

CHAPTER 12

LICENSES AND PERMITS

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LICENSES AND PERMITS 12.01

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

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

(3) PAYMENT OF FEE. The fees for any license or permit shall be paid at the office of the Clerk-Treasurer with the application for such license or permit, except that alcohol beverage license fees shall be paid not less than 15 days prior to the issuance of the license.

(4) FORM. Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the Village by the Clerk-Treasurer. The Clerk-Treasurer shall keep a record of all licenses and permits issued.

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

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

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

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

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

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

LICENSES AND PERMITS 12.01(9)

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

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

(b) Conviction of any crime or misdemeanor, subject to L11.32(5) (a) and (h), Wis. Stats.

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

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

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

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

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

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (1
STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats, relating to the sale of intoxicating liquor and fermented mall beverages, except 125.03, 125.075, 125.14(4), 125.15 125.16,125.19, 125.20, 125.29, 125.30, 125.33, 125.52, 125.53 L25.54, 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62 125.65, 125.67, and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision, or future amendments thereto, shall constitute a violation of this section.

LICENSES AND PERMITS 12.02 (2)

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

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

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

(3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by 125.04(3), Wis. Stats., and shall be filed together with the cost of publication as provided by 125.04(3)(g)6., Wis. Stats., with the Clerk-Treasurer not less than 15 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall permit the Village to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee has been paid.

(4) No license or permit provided for in this section shall be issued without the approval of a majority of the Village Board EXCEPT, the Clerk-Treasurer shall be authorized to issue Special Class "B" Retailer's Licenses for the Sale of Fermented Malt Beverages at a Gathering or Picnic upon receiving a completed application for the same.

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

(a) Class "A" Fermented Malt Beverage Retailer's License. \$100 per year.

(b) Class "B" Fermented Malt Beverage License. \$100 per year.

(c) Class "B" Fermented Malt Beverage and Wine (Picnic License). Issued to organizations enumerated in 125.32(4)(a)7 Wis. Stats. \$5.00 per event. In addition to designating the hours and dates of fermented malt beverage and wine sales, the Village Board, upon the recommendation of the Finance Committee, may impose additional conditions relating to such sales.

(d) "Class B" Intoxicating Liquor License. \$300 per year, except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the State for at least 6 years shall be \$ per year, as provided in 125.51(3), Wis. Stats. See 125.26(6), Wis. Stats. See 125.51(9), Wis. Stats., for proration of fee for a 6 month license.

LICENSES AND PERMITS 12.02 (5) (e)

(e) Wholesalers Fermented Malt Beverage License. \$25 per year. See 125.28, WI. Stats.

(f) Operator's License. Following WI Stats §125.17.

New Operator's License Fee: \$45.00

Renewal Operator's License Fee: \$25.00

Provisional Operator's License: \$15.00

(g) Transfer of License. \$10. See 125.04(12) WI. Stats.

(6) (a) OPERATOR'S LICENSE. All applications for an annual operator's license shall be filed in the office of the Clerk-Treasurer on or before May 31 of each year, provided that nothing shall prevent the Village Board from granting any license which is applied for at least 5 working days before a Village Board meeting at any other time.

(b) The Village of North Freedom Clerk-Treasurer shall be authorized to issue operator's licenses without Village Board approval, and the Clerk-Treasurer shall further be authorized to issue provisional operator's license pursuant to WI. Stats. §125.17(5).

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

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

1. Do not have an arrest or conviction record, subject to 111.321, 111.322 and 111.335, WI. Stats.

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

3. (a) Have attained the legal drinking age, except that operators' licenses may be issued to any person who has attained the age of 18.

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

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

(9) "CLASS B" LIQUOR LICENSE QUOTA. The number of "Class B" liquor licenses to be issued hereunder is limited to the number permitted under 125.51(4), WI. Stats.

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

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

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

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

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

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

(f) Cessation of Operations. If any licensee shall suspend or cease doing business for 90 consecutive days or more his Class B intoxicating liquor license and fermented malt beverage license shall be subject to revocation by the Village Board after

a public hearing. The Village Board may, for a good cause shown extend such 90 day period.

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

(h) Location of Premises Restricted. No retail Class B license shall be issued for premises, the main entrance of which is less than 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 main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises so licensed on June 30, 1947.

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

(j) Operator on Duty Required. The licensee, a member of his immediate family or a licensed operator must be present at all times in the immediate area open to the public where alcohol beverages are being served.

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

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

(m) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

1. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the mons pubis genitals and the buttocks at all times.

LICENSES AND PERMITS 12.02(10) (m2)

2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubic area, genitals and buttocks at all times.

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

(o) Live Music and Dancing. No dancing shall be permitted and no orchestras or musicians shall be allowed to play in any premises holding a "Class B" liquor license, except as follows:

1. On Friday and Saturday nights, between the hours of 8:30 P.M. and 15 minutes before closing, except when Christmas Eve falls on a Friday or Saturday.

