

## TITLE 7

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# Licensing and Regulation

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# Chapter 1

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## Licensing of Dogs and Regulation of Animals

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## Sec. 7-1-1 Dog License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the Village of Combined Locks to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
- (1) **Animal.** To be off the property of the owner or caretaker and not under restraint. A dog or cat within an automobile or in an automobile of any other persons with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's property.
  - (2) **Bodily Harm.** Bodily injury including, but not limited to, a bruise, abrasion, scratch, bite mark, puncture, laceration, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.
  - (3) **Caretaker.** Any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.
  - (4) **Confined.** Restriction of an animal at all times by the owner to an escape-proof building.
  - (5) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's property.
  - (6) **Dangerous Animal.** Means any of the following:
    - a. Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
    - b. Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without the permission of the owner or person in lawful control of the property.
    - c. Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic animals.
  - (7) **Domestic Animal.** Any animal which is normally considered tame or domesticated and suitable for home life with humans.
  - (8) **Dwelling Unit.** A building or portion thereof designed to be used exclusively for residential purposes.
  - (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and raised for food or fiber.
  - (10) **Kennel.** Any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.
  - (11) **Law Enforcement Officer (inc. Humane Officer and Conservation Warden).** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer

- under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
- (12) **Licensing Authority.** The political body authorized to issue animal licenses.
- (13) **Molest.** Excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way or on public property, or on their own property or property of anyone other than the owner or custodian of the animal.
- (14) **Owner.** Any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its caretaker or who knowingly permits an animal to remain on or about his/her premises/property for five (5) or more consecutive days.
- (15) **Pet.** Any retail establishment in a commercially zoned building whose business includes the sale of live animals.
- (16) **Prohibited Dangerous Animal.** Means any of the following:
- Any animal that, while off the owner's or custodian's property, has killed a domesticated animal without provocation.
  - Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
  - Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
  - Any dog that is subject to being destroyed under Sec. 174.02(3), Wis. Stats.
  - Any dog trained, owned or harbored for the purpose of dog fighting.
- (17) **Public Nuisance Animal.** Means any animal which:
- Habitually pursues any vehicle or passerby upon any public street, alley or highway in the Village of Combined Locks.
  - Molests people, domestic animals, or passing vehicles.
  - Attacks persons or domestic animals without provocation when such persons or domestic animals are peacefully conducting themselves in a place where they are lawfully entitled to be.
  - Is at large on school grounds, parks or cemeteries.
  - Is repeatedly at large.
  - Damages private or public property.
  - Barks, whines or howls in an excessive, continuous or untimely fashion.
  - Does not have the current vaccination as required by Section 7-1-2.
  - Is the subject of Sec. 7-1-5 below.
  - Is the subject of repeated violations under this Chapter.
- (18) **Restraint.** Means that the animal is secured by a leash or lead, and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner or caretaker.
- (19) **Render Sterile.** Refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. The term includes neutering and spaying.

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- (20) **Serious Bodily Harm.** Bodily harm which causes death, creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury requiring medical care or treatment.
- (21) **Unrestrained Animal.** Any animal not subject to restraint by the owner or lawful custodian.
- (22) **Veterinary Hospital or Clinic.** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
- (23) **Wild Animal.** Any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the *canis lupis* species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding three (3) feet in length.

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

## **Sec. 7-1-2 Rabies Vaccination Required for License.**

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Combined Locks after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

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

### **Sec. 7-1-3 Issuance of Dog and Kennel Licenses.**

- (a) **Dog Licenses.**
  - (1) It shall be unlawful for any person in the Village of Combined Locks to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
  - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
  - (3) The minimum State license tax under this Section shall be charged in accordance with Sec. 174.05, Wis. Stats., as amended. An additional Village tax pursuant to Sec. 174.05, Wis. Stats., shall be paid on each dog license issued and the amount of Village tax shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refund which may be received under Sec. 174.09(2), Wis. Stats. The license year commences on January 1 and ends on the following December 31.
  - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Administrator shall complete and issue to the owner a license for

such dog containing all information required by state law. The Village Administrator shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
  - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
  - (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Administrator upon application therefor.
- (b) **Kennel Licenses.**
- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Thirty-six and 50/100 Dollars (\$36.50) for a kennel of twelve (12) or fewer dogs and an additional Four Dollars (\$4.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Administrator shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas following a public hearing and approval by the Village Board; the Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.
  - (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.



- (3) The term "kennel" means any establishment wherein or whereupon more than three (3) dogs are kept.
- (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Chapter 948 of the Wisconsin Statutes.
- (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.

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

#### **Sec. 7-1-4 Late Fees.**

The Village Administrator shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

#### **Sec. 7-1-5 Rabies Quarantine.**

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village of Combined Locks shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance animal and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk shall promptly post in at least three (3) public places in the Village of Combined Locks notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat From Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of

Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

- (c) **Required Confinement of Vaccinated Animals.** If any dog or cat for which the owner holds a current rabies certificate is involved in a bite or scratch incident, the owner shall quarantine and confine the animal under the supervision of a licensed veterinarian for at least ten (10) days from the date of the incident. The animal shall not be allowed to come in contact with other animals or people during the period of confinement. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day, and on one (1) intervening day.
- (d) **Required Confinement of Unvaccinated Animals.** Any dog or cat involved in a bite or scratch incident that has not been vaccinated or has not been revaccinated within the prescribed times must be confined at a veterinary hospital or a place designated by the Police Department.
- (e) **Responsibility for Expenses.** The owner of any dog or cat involved in a bite or scratch incident is responsible for any expenses incurred.
- (f) **Statutes Adopted; Compliance With Statutory Requirements.** The provisions of Section 95.21 and Chapters 173 and 174, Wis. Stats., exclusive of any penalties, are adopted by reference and are made part of this Chapter, so far as applicable.

*State Law Reference:* Sec. 95.21 and Chapters 173 and 174, Wis. Stats.

## **Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.**

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Combined Locks to own, harbor or keep any dog, cat, fowl or other animal which has been determined to be a public nuisance as defined in Section 7-1-1 or allow the animal to run at large in the Village.
- (b) **Required Confinement or Restraint.** The owner or custodian of any animal shall confine, restrain or maintain control over the animal so that the unprovoked animal does not run at large, attack, molest, or cause bodily harm to any person or domesticated animal.
- (c) **Responsibility of Owners and Custodians.** All owners and custodians shall exercise proper care and control of their animals under their ownership, possession, or custody to prevent them from becoming a public nuisance animal.
- (d) **Special Female Animal Precautions.** Every female dog or cat in heat shall be confined in a building or secure enclosure, or otherwise restrained, in such a manner that such female dog or cat cannot come into contact with another unneutered male of the same species, except for planned breeding.
- (e) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

*State Law Reference:* Section 174.02, Wis. Stats.

## **Sec. 7-1-7 Impoundment of Animals.**

### **(a) Impoundment of Unrestrained and Nuisance Animals.**

- (1) Unrestrained and nuisance animals shall be taken by authorized employees of the Police Department and impounded in a temporary or permanent animal shelter and there confined in a humane manner.
- (2) When an animal has become a public nuisance animal and its owner or custodian cannot be contacted at the time of the complaint, the animal may be impounded by authorized employees of the Police Department after an attempt to contact the owner or custodian is unsuccessful. After impoundment, reasonable attempts shall be made to contact the owner or custodian.

### **(b) Payment of Impoundment Fees.** An owner or custodian reclaiming an impounded animal shall pay the accrued impoundment fee and comply with provisions of Section 7-1-3(a).

### **(c) Unclaimed Animals.** Any animal not reclaimed by its owner or custodian within seven (7) days becomes the property of the local government authority or humane society and shall be placed for adoption in a suitable home or if a prohibited dangerous animal, humanely euthanized in lieu of placement for adoption.

## **Sec. 7-1-8 Report of Animal Bites and Scratches.**

All incidents occurring in the Village of Combined Locks in which any animal bites or scratches a person or another animal, or is suspected of such, immediately be reported to the Police Department by any person having knowledge of such incident. If the bite or scratch is caused by an animal for which there is no rabies vaccine or known quarantine, the animal, at the discretion of the Police Department, may be euthanized and analyzed for rabies with all expenses incurred being the responsibility of the owner.

## **Sec. 7-1-9 Pit Bulls.**

### **(a) Keeping of Pit Bulls Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Combined Locks:

- (1) Any pit bull dog provided that pit bull dogs registered with the Village on the day this Section becomes effective may be kept within the Village subject to the standards and requirements set forth in Subsection (b) of this Section. "Pit bull dog" as that term is used in this Section is defined to mean:
  - a. The Staffordshire bull terrier breed of dog;
  - b. The American pit bull terrier breed of dog;

- c. The American Staffordshire terrier breed of dog;
  - d. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.
- (b) **Keeping of Registered Pit Bulls.** The provisions of Subsection (a) are not applicable to owners, keepers or harbors of pit bull dogs registered with the Village of Combined Locks keeping, owning or harboring of such dogs is however subject to the following conditions:
- (1) **Leash and Muzzle.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull 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. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  - (2) **Confinement.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in Subsection (b)(1). All pens or kennels shall comply with all zoning and building regulations of the Village and shall be kept in a clean and sanitary condition.
  - (3) **Confinement Indoors.** No pit bull dog may be kept on a porch, patio or in any part of a hours or structure that would allow the dog to exit such building on its own volition.
  - (4) **Signs.** All owners, keepers or harborers of registered pit bull dogs within the Village shall within ten (10) 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". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
  - (5) **Insurance.** All owners, keepers or harborers of registered pit bull dogs must within thirty (30) days of the effective date of this Section provide proof to the Administrator of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Administrator.
  - (6) **Registration.** All owners, keepers or harborers of pit bull dogs shall within thirty (30) days after the effective date of this Section register said dog with the Village by filing with the Administrator two (2) color photographs of the dog clearly showing the color and approximate size of the dog.
  - (7) **Reporting Requirements.** All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Administrator:

- a. The removal from the Village or death of a registered pit bull;
  - b. The birth of offspring of a registered pit bull dog;
  - c. The new address of a registered pit bull dog should the dog be moved within the Village of Combined Locks.
  - d. If the registered pit bull dog is sold, the name and address of the new owner.
- (8) **Animals Born of Registered Dogs.** All offspring born of pit bull dogs registered within the Village must be removed from the Village within six (6) weeks after the birth of said animal.
- (9) **Failure to Comply.** It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the Village to fail to comply with the requirements and conditions set forth in this Section.

### **Sec. 7-1-10 Animal Feces.**

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

### **Sec. 7-1-11 Injury to Property by Animals.**

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

### **Sec. 7-1-12 Animals in Parks and Cemeteries.**

- (a) **Municipal Parks.** Pets are not allowed in any municipal parks with the exception of hiking trails in Memorial Park and hiking trails in Lindberg Park. The leash law as contained in Section 7-1-6(c) applies. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Cemeteries.** Animals are prohibited at any time in cemeteries.

## **Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects; Farm Animals.**

### **(a) Protected Animals.**

- (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempi*).
  - (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
  - (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) **Exceptions.** The provisions of Subsections (a) and (c) herein shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) **Wild Animals.** No person shall keep or permit to be kept any wild animal as a pet.
- (d) **Farm Animals.** Except as otherwise permitted within this Section, no person shall keep, sell or offer for sale within the Village of Combined Locks any horses, cows, pigs, goats, sheep, bees, pigeons, chickens, geese, ducks or other fowl or any other domestic animal other than a dog, cat, rabbit, small caged birds, small caged animals or reptiles or aquatic and amphibian animals, kept solely as pets.
- (e) **Wild Animals Kept for Display Purposes.** No person shall exhibit or permit to be kept on their premises or any public place any wild animal for display or exhibition purposes, whether gratuitously or for a fee.
- (f) **Exception for Animals Kept in a Veterinarian's Care.** The prohibitions in Subsection (c) of this Section do not apply when the creatures are in the care, custody or control of a veterinarian for treatment.

- (g) **Exemptions.** Public or private educational institutions, nonprofit organizations, itinerant or transient carnivals, circuses or other theatrical performances may seek, from the Health Officer, a limited exemption from this Section provided the display will be of limited duration and meet any other requirements or conditions mandated by the Health Officer and the location complies with provisions of Title 13 of this Code of Ordinances, pertaining to zoning of the Village. The person or organization having custody and control of any animal permitted by this Section shall be responsible for compliance with all other provisions of this Chapter while the animal remains within the Village limits.
- (h) **Prohibition on Feeding Deer.** No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer:
- (1) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
    - a. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
    - b. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the grain, fruit, mineral, or vegetable material.
  - (2) **Exceptions.** This Section shall not apply to the following situations:
    - a. *Hunting.* The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules, and regulations governing hunting and the discharge of hunting weapons.
    - b. *Naturally Growing Materials.* Naturally growing grain, fruit, or vegetable material, including gardens and residue from lawns, gardens, and other vegetable materials maintained as a mulch pile.
    - c. *Bird Feeders.* Unmodified commercially purchased bird feeders or their equivalent.
    - d. *Authorized by the Village Board.* Deer feeding may be authorized on a temporary basis by the Village Board for a specific public purpose as determined by the Village Board.

