CHAPTER 12

LICENSES AND PERMITS

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
12.01	Licenses Required	2005-04	04/05/05
12.02	General Provisions		
12.03	Intoxicating Liquor and Fermented Malt Beverages	2005-04	04/05/05
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12.01 LICENSES REQUIRED.

A license shall be required for each of the following businesses or activities at the indicated license fee, which shall be for one year unless otherwise indicated. (Am. #89-27)

	Category		*Amount*
(1)	FERMENTED MALT BEVERAGES. (Am. #95-1)		
	(a)	Class "A" Retailer's License	$100
	(b)	Class "B" Retailer's License	$100
	(c)	Part-time License	Prorated by the month
	(d)	Club License	$10
	(e)	Operator's License (Biennial)	$50
	(f)	Video Gambling Machines (up to 5 machines on a Class "B" licensed premises only)	$100 per machine
(2)	INTOXICATING LIQUOR. (Am. MSC '91)		
	(a)	Retail "Class A"	$100
	(b)	Retail "Class B"	$500
	(c)	Reserve "Class B" (initial issuance)	$10,000
	(d)	Video Gambling Machines (up to 5 machines on a "Class B" licensed premises only)	$100 per machine
(3)	NONINTOXICATING AND SODA WATER BEVERAGES		$5
(4)	AMUSEMENT DEVICES		
	(a)	Amusement Centers	$40
	(b)	Coin-operated Amusement Devices	$20
	(c)	Coin-operated Pool Tables	$15 per table
(5)	JUKEBOXES		$15 per machine
(6)	MASSAGE ESTABLISHMENTS		
	(a)	Establishments	$100
	(b)	Massage Technicians	$50
(7)	ADULT BOOKSTORES AND THEATERS		$100
(8)	AUCTIONEERS		$50
(9)	CARNIVALS		$50
(10)	PUBLIC DANCES		$40

(11)	DIRECT SELLERS		$10 investigation $50 license
(12)	POT-BELLIED PIGS (Cr. #092-5)		
	(a)	License ($5 if pot-bellied pig becomes 5 months of age after July 1)	$10
	(b)	Impoundment Fee	$25
(13)	Dog Licenses (2004-09)		
	(a)	Altered	$10
	(b)	Unaltered	$20
	(c)	Penalty for licenses issued after March 31st	$10
(14)	TENTS		$25 per tent

12.02 <u>GENERAL PROVISIONS</u>.

Unless otherwise specifically provided by state laws or ordinances of the Village, the following provisions shall apply to the issuance, transfer and revocation of all licenses and permits issued under the provisions of this chapter:

(1) CLERK/TREASURER TO FURNISH FORMS. All applications for licenses or permits shall be made upon forms approved by the Village Board and furnished by the Clerk/Treasurer to the applicant.

(2) FEES TO BE PAID IN ADVANCE. The license or permit fee shall be first paid to the Village Clerk/Treasurer and his receipt therefor shall be attached to the application.

(3) APPLICATION TO BE SIGNED; WHEN NOTARIZED. The application shall be signed by the applicant and, where required, sworn to before a notary public or public officer authorized to administer oaths and filed with the Clerk/Treasurer.

(4) CONSIDERATION AND HEARING. The Clerk/Treasurer shall present the application to the Board at its next meeting, except when some Village officer, board or commission is first required to examine or report upon the application, in which case the Clerk/Treasurer shall refer the application to such officer, board or commission and present the application and report to the Village Board as soon as reasonably possible thereafter. Opportunity shall be given by the Village Board to any person to be heard for or against the granting of any license or permit.

(5) ISSUANCE. The Clerk/Treasurer shall issue such license or permit upon authorization by the Village Board or proper officer, unless otherwise directed by the Board.

(6) ISSUANCE BY ADMINISTRATIVE AUTHORITIES. When administrative authority to issue any license or permit is delegated to any Village officer, board or commission under this chapter, such officer, board or commission shall grant such license or permit when proper application has been made in accordance with this chapter, unless the granting of the same appears to be contrary to the health, safety, morals or general welfare of the public, in which case the reasons for denial shall be put in writing and delivered or mailed to the applicant. The applicant may, at any time within 30 days thereafter, request the Village Board to review such determination or any failure to make the same, which action shall be taken by the Village Board within 30 days after written request has been filed with the Village Clerk/Treasurer.

(7) CONDITIONS OF ISSUANCE. Before any license or permit shall be issued under the provisions of this chapter, the Village Clerk/Treasurer shall check all Village records to determine whether or not any applicant is in arrears for taxes or any other obligation to any department of the Village. If the Clerk finds any applicant to be in arrears for taxes or any other obligation, the issuing officer or department shall withhold any and all licenses and permits for which application has been made until such taxes or obligations have been paid in full.

(8) TRANSFER OF LICENSE OR PERMIT. Licenses or permits shall not be transferable from one person to another, but may be transferred from one location to another by approval of the Village Board, and the full license or permit fee shall be charged for one year or any portion of a year. A fee of $10 shall be charged for any such transfer.

(9) REPLACEMENT OF LOST OR DESTROYED LICENSE OR PERMIT. Whenever any license or permit shall be lost or destroyed, a duplicate may be issued by the Clerk/Treasurer for $2.

(10) REVOCATION OF LICENSES OR PERMITS. Unless otherwise provided by this chapter or statute, any license or permit issued by the Village Board or any officer or department of the Village may be revoked by the Village Board at any regular or special meeting by a majority vote in favor of such revocation, provided that no license or permit shall be revoked until the holder thereof has been given an opportunity to be heard by the Village Board. Notice of such hearing shall be given to the permit or license holder either personally or by registered mail by the Clerk/Treasurer at least 5 days prior to such hearing. Any license or permit issued by the Village Board, any Village Officer or department shall remain the property of the Village and upon revocation thereof, the same shall be returned to the Clerk's office, and if not so returned after demand, the Village reserves the right to institute suit against the holder or anyone having possession of such license or permit for the return of the same. Any person failing to return any such license or permit after

revocation thereof and demand having been made as herein provided, shall be deemed to have violated the provisions of this chapter and shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. Whenever any license or permit shall be revoked, no refund of any portion of the fee paid shall be made.

12.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.

(a) When Required. Except as provided by §125.06, Wis. Stats., no person shall, within the Village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See §125.04(1), Wis. Stats.

(b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See §125.04(9), Wis. Stats.

(3) CLASSES OF LICENSES AND FEES. (Am. MSC '91) There shall be the following classes and denominations of licenses which, when issued by the Clerk/Treasurer under the authority of the Village Board after payment of the fee in Section 12.01, shall permit the holders to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in the referenced State Statute. Except as otherwise provided in Section 12.01, the full license fee shall be charged for the whole or fraction of any year.

(a) Class "A" Fermented Malt Beverage Retailer's License. See §125.25, Wis. Stats.

(b) Class "B" Fermented Malt Beverage Retailer's License. See §125.26, Wis. Stats.

(c) "Class C" Wine License. (Cr. MSC '92) A "Class C" license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold.

(d) Retail "Class A" Liquor License. See §125.51(2), Wis. Stats.

(e) Retail "Class B" Liquor License. See §125.51(3), Wis. Stats.

(f) Special Event (Picnic) License. See §125.26(6), Wis. Stats.

(g) Operator's. See §125.17, Wis. Stats.

(h) Club's. See §125.27(1), Wis. Stats.

(i) Reserve "Class B" Liquor License. See § 125.51(4)(br), Wis. Stats."

(4) LICENSE APPLICATION.

(a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Clerk/Treasurer. The premises shall be physically described, including every room and storage space to be covered by the license and all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by §887.01 Wis. Stats.

(c) List of Licensees. (Am. MSC '91) By July 15 of each year the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each person holding a license issued under this section, except a picnic, manager's or operator's license.

(5) LICENSE RESTRICTIONS.

(a) Statutory Requirements. Class A and B licenses shall be issued only to persons eligible therefor under Ch. 125, Wis. Stats.

(b) Location.

1. No retail Class A or B intoxicating liquor license shall be issued for premises the main entrance of which is less than 300' from the main entrance of any established public or 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.

2. This paragraph 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 300' thereof by any school, hospital or church building.

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law, the provisions of this section or whose license has been revoked under §125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Health and Sanitation Requirements. No retail Class B intoxicating liquor license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Commerce pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Family Services applicable to restaurants, and to all such ordinances and regulations adopted by the Village.

(e) License Quota. The number of persons and places that may be granted a retail Class B intoxicating liquor license under this section is limited as provided in §125.51(4), Wis. Stats.

(f) Corporations. (Am. MSC '87) No corporation organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of §125.04(6), Wis. Stats.

(g) Age Requirement. (Am. MSC '89) No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

(h) Effect of Revocation of License. Whenever any license has been revoked, at least 12 months shall elapse before another license shall be granted to the person whose license was revoked.

(i) Delinquent Taxes, Assessments and Claims.

1. Premises. No initial or renewal intoxicating liquor or fermented malt beverage license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.

2. Persons. No initial or renewal intoxicating liquor or fermented malt beverage license shall be granted to any person delinquent in payment of:

   a. Any taxes, assessments or other claims owed to the Village.

   b. A forfeiture resulting from a violation of any ordinance of the Village.

3. Hearing. Prior to denying any license application hereunder, an aggrieved party shall be entitled to notice and a hearing before the Village Board.

(j) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

(6) FORM AND EXPIRATION OF LICENSES. 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, fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. Operator's licenses shall be issued for a period of two years and shall expire on June 30 of the second year following the date of issuance.

