

Chapter 17

LICENSES AND PERMITS



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17.01 General Provisions.

- (1) **Licenses or Permits Required.** Any person engaged in any trade, profession, business, or privilege in the Village for which a license or permit is required by any provision of this Code must first obtain the license or permit from the Village in the manner prescribed.
- (2) **Application.** Unless otherwise provided, application for a license or permit shall be made in writing to the clerk on forms provided by the Village.
- (3) **Fee.**
 - (a) The fee for any license or permit shall be paid at the office of the clerk upon application for the license or permit.
 - (b) Except as otherwise provided, no license or permit fee shall be prorated.
 - (c) No license or permit fee shall be refunded, unless the initial application is denied, whereupon the clerk shall refund the application fee.
- (4) **Bond and Insurance.** All required bonds shall be executed by two sureties or a surety company and be subject to the approval of the Village attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the Village attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Village before the license or permit is issued.
- (5) **License and Permit Term.**
 - (a) Unless otherwise provided, the license year shall end on June 30.
 - (b) When a license is permitted to be issued for less than one year, the effective date of the license shall be the date the license is issued.

- (c) Permits shall be issued for the term set forth in the individual permit.
- (6) **Granting of Licenses.** A license shall be issued upon the clerk being satisfied that the applicant has met all requirements. Each license shall be numbered in the order in which issued, and shall specifically state the premises for which issued, the date of issuance, the fee paid, and the name of the licensee.
- (7) **Special Village Board Meetings.** An applicant for a license or permit may request a special Village Board meeting in writing for the purpose of granting the license or permit. If the Board agrees to the special meeting, the applicant shall pay an additional fee of \$50 prior to the meeting.
- (8) **Transfer of Licenses and Permits.** No license or permit may be transferred to another person unless otherwise provided.
- (9) **Renewal.** License or permit renewals may be issued in the same manner and subject to the same conditions as the original application unless otherwise provided.
- (10) **Appeals.** Any applicant denied a license or whose license is revoked may file an appeal to the Village Board within fourteen days after the denial. The appeal must be in writing and must set forth the grounds for the appeal. The Village Board shall hear the appeal at the next regularly scheduled meeting. Reasonable written notice of the time and place of the meeting shall be given to the appellant. This subsection does not apply in any circumstance where other laws governing appeals apply.

17.02 Intoxicating Liquors and Fermented Malt Beverages.

- (1) **State Statutes Adopted.** The provisions of Wis. Stats. Chapter 125 relating to alcohol beverages, exclusive of any provisions relating to the penalty to be imposed or punishment for violation, are hereby adopted and made a part of this Chapter by reference. A violation of any such provisions shall constitute a violation of this section.
- (2) **Application for Licenses.** In the event that new premises are eligible for one or more licenses and there are more applicants than allowed by law to be licensed, the Village Board shall consider applications in the order in which they were filed in the Village clerk's office.
- (3) **Fees.** Fees for alcohol beverage licenses shall be as determined from time to time by a resolution of the Village Board.
- (4) **Operator's License.**
 - (a) *License required.* Operators' licenses shall be issued according to the provisions of Wis. Stats. §125.17.
 - (b) *Application.* A written application shall be filed with the Village clerk by the person requesting said license on a form furnished by the clerk, setting forth the name, residence, age, and sex of the applicant, together with such

pertinent information as to character and fitness as the Village clerk may require. Upon approval of the application by the Village Board, the Village clerk shall issue the license.

- (c) *Fees.* Licence fees shall be set from time to time by the Village Board.
- (5) **Lost License and Permit.** Whenever a license or permit is lost or destroyed without fault on the part of the holder(s) or their agent or employee, a duplicate in lieu thereof under the original application shall be issued by the clerk after satisfaction of the facts and upon the payment of a fee as set from time to time by resolution of the Village Board.
- (6) **Conditions of Licenses.**
 - (a) Every Class "A", Class "B", "Class A", and "Class B" license holder shall grant entry into the licensed premises by police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search.
 - (b) 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.
 - (c) No gambling or game of chance of any sort shall be permitted in any form upon the licensed premises. Slot machines and any devices of chance are prohibited and shall not be kept upon the premises.
- (7) **Closing Hours.** No person may sell on a Class "A" licensed premise or sell to carry away from a Class "B" licensed premise, fermented malt beverages in original unopened packages, containers, or bottles between 9:00 pm and 8:00 am. No person may sell on a "Class A" licensed premise or sell to carry away from a "Class B" licensed premise, intoxicating liquor in original unopened packages, containers, or bottles between 9:00 pm and 8:00 am.