## **Sec. 7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals.**

- (a) **Sale of Artificially Colored Fowl or Animals.** No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

(b) **Sale of Live Fowl.**

- (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

*State Law Reference:* Sec. 948.11, Wis. Stats.

**Sec. 7-1-15 Providing Proper Food and Drink to Confined Animals.**

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

*State Law Reference:* Sec. 948.13, Wis. Stats.

**Sec. 7-1-16 Providing Proper Shelter.**

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
  - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
  - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided



to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

- (2) **Shelter from inclement weather.**
  - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
  - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
  - (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

*State Law Reference:* Sec. 948.14, Wis. Stats.

## **Sec. 7-1-17 Neglected or Abandoned Animals.**

- (a) **Neglected or Abandoned Animals.**
  - (1) No person may abandon any animal.
  - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
  - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such

officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.

- (5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village of Combined Locks or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

*State Law Reference:* Sections 948.15, 948.16 and 948.17, Wis. Stats.

## **Sec. 7-1-18 Cruelty to Animals and Birds Prohibited.**

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his/her duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or

wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

### **Sec. 7-1-19 Limitation on Number of Animals.**

No person or household shall keep more than six (6) animals, the maximum number of dogs being three (3), the maximum number of rabbits being two (2), on any Village of Combined Locks lot, land parcel, home or dwelling unit if in a multiple dwelling unit, with the exception of a litter of pups or kittens, which may be kept for a period of time not to exceed five (5) months from birth. This Section does not apply to premises holding a valid kennel license.

### **Sec. 7-1-20 Trapping of Animals.**

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

### **Sec. 7-1-21 Vietnamese Potbellied Pigs.**

- (a) **Definitions.** As used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
- (b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Combined Locks limits a Vietnamese Potbellied Pig

without first having obtained a license from the Village Administrator and being in compliance with all provisions of this Section. The fee for a license issued hereunder or renewal thereof shall be Ten Dollars (\$10.00) per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the Village to care for stray or unwanted animals.

(c) **License/Application.**

- (1) Any applicant for a license or renewal thereof under this Section shall file with the Village Administrator a fully executed application on a form prescribed by the Village Administrator, accompanied by the annual license fee.
- (2) No licenses or renewal thereof shall issue hereunder until:
  - a. A Certificate of Purebred Registration is filed with the Village Administrator.
  - b. There has been an inspection by a Village law enforcement officer or the Building Inspector of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
  - c. There is an adequate means of restraining animals from running at large or disturbing the peace.
- (3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.
- (4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any Village personnel requesting to examine it and having authority to enforce this Section.
- (5) Only one (1) Vietnamese Potbellied Pig may be at any premises.

(d) **License Requirements.** Licensee shall comply with the following as a condition of obtaining and maintaining a license:

- (1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
- (2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.
- (3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.
- (4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.

- (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
  - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
  - (7) Animals may not be permitted to exceed one hundred (100) pounds in weight.
  - (8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
    - a. The animal's weight.
    - b. The animal has received all recommended vaccinations and boosters.
    - c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.
    - d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.
    - e. The animal has passed a pseudorabies test administered in accordance with application state regulations.
  - (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
  - (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (c) **Suspension, Revocation or Denial of Renewal of License.** The Chief of Police shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the Village, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant

or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten (10) days of such notice.

## **Sec. 7-1-22 Pigeon Keeping.**

- (a) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates a different meaning is intended:
- (1) **Pigeon.** A member of the family Columbidae, and shall include "Racing Pigeons", "Fancy Pigeons" and "Sporting Pigeons" as defined in this Section.
  - (2) **Racing Pigeon.** A pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon.
  - (3) **Fancy Pigeon.** A pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.
  - (4) **Sporting Pigeon.** A pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tippers.
  - (5) **Loft.** The structure for the keeping or housing of pigeons.
  - (6) **Mature Pigeon.** A pigeon aged six (6) months or older.
  - (7) **Owner.** The owner of a pigeon or pigeons.
- (b) **Conditions for Keeping of Pigeons.** The keeping, breeding, maintenance and flying of pigeons shall be permitted, on the following conditions:
- (1) The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
  - (2) There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
  - (3) The construction and location of the loft shall not conflict with the requirements of any Building Code or Zoning Code of the Village of Combined Locks.
  - (4) All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
  - (5) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the Village.
  - (6) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings of property of others.

- (7) All pigeons shall be fed within the confines of the loft.
- (8) No one shall release pigeons to fly for exercise training or competition except in compliance with the following rules:
  - a. The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.
  - b. Pigeons will not be released for flying which have been fed within the previous four (4) hours.
- (9) No owner may have more than twenty (20) pigeons in a residentially zoned area.
- (c) **Right of Entry for Inspection.** Village law enforcement officers may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this Section.
- (d) **Violations.** Each day that a violation of this Chapter continues shall be deemed a separate violation. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure, impoundment and removal from the Village by Village officials in the event the owner or keeper of the dog fails to remove the dog from the Village. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this Chapter.

### **Sec. 7-1-23 Vehicle Accidents.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall immediately report such injury or death to the animal's owner or custodian. If the owner or custodian cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Humane Society.

### **Sec. 7-1-24 Procedure for Declaring an Animal a Dangerous Animal.**

- (a) **Law Officer Declaration.**
  - (1) Upon conducting an investigation, a law enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever an owner or custodian wishes to contest an order, he/she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk a written objection to the order stating specific reasons for contesting the order.

- (2) Upon receipt of the written objection, the matter shall be placed on the agenda for the Village Board to be reviewed at the next regular meeting. The Village Board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence at this hearing as to why the animal should not be declared dangerous.
- (b) **Village Board Determination.** After the hearing, the owner or custodian shall be notified in writing of the Village Board's determination. If the Village Board upholds the determination that the animal is dangerous, the owner or custodian shall comply with the requirements of Sec. 7-1-25. If the owner or custodian further contests the determination, he/she may, within five (5) days of receiving the Village Board's decision, seek review of the decision by the Circuit Court.
- (c) **Compliance.** Upon an animal being declared dangerous, the owner or custodian shall immediately comply with leashing, muzzling and confinement requirements of Section 7-1-25 with all other requirements in that Section being satisfied within thirty (30) days of the dangerous declaration or reaffirmation thereof, or within such time as established by the Village Board.

## **Sec. 7-1-25 Harboring Dangerous Animals; No Harboring of Prohibited Dangerous Animals.**

- (a) **Dangerous Animals Regulated.**
  - (1) **Compliance With Section.** No person may harbor or keep a dangerous animal within the Village of Combined Locks unless all provisions of this Section are complied with. Any animal that is determined to be a prohibited dangerous animal under this Subsection shall not be kept or harbored in the Village.
  - (2) **Summons Issuance Criteria.** The issuance of a summons for a violation of this Section need not be predicated on a determination that an animal is a dangerous animal.
- (b) **Registration.** The owner of any animal declared dangerous shall register it with the Police Department upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal, payment of a Seventy-five Dollar (\$75.00) registration fee, and proof of liability insurance as outlined in Subsection (g).
- (c) **Leash and Muzzle.**
  - (1) **When Leash Required.** No owner or custodian harboring or having the care of a dangerous animal may permit such an animal to go outside its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than four (4) feet in length.
  - (2) **Competent Person Controlling Leash.**
    - a. No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its dwelling, kennel or pen unless a person who is sixteen



- (16) years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal, is in physical control of the leash.
- b. A dangerous animal may be securely leashed or chained to an immovable object, with the owner or custodian being in the physical presence of the animal at all times when it is so leashed or chained.
- (3) **Use of Muzzling Device.** A dangerous animal outside of the animal's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.
- (d) **Confinement.**
- (1) **Indoor or Pen Confinement.** Except when leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or custodian and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.
- (2) **Pen/Kennel Standards.** When constructed in a yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this Subsection. The pen or kennel shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences [at least two (2) feet] shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two (2) feet. All structures erected to house dangerous animals shall comply with all Village zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) **Inadequate Indoor Confinement.** No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or custodian that would allow the animal to exit the building on its own volition. No dangerous animal 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 animal from exiting the structure.
- (e) **Signage.** The owner or custodian of a dangerous animal shall display, in prominent places on his/her premises near all entrances to the premises, signs in letters of not less than two (2) inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal. In addition, the owner or custodian shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

- (f) **Spay and Neuter Requirement.** Within thirty (30) days after an animal has been designated dangerous, the owner or custodian of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.
- (g) **Liability Insurance.** The owner or custodian of a dangerous animal shall present to the Police Department a certificate of insurance that the owner or custodian has procured liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) for any personal injuries inflicted by the dangerous animal. Whenever such policy is cancelled or not renewed, the insurer and animal's owner or custodian shall notify the Police Department of such cancellation or non-renewal in writing by certified mail.
- (h) **Waiver by Village Board.** Upon request, by the owner or custodian, the Village Board may waive any requirement specified in Subsections (a) through (g) that is deemed to be inappropriate for a particular dangerous animal.
- (i) **Notification.** The owner or custodian shall notify the Police Department within twenty-four (24) hours if a dangerous animal is at large, is unconfined, has attacked another animal, has attacked a human being or has died. No person may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of any requirements imposed upon the selling or transferring party by this Subsection. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the Police Department in writing, at least three (3) days in advance of the sale or transfer of possession with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the Village, the owner or custodian shall present evidence to the Police Department showing that he/she has notified the Police Department, or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.
- (j) **Euthanasia.** If the owner or custodian of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this Section, he/she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.
- (k) **Waiver.** The Village Board may waive the provisions of Subsections (b) to (g) for a law enforcement or military animal upon presentation by the animal's owner or handler of satisfactory arrangement for safe keeping of the animal.

### **Sec. 7-1-26 Certain Animals Not to be Declared Dangerous or Prohibited Dangerous.**

Notwithstanding the definition of a dangerous animal or prohibited dangerous animal in Section 7-1-1:

- (a) **Tormenting, Trespass or Criminal Act Situations.** No animal may be declared dangerous or prohibited dangerous if:
  - (1) Death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land with criminal intent or criminal trespass on the dwelling upon the premises occupied by the owner or custodian of the animal;
  - (2) The person was teasing, tormenting, abusing or assaulting the animal; or
  - (3) The person was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.
- (b) **Animal Engaged in Protecting a Person.** No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
- (c) **Law Enforcement Animals.** No animal may be declared dangerous or prohibited dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

### **Sec. 7-1-27 Prohibited Dangerous Animals – Declaration, Destruction and Enforcement.**

- (a) **Not Permitted in Village.** No person may bring into or keep in the Village of Combined Locks any animal that is a prohibited dangerous animal under this Chapter.
- (b) **Declaration of a Prohibited Dangerous Animal.**
  - (1) The Police Department may declare an animal to be a prohibited dangerous animal whenever the Police Department finds that an animal meets the definition of a prohibited dangerous animal or is a dangerous animal in non-compliance with any of the provisions of Section 7-1-25.
  - (2) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the Police Department may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or custodian wishes to contest an order, he/she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Village Board to be reviewed at the next regular meeting. The Village Board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.
  - (3) Pending the outcome of the hearing, the animal may be confined subject to the requirements of Section 173.21, Wis. Stats., or held at a location outside the limits of the Village.

- (4) After the hearing, the owner or custodian shall be notified in writing of the Village Board's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or custodian shall comply with Subsection (a) within five (5) days after the date of the determination. If the owner or custodian further contests the determination, he/she may, within five (5) days of receiving the Village Board's decision, seek review of the decision by the Circuit Court.
- (c) **Destruction.** Any dog that has caused bodily harm to a person, persons or a domestic animal on two (2) separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under Sec. 174.02(3), Wis. Stats. The Village Attorney may petition an appropriate court to obtain a court order to destroy such a dog.
- (d) **Enforcement.** The Police Department may make whatever inquiry is deemed necessary to ensure compliance with this Section.
- (e) **Waiver.** The Village Board may waive the provisions of this Section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

## Sec. 7-1-28 Penalty Provisions.

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, 7-1-22 or 7-1-23 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (b)
  - (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4, 7-1-5, 7-1-24 or 7-1-25 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
  - (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.
- (d) Any owner who refuses to comply with Section 7-1-27 of this Code of Ordinances shall be fined not less than One Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00). Each day the animal is kept within the Village in violation of Section 7-1-27 will constitute a separate occurrence.

- (e) This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining the person from violating any aspects of this Chapter or to affirmatively order conditions of confinement or destruction.