(7) TRANSFER OF LICENSES.

(a) As to Person. No license shall be transferable by licensee except as provided by §125.04(12), Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in §125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) POSTING AND CARE OF LICENSES. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in §125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) REGULATION OF LICENSED PREMISES AND LICENSEES.

(a) Gambling and Disorderly Conduct Prohibited. (Am. MSC '92) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling (except as provided by state law) shall be allowed at any time on any licensed premises, excepting video gambling devices, as defined in Chap. 945, Wis. Stats., on Class "B" or "Class B" licensed premises.

(b) Employment of Underage Persons. (Am. MSC '87) No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.

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

(d) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(10) CERTAIN ENTERTAINMENT AND OTHER PRACTICES PROHIBITED UPON LICENSED PREMISES.

(a) The provisions of this chapter do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(b) No licensee, either personally or through his agent or employee, shall furnish entertainment by or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are paid or not, unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing:

1. That portion of every costume to be worn by female dancers, performers or entertainers by the provisions of this subsection and which relates to the breast or chest area and to the area of the sex organs and buttocks shall be of nontransparent material.

2. As a minimum, the top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall encircle the body at the breast or chest area. Across the breast or chest area such portion of the costume shall consist of a band of material at least 2" in width and shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast (or its counterpart of a female impersonator) completely covered at all times.

3. As a minimum the lower portion of the costume worn by a female impersonator shall encircle the body at the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs and the mons pubis (or its counterpart of a female impersonator) and the cleavage of the buttocks at all times. Under no circumstances shall any animal fur piece or other device simulating the hair surrounding the mons pubis area that is worn in the area of the genitals or mons pubis constitute compliance with the costume requirements of this subsection.

4. As a minimum, the lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organ and the cleavage of the buttocks at all times.

(b) No licensee, either personally or through his agent or employee, shall permit any person upon the licensed premises to perform acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. The touching, caressing or fondling of the breast, buttocks, anus or genitals;

3. The displaying of pubic hair, anus, vulva or genitals; or

4. The displaying of the covered male genitals in a discernibly turgid state.

(c) No licensee, either personally or through his agent or employee, shall furnish entertainment by or permit the performance of any act, stunt or dance unless such act, stunt or dance shall be performed on a stage area designated for such purpose. The use of the surface of the bar proper as a stage area is prohibited.

When the stage area is located behind the bar, the nearest point of any such stage area shall be not less than 6' from the outer limits of patrons' side of the bar. When the stage area is located outside of the bar, that is, on the patrons' side of the bar, such area shall be raised from the floor level and shall be separated by a railing or other device so as to provide a distance of at least 6' between the patrons and the performers, so as to deter patrons from participating in any act, stunt or dance.

(d) No licensee, either personally or through his agent or employee, shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices of the management.

(e) No licensee, either personally or through his agent or employee, shall permit the solicitation by any entertainer of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer or patron or other person on the premises; and no entertainer or employee shall solicit any such drink from any customer, patron or other person on the premises.

(f) No licensee, either personally or through his agent or employee, shall permit any entertainer to sit at any table or in any booth or elsewhere on the licensed premises with any customer or patron, provided, however, that this subsection shall not apply to a member of the immediate family of the licensee or to any person claiming under him who lives in the same household as the licensee and is over 18 years of age.

(11) CLOSING HOURS. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of liquor:

(a) If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.

(b) If a retail Class A fermented malt beverage license, between midnight and 8 a.m.

(c) If a retail Class A intoxicating liquor license, between 9 p.m. and 8 a.m.

(d) If a retail Class B license, between 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close. No package, container or bottle sales may be made between 9 p.m. and 8 a.m. on weekdays, between 9 p.m. on Saturday and 12 noon the following Sunday and from 9 p.m. on Sunday to 8 a.m. on Monday. (Am. MSC '88)

(e) 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 no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours. (Am. MSC '91)

(12) REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by §125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

(b) Effect of Revocation. See sub. (5)(h) of this section.

(c) Suspensions and revocations based upon accumulation of point values for alcohol beverage violations. (Cr. #096-18) In addition to suspensions or revocations issued pursuant to par. (a), the Village shall initiate proceedings for the revocation or suspension of any license under this section for accumulation of 100 or more points in a 12-month period. Points are accumulated upon conviction of an alcohol beverage violation according to the chart set forth below. In determining the number of points accumulated against a licensee within a 12-month period, the Village shall use the date each violation was committed as basis for that determination. A violation of a particular section by an agent or employee of a licensee shall constitute a violation by the licensee. Proceedings for revocation or suspension of a license under this section shall be conducted in accordance with §125.12, Wis. Stats.

Violations of Village Ordinances

Section No.	Type of Violation	Point Value
12.03(2)	Licenses, Permits, Authorization Required	100
12.03(4)	False Statement on Application	100
12.03(8)	Posting and Care of Licenses	25
12.03(9)(a)	Gambling and Disorderly Conduct Prohibited	25
12.03(9)(b)	Employment of Underage Persons	100
12.03(9)(c)	Sales by Clubs	25
12.03(9)(d)	Safety and Sanitation Requirements	25

12.03(10)	Certain Entertainment and Other Practices Prohibited	100
12.03(11)	Closing Hours	50
Any other Village ordinance under Section 12.03		20

Violation of State Statutes, as Incorporated Into the Municipal Code Via Section 12.03(1)

Section No.	Type of Violation	Point Value
125.07(1)	Alcohol Beverages; Restrictions Relating to Underage Persons	50
125.07(2)	Sales of Alcohol Beverages to Intoxicated Persons	50
125.07(3)	Presence of Minor in Place of Sale	25
125.07(7)	Failure to Keep Proper Books	25
Any other provisions of Chapter 125, Wis. Stats.		20

(13) NONRENEWAL OF LICENSES. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.

(14) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(15) REVOCATION FOR NONUSE.

(a) Within 90 days from the issuance of a Class A retail liquor license, 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. If the licensee fails to do business within such time, such licensee shall be subject to revocation by the Village Board after a public hearing. The Board may, for good cause shown, extend such 90-day period.

(b) If a licensee shall suspend or cease doing business for a period of 6 consecutive months, that Class A retail liquor license or that Class B fermented malt beverage license shall be subject to revocation by the Village Board after public hearing.

12.04 NONINTOXICATING BEVERAGES.

(1) DEFINITIONS.

(a) Nonintoxicating Beverage. A nonintoxicating beverage is a beverage which contains less than one-half of one-percent alcohol by volume.

(b) Soda Water Beverage. See §97.34, Wis. Stats.

(2) LICENSE REQUIRED. No person shall maintain, operate or conduct the business of selling nonintoxicating liquors or soda water beverages, either at retail or wholesale, within the Village without first obtaining a license as provided in this section.

(3) QUALIFICATIONS FOR LICENSE. No license shall be granted to any person, unless to a domestic corporation, not a resident of this State and of the Village or, subject to §§111.321, 111.322 and 111.335, Wis. Stats., to any person who has been convicted of a felony, unless the person has been restored to civil rights.

(4) APPLICATION. Application for a license under this section shall be made to the Clerk/Treasurer on forms provided by him and shall contain the following information:

(a) Location of the intended business.

(b) Where the applicant has engaged in the business of selling nonintoxicating or soda water beverages in this State and where such business was conducted, if applicable.

(c) Whether applicant has been convicted of a felony or of violating any law or ordinance regulating the conduct of such a business.

(d) Whether the applicant meets the residency requirements of sub. (3) of this section.

(5) LIMITATIONS. No more than one license shall be granted to the same applicant during any one year unless the same becomes necessary by reason of conditions over which the applicant has no control and any change in the conditions of the licensed premises or nature of the business carried on without the consent of the License Committee of the Village Board shall be cause for revocation of the license.

(6) FEE. The fee required in Section 12.01 shall accompany the application.

12.05 DOG, CAT, AND FERRET LICENSING AND REGULATIONS

ARTICLE I. IN GENERAL

(1) DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings given, except where the context clearly indicates otherwise.

(a) *Bite* means to seize with teeth or jaws, so as to enter, wound, or pierce the skin.

(b) *Cat* means any member of the species *Felis catus* (the domestic cat), but not its wild progenitors.

(c) *Dog* means any member of the species *Canis familiaris* (the domestic dog), but not its wild progenitors.

(d) *Ferret* means any member of the species *Mustela putorius* (the domestic ferret), but not its wild progenitors.

(e) *Isolation facility* means a humane society shelter, veterinary hospital, or other place specified by the health department that is equipped with a pen or cage, which isolates the animal from contact with other animals.

(f) *Licensable* means a dog, cat, ferret or pot-bellied pig as defined in this section.

(g) *Livestock* means horses, donkeys, mules, cattle, swine (except pot-bellied pigs as defined in this section), bison, alpacas, llamas, goats, sheep, chickens, ducks, turkey, peacocks, ratites, or geese.

(h) *Neutered* means a licensable animal that has been spayed or castrated by surgical means.

(i) *Owner* means any person who keeps, harbors, controls or knowingly permits a licensable animal to remain on or about any premises occupied by that person.

(j) *Potbellied pig* means any member of the dwarf breed of pig known as Vietnamese potbellied pigs, but not members of any other breed of pig (*Sus scrofa)*, nor their wild progenitors.

