



TOWN OF HARTFORD, WISCONSIN

MUNICIPAL CODE

LICENSES and PERMITS

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II. ORDINANCES

12.01 GENERAL PROVISIONS.

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

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

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

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

(5) LICENSE AND PERMIT TERM.

- (a) Unless otherwise provided, the term of the license year shall end on June 30th of each year.
- (b) When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.
- (c) Permits shall be issued for the term set forth in the permit.

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

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

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

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

- (a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
- (b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.
- (c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Town upon recommendation of the appropriate Town official.
- (d) Expiration or cancellation of any required bond or insurance
- (e) Actions unauthorized or beyond the scope of the license or permit granted.
- (f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.
- (g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(h) Being delinquent in payment of any taxes, assessments or other claims owed to the Town, or being delinquent in payment of a forfeiture resulting from a violation of any section of this Code.

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages except §125.03, 125.075, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision, or future amendments thereto, shall constitute a violation of this section.

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

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

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

(3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3), Wis. Stats., and shall be filed together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats., with the Town Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under §§125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting a liquor license or an operator's license, the applicant shall permit the Town Police Chief or their designee to secure from the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee has been paid.

(4) APPLICATION INVESTIGATION. The Town Clerk shall notify the Town Board of each new license and permit application and the Board shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board.

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

(a) Class "A" Liquor License. \$275 per year. See §125.51(2), Wis. Stats.

(b) Class "A" Fermented Malt Beverage Retailer's License. \$125 per year. See §125.25, Wis. Stats.

(c) Class "B" Fermented Malt Beverage License. \$125 per year; a 6-month license may not be renewed in the same calendar year. See §125.26, Wis. Stats.

(d) Temporary Class "B" Beer and Wine License (Picnic) \$10 per day. Issued to organizations enumerated in §125.26(6), Wis. Stats., to sell or serve beer or wine containing not more than 6% alcohol by volume at a picnic, meeting or gathering. See also §125.51(10), Wis. Stats.

(e) Class "B" Intoxicating Liquor License. \$275 per year, except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the State for at least 6 years shall be \$50 per year, as provided in §125.51(3), Wis. Stats. See §125.26(6), Wis. Stats.

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fraction thereof remaining until the following June 30.

2. Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

(f) Wholesalers Fermented Malt Beverage License. \$25 per year. See §125.28, Wis. Stats.

(g) Operator's License. \$60 per two years or fraction thereof. No new operator's license shall be granted unless the applicant has successfully completed a Vocational, Technical and Adult Education responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a), Wis. Stats. The Town Clerk may issue a provisional operator's license to a person who is enrolled in said training course and shall revoke such License if the applicant fails to successfully complete the course.

(h) Provisional License. \$10 for up to 60 days. See §125.17(5), Wis. Stats.

(i) Transfer of License. \$10. See §125.04(12), Wis.

(j) Retail Class C License. Seventy-five Dollars (\$75.00) per year. See 125.51(3m), Wisconsin Statutes, which is adopted and made a part of this Code by reference.

(6) OPERATOR'S LICENSE. All applications for 2-year operator's licenses, together with the fee, shall be filed in the office of the Town Clerk on or before May 15 of the year the license expires, provided that nothing shall prevent the Town Board from granting any license which is applied for at least 5 working days before a Town Board meeting at any other time.

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

(8) QUALIFICATIONS FOR LICENSES AND PERMITS.

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

1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.
2. Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except the Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.
3. Have attained the legal drinking age, except that operators' licenses may be issued to any person who has attained the age of 18.

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

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

(9) CLASS "A" AND CLASS "B" LIQUOR LICENSE QUOTAS.

(a) Class "A" Licenses. The number of Class "A" licenses issued hereunder shall be limited to 2.

(b) Class "B" Licenses. The number of Class "B" liquor licenses to be issued hereunder is limited to the number permitted under §125.51(4), Wis. Stats.

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

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

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

(c) Sales to Underage Persons Restricted. No alcohol beverage shall be sold, dispensed,

given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

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

(e) Commencement of Operations. Within 180 days after the issuance of a Class "B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 180-day period.

(f) Cessation of Operations. If any licensee shall suspend or cease doing business for 180 consecutive days or more, his Class "B" intoxicating liquor license and fermented malt beverage license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 90-day period.

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

(h) Location of Premises Restricted. No retail Class "B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises so licensed on June 30, 1947.

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

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

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

(l) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed

operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

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

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

(n) Live Music and Dancing. Dancing and live music shall be permitted in any premises holding a Class "B" liquor license, provided that such dancing and music is limited to the building only and does not constitute a nuisance in the neighborhood.

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

- (a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.
- (b) Retail Class "B" License. No premises shall be open for the sale of intoxicating liquor or fermented malt beverage between the hours of 2:00 A.M. to 6:00A.M., except on Saturday and Sunday the closing hour shall be 2:30 A.M.; on January 1 there are no closing hours.
- (c) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (b) above.
- (d) Presence on Premises After Closing Hour Restricted.
 1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.
 2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.
- (e) Retail Class C License. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell wine during the closing hours, as stated in paragraph 12.02(11)(b).

(12) SALE OF CLASS "B" PACKAGED GOODS.

(a) Restrictions. Pursuant to §125.51(3) (b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the

premises in excess of 4 liters at any one time on any premises for which any Class "B" intoxicating liquor license or combination Class "B" alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

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

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

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

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

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

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

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

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

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

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

(15) REVOCATION AND SUSPENSION OF LICENSES.

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

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

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

12.03 CIGARETTE RETAILER LICENSE.

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

(2) LICENSE FEE. The license fee shall be \$50 per year.