## Title 7 ► Chapter 11

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# Escorts and Escort Services

<b>7-11-1</b>	Definitions
<b>7-11-2</b>	Exemptions
<b>7-11-3</b>	License Required
<b>7-11-4</b>	License Applications
<b>7-11-5</b>	Standards for Issuance of Licenses
<b>7-11-6</b>	Renewal of Licenses
<b>7-11-7</b>	Denial of Application
<b>7-11-8</b>	Suspension, Revocation or Nonrenewal of License
<b>7-11-9</b>	Responsibilities of Operators
<b>7-11-10</b>	Registration of Employees
<b>7-11-11</b>	Violations and Penalties

### Sec. 7-11-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Escort.** Any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, accompanies or offers to accompany another person to or about social affairs, entertainments or places of amusement or consorts with another person about any place of public resort or within any private quarters or agrees to privately model lingerie, perform a striptease or perform in a nude or semi-nude state for another person or persons.
- (b) **Escort Service.** Service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of persons who may accompany other persons to or about social affairs, entertainments or places of amusement or who may consort with others about any place of public resort or within a private quarters or within any private quarters or within any private quarters or agrees to privately model lingerie, perform a striptease or perform in a nude or semi-nude state for another person or persons.
- (c) **Person.** A natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the State of Wisconsin, and any political subdivision thereof.

## **Sec. 7-11-2 Exemptions.**

This Chapter does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the Village pursuant to a specific statute or ordinance and employees employed by a business so licensed, and who perform an escort or an escort service function as a service merely incidental to the primary function of such profession, employment or business, and who do not hold themselves out to the public as an escort or an escort service.

## **Sec. 7-11-3 License Required.**

- (a) **Escort Service License Required.** No escort service shall be operated or provide service in the Village of Combined Locks without first obtaining a license to operate issued by the Village of Combined Locks.
- (b) **Escorts to be Employed by Licensee.** No person shall escort in the Village of Combined Locks unless employed by an escort service licensed by the Village and properly registered pursuant to this Chapter.
- (c) **Each Location to be Licensed.** Any person, partnership or corporation who or which desires to operate or provide services from more than one (1) location must have a license for each location.
- (d) **License Transfers.** No license or interest in a license may be transferred to any person, partnership or corporation.
- (e) **Prohibited Advertising.** No person may advertise indication that an escort service is available in the Village of Combined Locks unless that service possesses a valid license. No escort service may, in any manner, advertise its services as licensed by the Village of Combined Locks.
- (f) **Prohibited Services.** No escort service shall provide a person with the actual services of an escort at its establishment address, except when the escort service has met the standards and requirements of adult establishments and is in possession of a special permit as required by Section 7-11-2 above.

## **Sec. 7-11-4 License Applications.**

- (a) **Application Authority.** Any person, partnership or corporation desiring to secure a license shall make application to the Village Clerk.
- (b) **Required Information.** The application for a license shall be upon a form approved by the Village Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, each stockholder holding ten percent (10%) or more of the stock or beneficial ownership,



and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

- (1) Name and address, including all aliases, and contact telephone numbers and email addresses.
- (2) Written proof that the individual is at least eighteen (18) years of age.
- (3) All residential addresses of the applicant for the past ten (10) years.
- (4) The business, occupation or employment of the applicant for the ten (10) years immediately preceding the date of application.
- (5) Whether the applicant previously operated in this or any other state, county, city or village under an escort service license or similar business license and whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was the subject to the suspension or revocation.
- (6) All criminal convictions, whether federal or state, or city and village ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges except minor traffic violations.
- (7) Fingerprints and photographic registration with the Fox Valley Metro Police Department.
- (8) The address of the escort service to be operated by the applicant.
- (9) If the applicant is a corporation, the applicant shall specify the name of the corporation, the date and state of incorporation, the name and address of the registration agent, and all officers and directors of the corporation.

### **Sec. 7-11-5 Standards for Issuance of Licenses.**

To receive a license to operate an escort service, an applicant must meet the following standards:

- (a) **Individual Applicants.** If the applicant is an individual:
  - (1) The applicant must be at least eighteen (18) years of age.
  - (2) Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of application.
  - (3) The applicant shall not have been found to have previously violated this Chapter within five (5) years immediately preceding the date of the application.
- (b) **Corporate Applicants.** If the applicant is a corporation:
  - (1) All officers, directors and others required to be named under Sec. 7-11-4(b) above shall be at least eighteen (18) years of age.
  - (2) Subject to Ch. 111, Wis. Stats., no officer, director or other person required to be named under Sec. 7-11-4(b) shall have been convicted of or pleaded nolo contendere

- to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of application.
- (3) No officer, director, or other person required to be named under Sec. 7-11-4(b) shall have been found to have previously violated this Chapter within five (5) years immediately preceding the date of the application.
- (c) **Partnership or Joint Venture Applicants.** If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:
- (1) All persons having a financial interest in the partnership, joint venture, or any other type of organization shall be at least eighteen (18) years of age.
- (2) No persons having a financial interest in the partnership, joint venture, or other type of organization shall, subject to Ch. 111, Wis. Stats., have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
- (3) No person having a financial interest in the partnership, joint venture, or other type of organization shall have been found to have violated any provision of this Chapter within five (5) years immediately preceding the date of application.
- (d) **Background Investigations.** No license shall be issued unless the Fox Valley Metro Police Department has investigated the applicant's qualifications to be licensed.
- (e) **License Fee.** A license fee of One Hundred Dollars (\$100.00) shall be submitted with the application for a license.

## **Sec. 7-11-6 Renewal of Licenses.**

- (a) **License Year; Renewal Application.**
- (1) Every license issued pursuant to this Chapter will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year.
- (2) Any operator desiring to renew a license shall make application to the Village Clerk. The application for renewal shall be filed with and dated by the Village Clerk. A copy of the application for renewal shall be distributed by the Village Clerk to the Fox Valley Metro Police Department and the applicant. The application for renewal shall be upon a form provided by the Village Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- (b) **License Renewal Fee.** A license renewal fee of One Hundred Dollars (\$100.00) shall be submitted with the application for renewal.

**Sec. 7-11-7 Denial of Application.**

- (a) **Denial Notification.** Whenever an initial application is denied, the Village Clerk shall, within fourteen (14) days of denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Village Board, as hereinafter provided. [See Sec. 7-11-8 below].
- (b) **Grounds for Renewal Ineligibility.** Failure or refusal of the applicant to give information relevant to the investigation of the application or his/her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his/her refusal to submit to or cooperate with any investigation required by this Chapter shall constitute an admission by the applicant that he/she is ineligible for such license and shall be grounds for denial thereof by the Village Clerk.

**Sec. 7-11-8 Suspension, Revocation or Nonrenewal of License.**

- (a) **Revocation or Suspension Actions.** A license granted herein may be revoked or suspended for up to six (6) months or nonrenewed by the Village Board as follows:
  - (1) If the applicant has made or recorded a statement required by this Chapter knowing it to be false or fraudulent or intentionally deceptive.
  - (2) For the violation of any provision of this Chapter.
  - (3) After one (1) conviction of any escort service personnel or escort service of an offense under Chapter 944, Wis. Stats., or of an offense against the person or property of a patron or of an offense involving a substance regulated in Subch. II of Chapter 961, Wis. Stats., or any other offense which is substantially related to an escort service or escort.
- (b) **Hearing.**
  - (1) No license shall be revoked, suspended or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Village Board.
  - (2) Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.
  - (3) The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his/her behalf under subpoena by the Village Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.
  - (4) At the conclusion of such hearing, the Village Board shall determine what, if any, action shall be taken against the licensee. If the Village Board finds the complaint

to be true, the license shall be suspended or revoked as provided in Subsection (a) above. The Village Board shall prepare a written decision, which shall be filed with the Village Clerk, and a copy thereof delivered to the licensee and complainant within twenty (20) days after its decision.

- (c) **Review Upon Appeal.** Any party aggrieved by the determination made pursuant to the procedures in Subsections (a) and (b) above shall be entitled to seek judicial review by written petition for certiorari to the Circuit Court for Outagamie County, as authorized pursuant to Sec. 68.13, Wis. Stats.

### **Sec. 7-11-9 Responsibilities of Operators.**

- (a) **Registration of Employees or Contractors.** The operator of an escort service shall maintain a register of all employees or independent contractors, showing the name and aliases used by each employee, home address, birth date, sex, telephone numbers, social security number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination. [See also Sec. 7-11-10].
- (b) **Inspection of Registration Information.** The operator of an escort service shall make the register of employees available immediately for inspection by the police upon demand by a member of the Fox Valley Metro Police Department at all reasonable times.
- (c) **Violations.** Every act or omission by an employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- (d) **Acts or Omissions by Employees.** Any act or omission of any employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or not renewed.

### **Sec. 7-11-10 Registration of Employees.**

- (a) **Registration Information.** All operators or employees working for any escort service and independent contractors shall, prior to beginning employment or contracted duties, register with the Fox Valley Metro Police Department. Such registration shall include the following:
  - (1) Name, address, birth date, any aliases used, telephone numbers, date of employment, and name of employer.

- (2) Photographs and fingerprinting with the Fox Valley Metro Police Department.
- (b) **Registration Identification Card.** Upon registration, the Police Department will provide to each registered employee or independent contractor an identification card containing the employee's or independent contractor's photograph, identifying the person as such, which shall be kept available for production upon request.
- (c) **Registration Duration.** All registrations hereunder are valid for a period of one (1) year.
- (d) **Registration Fee.** The registration fee shall be Twenty-Five Dollars (\$25.00) per registration, which shall be paid to the Police Department to cover the costs of the identification card and administrative costs.

### **Sec. 7-11-11 Violations and Penalties.**

- (a) Any person, partnership or corporation who is found to have violated this Chapter shall be subject to a forfeiture of not less than Two Hundred Dollars and not more than Three Thousand Dollars (\$3,000) and such violation shall result in revocation of any license.
- (b) Each violation of this Chapter shall be considered a separate offense, and any violation continuing more than one (1) day shall be considered a separate offense.



## Chapter 2

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# Fermented Malt Beverages and Intoxicating Liquor

### **Article A      Fermented Malt Beverages and Intoxicating Liquor**

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- 7-2-2**            Definitions
- 7-2-3**            License Required
- 7-2-4**            Classes of Licenses
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- 7-2-7**            Qualification of Applicants and Premises
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## Article A: Fermented Malt Beverages and Intoxicating Liquor

### **Sec. 7-2-1 State Statutes Adopted.**

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

*State Law Reference:* Chapter 125, Wis. Stats.

### **Sec. 7-2-2 Definitions.**

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

### **Sec. 7-2-3 License Required.**

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

### **Sec. 7-2-4 Classes of Licenses.**

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the Village Administrator under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

- (b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Village Administrator under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the Village Administrator under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (d) **Class "B" Fermented Malt Beverage Retailer's License.**
  - (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Administrator under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
  - (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (e) **Temporary Class "B" Fermented Malt Beverage License.**
  - (1) **License.** As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and

all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Village Board.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Administrator together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

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

- (1) **License.** Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Administrator together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates

of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

- (g) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Village Administrator under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (h) **Retail "Class C" Licenses.**
  - (1) In this Subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
  - (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
  - (3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.
  - (4) A "Class C" license shall particularly describe the premises for which it is issued.

*Cross Reference:* Section 7-2-17.

## **Sec. 7-2-5 License Fees.**

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

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be Twenty-five Dollars (\$25.00). The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be Fifty Dollars (\$50.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be Ten Dollars (\$10.00) per event.
- (d) **Temporary "Class B" Wine License.** The fee for this license shall be Ten Dollars (\$10.00) per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be Twenty-five Dollars (\$25.00).
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Seventy-five Dollars (\$75.00).
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Seventy-five Dollars (\$75.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (h) **"Class C" Wine License.** The annual fee for this license shall be Seventy-five Dollars (\$75.00). The fee for less than twelve (12) months shall be prorated.

## **Sec. 7-2-6 Application for License.**

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Administrator not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The Village Administrator shall publish each application for a Class "A", Class "B", "Class A", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any Licensee, such Licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.** The number of persons and places that may be granted a retail "Class B" liquor license under this Section is limited as provided in Chapter 125, Wis. Stats.

## **Sec. 7-2-7 Qualifications of Applicants and Premises.**

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
  - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
  - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and Licensee to file with the Village Administrator a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
  - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

- (h) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
  - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
  - (3) A combination grocery store and tavern.
  - (4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
  - (5) A combination novelty store and tavern.
  - (6) A bowling alley or recreation premises.
  - (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

### **Sec. 7-2-8 Investigation.**

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

### **Sec. 7-2-9 Approval of Application.**

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities

equipped with running water for each sex and must conform to all Ordinances of the Village.

- (c) Consideration for the granting or denial of a license will be based on:
  - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
  - (2) The financial responsibility of the applicant;
  - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon a conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

### **Sec. 7-2-10 Granting of License.**

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



**Sec. 7-2-11 Transfer and Lapse of License.**

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Administrator. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the Village Administrator shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the Licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the Licensee shall give the Village Administrator written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Administrator of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village.