(l) *Restricted animal* means any member of the order Carnivora other than the dog, cat or ferret as defined above; any member of the order Artiodactyla (even toed hoofed mammals) other than the potbellied pig as defined above; any member of the order Perissodactyla (odd toed hoofed mammals); any member of the order Proboscidea (elephants); any member of the order Crocodilia; any nonhuman member of the order Primates; any venomous species of the class Reptilia; snakes over ten feet in total length; and any hybrid with a composition of 50 percent or greater of one or more such animals.

(m) *Snake* means any of a large variety of limbless reptiles having a scaly body, no eyelids, and a specialized swallowing apparatus.

(n) *Veterinarian* means a practitioner of veterinary medicine who is duly licensed by a state veterinary examining board.

(o) *Farm or farmstead* means a parcel that is used primarily for the raising of crops and/or livestock and which exceeds four (4) acres in size.

(2) ENFORCEMENT OF THIS CHAPTER

The humane officer or designee or any police officer is authorized to enforce this section and under the direction of the Director of Public Safety may issue a citation for any violation, or an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a safety/health hazard to the general public or prohibited under this section.

(3) PENALTY FOR VIOLATION OF THIS ORDINANCE

Any person violating any provision of this section shall, upon conviction, forfeit not less than $10.00 or more than $400.00 per violation, plus applicable court costs and assessments.

(4) PAYMENTS OF FORFEITURE IN LIEU OF COURT APPEARANCE

(a) Any person charged with violating any provision of this section may pay the amount enumerated in subsections (b) and (c), plus applicable court costs and assessments as indicated on the citation, at the police department in lieu of a court appearance. Persons wishing to contest the violation(s) should follow the instructions on the citation.

(b) The following violations may be paid for at the police department:

VIOLATION	BASE FORFEITURE
Livestock and restricted animals prohibited	$100.00
Failure to vaccinate	$100.00
Failure to provide rabies certificate to clerk/deputy treasurer (veterinarians)	$100.00
Tags required	$30.00
Failure to report biting incident	$100.00
Failure to quarantine	$200.00
Cruelty to animals	$400.00
Food, shelter and water	$200.00
Abandonment	$200.00
Promoting animal fights, per animal present	$400.00
Animal fight spectator	$400.00
Fighting paraphernalia	$200.00

(c) Violations of any subsections other than those enumerated in (b) are subject to the following forfeitures, which may be paid, plus applicable court costs and assessments as indicated on the citation, at the police department:

First offense . . . $ 50.00
Second offense within 12 months . . . $100.00
Third offense within 12 months of second offense . . . $400.00

(5) IMPOUNDMENT FOR VIOLATIONS

(a) Any humane officer, police officer or designee of the Village of Sturtevant may impound or seize any dog, cat, ferret or potbellied pig which does not have a valid license as evidenced by a valid certificate as provided by Article II of this section.

(b) The release of any dog, cat, ferret or potbellied pig so impounded or seized The release of any dog, cat, ferret or potbellied pig so impounded or seized may be obtained by payment of applicable fees. Such dog, cat, ferret or potbellied pig shall not be released until the owner presents proof that the dog, cat, ferret or potbellied pig is currently licensed, and presents evidence that the dog, cat or

ferret is vaccinated against rabies in accordance with the requirements of this section.

ARTICLE II. LICENSES AND PERMITS

(1) LICENSING OF DOGS, CATS, AND FERRETS

(a) The owner of any dog, cat or ferret more than 5 months of age on January 1 of any year shall annually, at the time and in the manner provided by law for the payment of personal property taxes, pay his animal license tax and obtain a license therefore. Proof of rabies inoculation shall be given before a license will be issued.

(b) Upon receipt of the license fee, the Clerk/Deputy Treasurer shall deliver to such person a tag for each such license tax paid, which tag shall be furnished to the Clerk/Deputy Treasurer by the County Clerk. A person owning, keeping or harboring any dog, cat or ferret shall affix and keep securely fastened to the collar of such dog, cat or ferret, the tag for which such license shall have been paid. Such license shall be in force for one calendar year (January through December) following the payment thereof and shall bear the year in which the license shall expire.

(c) The dog, cat license fee shall be $25.00 for each animal, except that upon presentation of evidence showing that the animal is neutered, then the license fee for such animal shall be $15.00. The license fee for ferrets is $25.00 per animal. License fees are waived for service animals and animals owned by law enforcement agencies.

(d) No dog, cat or ferret license shall be issued unless the applicant presents a valid certificate of vaccination against rabies as described in Sec. 95.21, Wis. Stats.

(2) LICENSING OF POT BELLIED PIGS

(a) Any person who owns a potbellied pig which is or will become five months of age or older during any license year shall obtain a license for each such potbellied pig every license year by making application to the Village Clerk/Deputy Treasurer under the terms and conditions in this section.

(b) The potbellied pig license fee shall be $10.00 for each potbellied pig.

(c) No potbellied pig license shall be issued unless the applicant presents certification that the potbellied pig is neutered.

(d) No potbellied pig license shall be issued unless the applicant presents certification or evidence that the potbellied pig is not in excess of 22 inches in height and is not in excess of 100 pounds in weight.

(3) LICENSING EXPIRATION

The license year under this article commences on January 1 and expires on December 31 of the year for which it was issued.

(4) LATE FEES

The Village Clerk/Deputy Treasurer or other designated agency shall, in addition to the license fee provided for in this article, assess and collect a late fee of $10.00 for every application for a license for a dog, cat, ferret or potbellied pig more than five months of age, unless such application is made prior to February 1 of any calendar year or unless such application is made within 30 days of acquiring ownership of a licensable dog, cat, ferret or potbellied pig, whichever is later.

(5) NUMBER OF LICENSABLE ANIMALS LIMITED

(a) The keeping of an unlimited number of licensable animals in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of licensable animals is, therefore, declared to be a public nuisance.

(b) It shall be unlawful to keep more than three licensable animals in a single-family dwelling unit, except that each dwelling unit in a multiple-family unit shall only be allowed two such animals per dwelling unit. Said limits do not apply to owners/ occupants of parcels exceeding four (4) acres in size.

(c) Notwithstanding the provisions of subsection (b), a litter of pups or kittens may be kept for a period of time not to exceed five months from birth.

(d) The provisions of this section shall not apply to any, pet shop, animal shelter, recognized rescue group, or veterinary clinic.

(e) Notwithstanding the provisions of subsection (b), it shall be unlawful to keep more than one potbellied pig for each dwelling unit.

(6) LIVESTOCK AND RESTRICTED ANIMALS PROHIBITED

(a) No person shall keep or permit to be kept on his premises any livestock or restricted animals.
(b) This section shall not apply to zoological parks, farms or farmsteads, educational institutions, performing animal exhibitions, circuses, or rehabilitation programs permitted or licensed by the Wisconsin Department of Natural Resources.

(7) SPECIAL PERMIT FOR KEEPING OF CERTAIN ANIMALS

The keeping of animals otherwise prohibited by this section may be permitted by applying for a special permit from the Village Clerk/Deputy Treasurer. Two types of such permits are available.

(a) *Exhibition, entertainment or demonstration permits.*

Such permits may be issued to permit circus performances, living nativity, pony rides, parades or other exhibitions or entertainment events. A fee of $5.00 per animal, up to a maximum of $50.00, shall be paid to the Village for the issuance of such permit.

(b) *Individual ownership permit.*

1. Individual ownership permits may be issued to applicants demonstrating knowledge of proper care and confinement of said animal.

2. Individual ownership permits are issued at the discretion of the humane officer or designee. Individual ownership permits shall not be issued for venomous reptiles. Individual ownership permits are issued subject to an inspection by the humane officer or designee or a veterinarian for the purpose of determining the premises and caging/enclosure for such animal are safe and secure for the animal as well as for the general public.

3. Applicants for individual ownership permits shall provide the Village with copies of any required applicable state or federal permits.

4. A $25.00 nonrefundable inspection fee must accompany all applications. The individual ownership permits fee is $25.00 per animal.

5. Individual ownership permits and inspection fees are valid from the date of issuance and expire on December 31 of the same year.

6. Individual ownership permits are only valid for the animal specifically listed on the application and are not transferable to another animal or another person.

7. Individual ownership permits holders shall notify the humane officer of change of address or location for the animal.

8. An owner of a restricted animal upon the effective date of this chapter will not be found in violation of the chapter as long as the owner applies for an individual ownership permit within 60 days after such date. Except in such cases, all individual ownership permits must be received before the applicant may bring the animal into the Village. In the case of snakes, the application must be submitted before the snake reaches ten feet in length, but not before the applicant's acquisition of the snake.

9. All applicants for individual ownership permits must be at least 18 years of age.

10. Applications may be denied because of, but not limited to, the following.

    a. Providing false information on the application.

    b. The enclosure for the animal is found to be unsafe for the animal and/or people.

    c. The applicant has previously been found in violation of other provisions of this chapter.

11. The owner or custodian of any animal subject to or requiring an individual ownership permit shall pay all expenses incurred in case of escape of the animal.

(8) DOGS, CATS, FERRETS TO WEAR LICENSE AND RABIES TAGS

It shall be unlawful to own, harbor or keep any dog, cat or ferret which does not wear tags required by subsection (1) unless the dog, cat or ferret is securely confined on private premises or is participating in a sanctioned competition.

(9) PROOF OF VACCINATION AND LICENSING FOR DOGS, CATS AND FERRETS

Owners of dogs, cats or ferrets must provide required rabies vaccination and licensing certificates upon request by personnel authorized to do so by the Village.