17.03 Non-intoxicating Beverages.

- (1) **License required.** No person may sell non-intoxicating beverages without first obtaining a permit from the clerk. The provisions of Wis. Stats. §66.053(1) regarding non-intoxicating beverages are hereby adopted and made part of this Code by reference.
- (2) **License Fee.** The license fee shall be set from time to time by resolution of the Village Board.

17.04 Cigarettes.

- (1) **License required.** No person may sell cigarettes without first obtaining a license from the clerk. The provisions of Wis. Stats. §134.65 are hereby adopted and made part of this Code by reference.
- (2) **License Fee.** The license fee shall be set from time to time by resolution of the Village Board.

17.05 Direct Sales and Solicitations.

- (1) **Registration required.** It shall be unlawful for any direct seller or solicitor to engage in direct sales or solicitations without being registered and licensed for that purpose as provided herein.
- (2) **Definitions.** In this section:
 - (a) *Applicant* shall mean each individual applying for registration and licensing as a direct seller or solicitor.
 - (b) *Charitable organization* shall mean any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association, or corporation for which there is provided proof of tax exempt status pursuant to section 501(c)(3) or (4) of the United States Internal Revenue Code.
 - (c) *Direct seller* means any individual who, for him/herself, or for a partnership, association, corporation or other entity, sells goods or services or takes sales orders for the later delivery of goods or services at any location other than the permanent business place or residence of said individual, partnership, association, corporation or other entity, and shall include, but not be limited to, peddlers, canvassers, and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.
 - (d) *Goods* shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
 - (e) *Peddler or hawker* shall mean a person who goes from place to place selling or attempting to sell goods, wares, or merchandise at retail. No person distributing, selling, or offering for sale any excess agricultural products which such person shall have actually raised or grown in the State of Wisconsin shall be deemed a hawker or peddler under this section.
 - (f) *Permanent merchant* means a direct seller or one representing a merchant who, for at least one year prior to the submission of an application pursuant to this ordinance, has continuously operated an established place of business in the Village or has continuously resided in the Village and now does business from his/her residence.
 - (g) *Registrant* shall mean each individual registered by the clerk and to whom a license has been issued.
 - (h) *Solicitor* means any individual who, for him/herself or for any other person, organization, society, association, corporation or other entity, personally solicits money, property, or financial assistance of any kind from persons other than members of such organization, society, association, corporation or other entity.

- (i) *Transient merchant* shall mean one who engages in the sale of merchandise at any place in this Village temporarily, and who does not intend to become and does not become a permanent merchant.
- (j) *Food Truck Vendor* shall mean a mobile food establishment that is a commercially manufactured, self-contained, mobile food unit in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer.

(3) Exemptions.

(a) The following shall be exempt from all provisions of this ordinance:

1. Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes.
2. Any person selling goods at wholesale to dealers in such goods.
3. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.
4. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in his or her regular course of business.
5. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.
6. 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 a prospective customer.
7. 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.
8. Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk proof that such person has purchased or leased for at least one year the premises from which he or she is conducting business or proof that such person has conducted such business in this Village for at least one year prior to the date the complaint was made.
9. Boy Scouts of America, Girl Scouts of America, Shorewood League, bona fide public school organizations, and other non-profit Village organizations.

(4) Registration Requirements.

- (a) Applicants for licenses must complete and return to the clerk a registration form furnished by the clerk, except that Food Truck Vendors participating in a Village-sponsored event shall be subject to application requirements as stated in Section 4(c). The form shall require the following information:
1. Name, permanent address, telephone number, and temporary address, if any.
 2. Age, height, weight, and color of hair and eyes of each individual covered under the license.
 3. Name, address, and telephone number of the person, firm, association, corporation or other entity that the direct seller represents or is employed by or whose merchandise is being sold.
 4. Temporary address and telephone number from which sales or solicitations will be conducted, if any.
 5. Nature of sales or solicitations to be conducted and a brief description of the goods and/or services offered.
 6. Proposed dates and times of sales or solicitations.
 7. Proposed method of delivery of goods, if applicable.
 8. Make, model, and license number of any vehicle to be used by applicant in the conduct of sales or solicitations.
 9. Last three cities, villages, and/or towns where applicant conducted similar sales or solicitations.
 10. Place where applicant can be contacted for at least seven days after leaving the Village.
 11. Statement as to whether any applicant has been convicted of any crime or ordinance violation related to applicant's sales or solicitation or other transient merchant activities within the last five years, the nature of the offense, and the place of conviction.
- (b) Applicants shall present the following items to the administrator/clerk for examination.
1. A driver's license or some other proof of identity as may be reasonably required.
 2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities.
 3. A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease and

dated not more than ninety days prior to the date the application for license is made.