**Sec. 7-2-12 Numbering of License.**

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

**Sec. 7-2-13 Posting Licenses; Defacement.**

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

## Sec. 7-2-14 Conditions of License.

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

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B", Class "B", or "Class C" license, at all times, the Licensee, members of the Licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the Licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- (g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A", "Class B", or "Class C" liquor, wine, or fermented malt beverage Licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such Licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a Licensee or permittee under this Chapter shall constitute a violation by the Licensee or permittee. Whenever any Licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) **Improper Exhibitions.** It shall be unlawful for any person to perform, or for any Licensee or manager or agent of the Licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
- (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (3) Exposes any portion of the female breast at or below the areola thereof; or
  - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.
- (l) **Indoor Pyrotechnic Displays Prohibited.** No indoor pyrotechnic display or fireworks display of any kind is allowed in the licensed premises, nor any unlicensed property attached to the licensed premises.

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

## Sec. 7-2-15 Closing Hours.

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

- (a) **Class "B" Licenses.**
- (1) No premises for which a retail "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours

of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.

- (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
  - (3) The licensee or permittee and one (1) employee (and commercial cleaning services) shall be permitted to check receipts, secure the premises and do minor cleaning during closed hours. Under no circumstances will the consumption of alcohol beverages be permitted during this closed time.
- (b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

## **Sec. 7-2-16 Restrictions on Temporary Fermented Malt Beverage or Wine Licenses.**

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

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.**
  - (1) If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to

control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.

- (2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Combined Locks. The applicant may be required to furnish a performance bond prior to being granted the license.

*Cross Reference:* Section 11-4-1.

## **Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.**

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

in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

(c) **License Revocation and Suspension.**

(1) **Notice of Hearing.** Whenever a person holding a license to sell alcoholic beverages has failed to maintain the premises according to standards prescribed for sanitation, or in whose premises persons are permitted to loiter for purposes of prostitution, or when the licensee has not observed and obeyed any lawful order of the Village Board or police officers of the Village, has violated Village ordinances, or for any other good reason, the Village Board shall issue a summons to be signed by the Village Administrator commanding the licensee complained of to appear before the Village Board on a day and time to show cause why the license should not be revoked or suspended. Such summons shall be served not less than three (3) and not more than ten (10) days before the time at which the licensee is commanded to appear, and may be served personally upon the licensee or the agent of the licensee or upon the person in charge of the licensed premises. The complaint shall be served with the summons and shall set forth the offense(s) allegedly committed, the date and place of said offense(s) and the facts constituting the alleged offense(s). If such licensee shall not appear as required by summons, the complaint shall be taken as true, and if the Village Board deems its allegations sufficient, it shall consider revocation or suspension of the license as provided herein.

(2) **Procedure on Hearing: Effect of Revocation.**

- a. The Village Board shall serve as the hearing agency.
- b. The Village President, or the President's designee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as is practicable, the rules of evidence provided in Sec. 225.08, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges to the preponderance of the evidence. The licensee and the complainant may be represented by counsel, may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony will be recorded on tape, and a summary of said proceedings made for the minutes. If either party requests a stenographic recording and transcription, the Village shall make the necessary arrangements, but the expenses shall be borne by the requesting party. The Village Administrator shall serve as the secretary of the Board at said hearing, and shall receive all exhibits into record.
- c. Within ten (10) days of the completion of the hearing and filing of briefs, if any, the Village Board, upon the testimony and evidence presented at hearing, shall determine by simple majority vote of those present whether the charges are true. If the Village Board determines that the charges are not substantiated, the complaint will be dismissed without cost to either party. If the charges are substantiated, the Village Board will consider what action, if any, it should take

with respect to the license. If the recommendation is to suspend the license, it shall be for the period of time as specified in this Code. Following the procedure above, the recommendation may be to revoke the license. The decision of the Village Board shall be a final determination for purposes of judicial review.

- d. If the complaint is found to be true, the licensee shall pay to the Village the actual cost of the proceedings. If the complaint is found by the Village Board to be malicious and without probable cause, the complainant shall pay the proceedings in the same amount.
  - e. When a license is revoked, it shall become part of the record, and no such license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation, nor shall any part of the money paid as application fee for any license so revoked be refunded.
- (d) **Non-Renewal of License.** The Village Board may, after investigation, commence an action to hear evidence that a license issued pursuant to this Chapter not be renewed. The Village President shall direct that a summons, notifying the licensee of the consideration of non-renewal. The summons shall be in the form of a complaint and shall include a statement of the reasons for consideration of the non-renewal of the license in the same specificity required for summons and complaint for revocation or suspension. In all other respects, the provisions of Subsection (c) above shall apply. The commencement of this action shall stay action by the Village Board on the licensee's application until it makes its determination in the matter.
- (e) **Point Values for Alcohol Beverages Violation, Revocations and Suspensions.**
- (1) **Purpose and Definitions.** The purpose of this Subsection is to administratively interpret those portions of this Chapter relating to the establishment of an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.
  - (2) **Point Schedule.** The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and Village Ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

Type of Violation	Point Value
1. Sale of alcohol beverages without license or permit; sale of controlled substances on licensed premises	100
2. Sale of alcohol beverages to underage person	50

2

0

0

0



3.	Sale of alcohol beverages to intoxicated person	50
4.	Underage person on premises	50
5.	Intoxicated bartender; disorderly conduct on premises	50
6.	After hours consumption	50
7.	Refusal to allow police to search premises or refusal to cooperate with lawful police investigation	50
8.	Licensee, agent or operator not on premises at all times	25
9.	Persons on premises after closing hours	25
10.	Violations of carry-out hours	25
11.	Licensee permitting person to leave licensed premises with open alcohol beverage	25
12.	All other violations of this Chapter	25

(3) **Violations How Calculated.** In determining the accumulated demerit points against a licensee within twelve (12) months, the Village shall use the date each violation was committed as the basis for the determination.

(4) **Suspension or Revocation of License.**

- a. The Village Board shall call before it for purposes of revocation or suspension hearing all licensees who have accumulated two hundred (200) points in a twelve (12) month period as a result of court imposed convictions.
- b. If the demerit point accumulation calculated from the date of violation amounts to two hundred (200) points in a twelve (12) month period, a suspension of thirty (30) days shall be imposed. If the demerit point accumulation is two hundred fifty (250) points (calculated from the date of violation) in a twenty-four (24) month period, a suspension of sixty (60) days shall be imposed. If the demerit

point accumulation in a thirty-six (36) month period is three hundred (300) points, the suspension shall be for the maximum allowed by law, which is ninety (90) days. If the license is revoked no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.

- c. The procedure to be used for suspension or revocation shall be that found in Subsection (c) above.

### **Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.**

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

- (a) The Licensee or agent of a corporate Licensee shall notify the Police Department at least fourteen (14) calendar days in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 4:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Village. After a non-alcohol event notice has been given, the Licensee may cancel an event(s) only by giving like notice to the Police Department in accordance with the provisions of this Subsection within five (5) calendar days of the event. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B", "Class B" or "Class C" license.
- (b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Village to a requesting Licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the Licensee or a licensed bartender in the employ of the Licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

## **Sec. 7-2-19 Outdoor Sports Activities Regulated.**

- (a) **Purpose.** The Village Board finds that restrictions are necessary for outdoor sports activities at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section enacted pursuant to police power provides a framework for regulatory controls on such outdoor sports activities.
- (b) **Approval Required.** No Licensee shall conduct or sponsor any outdoor sports activity or event on property forming any part of the real property on which the licensed premises exist without the prior approval of the Village Board.
- (c) **Application.** If a Licensee shall conduct or sponsor any outdoor sports activity or event on the Licensee's property, the Licensee shall file an application with the Administrator setting forth the following information:
  - (1) The name, address and telephone number of the person or persons who will be responsible for the actual conduct of the activity or event;
  - (2) The date and duration of time for the proposed activity or event;
  - (3) An accurate description of that portion of the Licensee's property proposed to be used;
  - (4) A good faith estimate of the number of participants and spectators for the proposed activity or event; and
  - (5) The Licensee's plan for maintaining the cleanliness of the licensed area.
- (d) **Time for Filing.** The Licensee shall file the application not less than thirty (30) days before the date of the proposed activity or event. The Village Board may waive the thirty (30) day time limit upon a Licensee's showing of exigent circumstances. The application shall be accompanied by payment of a fee of Ten Dollars (\$10.00) for review of the application.
- (e) **Review.** The Village Board shall review the applications in light of the standards of this Section. If the nature of the property or the event requires the imposition of additional regulations, the Village Board may impose these regulations upon an express finding detailing the reasons for additional regulation.
- (f) **Standards.** The following standards shall apply to any outdoor sports activity regulated under this Section:
  - (1) Approval of an application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically licensed.
  - (2) If the estimated number of participants and spectators shall bring the number of persons on the property above the number for which licensed premises' restroom facilities are rated adequate, the Licensee shall provide a number of portable temporary restrooms sufficient to serve the estimated number of persons.
  - (3) The Village Board shall not grant approval to any applicant whose property on which the activity or event is proposed is adjacent to any property zoned residential or on which a residential use exists as a nonconforming use, or within seventy (70) feet of



- any property zoned residential or on which a residential use exists as a nonconforming use. Fencing may be required.
- (4) The applicant shall provide parking adequate for the proposed activity or event, whether on-site or through agreements with property owners shown to the Village Board's satisfaction to permit their property to be used for parking for the proposed activity or event.
  - (5) The applicant shall show the Village Board plans adequate to provide reasonable access to participants and spectators for the event, and to limit access for all other persons.
  - (g) **Maintenance Standards.** The Licensee shall clean up all garbage and debris relating to the activity or event at least once per twenty-four (24) hours during the activity or event.
  - (h) **Noise.** The Licensee shall not permit the noise level of the activity or event to exceed seventy-five (75) dB, measured at any border of the Licensee's real property.
  - (i) **Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee's alcohol beverage license or licenses.

## Sec. 7-2-20 Outdoor Alcoholic Beverage Permits.

- (a) **Definition.** An "Outdoor Alcoholic Beverage Permit" is defined as an open air, roofed or unroofed area adjacent or accessory to any "Class B" intoxicating liquor and/or Class "B" fermented malt beverage and/or "Class C" licensed premises where beer or other alcoholic beverages are consumed, which is not included within the licensed premises.
- (b) **Required for Outdoor Consumption.** No licensee shall permit the consumption of alcoholic beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the Village Board. The permits are a privilege in which no rights vest and, therefore, may be revoked by the Village Board at its pleasure at any time or shall otherwise expire on June 30 of each year. An initial permit request may be applied for at any time throughout the year, by completing a Village Outdoor Alcoholic Beverage Application, but after the initial request is approved any renewals shall accompany the regular license renewal application. No person shall consume or have in his or her possession alcoholic beverages on any unenclosed part of a licensed premise which is not described in a valid Outdoor Alcoholic Beverage Permit.
- (c) **Limitations on Issuance of Outdoor Alcoholic Beverage Permits.**
  - (1) **Proximity to Residential Uses.** A permit issued for an Outdoor Alcoholic Beverage area where any part of the outdoor entertaining area is within one hundred (100) feet of a building used as a dwelling for human occupancy and zoned as residential shall comply with the requirements of Subsection (e)(3) below.
  - (2) **Size Standards.**
    - a. No Outdoor Alcoholic Beverage Permit shall be issued if the outdoor entertaining area is greater than fifty percent (50%) of the gross floor area of the licensed premises enclosed within the building.

- b. Each applicant for an Outdoor Alcoholic Beverage Permit shall accurately describe the area intended for use as an outdoor entertaining area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the Outdoor Alcoholic Beverage area.
  - c. Applicants shall submit a site plan professionally drawn to scale and an application for review by the Village Plan Commission. The Plan Commission will review all proposed Outdoor Alcoholic Beverage Permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.
- (3) **Enclosure Standards.**
- a. Every outdoor entertaining area shall be completely enclosed with a solid permanent barrier or screen of not less than six (6) feet in height for those establishments in which the sale of alcoholic beverages accounts for more than fifty percent (50%) of gross receipts. For those establishments where alcoholic beverage sales do not account for fifty percent (50%) of gross receipts, a permanent barrier is still required, but its structure may be less opaque and less than six (6) feet in height.
  - b. Access to the outdoor entertaining area shall only be through the main entrance to the "Class B"/Class "B" and "Class C" premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets fire codes.
- (d) **Permit Issuance.** The Village Clerk shall refer all applications for Outdoor Alcoholic Beverage Permits to the Police and Fire Departments for investigation. These departments shall furnish to the Village Board in writing a recommendation as to whether the license should be granted. Upon permit approval of the Village Board, the Village Clerk shall issue the permit.
- (e) **Restrictions.** All premises receiving Outdoor Alcoholic Beverage Permits approved after the original adoption date of this Section will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes an Outdoor Alcoholic Beverage area that was established, licensed and authorized by the Village prior to the adoption of this Section, the restrictions under Subsection (c) (1)-(2) above do not apply; these pre-licensed areas are grandfathered with respect to the restrictions in Subsection (c)(1)-(2):
- (1) **Amplified Sound.** No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor entertaining area.
  - (2) **Alcohol Sales Area Restricted.** All sales of alcoholic beverages shall be restricted to the enclosed licensed premises.
  - (3) **Alcohol Sales Hours.** The Outdoor Alcoholic Beverage area may only be open from 10:00 a.m. until 9:00 p.m., Sunday through Thursday and from 10:00 a.m. until 10:00 p.m., Friday and Saturday.