ARTICLE III. RABIES CONTROL – SEE SECTION 11.03

ARTICLE IV. CARE AND CONTROL

(1) KILLING AND INJURING BIRDS

No person shall kill or injure any bird within the Village or throw stones, shoot at or use any implements with the intention of killing or injuring any bird within the Village.

(2) ANIMALS RUNNING AT LARGE; PENALTY

(a) Prohibited. No person who owns or is in possession of an animal shall permit such animal to run at large. "Run at large," means the presence of the animal at any place except upon the property of the owner unless the animal:

(1) Is on a leash held by a person physically able to control the animal; or

(2) Is controlled and contained by a person physically able to control the animal; or

(3) Is on private property with permission of the owner of the property.

(b) Police officers or other persons designated by the Village may impound any animal found running at large. If an impounded animal bears identification, such as a microchip or tag, the owner shall be notified. Any impounded animal without a known owner shall be held for no less than seven days during which time the owner may reclaim or surrender the animal. Any animal that has been held for seven days shall become the property of the impoundment facility at the starting time of the eighth day.

(c) Any impounded animal may be euthanized upon determination that:

(1) The animal is hopelessly injured beyond any reasonable chance of recovery; or

(2) The animal poses an imminent threat to the public health or safety; or

(3) The animal poses an imminent threat to the health or safety of itself or its custodian.

(d) Any impounded animal to be euthanized shall be humanely destroyed.

(e) Any owner reclaiming an animal shall pay the normal and customary fees.

(f) Any owner reclaiming a dog, cat, or ferret must show proof of, or pre-pay for, a rabies vaccination and a Village license prior to release from the impoundment facility.

(g) Any dog or cat found to be running at large for the first time shall be implanted with a microchip at the owner's expense.

(h) Any dog or cat found to be running at large for the second time shall be neutered or spayed at the owner's expense within 30 days of the second incident.

(3) BARKING DOG OR CRYING CAT COMPLAINTS

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 disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Any such dog or cat is hereby declared to be a public nuisance.

(4) ANIMAL HOUSING

All animal pens, structures or confinement areas shall be structurally sound, maintained in good repair, and kept clean and reasonably dry without standing water, mud, feces or debris.

(5) ANIMAL CRUELTY, SAFETY AND ABANDONMENT

(a) No person shall willfully or maliciously inflict torture, beat, strike or abuse any animal, or by any act, omission or neglect, cause or inflict any unnecessary pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another. Reasonable force may be employed to drive away vicious or trespassing animals.

(b) No person in charge of any animal shall fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal to hot, stormy, cold or inclement weather. Shade means protection from the direct rays of the sun. Shelter, as it applies to dogs, means a moisture proof structure of suitable size to accommodate the dog, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, windproof material. Such

structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

(c) No person shall leave any animal in or upon any vehicle unless the animal is tethered or otherwise restrained from protruding its head outside the interior or bed of the vehicle.

(d) No person shall transport any animal in or upon any moving vehicle unless the animal is tethered or otherwise restrained from protruding more than its head outside the interior or bed of the vehicle.

(e) No person may abandon any animal. Unwanted animals shall be surrendered to Countryside Humane Society.

(6) INJURY TO PROPERTY BY ANIMALS

It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any public or private lands or premises and break, bruise, tear up, crush or injure any property in any manner whatsoever without the permission of the owner of such premises.

(7) ANIMAL FECES

(a) It shall be unlawful to leave animal feces on public or private property except as provided in subsection (c).

(b) It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping feces and an appropriate depository for the transmission of feces to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

(c) Animal feces accumulations may remain on the owner's property for 24 hours, after which they must be collected, properly stored and disposed of as solid waste provided that this provision does not apply to farms or farmsteads. Any accumulations of animal feces in excess of 24 hours shall constitute a human health hazard. The Village health officer or designee shall take such steps to remediate any accumulation of feces in violation of this subsection as he or she deems necessary and appropriate, including, without limitation, the issuance of citations to the individual maintaining the condition. Every day such condition remains shall constitute a separate offense.

(8) FEEDING ANIMALS

(a) It shall be unlawful for any person to feed any stray licensable animal.

(b) ”Feed,” as used in this subsection, means the offering, throwing, spreading and/or leaving of any food item that may be eaten by animals.

(9) CHAINING DOGS

It shall be unlawful to keep a dog chained for longer than 12 hours in any 24-hour period. A dog chain shall be no less than ten feet in length, shall be affixed to the dog’s collar or harness, and shall be attached in such a manner as not to allow the dog to trespass on public or private property. In this subsection, the terms “chain” and “chaining” include any manner of restraint such as ropes, cables, or leashes.

(10) ANIMAL FIGHTING

(a) No person may intentionally instigate, promote, aid or abet, as a principal, agent or employee, a fight between the same or different kinds of animals, or intentionally maintain or allow any place to be used for fighting between the same or different kinds of animals. Each animal present at such a fight or place constitutes a separate violation of this section.

(b) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fights. Each animal owned, possessed, kept or trained constitutes a separate violation of this section.

(c) No person may intentionally be a spectator at a fight between the same or different kinds of animals.

(d) No person may possess or use any apparatus, paraphernalia, pit supplies, implements, programs, drugs, equipment or other animals used to train or condition animals to be aggressive.

(11) VICIOUS ANIMALS

(a) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of such animal, such animal may be killed by a police officer or humane officer;

(1) A licensable animal shall be deemed a “vicious animal” if:

a. When unprovoked, it bites or injures a human being or pet twice within a 12-month period;

b. When unprovoked, it attacks a human being or a pet three times within a 12-month period. "Attack" shall mean to confront in an aggressive and hostile manner such that a reasonable person would believe that there is an imminent threat of bite or injury to the human being or pet so confronted;

c. When unprovoked, it bites a human being or pet once and attacks a human being or pet twice within a 12-month period; or,

d. It has been trained or used for fighting against other animals.

(2) A licensable animal shall be deemed to have been provoked if:

a. It is teased, tormented, abused, or assaulted by a human being or another animal;

b. It is acting in defense of persons or property. "Defense of persons and property" includes incidents in which the human being attacked, bitten, or injured was, at the time of the incident, committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property; and incidents in which the licensable animal is protecting or defending a person from attack or assault by another human being or animal. Any attack on a mail carrier or delivery person in performance of their duties is not a defense of persons or property. A licensable animal kept for the protection of property must be restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

c. It is under the control of a law enforcement officer or a military service member, and acting in performance of its duties.

(b) Vicious animals may not be kept within the Village. Upon finding that an animal is vicious, its owner shall be required to remove the animal from the Village, or have the animal humanely destroyed. The owner of a vicious animal must provide written documentation of the vicious animal's location address, owner's name and phone number or documentation from a licensed veterinarian verifying that the animal was humanely destroyed.

12.06 AMUSEMENT DEVICES.

(1) PURPOSE. The Village Board hereby finds:

(a) That the operation of coin operated amusement centers has caused a high concentration of persons in and around amusement centers resulting in a requirement for additional law enforcement attention.

(b) That the operation of coin operated amusement centers has resulted in a high concentration of youthful persons in a situation which is conducive to the presence and growth of unlawful activities such as gambling.

(c) That strict regulation and supervision of coin operated amusement centers is necessary to protect the health, welfare and safety of the public in the conduct of their affairs in and around such amusement centers.

(2) DEFINITIONS. The following terms shall have the meanings indicated:

Amusement centers. Any business which has on its premises 4 or more coin operated amusement devices available for use by the public and which is not licensed by the Village with a Class B fermented malt beverage or intoxicating liquor license or both.

Coin operated amusement devices. Any machine which, upon the insertion of a coin, slug, token, plate, disc or similar item, may be operated as a game, entertainment, contest of skill or amusement, whether or not registering a score. It shall include, but not be limited to, such devices as electronic or mechanical game machines, pinball machines, coin operated pool tables, bowling machines and any other mechanical or electronic games or operations similar thereto, except shall not include coin operated phonographs, jukeboxes and merchandise vending machines.

Gambling devices. Gambling devices include, but are not limited to, video games that simulate one or more games commonly referred to as poker, blackjack, craps, hi-lo, roulette or other common gambling forms, though not offering the player the opportunity to obtain something of value. The term also includes any video game that awards game credits or replays and contains a meter or device which records unplayed credits or replays. (Cr. #095-28)

Operator. Any owner, lessee, manager or employee who manages or operates an amusement center or business at which one or more coin operated amusement devices are operable.

Owner. The person who owns an amusement center or a business at which one or more coin operated amusement devices are operable.

(3) LICENSE REQUIRED. No owner or operator shall operate or cause to be operated an amusement center or a coin operated amusement device without first obtaining a license as required by this chapter.

(4) APPLICATION. An application for amusement center licenses and coin operated amusement device license shall be made at the office of the Clerk/Treasurer and shall contain the following information:

(a) Name of applicant; if a partnership, names of all partners; if a corporation, club or association, names of all officers.

(b) Residence of applicant.

(c) Age of applicant; if a corporation, club or association, state of incorporation.

(d) Type of business or activity.

(e) Place where machine or devices are to be displayed or operated.

(f) Description of types of machines to be displayed or operated.

(5) INSTALLATION OF COIN OPERATED AMUSEMENT DEVICES. No owner or operator shall install or allow to be installed in any place of business a coin operated amusement device for which a license has not been issued.

(6) DISPLAY OF LICENSES. The amusement center license and coin operated amusement device licenses required hereunder shall be displayed in a conspicuous place open to public view in the premises for which the licenses were granted.