4. Copies of current Dane County Mobile Food Establishment and Service Base Licenses, a Wisconsin Food Manager License, and proof of businesses liability insurance where the applicant is a Food Truck Vendor.

(c) Food Truck Vendor Applicants shall complete and return to the Clerk a permit application form provided by the Clerk, which shall include the following information:

1. Business Entity's Name, service base address, and phone number.
2. Owner or Primary Contact's name and driver's license number.
3. Brief description of the food to be sold.
4. Date(s) and hours of the day applicant intends to do business in Shorewood Hills.

(d) A description, including make, model, VIN, and license plate, of the mobile food truck. The application fee shall be set from time to time by resolution of the Village Board.

(e) No application shall be processed until the applicant signs a statement appointing the clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale, service performed, or solicitation by the applicant in connection with the direct sales or solicitation activities of the applicant in the event that applicant cannot, after reasonable effort, be served personally.

1. Food Truck Vendors are exempt from this requirement when the Food Service Base is located within Dane County.

(5) Investigation; Denial of Application.

(a) Upon receipt of a completed application form the clerk shall refer it to the police chief to make an investigation.

(b) The clerk shall refuse to issue a license to the applicant for any of the following reasons:

1. The application contains any material omission or materially inaccurate statement.
2. Complaints of a material nature have been received against the applicant by authorities in any of the last three cities, villages or towns in which the applicant conducted similar business.
3. The applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling

or solicitation.

4. The applicant failed to comply with any applicable provision of section (4)(b) above.

(6) Registration and Issuance of License.

- (a) Upon compliance with the foregoing requirements, filing of a bond, if required, and payment of the license fee as hereinafter set forth, the clerk shall register the applicant as a direct seller or solicitor and issue a license to the applicant. The license shall be operative only during the days requested on the registration form or, for Village-sponsored events, only during the days approved by the Village.
- (b) The license shall contain the signature of the clerk, the name and address of the direct seller or solicitor, the type of goods or services being sold or the nature of the solicitation, the dates during which the license is operative and the license number of any vehicle used for sales or solicitation.
- (c) Registrants shall exhibit their license at the request of any citizen or police officer.
- (d) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of Dane County, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin, shall file with the clerk a surety bond, for a term of one year from the date of issuance of the license, running to the Village in the amount of \$5,000.00 with surety acceptable to the Village clerk, assuring that the applicant comply with all applicable ordinances of this Village and statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors, and transient merchants. Such bond shall guarantee to any citizen of this Village that all money paid as a down payment will be accounted for and applied according to the representations of the seller and that the property purchased will be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the clerk of court in which suit is commenced and be relieved of all further liability.
- (e) *License fee for peddlers or hawkers.* A person desiring to engage in such business or occupation shall pay to the Village a license fee set from time to time by resolution of the Village Board.
- (f) *Term of license.* Each license for a peddler or hawker shall be issued on the first day of January each year, or thereafter when applied for and shall expire on the 31st day of December following its issuance.

- (g) *License fee for transient merchants.* Every transient merchant licensed hereunder shall pay a license fee, set from time to time by resolution of the Village Board, for each sales event which shall not exceed a period of four days, or an annual license fee set from time to time by resolution of the Village Board.
- (h) *Christmas tree sales licensed.* A license shall be required for the outdoor sale of Christmas trees. Any person, firm, corporation or other entity desiring to engage in the business of selling Christmas trees within the Village at a specific location shall make application to the Village clerk upon a form furnished by the Village clerk, and shall contain such information required by section 17.05(4).
 - 1. License fee. The annual fee for such license shall be set from time to time by resolution of the Village Board. The license shall expire on January 1 following the date of issuance.
 - 2. Regulations and restrictions. No such trees shall be placed in any location within fifty feet of any gasoline pump or other liquid fuels. The license shall not be assignable. The licensee shall have direct control over the premises or location where such trees are sold and over the sale of such trees and be responsible for the conduct of all persons in the licensee's employ or under the licensee's direction or control. The licensee shall be responsible for cleaning the premises following closing of the sale of such trees and such cleaning shall be accomplished within seven days following termination of sale and done in a manner satisfactory to the clerk, or in his or her absence, the fire chief or police chief.
- (7) **Records of Violations.** The police chief shall report to the clerk all convictions for violations of this section, and the clerk shall note any such violation on the record of the registrant convicted. The clerk shall note any complaint or report of an alleged violation made by a resident of this Village or a police officer.
- (8) **Revocation of License.**
 - (a) The registrant's license may be revoked by the administrator 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 or solicitation, violated any provision of this section, or was convicted of any crime, ordinance violation, or statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations.
 - (b) Written notice of the hearing shall be served personally on the registrant at least seventy-two hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts or omissions upon which the hearing will be based.