- (4) **Bartenders' Responsibilities.** Bartenders shall be responsible for policing and managing the outdoor entertaining area at all times it is open for operation.
  - (5) **Building Capacity.** The licensed premise's building capacity shall remain the same even with the addition of an Outdoor Alcoholic Beverage Permit.
  - (6) **Nuisances Prohibited.** A licensee shall not permit activities in the outdoor entertaining area that would constitute a nuisance.
  - (7) **Compliance With Other Regulations.** A licensee shall comply with all other applicable State Statutes and Village ordinances.
- (f) **Adjoining Property Owners to be Notified of Pendency of Applications.** Adjoining property owners within one hundred and fifty feet (150) of the proposed outdoor entertaining area measured from property line to property line shall be notified of the pendency of an application for an Outdoor Alcoholic Beverage Permit and notice of a public informational hearing to be held prior to Village Board approval. Such notice shall be made by the Village Clerk's office via first class mail.
  - (g) **Authority of Police to Suspend Outdoor Alcoholic Beverage Permit.** A police officer on duty has the authority to order any outdoor entertaining area to be closed down at any time the police officer on duty believes its continued operation is in violation of this Section, any other applicable Village ordinance, or provisions of Chapter 125, Wis. Stats.
  - (h) **State Statutes Enforced Within Outdoor Entertaining Area.** Every licensee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to "Class B", Class "B" and/or "Class C" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., or this Section shall be grounds for immediate suspension, revocation or non-renewal of the Outdoor Alcoholic Beverage Permit by the Village Board.
  - (i) **Fee Required.** The Village Board shall approve the fee for Outdoor Alcoholic Beverage Permits.
  - (j) **Partial Suspension, Revocation, and Non-Renewal.** This Section applies to those premises which currently hold, or acquire in the future, an Alcoholic Beverage License pursuant to Chapter 125, Wis. Stats., or a licensed premises which includes both indoor and outdoor areas. Any premises receiving an Outdoor Alcoholic Beverage Permit for which a permit is subsequently revoked shall entitle the Village to either suspend, revoke, or non-renew the Alcoholic Beverage License for either the entire premises or only the Outdoor Alcoholic Beverage Permit area upon findings made by the Village Board at the time of such suspension, revocation, or non-renewal proceeding.

**Sec. 7-2-21 through Sec. 7-2-29      Reserved for Future Use.**





## Article B: Operator's License

### **Sec. 7-2-30 Operator's License Required.**

- (a) **Operator's Licenses; Class "A", Class "B" or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit may be open for business unless there is upon the premises the Licensee or permittee, the agent named in the license or permit if the Licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the Licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the Licensee's or permittee's immediate family, other than the Licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the Licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
  - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

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

### **Sec. 7-2-31 Procedure Upon Application.**

- (a) The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Administrator only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village of Combined Locks..
- (b) All applications are subject to an investigation by the Police Department and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The investigating authority shall conduct an investigation of the applicant including, but not limited to,

requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the investigating authority shall recommend, in writing, to the Village Board approval or denial of the application. If the investigating authority recommends denial, the investigating authority shall provide, in writing, the reasons for such recommendation.

### **Sec. 7-2-32 Duration.**

Licenses issued under the provisions of this Chapter shall be valid for a period of two (2) years and shall expire on the thirtieth (30th) day of June.

### **Sec. 7-2-33 Operator's License Fee; Provisional or Licenses.**

- (a) **Fee.** The fee for an operator's license shall be Fifty Dollars (\$50.00) for the term or part thereof. The fee for a provisional license shall be Fifteen Dollars (\$15.00). There shall be no fee for a temporary operator's license.
- (b) **Provisional License.** The Village Administrator may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Chief of Police shall submit to the Administrator a report regarding the applicant's conviction history, if any. The applicant for such provisional license must present evidence to the Administrator establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(a), Wis. Stats. The Village Administrator may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program, and the applicant shall also apply for a regular operator's license. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board, who has had his/her operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program. The Village Administrator shall provide an appropriate application form to be completed in full by the applicant. The Village Administrator may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application. A provisional license shall not be renewed.

- (c) **Temporary License.** The Administrator may issue a temporary operator's license provided that:
- (1) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
  - (2) No person may hold more than one (1) license of this kind per year.
  - (3) The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

### **Sec. 7-2-34 Issuance or Denial of Operator's Licenses.**

- (a) After the Village Board approves the granting of an operator's license, the Village Administrator shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) If the application is denied by the Village Board, the Village Administrator shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
  - (1) If, upon reconsideration, the Board again denies the application, the Village Administrator shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c)
  - (1) Consideration for the granting or denial of a license will be based on:
    - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
    - b. The financial responsibility of the applicant;
    - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
    - d. Generally, the applicant's fitness for the trust to be reposed.
  - (2) If a Licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be a conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to

consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.

### **Sec. 7-2-35 Training Course.**

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

### **Sec. 7-2-36 Display of License.**

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

### **Sec. 7-2-37 Revocation of Operator's License.**

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

### **Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.**

## Article C: Penalties

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### **Sec. 7-2-40 Penalties.**

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



## Chapter 3

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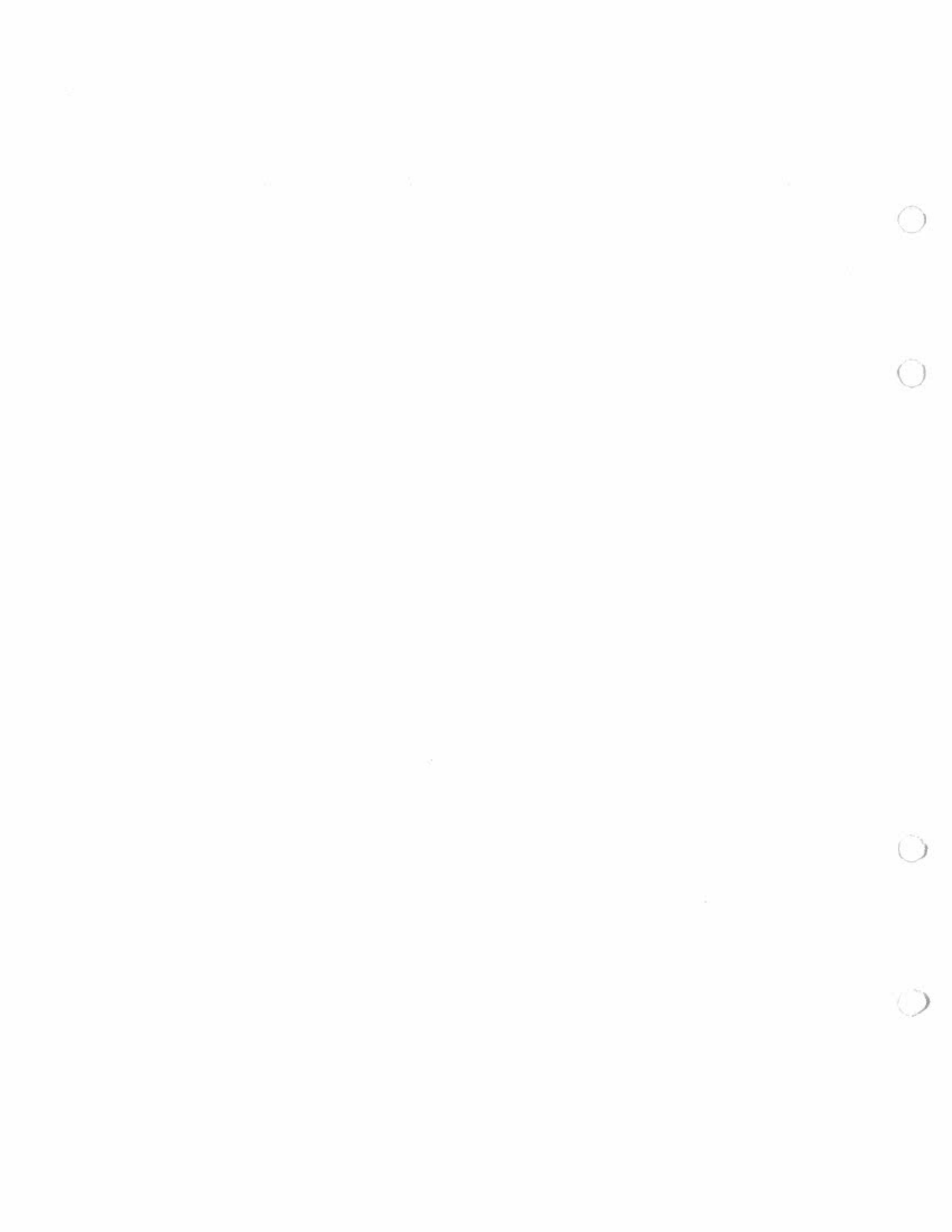
# Cigarette License

### 7-3-1 Cigarette License

#### Sec. 7-3-1 Cigarette License.

- (a) **License Required.** No person, firm or corporation in the Village of Combined Locks shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the Village Administrator a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Administrator and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Administrator a license fee of Five Dollars (\$5.00).
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Administrator. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.
- (d) **Restrictions on Sale or Gift of Cigarettes or Tobacco Products.** Restrictions on the sale or gift of cigarettes or tobacco products are as provided in Sec. 134.66(2), Wis. Stats., as follows: No retailer, manufacturer, distributor, jobber or sub-jobber, and no agent or employee of an independent contractor, may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of eighteen (18).

*State Law Reference:* Secs. 134.66(2), 135.65 and 139.30(10), Wis. Stats.





# Chapter 4

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## Transient Merchants

<b>7-4-1</b>	Registration Required
<b>7-4-2</b>	Definitions
<b>7-4-3</b>	Exemptions
<b>7-4-4</b>	Registration
<b>7-4-5</b>	Investigation
<b>7-4-6</b>	Appeal
<b>7-4-7</b>	Regulation of Transient Merchants; Sales from Private Property; Farm Produce Sales
<b>7-4-8</b>	Records
<b>7-4-9</b>	Revocation of Registration
<b>7-4-10</b>	Special Event Vending Permit

### **Sec. 7-4-1 Registration Required.**

It shall be unlawful for any transient merchant to engage in direct sales or to engage in door-to-door solicitation to purchase items of value within the Village of Combined Locks without being registered for that purpose as provided herein.

### **Sec. 7-4-2 Definitions.**

In this Chapter:

- (a) **Transient Merchant.** Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

- (b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
  - (1) Has continuously operated an established place of business in Outagamie County; or
  - (2) Has continuously resided in the Village and now does business from his/her residence.
- (c) **Merchandise.** Shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.
- (d) **Charitable Organization.** Shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Administrator.** The Village of Combined Locks Chief of Police.
- (f) **Person.** All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.
- (g) **Solicitor.** Any person engaged in direct solicitation who:
  - (1) Seeks donations of money or other contributions of items of value for an organization or cause; or
  - (2) Sells items on behalf of an organization or cause but asks for a contribution of greater value than the item being sold.
  - (3) Seeks to purchase property of value from residential property owners.

### Sec. 7-4-3 Exemptions.

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

- (a) **Regular Delivery Routes.** Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) **Wholesalers.** Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) **Agricultural Products.** Any person selling Wisconsin agricultural products which the person has grown;
- (d) **Deliveries By Permanent Merchants.** Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) **Requested Home Visits.** Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) **Prior Sales Transactions.** 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) **Services Not Offering Merchandise.** Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) **Auctions; Sales Authorized by Statute.** Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) **Charitable Organizations; Limited Exemption.** Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Chief of Police proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) **Alleged Transient Merchants.** Any person who claims to be a permanent merchant, but against whom complaint has been made to the Chief of Police that such person is a transient merchant, provided that there is submitted to the Chief of Police proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) year prior to the date complaint was made.
- (k) **Persons Licensed By Examining Boards.** Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) **Village Authorized Events.** This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board.
- (m) **Resident Minors.** Minors under eighteen (18) years of age who are residents of the Village of Combined Locks, Kimberly or Combined Locks or the City of Kaukauna.