2. On New Year's Eve, between the hours of 3:00 P.M. and 15 minutes before closing.

3. On New Year's Day, between the hours of 3:00 P.M. and 15 minutes before closing.

4. On St. Patrick's Day, between the hours of 3:00 P.M. and 15 minutes before closing.

5. On Christmas Day, between the hours of 3:00 P.M. and 15 minutes before closing.

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

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

(b) Retail Class B License. No premises shall be open for the sale of intoxicating liquor or fermented malt beverage between the hours of 2:00 A.M. to 6:00 A.M., except on Saturday and Sunday the closing hour shall be 2:30 A.M.; on January 1 there are no closing hours.

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

LICENSES AND PERMITS 12.02(11)(d)

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

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

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

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

(13) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE.

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

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

1. An underage person who is a resident, employee lodger or boarder on the licensed premises.

2. Licensed restaurants where the principal business is that of a restaurant.

3. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.

LICENSES AND PERMITS 12.02(13)(4)

4. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Village President of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

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

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

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.

5. A retail licensee or permittee under the conditions specified in 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of the customer.

(c) Selling or Serving Alcohol Beverages. Pursuant to 125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or licensed operator, who is on the premises at the time of such sale or service.

(15) REVOCATION AND SUSPENSION OF LICENSES. (a) Procedure Except as hereinafter provided, the provisions of 125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Village President or by the Village Board upon its own motion.

LICENSES AND PERMITS 12.02 (15) (b)

(b) Repossession of License or Permit. Whenever license or permit shall be revoked or suspended pursuant to this subsection, the Clerk-Treasurer shall notify the licensee or permittee and the Village President of such revocation or suspension and the Village President or his designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk-Treasurer.

(c) Effect of Revocation of License. No License shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

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

(2) LICENSE FEE. The license fee shall be \$50.00 per year.

12.04 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT

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

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

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

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

- (3) EXEMPTIONS. No license shall be required hereunder the following:
- (a) Persons selling personal property at wholesale dealers in such articles.
 - (b) Newsboys.
 - (c) Children under 18 years of age who are residents of the Village
 - (d) Merchants or their employees delivering goods in the regular course of business.
 - (e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.
 - (f) A veteran holding a special State license under 440.51, Wis. Stats., but he shall comply with subs (7) through (10) below.
 - (g) Any person soliciting for charitable, religious patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization, but shall comply with subs. (8), (9) and (10) below.
 - (h) Sales required by statutes or order of a court.
 - (i) Bona fide auction sales conducted pursuant to law

(4) INVESTIGATION FEE. At the time of filing his application, the applicant shall pay to the Clerk-Treasurer \$50.00 to cover the cost of investigation of the facts stated in the application.

(5) BOND, (a) When Required. Every applicant who is not a resident of Sauk County or who represents a firm whose principal place of business is located outside of the State shall file with the Clerk-Treasurer a surety bond in the amount of \$500, approved by the Village President, conditioned that the applicant will comply with all provisions of the ordinances of the Village and State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representation of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representation of the licensee.

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

LICENSES AND PERMITS 12.04 (6)

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

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

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

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

(10) PROHIBITED PRACTICES. No licensee shall:

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

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

12.05 JUNK DEALERS. (1) LICENSE REQUIRED. No person engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value therefore, and all articles and things discarded as manufactured articles commonly referred to as "junk," without first obtaining a license from the Village Board.

(2) EXCEPTION. No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling station or on any service garage or filling station site, as provided in sec. 10.06 of this Code.

(3) APPLICATION. Applications for such license shall be made on forms supplied by the Clerk-Treasurer and filed with the Clerk-Treasurer.

(4) LICENSE FEE. The license fee shall be \$25 per year. The license year shall commence on July 1 of each year.

(5) REFERRAL TO VILLAGE BOARD. The application shall be referred to the Village Board which may grant, grant with conditions, or deny the license.

LICENSES AND PERMITS 12.05 (6)

(6) RESTRICTIONS APPLICABLE TO JUNK DEALERS. (a) No junk shall be displayed or stored outside the fenced area of the premises.

(b) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.

(c) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations, and directions of the Village Board.

(d) Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.

(e) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, and quantity purchased, the serial number of the item purchased and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by police officers at any time.

(f) No junk shall be purchased from any person less than 16 years of age without the written consent of the parent or guardian of such person.

(7) REVOCATION AND SUSPENSION OF LICENSE. (a) Upon complaint being made in writing by any official of the Village to the Village Board that any licensee hereunder has violated any of the provisions of this section, the Village Board shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than 10 days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Village Board shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the Building Inspector and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

(b) Whenever a license is revoked, the licensee have a period of 45 days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

LICENSES AND PERMITS 12.06

12.06 MOBILE HOMES AND MOBILE HOME PARKS. (1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of 66.058, Wis Stats., and the definitions therein are hereby adopted by reference.