(7) SUPERVISION.

(a) An adult employee responsible for management or operation of the amusement center shall be present on the premises of every business holding an amusement center license at all times during which such premises is open for business.

(b) An adult employee responsible for the management or operation of a business at which one to 3 amusement devices are located shall be present on the premises at all times during which such business is open for business.

(8) TRANSFER OF LICENSES. No amusement center license granted under this section shall be transferred or assigned from one owner or operator to another or from one premises to another. Coin operated amusement device license may be transferred from one amusement device to another within the premises for which such license was issued, upon notice to the Clerk/Treasurer.

(9) FEE. Upon application for any license issued hereunder, the applicant shall pay to the Village the fee required in Section 12.01 of this chapter.

(10) TERM. Any license granted hereunder shall expire on June 30 following issuance thereof.

(11) PLACES NOT LICENSED. No amusement center license or coin operated amusement device license shall be granted for any place of business located within 300' of any church building, school building, hospital building or nursing home building unless a license granted hereunder was in effect prior to the occupation of real property within 300' thereof by such institution or facility or if the premises for which a license is requested was licensed with a Class B fermented malt beverage or intoxicating liquor license on June 30, 1947. Such distance shall be measured along the shortest route by sidewalk or street from the main entrance of the proposed licensed premises to the main entrance of any such institution or facility.

(12) REGULATIONS.

(a) No owner, operator or person in charge of an amusement center shall permit any person under the age of 18 years to play or use a coin operated amusement device during the normal academic school year for Racine Unified School District between the hours of 7 a.m. and 2:30 p.m. on any day in which regular classes are in session, except if such minor is present with his parent, guardian or adult spouse.

(b) No owner, operator or person in charge of an amusement center or a business holding one or more coin operated amusement device licenses shall permit any person under the age of 18 years to play or use any coin operated amusement device between the hours of 11 p.m. and 6 a.m. unless such minor is accompanied by his parent, guardian or other adult person having legal custody or control of the minor.

(c) The entrance to any amusement center licensed hereunder shall not be locked during any time that the amusement center is open for business. Each licensee of an amusement center hereby agrees that Village officers and employees charged with law enforcement or inspection functions may enter the licensed premises at any time during normal business hours for the purpose of

inspecting such premises and enforcing the laws and ordinances relating to the operation thereof.

(d) At all times that an amusement center licensed hereunder is open for business, lighting shall be provided throughout the amusement center.

(13) EXCESSIVE NOISE PROHIBITED. No operator or owner of an amusement center or business to which one or more coin operated amusement device licenses are in effect shall permit the level of sound resulting from operation of the center or coin operated amusement devices to exceed reasonable limitations.

(14) HOURS OF OPERATION. No operator or owner shall permit an amusement center licensed under this section to be open between the hours of midnight and 6 a.m. of any day except upon application to and consent of the Village Board.

(15) PROHIBITED USE. No owner or operator shall permit any person to use an amusement device licensed hereunder for gambling or for playing thereon a game of chance.

(16) DENIAL, REVOCATION.

(a) The License and Fees Committee may grant licenses applied for hereunder. If the Committee recommends denial of a license, the matter shall be referred to the Village Board for final action.

(b) The Village Board may revoke or refuse to renew any license issued hereunder when the operator or owner licensed hereunder has been convicted of a violation of this section or any other section of this Municipal Code, the Wisconsin Statutes or Administrative Code with regard to the premises licensed hereunder or with regard to offenses relating to the licensed premises and involving controlled substances, alcohol or any offense substantially relating to the conduct of the business licensed hereunder. The Printing and License Committee shall hold a hearing on such revocation of or refusal to renew the license. The licensee shall have the right to appear at the hearing in person or by counsel and shall have the right to examine and cross-examine witnesses and call witnesses. All testimony at such hearing shall be taken under oath. The Committee shall forward to the Village Board its recommendation to grant, deny or revoke such license, together with the grounds therefor.

(17) GAMBLING DEVICES. Gambling devices are prohibited from operation under this section and will not be licensed for use. (Cr. #095-28)

12.07 REGULATION AND LICENSE OF JUKEBOXES.

(1) DEFINITIONS. As used in this section, unless the context otherwise indicates:

(a) Jukebox. Any music or movie vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening or by the payment of any price, operates or may be operated for the emission of songs, music, movies or similar amusement.

(b) Game. Any equipment, device, contrivance or other thing, whether mechanically operated or not, which is permitted to function or to be used by the payment of a coin, slug, token, plate or disc to the owner or of any business or place and which is operated for amusement only and does not dispense any form of payoff, prize or reward.

(c) Person. Any natural person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed compliance with this section.

(2) GAMBLING DEVICES NOT PERMITTED. Nothing in this section shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future laws of the State.

(3) LICENSE REQUIRED. Any person displaying for public patronage or keeping for operation any jukebox as defined in sub. (1) shall be required to obtain a license from the Village upon payment of a license fee. Application for such license shall be made to the Clerk/Treasurer upon a form to be supplied by the Clerk/Treasurer for that purpose.

(4) APPLICATION. The application for such license shall contain the following information:

(a) Name and address of the applicant, age, date and place of birth.

(b) Prior convictions of applicant, if any.

(c) Place where machine or device is to be displayed or operated and the business conducted at that place.

(5) INSPECTION; RENEWALS. After an application has been made for a license, the application shall be referred to the License Committee and the Committee shall pass upon the question of whether such license shall be granted. The Committee shall recommend to the Village Board the approval or disapproval of the granting of the license.

(6) EXPIRATION DATE. Any license issued under this section shall expire on the 30th day of June of each year. A license may be pro-rated according to the number of months remaining in the license year. However, if the license is surrendered voluntarily or is revoked by the proper revoking authority, no part of the license fee shall be refunded to the licensee.

(7) TRANSFER OF LICENSE. A license shall not be transferable from person to person or place to place, but shall be transferable from jukebox to jukebox.

(8) FEES. See Section 12.01 of this chapter.

12.08 MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS.

(1) PURPOSE AND INTENT. It is the purpose and intent of the Village that the operation of massage establishments and massage technicians as defined in this section be regulated so as to further the public interest, safety and welfare by providing minimum building, sanitation and health standards for establishments and providing minimum qualifications for massage technicians.

(2) DEFINITIONS. For the purpose of this section the following words and phrases shall mean or include:

(a) Massage. Any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating the superficial parts of the body with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatsoever.

(b) Massage Establishments. Any establishment wherein massages are given.

(c) Massage Technician. Any person who engages in the practice of massage as herein defined, for any form of consideration. The use of the masculine gender shall include in all cases the feminine gender as well.

(d) Recognized School. Any school or institution of learning which teaches the theory, method, profession or work of massage and requires a resident course of study of not less than 50 hrs. before the student shall be furnished with a

diploma or certificate of graduation from such school following the successful completion of such courses of study or learning.

(3) MASSAGE ESTABLISHMENT PERMIT REQUIRED. No person shall engage in or carry on the business of massage unless he has a valid massage establishment permit issued by the Village pursuant to this section for each and every separate office or place of business conducted by such person.

(4) PERMIT APPLICATION. Any person desiring a massage establishment permit shall file a written application with the Village Board. The application shall be accompanied by the correct permit fee as provided in Section 12.01 of this chapter. Such application shall furnish the following:

(a) Type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

(b) Business address and all telephone numbers where the business is to be conducted.

(c) Complete list of the names and resident addresses of all massage technicians and other employees in the business.

(d) The following personal information concerning the manager or other person principally in charge of the operation of the business and concerning the applicant, if an individual; or each stockholder holding more than 10% of the stock of the corporation, each officer and director, if a corporation; or the partners, including limited partners, if a partnership:

1. Name, complete resident address and telephone number.

2. The 2 previous addresses immediately prior to the present address of the applicant.

3. Written proof of age.

4. Height, weight, color of hair and eyes, and sex.

5. Two portrait photographs at least 2” x 2”.

6. A massage or similar business history and experience, including but not limited to whether or not such person previously operating in this or another municipality or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor and the

business activities or occupations subsequent to each action of denial, suspension or revocation.

7. All criminal convictions other than misdemeanor traffic violations and the reasons therefor.

8. Such other identification and information necessary to discover the truth of the matters required to be provided in the application.

9. Nothing contained in this section shall be construed to deny the investigation official the right to take fingerprints and additional photographs of the applicant.

10. Authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements contained in the application and the qualifications of the applicant for the permit.

(5) MASSAGE TECHNICIAN PERMIT REQUIRED. No person shall practice massage as a principal, employee or otherwise within the Village unless such person is issued a massage technician's permit and such permit remains in effect in conformity with the provisions of this section.

(6) APPLICATION FOR MASSAGE TECHNICIAN'S PERMIT. Any person desiring a massage technician's permit shall file a written application with the Village Board. The application shall be accompanied by the correct permit fee as provided in Section 12.01 of this chapter. Such application shall furnish the following:

(a) Applicant's full name, residential address and telephone number.

(b) Name and address of the massage establishment where the applicant is to be employed and the name of the owner of the same.

(c) Names and addresses of any and all previous establishments where applicant has been employed as a massage technician.

(d) Criminal record, if any, other than misdemeanor traffic violations, of the applicant.

(e) Whether any permit to engage in the practice of massage as a massage technician or otherwise has previously been denied applicant or revoked and, if so, the circumstances of such denial or revocation.

(f) A portrait photograph at least 2" x 2" together with a complete set of such person's fingerprints which shall be taken by the Director of Public Safety or his agent.