#### **Sec. 7-4-4 Registration.**

- (a) **Registration Information.** Applicants for registration must complete and return to the Village of Combined Locks Police Department a registration form furnished by the Police Department which shall require the following information:
  - (1) Name, permanent address and telephone number, and temporary address, if any;
  - (2) Height, weight, color of hair and eyes, and date of birth;
  - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
  - (4) Temporary address and telephone number from which business will be conducted, if any;
  - (5) Nature of business to be conducted and a brief description of the merchandise offered or solicited, and any services offered;

- (6) Proposed method of delivery of merchandise, if applicable;
  - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
  - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
  - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
  - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offence and the place of conviction.
- (b) **Identification and Certification.** Applicants shall present to the Police Department for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required;
  - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
  - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) **Registration Fee.**
- (1) At the time of filing applications, a total fee of Thirty Dollars (\$30.00) shall be paid to the Village of Combined Locks Police Department to cover the cost of investigation of the facts stated in the applications and for processing said registration. Each member of a group must file a separate registration form. The registration fee is meant to cover the cost of investigation, CIB charges in the amount of Five Dollars (\$5.00), and costs of required photo identification in the amount of Five Dollars (\$5.00) [as provided Subsection in (d) below].
  - (2) The applicant shall sign a statement appointing the Village of Combined Locks Police Department his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale, solicitation, or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. Registration may be denied for failure to comply with this requirement.
  - (3) Upon payment of said fees, the signing of said statement, and obtaining a photo identification card as provided in Subsection (d) below, the Village of Combined Locks Police Department shall register the applicant as a transient merchant, peddler or solicitor and date the entry.
- (d) **Photo Identification Required.** A photo identification card will be issued by the Combined Locks Police Department to each person licensed as a peddler, transient

merchant, or solicitor, unless specifically exempt by ordinance. The photo identification card must be worn, and plainly visible at eye level, whenever a person is engaging in activities of being a peddler, transient, merchant, or solicitor within the Village of Combined Locks.

- (e) **Bond.** Every applicant who is not a resident of Outagamie County or who represents a firm whose principal place of business is located outside of the State shall file with the Village of Combined Locks Police Department a surety bond in the amount of Five Hundred Dollars (\$500.00), conditioned that the applicant will comply with all provisions of the ordinances of the Village and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.
- (f) **License; Fees.** Except as provided by Section 7-4-3, no person shall conduct any activity as a transient merchant, peddler, or solicitor without a license unless specifically exempted by ordinance without a license. Every applicant for a license shall pay a license fee as follows:
  - (1) **Annual License.** The fee for an annual license shall be Fifty Dollars (\$50.00) which shall be paid to the Police Department. Such license shall be for a calendar year and shall expire on December 31 following its issuance, provided however, that the fee shall be one-half (1/2) of the amount stipulated for a calendar year if it is issued on or after July 1 of any year. (Note: This waiting period is necessary in order to complete the investigation process).
  - (2) **Daily License.** The daily license fee shall be Five Dollars (\$5.00) per day which shall be paid to the Police Department. The license shall set forth the exact days on which such business may be carried out.
- (g) **Solicitors.** Solicitors seeking to purchase items of value from residential property owners shall comply with all disclosure and registration requirements above, and shall pay the fees as outlined. Solicitors of funds or donations for charitable or other organizations shall comply with all disclosure and registration requirements above, and shall pay only the cost of the CIB check [Five Dollars (\$5.00)] and photo identification card [Five Dollars (\$5.00)].

### **Sec. 7-4-5 Investigation.**

- (a) Upon receipt of each application, the Village of Combined Locks Police Department shall conduct an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The Village of Combined Locks Police Department shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application

contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

### **Sec. 7-4-6 Appeal.**

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

### **Sec. 7-4-7 Regulation of Transient Merchants; Sales from Private Property; Farm Produce Sales.**

#### **(a) Prohibited Practices.**

- (1) **Sales Prohibited.** A transient merchant or solicitor shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) **Misrepresentation.** A transient merchant or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) **Use of Public Property; Sales From Private Property.** No transient merchant and no solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Without express approval from the Village Board, sales activities shall not be conducted from a public right-of-way or public parking lot. Sale of items from private property shall only be as permitted by the Village Zoning Code. Other than for occasional garage sales, any person engaged in temporary sales activity from

private property shall be required to first register as required by Sections 7-4-4 and 7-4-5; included in, but not limited to, such regulated activities are sales of Christmas trees, food products, fireworks, art works and sports paraphernalia.

- (4) **Noise.** No transient merchant and no solicitor shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
- (5) **Refuse.** No transient merchant and no solicitor shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) **Disclosure Requirements.**

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

(c) **Farm Produce Sold on Public Property.**

- (1) **Sales on Village Streets, Alleys, Sidewalks and Property.** No person may display, market or sell farm or garden produce, on Village streets, alleys, sidewalks or public property within the Village except as allowed under provisions of this Subsection.
- (2) **Definitions.** As used in this Subsection, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - a. "Farm or garden produce" is defined as fruits, vegetables, fresh flowers or flowers, shrubs of trees intended for planting.
- (3) **Application for License.** A license to display, market or sell farm or garden produce on Village streets, alleys, sidewalks or public property may be granted by the Village upon proper application being made therefore in accordance with the following conditions and requirements:
  - a. Such license shall be granted only to exhibitors in connection with a special civic function sanctioned by the Village Board.

- b. The term of the license shall commence no earlier than the commencement of the event and extend no later than the last day of the event.
  - c. Any person desiring a license under this Subsection shall, at least fifteen (15) days before the event, file with the Police Department an application which contains the following:
    - 1. The applicant's name and address.
    - 2. The exact time and place of the sale.
    - 3. Whether the applicant will be present and incontinuous attendance at the proposed sale.
    - 4. Whether the applicant has within two (2) years prior to the application conducted or had any connection with a similar sale in the Village or any other place in the County, and if so, to give dates and places of such other sales.
  - d. The Village Board shall designate the place where said display or sale may be conducted when granting any license under this Subsection.
- (4) The license fee in the amount of Twenty Dollars (\$20.00) per event. Each person or group having one (1) stall or exhibit in an event must have a license.

### **Sec. 7-4-8 Records.**

The Police Department shall report to the Administrator all convictions for violations of this Chapter and the Administrator or Police Department shall note any such violation on the record of the registrant convicted.

### **Sec. 7-4-9 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 Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.



**Sec. 7-4-10 Special Event Vending Permit.**

- (a) **Permit Required.** There shall be a Five Dollar (\$5.00) per day charge for a special event vending permit. The Village Board will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.
- (b) **Exclusive Vending Rights During Special Events.**
- (1) During a special event the Village Board may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Village Board for the special event.
  - (2) To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Village Board may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Village Board shall take precedence.
  - (3) For each such specific day during which certain or all vending permits have been declared to be not valid, the Village Board may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Village Board at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Village Board as to any specific day during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.
  - (4) No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.



## Chapter 5

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# Public Dances; Public Entertainments; Junk Dealers

<b>7-5-1</b>	Public Dances
<b>7-5-2</b>	Public Entertainments
<b>7-5-3</b>	Junk Dealers

### Sec. 7-5-1 Public Dances.

- (a) **Dance Hall License.** No person shall hold any public dance in any public dance hall within the Village until the public dance hall in which the same may be given or held shall first have been duly licensed for such purposes. No person shall permit any room or building owned or controlled by him/her to be used for the purpose of a public dance hall unless the same shall be licensed as herein provided.
- (b) **Application for License.** Any person desiring a license for any room or building in which to hold or conduct a public dance within the limits of the Village shall file with the Administrator a written application upon a blank furnished by the Village.
- (c) **Granting of License.** Upon the filing of the application, the Administrator may, upon his approval of such application and payment by the applicant of the license fee hereinafter provided, issue to the applicant a license to conduct and maintain a public dance hall as provided by this Section. Such license fee shall be paid to the Village Administrator who shall transfer said fees to the general fund. The issuance of every dance hall license shall be subject to the approval of the Village Board.
- (d) **License Fees and Date of Expiration.** Dance hall fees shall be Fifteen Dollars (\$15.00) per year. Licenses shall expire on June 30th of each year.
- (e) **Permit to Conduct a Dance.** Every person or organization desiring to conduct a public dance shall first obtain a dance permit from the Village Administrator. No person required to have such permit shall conduct a dance to which the public is admitted except in the presence and under the supervision of a Village dance supervisor or the Village Police Department. No person who is proprietor of any dance hall or who conducts, manages or is in charge of any dance shall permit the presence of intoxicated persons at such dance or permit the sale or use of intoxicating liquor on the premises during the dance.
- (f) **Dance Fee and Hours.** A fee as prescribed from time to time by the Village Board shall be charged for each public dance held or conducted within the Village. No premises for

which a dance hall license or dance permit shall have been issued shall be permitted to remain open after 1:00 a.m. and shall remain closed until 5:00 a.m.

- (g) **Suspension and Revocation.** The Village Board may revoke or suspend any licensed granted under this Section upon a proper showing that there has been misrepresentation in the petition or application for license, or for any other just cause; provided, however, that before any license shall be so revoked or suspended the party aggrieved may, if desired, have a public hearing before the Village Board.

### **Sec. 7-5-2 Public Entertainments.**

- (a) **Definition.** A public entertainment is one to which the public may gain admission by payment of an admission charge. It includes shows, circuses, exhibitions, carnivals, vaudeville, theaters, shooting galleries or similar public entertainments.
- (b) **License Fee.** A license for a public amusement may be issued by the Village Board upon payment of a license fee of Ten Dollars (\$10.00) per day.
- (c) **Exemptions.** No license shall be required for public entertainments presented by residents of the Village or for the benefit of any church, school, charitable or public institution or purpose.

### **Sec. 7-5-3 Junk Dealers.**

- (a) **Definition.** A junk dealer is a person who engages in the Village in the business of buying or selling at retail any article of personalty which from its worn condition renders it practically useless for the purpose for which made. The definition shall include dealers in junked motor vehicles or parts thereof.
- (b) **License Required.** No person shall engage in the Village in the business of a junk dealer without a license from the Village Board obtained hereunder.
- (c) **License Fee.** The license fee shall be Two Dollars (\$2.00) per year and the period of the license shall be from July 1 to June 30.
- (d) **Condition of License.** Every applicant procuring a license consents to the entry of police officers or other duly authorized officers of the Village at all times for the purpose of inspection and search and the said premises and all its structures shall be so situated and constructed that the business may be carried on in a sanitary manner and contain no fire hazards and all necessary steps must be taken to eliminate rodents and vermin.
- (e) **Revocation.** Upon complaint being made in writing by any Village official or resident of the Village, to the Village Administrator, that any licensee has violated any of the provisions of this Section or that said premises and operation is detrimental to the public health and well-being, the Village Board may summon the licensee to appear before it at a specified time to show cause why his/her license should not be revoked. The Village Board shall then proceed to hear the matter and if it finds the allegation of said complaint to be true, it may revoke such junk dealer's license or suspend it for a specified time.

# Chapter 6

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## Regulation and Licensing of Fireworks

### 7-6-1 Regulation of Fireworks

#### Sec. 7-6-1 Regulation of Fireworks.

- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
  - (2) A firearm cartridge or shotgun shell.
  - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
  - (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
  - (6) A toy snake which contains no mercury.
  - (7) A model rocket engine.
  - (8) Tobacco and a tobacco product.
  - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
  - (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
  - (12) A device that emits smoke with no external flame and does not leave the ground.
  - (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
  - (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

- (b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
- (1) To a person holding a permit under Subsection (c)(3);
  - (2) To a municipality; or
  - (3) For a purpose specified under Subsection (c)(2)b-f.
- (c) **Use.**
- (1) **Permit Required.** No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.
  - (2) **Permit Exceptions.** Subparagraph (c)(1) above does not apply to:
    - a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
    - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
    - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
    - d. The possession or use of explosive or combustible materials in any manufacturing process.
    - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
    - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.
  - (3) **Who May Obtain Permit.** A permit under this Subsection may be issued only to the following:
    - a. A public authority.
    - b. A fair association.
    - c. An amusement park.
    - d. A park board.
    - e. A civic organization.
    - f. A group of resident or nonresident individuals.
    - g. An agricultural producer for the protection of crops from predatory birds or animals.
  - (4) **Crop Protection Signs.** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
  - (5) **Bond.** The Village President issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or

- policy shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the officer of the Village.
- (6) **Required Information for Permit.** A permit under this Subsection shall specify all of the following:
- a. The name and address of the permit holder.
  - b. The date on and after which fireworks may be purchased.
  - c. The kind and quantity of fireworks which may be purchased.
  - d. The date and location of permitted use.
  - e. Other special conditions prescribed by ordinance.
- (7) **Copy of Permit.** A copy of a permit under this Subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.
- (8) **Minors Prohibited.** A permit under this Subsection may not be issued to a minor.
- (d) **Storage and Handling.**
- (1) **Fire Extinguishers Required.** No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
  - (2) **Smoking Prohibited.** No person may smoke where fireworks are stored or handled.
  - (3) **Fire Chief to be Notified.** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
  - (4) **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
  - (5) **Restrictions on Storage.** No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.
- (f) **Indoor Use of Fireworks Prohibited.** The use of fireworks is expressly prohibited indoors.

*State Law Reference:* Sec. 167.10, Wis. Stats.





