- (g) Each massage establishment shall have approved fire extinguishers and fire exits designed by fire exit signs.
- (h) If any provision of this Section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.
- (i) The establishment shall permit inspection of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors and law enforcement officers.
- (j) Entrance doors during business hours shall be open to the public the same as any other business.

#### **SEC. 7-8-7 PERMIT FOR MASSEUR OR MASSEUSE.**

Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed

with the Village Clerk-Treasurer upon the form provided by the Village and shall pay a non-refundable filing fee as indicated on the Village Rate Schedule for the original application and renewal application to the Village. This ordinance does not pertain to a masseur or masseuse if employment is part of a doctor's or chiropractor's practice.

#### **SEC. 7-8-8 APPLICATION FOR MASSEUR OR MASSEUSE.**

The application for a permit for a masseur or a masseuse shall contain the following:

- (a) Name and residence.
- (b) Social Security number.
- (c) Written evidence that the applicant is at least eighteen (18) years of age.
- (d) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases which shall include a test or tests which demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in licensed laboratories. The applicant shall then present a certificate with the results of each such examination signed by a licensed physician, stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the Village Clerk-Treasurer the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

#### **SEC. 7-8-9 ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE.**

- (a) The Village Clerk-Treasurer shall direct the issuance of a permit for a masseur or masseuse upon receipt of completed application and upon receipt of certificate of examination stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others.
- (b) Said permit is subject to cancellation if the applicant has failed to provide all of the information required by this Chapter or has provided fraudulent information.
- (c) Each permit for a masseuse, pursuant to this Chapter, and any renewal shall be for a one (1) year term and shall be displayed by the permit holder while engaged in his or her employment.

#### **SEC. 7-8-10 HOURS OF OPERATION.**

No massage establishment in the Village shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced under the Wisconsin Statutes when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

#### **SEC. 7-8-11 ENFORCEMENT AND PENALTIES.**

- (a) **Interference.** No person shall prevent, resist or interfere with any of the officers or employees of the Village in the entering of any premises or the carrying out of their duties as Village officials or employees.
- (b) **Penalties.** Any person violating any provision of this Chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated

by reference, shall suffer one (1) or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of This Chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

- (1) Any license or permit issued pursuant to this Chapter may be suspended by the Police Chief without hearing for not more than thirty (30) days
- (2) Any license or permit issued pursuant to this Chapter may be suspended more than thirty (30) days or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this Chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (4) Any person who shall violate any provisions of this Chapter shall be subject to the general penalty provisions of this Code of Ordinances as provided in Section 1-1-6.

## CHAPTER 9

### Transient and Temporary Public Entertainments

7-9-1 Transient and Temporary Public Entertainments

#### SEC. 7-9-1 TRANSIENT AND TEMPORARY PUBLIC ENTERTAINMENTS.

(a) **License Required.**

- (1) No person shall maintain or operate any transient or temporary public entertainment within the Village without first obtaining a license therefor as hereinafter provided.
- (2) This Section does not require a license for the conducting of fairs, lectures, concerts, exhibitions or entertainments of a scientific, historical, political, literary or musical character for humane, religious, charitable or scientific purposes.

(b) **Definition.** A transient or temporary public entertainment is one to which the public may gain admission by payment of an admission charge. It includes shows, circuses, exhibitions, carnivals and vaudeville.

(c) **Application.** Application for carnival licenses shall be made by the applicant to the Clerk-Treasurer in writing at least ten (10) days before the planned event and all of the information regarding insurance, etc., shall be filed within ten (10) days and referred to the Village Board for examination of the qualifications, character and reputation of the applicant, and of the desirability of permitting the carnival to operate, show or exhibit in the Village.

(d) **Requirements.**

- (1) Insurance Required. No license shall be granted unless the applicant therefore shall have filed with the Clerk-Treasurer a public liability insurance policy with One Million Dollars (\$1,000,000) coverage, with the condition that the applicant shall indemnify and save harmless the Village and its officers and agents and citizens against any injuries and damages resulting or arising from the conducting of any carnival for which the license is issued or from the performance by the applicant or his agents of any negligence incident to or connected with the conduct of such carnival, and that the applicant shall pay all judgments, costs and charges that may be recovered against the Village or any of its officers or agents by reason of the conducting of such carnival.
- (2) License Fees Required. No permit shall be issued unless the applicant shall pay a permit fee for the operation or maintenance of the public entertainment as shall be determine from time to time by the Village Board and adopted as part of the rate schedule kept by the Village Clerk.

- (3) Posting of License. Such permits when issued shall be prominently displayed while the carnival is in operation.
- (4) Food Handlers to Obtain Health Certificate. Any person employed in such carnival for the purpose of preparing, handling or selling food or drink shall submit to a physical examination and obtain a health certificate as required by State Statute.
- (5) Inspection of Mechanical Devices. The applicant shall indicate the date of the last State inspection of rides, merry-go-rounds and other mechanical devices. The Village reserves the right to require inspections of all mechanical devices that would be available to the public. All inspection costs shall be paid for by the licensee.
- (e) **Revocation.** Any license granted by the Village Board under the provisions of this Section may be revoked by the Village President provided such carnival shall not be maintained or if the person who maintains, owns, controls or operates such carnival shall permit the violation of any provisions of this Municipal Code or State laws or where, in the opinion of the Village President, the carnival is deemed undesirable. Revocations or suspensions may be appealed to the Village Board.

## CHAPTER 10

### Licensees to Pay Local Claims; Appellate Procedures; General Licensing Requirements

- 7-10-1 Licensees Required To Pay Local Taxes, Assessments  
and Claims; Appellate Procedures
- 7-10-2 General Licensing Requirements

#### **SEC. 7-10-1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.**

- (a) **Nonpayment of Taxes or Forfeitures.** The Village shall not issue or renew any license to transact any business within the Village of Howards Grove:
  - (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
  - (2) For any person who is delinquent in payment:
    - a. Of any taxes, assessments or other claims owed the Village; or
    - b. Of any forfeiture resulting from a violation of any Village Ordinance.
- (b) **Applicability.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Denial of Renewal.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
  - (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time.
  - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for non-renewable exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Other Grounds for Hearing.** Where an individual, business or corporation wishes to appeal the Village Clerk-Treasurer's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Village Clerk-Treasurer that the matter be referred to the Village Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

**SEC. 7-10-2 GENERAL LICENSING REQUIREMENTS.**

- (a) All applications for Village licenses under this Title, to become effective on July 1st of any year, shall be filed with the Clerk-Treasurer on or before the third Monday of May of that year. Licenses to become effective on January 1st shall have the applications therefore filed with the Clerk-Treasurer on or before the third Monday of November of the previous year.
- (b) The cost of application publication fee shall be paid at the time of filing of the application, and full license fees shall be paid to the Village Clerk-Treasurer upon issuance of the license.