(2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS.

(a) Restricted. No occupied mobile home shall be permitted to be located in the Village unless the same is in a licensed mobile home park or mobile home subdivision, except those mobile homes occupied outside of a mobile home park on the effective date of this section.

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

(3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the Village a mobile home park without having first secured a license therefore from the Clerk-Treasurer. The Application for such license shall be accompanied by a fee of \$20.00 for each space in the existing or proposed park, but not less than \$25. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference. The license transfer fee is \$10.

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

(5) PARKING PERMIT FEES, (a) Mobile Homes Located in a Mobile Home Park. There is imposed on each mobile home located in the Village a parking permit fee, such amount to be determined in accordance with 66.058, Wis. Stats. The fees shall be paid to the Clerk-Treasurer, monthly, on or before the 10th day of the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk-Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs.70 and 74, Wis. Stats.

(b) Mobile Homes Located Outside of a Mobile Home Park. The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the Clerk-Treasurer all fees owed for the 6 month ending on the last day of the month preceding the month when the transmission is required.

12.07 RUMMAGE AND GARAGE SALES REGULATED. (1) REQUIRED. No person shall conduct a rummage or garage sale in a residential district within the Village without having license from the Clerk-Treasurer, except as provided in sub. (2) below.

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

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

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

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

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

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

(2) LICENSE FEE. The license fee, of which one dollar shall remain in the Village, for a dog shall be as follows:

(a) Unneutered Male Dog.	\$12.00
(b) Unspayed Female dog.	\$12.00
(c) Neutered Male dog.	\$ 7.00
(d) Neutered Female dog.	\$ 7.00
(e) <u>Duplicate License.</u>	<u>\$ 6.00</u>

In the event a dog becomes 5 months of age after July 1, 1/2 of the appropriate fee shall be charged.

(3) LATE FEES. The Clerk-Treasurer shall assess and collect a late fee of \$10.00 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached a licensable age.

LICENSES AND PERMITS 12.08(4)

(4) KENNEL LICENSE OPTION. The owners of kennels may opt to pay a kennel license fee of \$100 for a kennel of 12 dogs or less plus \$10 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Clerk-Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential area.

(5) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the Village which is over 5 months of age and has not received a rabies vaccination as required by 95.21(2)(f), Wis. Stats.

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

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

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

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

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

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

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

(c) Is at large within the limits of the Village.

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

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

LICENSES AND PERMITS 12.08(8)

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

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

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

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit \$50.00 for the first offense and \$150.00 for subsequent offenses.

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

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

(b) Quarantine Order. If a quarantine is ordered owner of the dog shall be subject to the provisions of 9 (6) and (8), Wis. Stats.

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

(12) IMPOUNDING AND DISPOSITION OF DOGS. (a) Impounding of Dogs. The Director of Public Works or other person restraining a dog running at large shall notify the Sauk County Pound or take such animal to the Pound. The Director shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

LICENSES AND PERMITS 12.08(12) (b)

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

1. The owner or representative gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
3. Pays the dog's boarding fee.

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

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

(13) NUMBER OF DOGS PER HOUSEHOLD LIMITED. No person, except a kennel licensee, shall own, harbor or keep more than 2 dogs that are more than 5 months of age except in a place or places where animals are impounded or restrained, as specified in this section. Exceptions to exceed the limit to 3 dogs per household may be requested by application to the Village Board. This request must be completed prior to the applicant keeping an excess number of dogs and must be requested in writing on a Village provided application and contain the following information: owner's name, physical address where animals are kept, owner's mailing address and telephone number, description of all dogs kept at the address by animal name, age, sex, whether neutered or spayed, prior biting history, current licensure of dogs by license number, a copy of current rabies vaccination for all dogs, a current photograph of each animal, a listing of all current veterinarians the dogs see and continuing unlimited consent allowing all veterinarians that treat any of the listed dogs to disclose the animals health and biting history to the Village, for each dog which will be kept outside for any period of time and not in the presence of the owner who also would be outside with the dog a description of any cage, fencing or housing to be provided for said dog, and amount of time each animal would be outside, a description of why the requestor would like an additional animal, and neighboring property owners consent. The application can be revoked at any time if any Village Ordinances are violated during the dog's life span. The application fee shall be \$25.00. If a total of more than 2 dogs are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such dogs.

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

LICENSES AND PERMITS 12.08(14) (a)

(a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50.00 or more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Village Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100.00 more than \$500.00.

(c) Exceedance of Number of Dogs per Household. An owner harboring any dog over the allowed limit will be in violation of this code and shall, upon conviction, forfeit not less than \$25.00 or more than \$50.00 per dog exceeding the allowed amount per household per day that they are in violation. Any unpaid violation will be special charged onto the tax roll.

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