## Chapter 7

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# Regulation of Nonmetallic Mining

<b>7-7-1</b>	Statutory Provisions Adopted
<b>7-7-2</b>	Definitions
<b>7-7-3</b>	Existing Nonmetallic Mining Operations
<b>7-7-4</b>	Exempt Activities
<b>7-7-5</b>	Permit Required for Nonmetallic Mining
<b>7-7-6</b>	Permit Revocation
<b>7-7-7</b>	Blasting and/or Rock Crushing

### **Sec. 7-7-1 Statutory Provisions Adopted.**

This Chapter is adopted pursuant to Sec. 66.038, Wis. Stats., which is adopted by reference and made a part of this Chapter as if fully set forth herein.

### **Sec. 7-7-2 Definitions.**

As used in this Chapter:

- (a) **Environmental Pollution.** Has the meaning specified under Sec. 144.01(3), Wis. Stats.
- (b) **Nonmetallic Mining or Nonmetallic Mining Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (c) **Nonmetallic Mining Refuse.** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.
- (d) **Nonmetallic Mining Site or Site.** The location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited

and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

- (e) **Operator.** Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (f) **Reclamation.** The rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.
- (g) **Replacement of Topsoil.** The replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

### **Sec. 7-7-3 Existing Nonmetallic Mining Operations.**

This nonmetallic mining reclamation Chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this Chapter.

### **Sec. 7-7-4 Exempt Activities.**

This nonmetallic mining reclamation Chapter shall not apply to the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes.
- (e) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats.
- (f) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Sections 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under Sections 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

**Sec. 7-7-5 Permit Required for Nonmetallic Mining.**

- (a) **Permit Required.** No person shall operate any nonmetallic mining site or operation within the Village unless he obtains a nonmetallic mining permit from the Village Board. The fee for such permit shall be Fifty Dollars (\$50.00), plus any actual Village administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within thirty (30) days of the effective date of this Chapter.
- (b) **Required Permit Information.** An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
- (1) An adequate description of the operation, including a legal description of the property;
  - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
  - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
  - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
  - (5) Methods of screening from adjacent properties;
  - (6) Hours of operation;
  - (7) Dust and noise control;
  - (8) Maximum depth;
  - (9) Blasting procedures;
  - (10) Location and height of stockpiles; and
  - (11) Such other information the Village Board deems pertinent to the operation.
- (c) **Reclamation Plan.** The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
  - (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
  - (3) Excavations made to a water-producing depth shall be not less than three (3) feet measured from the low water mark;
  - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
  - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board;
  - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- (d) **Applications.** All applications for a license hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Administrator. All applications for permits hereunder shall be signed by the applicant and filed with the

Village Administrator at least sixty (60) days prior to the licensing period. The Administrator shall immediately refer all applications for a license hereunder to the Village Board for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Village Board. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Board shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Village Board may approve, approve conditionally or reject the application and reclamation plan.

- (e) **Financial Assurance.** Before a license and reclamation plan is approved by the Village Board, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Village Board.
  - (2) Guaranteed completion of the required reclamation within a period determined by the Village Board.
  - (3) Payment by the operator for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Village Engineer and Attorney, as well as other costs of a similar nature.
  - (4) The Village may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
  - (5) The required performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the Village Engineer's estimated cost of the required improvements.
  - (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Village Board, at its option, may extend the bond period for additional periods.
- (f) **Fences.** Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- (g) **Inspection.** An authorized agent of the Village may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter.

- (h) **Prohibitions and Orders.** Nonmetallic mining operations within the Village are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.

### **Sec. 7-7-6 Permit Revocation.**

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Village Board.

### **Sec. 7-7-7 Blasting and/or Rock Crushing.**

- (a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section:
- (1) **Blasting.** A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.
  - (2) **Person.** Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.
  - (3) **Rock Crusher.** Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.
- (b) **Operation.** No person within the Village shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the Village. All blasting within the Village shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.
- (c) **Permit.**
- (1) **Permit Required.** No person within the Village shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the Village.
  - (2) **Applications.** All applications for permits hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Administrator. All applications for permits hereunder shall be signed by the applicant and filed with the Village Administrator at least sixty (60) days prior to the licensing period. The Village Administrator shall immediately refer all applications for permits hereunder to the Village Engineer. The Village Administrator shall issue a permit hereunder only after first receiving the recommendation of the Village Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the Village Engineer.

- (3) **Certified Check.** Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the Village.
  - (4) **Plan of Operation.** Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the Village Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the Village Engineer.
  - (5) **Insurance.** Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the Village of Combined Locks as a party insured in the amount of Five Hundred Thousand Dollars (\$500,000.00) for damage to property, and Five Hundred Thousand Dollars (\$500,000.00) for injury to one (1) person and One Million Dollars (\$1,000,000.00) for injury to more than one (1) person caused by the blasting.
- (d) **Renewals.** All requests for renewals of permits hereunder shall be made at least sixty (60) days prior to the expiration date of the permit and must comply with all requirements of Subsection (c) above.
- (e) **Blasting Procedures and Controls.**
- (1) **Energy Ratio.** The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35" per second based on the following formula:  
  
Energy ratio =  $0.5 = 10.823 f^2 A^2$  where:  $f$  = frequency in cycles per second,  
 $A$  = amplitude or displacement in inches  
  
Energy ratio =  $.274 V^2$  ( $V$  = resultant particles velocity expressed in inches per second)
  - (2) **Measurement of Blasts.** The operator of the quarry operation, when requested to do so by the Village Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the Village Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the Village or by the Village Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.
  - (3) **Blasting Log.** A log in duplicate shall be kept of each blast on forms similar to the one on file with the Village Administrator. The original copy of this blasting log

shall be filed with the Administrator within forty-eight (48) hours after the blast, and a copy shall be kept on file at the quarry office.

- (4) **Cover Material.** Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot (1') of dirt or other suitable cover material.
- (f) **Permit Fee.** The permit fee for any permit issued pursuant to this Section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:
  - (1) Quarries using blasting to supply buildings and/or ornamental stone: Ten Dollars (\$10.00) per blasting period.
  - (2) Gravel crushing operations using portable or fixed crushing equipment less than thirty (30) days per year: Ten Dollars (\$10.00) per year.
- (g) **Penalty.** Any person who shall violate any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. However, upon conviction for the violation of any of the provisions of this Section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.
- (h) **Enforcement.** Before renewal of any license issued under this Section is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Village Board.





## Chapter 8

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# Processions, Parades, Runs, Walks, Bicycle Races and Marathons

<b>7-8-1</b>	Purpose; Definitions
<b>7-8-2</b>	Permit Requirements
<b>7-8-3</b>	Regulation of Street Uses Pursuant to a Street Use Permit

### **Sec. 7-8-1 Purpose; Definitions.**

- (a) **Purpose.** The Village of Combined Locks recognizes that Village streets and highways are primarily for the use of vehicular travel. It further recognizes a need to use these public streets and highways for processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel on such streets and highways. This Chapter is intended to regulate and control nonvehicular use of the streets and highways and for protecting the general welfare and safety of the persons using the streets and highways within the Village. Said authority to regulate is contained in Sec. 349.185, Wis. Stats., and related sections.
- (b) **Definitions.** As used in this Chapter:
- (1) "Processions, parades, runs, walks, marathons, bicycle races, etc.," means their usual and customary usage.
  - (2) "Highways" or "streets" have the meaning set forth in Sec. 340.01, Wis. Stats., and also include areas owned by the Village of Combined Locks which are used primarily for pedestrian or vehicular traffic.

### **Sec. 7-8-2 Permit Requirements.**

- (a) **Permit Required.** No person shall form, direct, lead or participate in any procession, parade, run, walk, marathon, bicycle race, etc., on any street or highway under the jurisdiction of the Village unless a permit has been obtained in advance as provided in this Chapter.
- (b) **Exemptions from Permit Requirement.** A permit is not required for assembling or movement of a funeral procession or military convoy. Any parade, etc., sponsored by any agency of the federal or state government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit, however shall be exempt from the parade permit fee and insurance requirements contained herein.

- (c) **When Application Must Be Made.** A written application for a permit for any above-described function on the streets and highways under the jurisdiction of the Village shall be made by one (1) of the organizers or officers to the Village Administrator on a form provided by said Administrator no less than fifteen (15) days prior to the usage. Application made less than forty-five (45) days prior to the day of the proposed usage must be made in person.
- (d) **Information Required in Application.** The application shall set forth the following information regarding the proposed usage:
- (1) The name, address and telephone number of the applicant.
  - (2) If the usage 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 of the authorized and responsible heads of such organization.
  - (3) The name, address and telephone number of the person who will be responsible for conducting the usage.
  - (4) The date when the usage is to be conducted and its duration.
  - (5) The assembly area, the starting point, the route to be traveled and the termination point.
  - (6) The number and size of participants or units comprising the usage.
  - (7) If the usage is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Village Administrator a communication in writing from the person proposing to hold the usage authorizing the applicant to apply for the permit on its behalf.
  - (8) Any additional information which the Administrator finds reasonably necessary for a fair determination as to whether a permit should be issued.
- (e) **Recommendations of Governmental Agencies.** The Village Administrator shall submit a copy of the application to the Chief of Police and Director of Public Works.
- (f) **Basis for Discretionary Denial of Permit.** The application may be denied:
- (1) If it is for a usage that is to be held on a work day during hours when and at places where, in addition to the proposed usage, the flow of vehicular traffic is usually delayed by its own volume.
  - (2) If it is for a usage that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.
  - (3) If sufficient supervision would not be provided as to reasonably assure the orderly conduct of the usage.
  - (4) If the proposed route for conducting usage involves a street or highway under construction or detour route.
- (g) **Mandatory Denial of Permit.** The application shall be denied:
- (1) If it is made less than fifteen (15) days in advance of the time the usage is scheduled to commence; or
  - (2) If it is for a usage that is primarily for private or commercial economic gain; or

- (3) If it is for a usage which would involve violation of federal, state or local laws relating to use of highways or of other applicable regulations of the Village; or
  - (4) If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
  - (5) If the application does not contain the information required by Subsection (d); or
  - (6) If more than one (1) assembly area or more than one (1) dispersal area is proposed; or
  - (7) Failure to receive permit under Sec. 84.07(4), Wis. Stats.
- (h) **Permit Issued Unless Threat to Public Safety.** The Village Administrator shall issue a permit to the applicant subject to the foregoing requirements of this Chapter, unless the Village Administrator concludes that:
- (1) The policing of the usage will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or
  - (2) The usage will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
  - (3) The conduct of the usage will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
  - (4) The usage is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (i) **Grant or Denial of Permit.**
- (1) **Time When Required.** The Village Administrator shall act as promptly as he reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed forty-five (45) days or more in advance shall be granted or denied not less than thirty (30) days before the date of the usage stated in the application. Action on applications filed less than forty-five (45) days in advance shall be taken within fifteen (15) days after the application is filed, but in no case later than forty-eight (48) hours in advance of the time applied for. The Village Administrator shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.
  - (2) **Modification of Requested Permit.** In lieu of denying a permit, the Chief of Police may authorize the changing of assembly areas or dispersal areas or the conducting of the usage at a date or time or over a route different than as applied for in the permit. The applicant or permittee may accept such modification by immediately notifying the Village Administrator or Chief of Police in writing of such acceptance.
- (j) **Fee.** There shall be paid at the time of filing the application for a usage permit a fee of Twenty-five Dollars (\$25.00). The fee may be waived at the discretion of the Village Board.
- (k) **Charge for Increased Costs.** Where the Village Administrator determines that the cost of municipal services incident to the staging of the usage will be increased because of the

- usage, the Administrator may require the permittee to make an additional payment into the general fund of the Village in an amount equal to the increased costs.
- (l) **Emergency Revocation.** The Village Administrator or Chief of Police may revoke a permit already issued if the official deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village of Combined Locks and such third parties as may be injured or damaged, in a amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
  - (m) **Usage Permit Contents.** Each usage permit shall state such information or conditions as the Village Administrator shall find necessary to the enforcement of this Chapter.
  - (n) **Copies of Usage Permit Distributed.** Immediately upon the issuance of a usage permit, the Village Administrator shall send a copy thereof to the following:
    - (1) Each public transportation utility whose regular service will be affected by the usage.
    - (2) Chief of Police, Director of Public Works and Fire Chief.
  - (o) **Compliance With Regulations.**
    - (1) **Permittee.** A permittee under this Chapter shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and Village.
    - (2) **Participants.** No person who leads or participates in any usage shall disobey or encourage others to disobey this Section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this Section or the terms of the applicable usage permit.
  - (p) **Insurance Required.** Prior to issuance of the permit, the Village Administrator may require each permittee to furnish evidence of a liability insurance policy in amounts of not less than One Hundred Thousand Dollars (\$100,000.00) for one (1) person and Five Hundred Thousand Dollars (\$500,000.00) for any one (1) accident and shall be in force and effect at the time such usage is to take place. Said evidence of insurance shall include a certificate of insurance naming the Village of Combined Locks as an additional insured in connection with said usage.