12.04 JUNK DEALERS.

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

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

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

(4) LICENSE FEE. The license fee shall be \$100 per year. The license year shall commence on July 1 of each year.

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

(6) RESTRICTIONS APPLICABLE TO JUNK DEALERS.

(a) No junk shall be displayed or stored outside the fenced area of the premises.

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

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

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

(e) Every license hereunder shall comply with all applicable provisions of this Code and all applicable State and Federal laws and regulations.

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

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

(7) REVOCATION AND SUSPENSION OF LICENSE.

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

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

12.05 MOBILE HOMES AND MOBILE HOME PARKS.

(1) STATE STATUTES ADOPTED BY REFERENCE. Stats., and the definitions therein are hereby adopted by reference.

(2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS.

(a) Restricted. No occupied mobile home shall be permitted to be located in the Town

unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.

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

(3) PARK LICENSE REQUIRED. No person shall establish or operate a mobile home park without having first secured an annual license therefor from the Town Board. The application for such annual license shall be filed annually with the Town Clerk and shall be accompanied by a fee of One Hundred Dollars (\$100.00) for each park. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference. The fee to transfer the mobile home park license from one owner or operator to another owner or operator shall be Fifty Dollars (\$50.00).

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

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

(6) TEMPORARY USE. This section shall not prohibit the temporary use of any mobile home or recreational vehicle by the personal guests of the owner of property within the Town provided such use shall be limited to 15 days in any one calendar year. With the permission of the Town Board, the owner of property whose dwelling has been substantially damaged by fire or other accidental means may be permitted to keep a mobile home in the Town for a period of not to exceed 4 months upon payment in advance of the monthly parking permit fee required under this section.

(7) TERMINATION OF PERMISSION TO MAINTAIN MOBILE HOME. The Town Board shall have the power, after notice to the owner of any mobile home, the occupant thereof, or the owner of the land on which it is located, to require such mobile home to be removed from the Town mobile home has fallen into neglect, is unfit for dwelling purposes, is a detriment to the valuation of adjoining properties, or if any provision of this section has been violated.

12.06 REGULATION AND LICENSING OF DOGS.

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

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

- (a) Unneutered Male Dog \$15
- (b) Unspayed Female Dog \$15
- (c) Neutered Male Dog \$10
- (d) Spayed Female Dog \$10

(e) Replacement License \$0

(3) LATE FEES. The Town Treasurer shall assess and collect a late fee of \$10 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

(4) CHANGE OF OWNERSHIP. If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$0.

(5) TRANSFER PROHIBITED. No person shall use for any animal a license receipt or license tag issued for another animal.

(6) KENNEL LICENSE OPTION. The owners of kennels may opt to pay a kennel license fee of \$45 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Town Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential area.

(7) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the Town which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

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

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

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

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

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

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

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

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

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

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

(10) DOGS RUNNING AT LARGE AND UNTAGGED DOGS.

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

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

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

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to be untagged, the owner shall forfeit \$250.00 for the first offense, \$357.10 for the second offense, and \$495.70 for third and subsequent offenses.

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

(12) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.

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

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

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

(14) IMPOUNDING AND DISPOSITION OF DOGS.

(a) Impounding of A police officer or other person restraining a dog running at large shall notify the County Humane Society or take such animal to the Humane Society. The police officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

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

1. Gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
3. Pays the dog's boarding fee.

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

1. Gives that person's name and address.
2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(15) NUMBER OF DOGS PER HOUSEHOLD LIMITED. No person, except a kennel licensee, shall own, harbor or keep more than 4 dogs that are more than 5 months of age except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 4 dogs are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such dogs.

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

(a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$250.00 nor more than \$495.70.

(b) Refusal to Comply With Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$250 nor more than \$500.

12.07 KEEPING OF VICIOUS DOGS REGULATED.

(1) DEFINITIONS. The terms used in this section are defined as follows:

(a) Vicious Dog.

1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as

evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

2. Any dog which attacks a human being or another domestic animal without provocation.
3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog- fighting.
4. Any pit bull dog.

(b) Pit Bull Dog.

1. The pit bull terrier breed of dog.
2. The Staffordshire bull terrier breed of dog.
3. The American pit bull terrier breed of dog.
4. The American Staffordshire terrier breed of dog.
5. Dogs of mixed breed or of other breeds than listed under sub pars. 1. To 4. Above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.

(2) REQUIREMENTS AND PROHIBITIONS.

(a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Town Chairman.

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

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

structure.

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

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

(f) Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Town Clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death or any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Town Chairperson. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

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

(4) APPEAL OF VICIOUS DOG DETERMINATION. Any person aggrieved by the determination of the Chief of Police, as provided in sub. (3) above, may appeal such determination with the Town Board.

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

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

12.08 ADULT-ORIENTED ESTABLISHMENTS

(1) INTENT. The Town Board intends that the enforcement of this section shall be used primarily to combat the obscenity industry and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational or scientific value. The Town Board further intends that the enforcement of this section shall be consistent with the first amendment to the United States Constitution, Article I, Section 3 of the Wisconsin Constitution and the compelling state interest in protecting the free flow of ideas. However, the Board has determined that the unrestricted and unregulated development of adult-

oriented establishments in other municipalities has been a contributing factor to increased crime, the deterioration of the municipality's retail trade, and a decrease in property values.

It is therefore the intent of the Board to establish and enforce reasonable standards relating to the location and operation of adult-oriented establishments.

(2) DEFINITIONS. The terms used herein shall be defined as follows:

(a) Adult-Oriented Establishments. The term "adult- oriented establishment" includes, but is not limited to, adult entertainment stores, adult theaters, adult mini-theaters, adult cabarets and any premises to which public patrons or members are invited or admitted.

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