(g) Written proof that the applicant is over 18 years of age.

(h) A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior to filing his application, been examined and found to be free from any contagious and communicable or venereal disease.

(7) PERMIT FEE. All applications for a permit under this section shall be accompanied by the fee in Section 12.01 of this chapter, no part of which shall be refundable.

(8) ISSUANCE OR DENIAL OF PERMIT. The Village Board shall issue such permit within 45 days of receipt of the application if upon investigation it is found that:

(a) The operation as proposed by the applicant, would comply with all applicable laws, including but not limited to the Village building, plumbing, electrical, zoning and health regulations and the provisions of this section.

(b) No person who is required to report under sub. (4) or (6) has been convicted of any crime involving dishonesty, fraud, lewd conduct or an offense involving the use of force or violence upon the person of another, unless such conviction occurred at least 5 years prior to the date of the application.

(c) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Village in conjunction therewith.

(d) The correct permit fee has been tendered to the Village and, in the case of a check or bank draft, honored with payment upon presentation.

(e) All the provisions of this section have been complied with.

(9) DISPLAY OF PERMITS. The massage establishment permit and each and every massage technician permit shall be displayed in an open and conspicuous place on the premises of the massage business.

(10) KEEPING OF RECORDS. Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time,

date and place of service and the service provided. Such appointment book shall be available at all times for inspection.

(11) TRANSFER PROHIBITED. No massage establishment permit nor massage technician permit is transferable, separate or divisible and such authority as a permit confers shall be conferred only on the permittee named therein.

(12) SANITATION REQUIREMENTS.

(a) All premises used by the permittees hereunder shall be subject to periodic inspection by authorized representatives of the Village Board for safety of the structure and the propriety of plumbing, electrical wiring, ventilation of the heating and sanitation. The walls shall be clean and painted with an approved washable mold resistant paint in all rooms where water or steam baths are given. The floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition.

(b) Towels, sheets and linens of all types and items for personal use of operators and patrons shall be cleaned and freshly laundered. Towels, clothes and sheets shall not be used for more than one patron. Heavy white paper may be substituted for sheets provided that such paper is used once for each patron and then discarded into a sanitary receptacle.

(c) Rooms in which a massage is to be practiced or administered shall have at least 50 sq. ft. of clear floor area and shall maintain a light level of no less than 40 foot candles as measured at 3' above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent windowpane no less than 12" wide and 12" long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.

(d) Every massage establishment shall have separate toilet rooms and shower facilities for men and women. Such establishments shall contain locker facilities for patrons' property.

(e) Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof.

(13) HOURS OF OPERATION. A massage establishment shall commence operations no earlier than 9 a.m. and the hours of operation shall extend no later than 9 p.m. Massage technicians shall not practice or administer massages at massage establishments at any time outside of the hours of operation. The entrances and exits of massage establishments, which are used by patrons shall be locked during the hours which the massage establishments are closed.

(14) SEXUAL MASSAGES PROHIBITED. No massage technician shall massage the genital area of any patron, including the breasts of any female patron, nor shall any operator or owner of a massage establishment allow or permit such massage in such massage establishment.

(15) REVOCATION OR SUSPENSION OF A PERMIT. Any massage establishment permit or massage technician permit shall be subject to suspension or revocation by the Village Board for violation of any provision of this section or any grounds that would warrant the denial of such permit in the first place. The Village Board, upon revocation or suspension, shall state the reasons in writing, specifying the particular grounds for such revocation or suspension.

12.09 ADULT BOOKSTORES AND MOTION PICTURE THEATERS.

(1) LICENSES REQUIRED. No person shall conduct or operate an adult motion picture theater, adult mini-motion picture theater or adult bookstore in any building or on any land area, nor give or conduct any show or performance therein, within the limits of the Village without first having obtained a license therefor as provided by this section.

(2) DEFINITIONS. For the purpose of this section, the following words and phrases shall mean or include:

(a) Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

(b) Adult Motion Picture Theater. An enclosed building with the capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(c) Adult Mini-Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(d) Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(e) Specified Anatomical Areas.

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) LOCATION OF ESTABLISHMENT. Any adult bookstore, adult motion picture theater or adult mini-motion picture theater as defined in this section may be licensed to operate only within the areas zoned Business District B as that zoned area is defined in the Village Zoning Code, Ch. 17 of this Municipal Code.

(4) LICENSE APPLICATION. Any person desiring a license for an adult bookstore, adult motion picture theater or adult mini-motion picture theater, shall file a written application with the Village Board. The application shall be accompanied by the correct permit fee as provided in Section 12.01 of this chapter. Such application shall furnish the following:

(a) The type of ownership of the business, whether individual, partnership, corporation or otherwise.

(b) The business address and all telephone numbers where the business is to be conducted.

(c) A complete list of the names and resident addresses of all employees of the business.

(d) The following personal information concerning the manager or other person principally in charge of the operation of the business and the applicant, if an individual; each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the type of ownership is a corporation; or the partners, including limited partners, if the type of ownership is a partnership:

1. Name, complete resident address and telephone number.

2. The 2 previous addresses immediately prior to the present address of the applicant.

3. Written proof of age.

4. Height, weight, sex, color of hair and eyes.

5. Two portrait photographs at least 2" x 2".

6. A business history regarding experience in any similar establishments as covered in this section, including but not limited to, whether or not such person previously operating in this or another municipality or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor, and the business activities or occupation subsequent to each action of denial, suspension or revocation.

7. All criminal convictions other than misdemeanor traffic violations and the reasons therefor.

8. Such other identification and information necessary to discover the truth of the matters required to be contained in the application.

9. Fingerprints and additional photographs, if deemed necessary by the investigating official.

10. Authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements contained in the application and the qualifications of the applicant for the permit.

(5) LICENSE FEE. All applications for an adult bookstore permit, adult motion picture theater permit or adult mini-motion picture theater permit shall be accompanied by the permit fee in Section 12.01 of this chapter, no part of which shall be refundable.

(6) ISSUANCE OR DENIAL OF LICENSE. The Village Board shall issue such license within 45 days of receipt of the application if upon investigation it is found that:

(a) The operation, as proposed by the applicant, would comply with all applicable laws, including but not limited to, the Village building, plumbing, electrical, zoning and health regulations and the provisions of this section.

(b) No person who is required to report under sub. (4) has been convicted of any crime involving dishonesty, fraud, lewd conduct or an offense involving the use of force or violence upon the person of another, unless such conviction was at least 5 years prior to the date of the application.

(c) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the Village in conjunction therewith.

(d) The correct license fee has been tendered to the Village and, in the case of a check or bank draft, honored with payment upon presentation.

(e) All of the provisions of this section have been complied with.

(7) HEARINGS. The Village Board shall hold a public hearing to consider approval or suspension or revocation of a license as provided for in this chapter. The applicant or licensee may be represented by an attorney and shall have an opportunity to be heard.

(8) DISPLAY OF LICENSE. The license for the establishment shall be displayed in an open and conspicuous place on the premises of the business.

(9) TRANSFER PROHIBITED. No license as provided for in this section is transferable, separate or divisible and such authority as a license confers shall be conferred only on the licensee named therein.

12.10 <u>REGULATING DIRECT SELLERS</u>.

(1) REGISTRATION REQUIRED. No direct seller shall engage in direct sales within the Village without being registered for that purpose as provided herein.

(2) DEFINITIONS.

Charitable Organization. Shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Clerk. The Clerk/Treasurer or any authorized deputy of such Clerk/Treasurer.

Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

Goods. Shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

Permanent Merchant. A direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant has continuously:

1. Operated an established place of business in the Village.

2. Resided in the Village and now does business from his residence.

(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 goods at wholesale to dealers in such goods.

(c) Any person selling agricultural products which such person has grown.

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this Village and who delivers such goods in their regular course of business.

(e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

(h) Any person holding a sale required by statute or 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 such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41(6)(a), Wis. Stats. Any charitable organization not registered under §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 Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased, for at least one year, or purchased the premises from which he is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

(4) REGISTRATION.

(a) Applicants for registration shall complete and return to the Clerk a registration form, furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any.

2. Age, height, weight, color of hair and eyes.

3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.

4. Temporary address and telephone number from which business will be conducted, if any.

5. Nature of business to be conducted and a brief description of the goods and any services offered.

6. Proposed method of delivery of goods, if applicable.

7. Name, 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 3, where applicant conducted similar business.

9. Place where applicant can be contacted for at least 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 5 yrs., the nature of the offense, and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.

2. A State certificate of examination and approval from the 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 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, the fee prescribed in Section 12.01 of this chapter shall be paid to the Clerk to cover the cost of processing such registration. Such fee may be waived by the Clerk and the Director of Public Safety where they deem no investigation is necessary.

1. Upon payment of such fee and the signing of such statement, the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. (5)(b).

(5) INVESTIGATION.

(a) Upon receipt of each application, the Clerk shall refer it immediately to the Director of Public Safety who shall make and complete an investigation of the statements made in such registration within 72 hrs.

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 yrs., 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 sub. (4)(b).

(6) APPEAL. Any person denied registration may appeal to the Village Board by filing a written statement therewith within 14 days after the date registration was refused setting forth the grounds for appeal. The Village Board shall notify the applicant, at least 48 hrs. prior to the hearing date of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on appellant.

(7) REGULATION OF DIRECT SELLERS.

(a) Prohibited Practices.