### **Sec. 7-8-3 Regulation of Street Use Pursuant to a Street Use Permit.**

- (a) **Purpose.** The streets in possession of the Village of Combined Locks are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Chief of

Police may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Section is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.

- (b) **Application.** A written application for a street use permit by persons or groups desiring the same shall be made on a letter provided to the Chief of Police and shall be filed with the Chief of Police. The letter shall include the following information regarding the proposed street use:
- (1) The reason to close the street;
  - (2) The street that is requested to be closed;
  - (3) Location of the street (between what two intersections);
  - (4) Date and hours the street will be closed (not to exceed 10:00 p.m.);
  - (5) Signature of agent/applicant, address and telephone number); and
  - (6) Attach a petition with signatures of adjacent residents, as described in Subsection (f) approving the closing of the street.
- (c) **Review.** Before any application for a street use permit is considered, the application shall be considered in light of the effect that the temporary closing of the street will have on public safety and traffic movement in the area during the time the street may be closed.
- (d) **Denial of Street Use Permit.** An application for a street use permit may be denied if:
- (1) The proposed street use would violate any federal or state law or any ordinance of the Village of Combined Locks.
  - (2) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
  - (3) The application for a street use permit does not contain the information required above.
  - (4) The application requests a period for the use of the street in excess of twelve (12) hours.
  - (5) The proposed use could equally be held in a public park or other location.
  - (6) Any other reason in which the Chief of Police concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (e) **Security Deposit Required.** A One Hundred Dollar (\$100.00) security deposit in the form of a check is required for the return of street barricades and to clean/maintain the public right-of-way.
- (f) **Consent to Issuance.** In addition to any fee required by the previous Subsection, each application for a street use permit shall provide evidence of having contacted all affected properties for the purpose of expressing a willingness to participate, or no objection. This evidence shall be in the form of a petition designating the proposed area of the street to be used and the time for said proposed use. The petition shall be signed by not less than seventy-five percent (75%) of the residents, over eighteen (18) years of age who reside along that portion of the street designated for the proposed use. Parades or races sponsored

by civic, youth or scout organizations which have been in existence for at least six (6) months are exempt from this requirement.

- (g) **Notification.** Upon approval of the street use permit, the Chief of Police shall ensure that the Department of Public Works and Fire Department are notified of the road closure.
- (h) **Indemnification.** The applicant for a street use permit shall be required to indemnify, defend and hold the Village, and its employees and agents, harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. The applicant must read and sign the hold harmless and indemnification agreement.
- (i) **Termination.** A law enforcement officer shall have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

## Chapter 9

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# Adult Oriented Establishments

<b>7-9-1</b>	Definitions
<b>7-9-2</b>	Adult Oriented Establishment License
<b>7-9-3</b>	Application for License
<b>7-9-4</b>	License Review Procedure
<b>7-9-5</b>	Standards for Issuance of License
<b>7-9-6</b>	Display of License or Permit
<b>7-9-7</b>	Renewal of License or Permit
<b>7-9-8</b>	Revocation of License
<b>7-9-9</b>	Physical Layout of Adult Oriented Establishment
<b>7-9-10</b>	Responsibilities of the Operator
<b>7-9-11</b>	Administrative Procedure and Review
<b>7-9-12</b>	Exclusions
<b>7-9-13</b>	Enforcement

### **Sec. 7-9-1 Definitions.**

The following definitions shall be applicable in this Chapter:

- (a) **Adult Bookstore.** An establishment having as its stock in trade for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein and in conjunction therewith, have facilities for the presentation of adult entertainment as herein defined, including adult oriented film, movies or live performances, for observation by patrons therein.
- (b) **Adult Cabaret.** A cabaret which features topless dancers, strippers, male or female impersonators or similar entertainers.
- (c) **Adult Entertainment.** Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas" as herein defined or the removal of articles of clothing or appearing partially or totally nude.

- (d) **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than fifty (50) persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as herein defined for observation by patrons therein.
- (e) **Adult Motion Picture Theater.** An enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- (f) **Adult Oriented Establishment.** Shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabaret and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.
- (g) **Operators.** Any person, partnership or corporation operating, conducting, maintaining or owning any adult oriented establishment.
- (h) **Specified Anatomical Areas.** Means:
  - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.
  - (2) Human male genitals in a discernible turgid state, even if opaquely covered.
- (i) **Specified Sexual Activities.** Simulate or actual:
  - (1) Showing of human genitals in a state of sexual stimulation or arousal.
  - (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.
  - (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

## **Sec. 7-9-2 Adult Oriented Establishment License.**

- (a) Except as provided in Subsection (d) below, from and after the effective date of this Chapter, no adult oriented establishment shall be operated or maintained in the Village without having procured a license as provided in this Chapter and having further complied with all statutes, ordinances and regulations of the state, county and Village applicable thereto.
- (b) A license may be issued only for one (1) adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one (1) adult oriented establishment must have a license for each.



- (c) No license or interest in a license may be transferred to any person.
- (d) All adult oriented establishments existing at the time of the passage of this Chapter must submit an application for a license within ninety (90) days of the passage of this Chapter. If an application is not received within such ninety (90) day period, then such existing adult oriented establishment shall cease operations.

*Cross-Reference:* Section 13-1-55, Adult Entertainment Zoning.

### **Sec. 7-9-3 Application for License.**

- (a) Any person desiring to secure a license shall make application to the Village Administrator. The application shall be filed in duplicate with and dated by the Village Administrator. A copy of the application shall be distributed promptly by the Village Administrator to the applicant.
- (b) The application for a license shall be upon a form provided by the Village Administrator. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:
  - (1) Name and address, including all aliases.
  - (2) Written proof that the individual is at least eighteen (18) years of age.
  - (3) The address of the adult oriented establishment to be operated by the applicant.
  - (4) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, the name and address of all shareholders owning more than five percent (5%) of the stock in such corporation and all officers and directors of the corporation.
  - (5) Applications shall be signed and sworn to by the applicant as provided by Sec. 887.01, Wis. Stats.
  - (6) Applicants must provide a copy of their Seller's Permit, along with their application, as proof that they are in good standing for sales tax purposes before they may be issued a license.
  - (7) Any false statement contained in such application shall automatically nullify any license pursuant thereto.
  - (8) If any fact given in an application subsequently changes, the licensee shall file a notice in writing of such change with the Administrator within ten (10) days.

### **Sec. 7-9-4 License Review Procedure.**

- (a) The Chief of Police shall make an investigation of the applicant to determine whether the applicant possessed the qualifications necessary for issuance of a license under this Chapter within fourteen (14) days of receiving an application.
- (b) The Fire Chief and Building Inspector shall inspect the premises proposed to be licensed to determine whether such premises conforms to this Chapter and with the ordinances of the Village and the laws of the state and any administrative regulations which are applicable

which have been issued by the state or any agency of the state within fourteen (14) days of receiving an application.

- (c) Each of the above officers shall file written reports to the Administrator. If any such report is unfavorable, a copy thereof shall be mailed to the applicant together with a notice of the next regularly scheduled Common Council meeting.
- (d) No license shall be granted under the Chapter until the Village Board shall authorize the same.
- (e) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding such application, or his refusal to submit to or cooperate with any investigation required by this Chapter, shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Village Board.
- (f) Whenever an application is denied, the Village Administrator shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held before the next regularly scheduled Village Board meeting as hereinafter provided.

### **Sec. 7-9-5 Standards for Issuance of License.**

To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

- (a) If the applicant is an individual:
  - (1) The applicant shall be at least eighteen (18) years of age.
  - (2) The applicant shall not have been found to have previously violated this Chapter within five (5) years immediately preceding the date of the application.
- (b) If the applicant is a corporation:
  - (1) All officers, directors and stockholders required to be named under Section 7-9-3(b) shall be at least eighteen (18) years of age.
  - (2) No officer, director or stockholder required to be named under Section 7-9-3(b) shall have been found to have previously violated this Section within five (5) years immediately preceding the date of the application.
- (c) If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest, all persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

### **Sec. 7-9-6 Display of License or Permit.**

The license shall be displayed in a conspicuous public place in the adult oriented establishment.

### **Sec. 7-9-7 Renewal of License or Permit.**

Every license issued pursuant to this Chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Village Administrator. The application for renewal must be filed no later than sixty (60) days before the license expires. The application for renewal shall follow the same procedure as an original application.

### **Sec. 7-9-8 Revocation of License.**

- (a) The Village Board shall revoke a license or permit for any of the following reasons:
- (1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
  - (2) The operator or any employee of the operator violates any provision of this Chapter or any rule of regulation adopted by the Village Board pursuant to this Chapter provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Village Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  - (3) The operator becomes ineligible to obtain a license or permit.
  - (4) Any cost or fee required to be paid by this Chapter is not paid.
  - (5) Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult oriented establishment.
- (b) The Village Board before revoking or suspending any license or permit shall give the operator at least ten (10) days' written notice of the charges against him and the opportunity for a public hearing before the Village Board as hereinafter provided.
- (c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- (d) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for six (6) months from the date of revocation of the license.

### **Sec. 7-9-9 Physical Layout of Adult Oriented Establishment.**

Any adult oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

- (a) **Access.** Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other control type devices.
- (b) **Construction.** Every booth, room or cubicle shall meet the following construction requirements:
  - (1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.
  - (2) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
  - (3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, nonabsorbent, smooth textured and easily cleanable.
  - (4) The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.
  - (5) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times as measured from the floor.
- (c) **Occupants.** Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

### **Sec. 7-9-10 Responsibilities of the Operator.**

- (a) The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security number, date of employment and termination and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.
- (b) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Police Department at all reasonable times.
- (c) Every act or omission by an employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- (d) Any act or omission of any employee constituting a violating of the provisions of this Chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
- (e) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view adult entertainment as defined herein.

- (f) The operator shall maintain the premises in a clean and sanitary manner at all times.
- (g) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one (1) foot candle of illumination in such aisles as measured from the floor.
- (h) The operator shall insure compliance of the establishment and its patrons with the provisions of this Chapter.
- (i) All employees of the establishment are to be at least eighteen (18) years of age.

### **Sec. 7-9-11 Administrative Procedure and Review.**

Chapter 68, Wis. Stats., shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license.

### **Sec. 7-9-12 Exclusions.**

All private and public schools as defined in Chapter 115, Wis. Stats., located within the Village are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

### **Sec. 7-9-13 Enforcement.**

Village law enforcement officers, Building Inspectors and Fire Inspectors shall have the authority to enter any adult oriented establishment at all reasonable times to inspect the premises and enforce this Chapter.



## Chapter 10

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# Licensees to Pay Local Claims; Appellate Procedures

- 7-10-1** Licensees Required to Pay Local Taxes, Assessments  
and Claims; Appellate Procedures
- 7-10-2** Issuance of Licenses

### **Sec. 7-10-1 Licensees Required to Pay Local Taxes, Assessments and Claims.**

- (a) **Nonpayment of Taxes or Forfeitures.** The Village shall not issue or renew any license to transact any business within the Village of Combined Locks:
- (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
  - (2) For any person who is delinquent in payment:
    - a. Of any taxes, assessments or other claims owed the Village; or
    - b. Of any forfeiture resulting from a violation of any Village Ordinance.
- (b) **Applicability.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Denial of Renewal.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time.
  - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date

of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

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

## **Sec. 7-10-2 Issuance of Licenses.**

- (a) **Application.** Applications for licenses under this Title shall be made to the Village Administrator on a form furnished by the Village. Such application shall contain such information as may be required by the provisions of this Chapter or as may be otherwise required by the Village Board.
- (b) **Payment of License Fee.** License fees imposed under this Title shall accompany the license application. If a license is granted, the Village Administrator shall issue the applicant a receipt for his license fee.
- (c) **Refund of License Fee.** No fee paid shall be refunded unless the license is denied.
- (d) **Terms of Licenses.** All licenses issued hereunder shall expire on June 30, in the year of issuance unless issued for a shorter term, when they shall expire on midnight of the last effective day of the license, or unless otherwise provided by these Ordinances or State laws.
- (e) **Form of License.** All licenses issued hereunder shall show the date of issue, the activity licensed, and the term of the license, and shall be signed by the Village Administrator and be impressed with the Village Seal, if any.
- (f) **Record of Licenses.** The Village Administrator shall keep a record of all licenses issued.
- (g) **Display of Licenses.** All licenses hereunder shall be displayed upon the premises or vehicle for which issued, or if carried on the person shall be displayed to any officer of the Village upon request.
- (h) **Compliance With Ordinances Required.** It shall be a condition of holding a license under this Title that the Licensee comply with all ordinances of the Village. Failure to do so shall be cause for revocation of the license.



- (i) **Transfer of Licenses.** All licenses issued hereunder shall be personal to whom issued and shall not be transferred except with the consent of the Board.
- (j) **Consent to Inspection.** An applicant for a license under this Chapter thereby consents to the entry of police or authorized representatives of the Village upon licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this Title all things found therein in violation of this Chapter or State law.