1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 5 p.m. and 9 a.m. except by appointment; calling on Sundays and legal holidays; 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 direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization, direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the

organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed. No direct seller shall make any sales within the Village on July 3rd of any year unless issued a special Independence Day Seller's Permit by the Village.

4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100' radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements.

1. After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than $25, in accordance with the procedure as set forth in §423.203, Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, 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.

(8) RECORDS. The Director of Public Safety shall report to the Clerk all convictions for violation of this provision and the Clerk shall note any such violation on the record of the registrant convicted.

(9) REVOCATION OF REGISTRATION.

(a) 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 section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hrs. prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

12.11 AUCTION SALES.

(1) No person shall conduct an auction sale within the Village for the purpose of carrying on the sale of personal or real property of all kinds and description unless a license shall have been obtained as provided in this section.

(2) APPLICATION AND FEE. Every person desiring to conduct an auction sale shall first make written application therefor to the Village Board for a license. Ample off street parking shall be provided at the place where the auction is to be held. Application for such license shall be made to the Village Board and after the same has been granted, payment shall be made to the Clerk/Treasurer of the license fee in Section 12.01 of this chapter. The applicant shall deliver the receipt therefor to the Clerk who shall issue the license. Such license shall be valid for the specific auction and the date thereof, and each subsequent auction shall require an additional license and fee in accordance with this section.

(3) EXCEPTIONS. This section shall not apply to a resident of the Village who desires to conduct an auction to sell used personal property from his own residence.

12.12 PARADES.

(1) DEFINITIONS. The following terms shall have the meanings indicated:

(a) Parade. Any march or procession, whether composed of one or more units or organized or unorganized, consisting of persons on foot or in vehicles acting in concert.

(b) Parade Permit. A permit as required by this section.

(c) Proposed Parade. A parade for which an application for a permit is made under this section.

(d) Public Way. A public street or right-of-way in the Village.

(e) Residential Area. Any area zoned residential under the Village Zoning Code.

(2) PERMIT REQUIRED. No person shall form, start, organize, conduct or participate in any parade in or upon the public ways of the Village unless a parade permit has been obtained from the Village Board and the parade is conducted according to the conditions of the permit. This section shall not apply to:

(a) Funeral processions.

(b) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.

(c) A governmental agency acting within the scope of its functions.

(d) Persons engaging in lawful conduct in labor disputes as provided in the Wisconsin Statutes and other related State and federal acts

(3) APPLICATION. A person seeking issuance of a parade permit shall file an application with the Clerk/Treasurer on forms provided by such officer.

(a) Filing Period. An application for a parade permit shall be filed with the Clerk/Treasurer not less than 30 days nor more than 60 days before the date on which it is proposed to conduct the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct the parade.

2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and the authorized and responsible head of such organization.

3. The name, address and telephone number of parade chairman or other person who will accompany the parade and be responsible for its conduct.

4. The date when the parade is to be conducted.

5. The route to be traveled, the starting point and the termination point.

6. The approximate number of persons, animals and vehicles which will constitute such parade and a description of the animals and vehicles.

7. The hours at which such parade will start and terminate.

8. A statement as to whether the parade will occupy all or only a portion of the width of the public way proposed to be traveled.

9. The location by streets of any assembly areas for such parade.

10. The time at which the units of the parade will begin to assemble at any such assembly area.

11. The purpose for which the parade will be conducted.

12. Any additional information which the Village Board shall find reasonably necessary to a fair determination as to whether a permit shall issue.

(c) Late Applications. The Village Board, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 30 days before the date the parade is proposed to be conducted.

(d) Fee. There shall he paid at the time of filing the application for a parade permit the fee required in Section 12.01 of this chapter.

(4) ISSUANCE OF PERMIT.

(a) Parade Permit Shall Not Issue. Notwithstanding any other provision of this section, the Village Board shall not issue a parade permit when, upon consideration of the application, it finds:

1. The route of the proposed parade is, in whole or in part, upon a public way within or abutting a residential area and any of the following to be the case:

a. The proposed parade will be conducted in whole or in part between 8 p.m. and 9 a.m.

b. The maximum number of persons who will constitute such proposed parade will exceed 25 in number.

c. The proposed parade will be conducted on a portion of the public way other than the public sidewalk.

2. A permit has already issued for a parade to be held on the same date as the proposed parade which will follow, in whole or in part, the same route as the proposed parade.

3. A permit has already issued to the applicant or another person on whose behalf the application has been made for a parade to be held on the same date as the proposed parade.

(b) Parade Permit Shall Issue. The Village Board shall issue a permit as provided for hereunder when, from consideration of the application and from such other information as may be otherwise obtained, it finds that:

1. The conduct of the proposed parade shall not disrupt the safe and orderly movement of other traffic contiguous to its route.

2. The conduct of the proposed parade will not require the diversion of so great a number of police personnel of the Village for such a period of time to properly police the line of movement of the proposed parade and areas contiguous thereto as to prevent the level of law enforcement in other areas of the Village necessary to adequately protect persons and property in those areas of the Village.

3. The conduct of the proposed parade will not interfere with the movement of fire fighting equipment.

4. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

(5) NOTICE OF REJECTION. The Village Board shall act upon the application for a parade permit within 15 days after filing thereof. The Clerk/Treasurer shall notify the applicant by mail of the action of the Village Board. If the permit is denied, the Village Board shall specify the reasons therefor. If the Village Board issues an alternative permit, it shall specify the conditions thereof.

(6) ALTERNATIVE PERMIT. The Village Board in denying an application for a parade permit may authorize the conduct of the proposed parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to

accept an alternative permit shall within 5 days after the mailing of the notice of the action of the Village Board by the Clerk/Treasurer file a notice of acceptance with the Clerk/Treasurer. Upon receipt of such notice the Clerk/Treasurer shall deliver an alternative permit to the applicant.

(7) CONTENTS OF PERMIT. Each parade permit shall have attached thereto a copy of the application pursuant to which it had been granted and shall contain a statement that the permit is granted on the condition that the conduct of the parade conform to the information stated in the application. In addition to the above, each alternative permit shall contain a statement of modification as to time, date or route made by the Village Board and shall have attached thereto a copy of the applicant's notice of acceptance of such modification.

(8) DUTIES OF PERMITTEE. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(9) POSSESSION OF PERMIT. The parade chairman or other person heading or leading the parade shall carry the parade permit upon his person during the conduct of the parade.

12.13 CARNIVALS.

(1) No person shall, within the Village, exhibit any carnival, menagerie, museum, collection of curiosities or show of any kind to which admission is gained by the payment of money without first having obtained a license therefor as provided in this section.

(2) LICENSES FEE. Such license may be obtained by paying to the Clerk/Treasurer the license fee required by Section 12.01 of this chapter for each day the same is operated and not held within a hall, opera house or church.

12.14 PUBLIC DANCES AND DANCE HALLS.

(1) DEFINITIONS.

(a) Public Dance. Includes any dance or ball to which the public generally may gain admission with or without the payment of a fee, whether such dance or ball constitutes all or part of the program or entertainment.

(b) Public Dance Hall. Includes any room, place or space in which a public dance may be held or any ballroom or academy in which classes in dancing are held or instruction in dancing given for hire.

(2) LICENSE REQUIRED. No person shall hold any public dance or classes in dancing or give instructions in dancing for hire in any public dance hall within the Village limits until the public dance hall in which the same may be given or held shall first have been licensed for such purposes. No person shall permit any room or building owned or controlled by him to be used for the purpose of a public dance hall unless the same shall be licensed as herein provided.

(3) APPLICATION FOR LICENSE.

(a) Any person desiring to procure a license as provided in this section shall file a written application with the Village Board. Such application shall contain the names, residences and ages of the applicant, if an individual, firm or partnership or the names of the principal officers, their residences and ages, if the applicant is an association or corporation. It shall also contain the name of one or more persons whom such firm, partnership, corporation or association shall designate a manager or person in charge and address of the same. The application shall further state the following:

1. Length of time the applicant has resided in the Village, previous places of employment, whether he has been convicted of violating any law or ordinance regulating the conduct of public dance halls or public dances and, if so, when and in what court.

2. Premises where such public dance hall is to be located or conducted, street and number of all entrances, location of any room to be occupied and total amount of floor space to be used for dancing purposes.

3. Whether the applicant or manager had, either alone or with someone else, previously engaged as owner or employee in conducting a public dance hall, when, where and for how long.

4. The name and address of the person owning the premises for which a license is sought.

5. Whether a hotel, rooming house or lodging house is conducted in any part of the premises for which a license is sought.

6. Such other information as the Village Board may from time to time require.

(b) The Village Board shall refer such application to the Community Programs & Health Committee which shall investigate or cause an investigation to be made to determine whether the public dance hall sought to be licensed complies with

the regulations, ordinances and laws applicable thereto and to determine whether the applicant is a suitable person to have such license and whether the manager or person in charge named in the application is a suitable person for such position. The Committee shall report its findings and recommendation to the Village Board.

(4) LICENSE.

(a) Upon the filing of the application and the report as provided in the previous subsection, the Village Board may, upon its approval of such application and the payment to the Village of the license fee in Section 12.01 authorize the Clerk/Treasurer to issue to the applicant a license to conduct and maintain a public dance hall as provided in sub. (2). No license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.

(b) All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the public dance hall, dates of issuance and expiration of the license, fee paid and the name of the licensee. No applicant to whom a license has been refused shall make further application until at least 6 months have elapsed since the last rejection, unless he can show that the reason for such objection no longer exists. No license shall be granted to a person under 18 years of age or renewed without a reinspection of the premises.

(5) REFUSAL OF LICENSE. No license shall be granted any dance hall unless adequate modern toilet facilities are provided with the building and an adequate supply of drinking water is available. The room shall be properly lighted and ventilated and all parts of the premises shall be safe and sanitary. A license or permit shall be refused by the Village Board to any applicant who has been convicted within 5 yrs., of the date of application of a second offense of any of the provisions of this section or an ordinance of similar purpose in this or any other community or to any association or corporation of which a member or shall have been so convicted.

(6) TRANSFER OF LICENSE. No license or permit shall be transferred as to location or license.

(7) SANITARY AND LIGHTING REQUIREMENTS. All public dance halls and facilities appertaining thereto shall be kept at all times in a clean, healthful and sanitary condition and all stairways and other passages and all rooms connected with a public dance hall shall be kept open and well lighted during the public use. Proper ventilation shall be maintained at all times.

(8) POWER TO CLOSE. The Village Board shall have the power to cause the place, hall or room where any public dance is held or given to be vacated whenever any rules or regulation or any provision of any law or ordinance with regard to public dance halls or public dances is being violated.

(9) HOURS. All public dances and dance halls shall be closed on each day at or before 2 a.m.; except that upon proper application, the Community Programs & Health Committee may grant a permit to continue a dance beyond that time where the circumstances justify such permission. Such application shall be made at least 5 days before the date on which the dance will be held. No public dance shall be held between 2 a.m. and 8 a.m., except as otherwise provided in this section.

(10) RESTRICTIONS. No person conducting a public dance or public dance hall or any manager or other agent of such person shall:

(a) Sell or accept or cause to be sold or accepted any ticket or token for admission after midnight.

(b) Permit gambling in any form on the premises.

(c) Discriminate between sexes by offering free admission to either sex as an inducement to stimulate attendance.

(d) Permit endurance dancing contests, commonly known as marathon dances.

(e) Permit persons in bathing suits or otherwise improperly dressed to dance or enter the dance floor.

(11) SUPERVISION. The members of the Village Board and its authorized agents and employees shall have access at all times to all public dance halls and public dances to investigate all complaints, inspect and supervise such public dance halls and dances.

12.15 POOL AND BILLIARDS.

(1) LICENSE REQUIRED. No person shall maintain or carry on any public pool room or billiard hall or other place of any name whatever in which billiard or pool tables shall be kept for public use within the Village unless such person shall have obtained a license therefor as provided in this section.

(2) FEE FOR EACH TABLE. Every person keeping and maintaining billiard halls or pool rooms in the Village shall make written application for a license therefor and pay to the Clerk/Treasurer the license fee required in Section 12.01 for each table.

(3) APPLICATION. Application shall be made on forms provided by the Clerk/Treasurer and shall be first submitted to the Community Programs & Health Committee. A license may be granted for any portion of the license year, which shall be July 1 to June 30, by payment of the prorated amount of the annual license fee.

(4) SUSPENSION OR REVOCATION. Any license under this section may be revoked or suspended as provided in Section 12.02 of this chapter for any disorderly conduct or breach of the laws of the state or ordinances of the Village.

12.16 POT-BELLIED PIG LICENSING AND REGULATION.

(1) DEFINITION. Pot-bellied pig shall mean any of the species sus scrofa, more commonly known as Vietnamese pot-bellied pig.

(2) STANDARDS. The Village adopts the following NAPPA standards for American pot-bellied pigs:

(a) Appearance. The general appearance of a pot-bellied pig is a structurally symmetrical animal, free of obvious defect, short of leg, with smooth flowing lines, pronounced pot belly, swayed back, erect ears and a straight tail. All measurements are based on pigs one year of age.

(b) Height. The height shall be measured at the withers, high point of the shoulders, with legs straight underneath. The maximum acceptable height is 18” with the ideal height being less than 14”.

(c) Length. In acceptable proportion to height.

(d) Weight. The maximum acceptable weight is 95 lbs. with the ideal weight being less than 50 lbs.

(e) Head. Ears shall be small and erect, somewhat flat. The nose shall be short to medium length in proportion to the head, allowing for free passage of air when breathing normally. The eyes shall be deep and wide set, clear, of varying color, except when evidence of albinism. The jowl shall be obvious and in proportion to head. The bite shall be even and correct, should not be over shot or under shot.

(f) Body. The back should be swayed through the saddle. The shoulders shall be sloping evenly from side to side. The neck should be short. The rump should flow gently to the base of the tail. The tail should be straight, of medium length with a switch on the end. The belly viewed from the side should be obviously rounded, but not exaggerated or touching the ground. Viewed from the top the belly should not round from the backbone and have only slight lateral protuberance. There shall be at least 5 pairs of teats, evenly spaced.

(g) Feet and Legs. The legs should be wide set standing well on the pasterns. The feet shall stand squarely with 2 toes of equal length on each pointing forward.

(h) Skin. Wrinkles may or may not be present. Hair will lay evenly over the back with seasonal variation. The color shall be black or black and white.

(i) Disposition. All pot-bellied pigs should be tractable and nonaggressive.

(3) LICENSE REQUIRED. No pot-bellied pig shall be allowed in the Village unless licensed in compliance with the following license requirements:

(a) Pot-bellied pigs are to be inoculated for erysipelas, pneumonia, rhinitis, rabies (once every 3 years).

(b) Pot-bellied pigs are to be spayed or neutered. Breeding of pot-bellied pigs is prohibited in the Village.

(c) Pot-bellied pigs shall ideally weigh no more than 50 lbs. at one year and are not to exceed 95 lbs. at any time. Proof of weight shall be required.

(d) The number of pot-bellied pigs per household is limited to one.

(e) Pot-bellied pigs shall be licensed upon verification of weight, spay or neuter and current shot records as defined herein by a licensed veterinarian. The Clerk shall collect the license fee as provided in Section 12.01 and issue the license tag. No license shall be issued unless applicant presents certification or other evidence of weight and current shot records. After issuance of license, the pot-bellied pig shall bear an ID tag with the owner's name, address and telephone number.

(f) No owner or keeper of any pot-bellied pig shall permit the same to run at large in the Village.

(g) A pot-bellied pig shall be deemed to be at large unless under the control of a person by means of a chain, rope, cord or cable of sufficient strength to control

the action of the pot-bellied pig or such other personal presence and attention as will positively control the conduct of the pot-bellied pig.

(h) Whenever any officer or constable shall find any pot-bellied pig running at large as herein defined, he shall, if possible, pick up and impound the animal in such a place as the Village Board may direct. Whenever any impounded pot-bellied pig shall bear an identification mark, such as a collar or license tag, the owner shall be notified. Upon notification, the owner shall claim the pig and pay the impoundment fee in Section 12.01.

12.17 <u>CIGARETTE AND TOBACCO PRODUCTS</u>. (Cr. #098-31)

(1) LICENSE REQUIRED. No person, firm or corporation shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products without securing a license from the Village Clerk as provided in §134.65, Wis. Stats.

(2) APPLICATION AND FEE. Each application for a license shall be accompanied by a $100 fee. The application and issued license shall specify the name of the licensee and the place where authorized to conduct the licensed business. All licenses issued pursuant to this section shall expire on the 30th day of June, next succeeding the date of issue, unless sooner revoked. Such license shall not be transferable from one person to another nor from one premise to another.

(3) DISPLAY. All persons granted licenses under this section shall cause their licenses to be prominently displayed in their places of business.

(4) REQUIRED RECORDS. Every licensed retailer shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. Such records shall be preserved on the licensed premises for two years in such manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized law enforcement officials.

(5) PENALTY. Any person, firm or corporation violating this section shall forfeit not more than $100 nor less than $25 for the first offense and not more than $200 nor less than $25 for the second or subsequent offense. If upon such second or subsequent violation, the person so violating this section was personally guilty of a failure to exercise due care to prevent violation thereof, the person shall forfeit not more than $300 nor less than $25. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and the person shall not be entitled to another license hereunder for a period of five years thereafter, nor shall the person in that period act as the servant

or agent of a person licensed hereunder for the performance of the acts authorized by such license. The Village Board of Trustees may revoke any license issued pursuant to this section, pursuant to Section 12.02 (10) of this Municipal Code, if the license holders or their agents or employees are found to have violated Section 9.134.66 of this Municipal Code.

12.18 <u>TENTS</u>.

(1) DEFINITION. As used in this section "tent" shall mean a portable, temporary shelter or structure, the covering of which is a pliable material greater than 12 feet by 12 feet, with or without sides.

(2) PERMIT REQUIRED. No person shall place or set up and no owner or lessor shall allow to be placed or set up any tent intended to be used for business or commercial purposes or for public assembly unless a tent permit is obtained from the Building Inspector and the appropriate permit fee is paid before the tent is erected.

(3) INSPECTION. Every tent erected in the Village must comply with the Wisconsin Administrative Code and be approved by the Fire Inspector before the tent may be occupied or used. Seating arrangements and displays in tents shall also be subject to approval by the Fire Inspector and shall allow convenient and rapid exit from the tent.

(4) PROHIBITIONS.

(a) No person shall smoke, or use or allow to be used any open flame, unguarded light, grill, deep fryer, charcoal grill or similar device in a tent.

(b) No tent shall be set up, whether partially or completely, for more than 30 days.

12.20 <u>PENALTY</u>.

Except as otherwise provided in this chapter, in addition to the suspension, revocation or non-renewal of any license under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.