17.06 Licensing of Dogs and Cats; Regulation of Animals.

- (1) **Authority.** This Chapter is adopted under the authority granted by Wis. Stats. §29.415, §61.34(5), and §95.21 and Chapters 172, 173, 174, and 951.
- (2) **Intent and Purposes.** The intent and purposes of this section are to regulate and restrict the keeping of all animals and to promote and protect the comfort, health, safety, and general welfare of the people.
- (3) **Interpretation.**
 - (a) In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village.
 - (b) The Village does not guarantee, warrant, or represent that only those animals that have not received rabies vaccinations will be subject to rabies. There shall be no liability on the part of the Village Board, its agencies, or employees for any rabies infections that may occur as a result of reliance on and conformance to this section.
- (4) **Definitions.** In this section the following terms have the following meanings, unless the context or subject matter otherwise require:
 - (a) *Animal* means mammals, reptiles, and birds.
 - (b) *Antipredation Device* means a device that effectively warns other animals of the pet's presence, such as, a bell that is audible at least 15 feet away from the pet and cannot be silenced by the pet, an electronic device that emits an audible signal at least once every ten seconds, a large multicolored "clown" collar, or a hard apron that limit's the pet's ability to catch its prey.
 - (c) *At large* means to be off the premises of the owner and not under the control of some person either by leash or otherwise.
 - (d) *Cat* is feline, regardless of age or sex.
 - (e) *Chicken* means the common domestic fowl of the subspecies *Gallus gallus domesticus*. Chicken does not include other birds or domestic fowl such as ducks, geese, or turkeys.
 - (f) *Dog* is canine, regardless of age or sex.
 - (g) *Family* is one or more persons residing at one address.
 - (h) *Kennel* is any commercial establishment wherein or whereon animals are kept for the purpose of breeding, sale, or sporting purposes.

- (i) *Live box-type traps* are traps which capture and hold an animal in an alive and unharmed condition.
 - (j) *Neutered* as used herein to describe a dog or cat shall mean a dog or cat having non-functioning reproductive organs due to surgery.
 - (k) *Officer* is a law enforcement officer or humane officer, per Wis. Stats. §967.02(5) or §58.07.
 - (l) *Owner* is any person owning or keeping a dog, cat or chicken. The occupant of any premises on which a dog, cat or chicken remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog or cat within the meaning of this section and presumed to be its owner.
 - (m) *Pet* is any animal, tamed or domesticated, or maintained under domestic circumstances for companionship, entertainment, or education.
 - (n) *Residential lot* is a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or un-platted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.
- (5) **Rabies Vaccination Required for License.** Every dog or cat shall be vaccinated against rabies by a veterinarian within thirty days after it reaches four months of age and shall be re-vaccinated within one year after the initial vaccination. Every dog or cat brought into the Village after it has reached four months of age shall be vaccinated against rabies within thirty days after arrival in the Village unless it has been vaccinated as evidenced by a current certificate of rabies vaccination. Every dog or cat shall be re-vaccinated against rabies by a veterinarian prior to the immunization expiration date stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. §95.21(2).
- (6) **Rabies Quarantine.** The provisions of Wis. Stats. §95.21 are hereby adopted and incorporated herein by reference.
- (7) **Issuance Of Dog And Cat Licenses; Kennels.**
- (a) *Dog and cat licenses.* The provisions of Wis. Stats. §174.05 are herein incorporated by reference and are adopted in the licensing of cats.
 1. The fee for the licenses shall be set from time to time by resolution of the Village Board. These amounts shall be reduced by one-half if the animal became five months of age after July 1 during the license year.
 2. Licenses may be issued for animals over the household limit, upon approval by the clerk pursuant to section 17.06(8)(b) of this Code.

3. The license year shall commence January 1 and end December 31.
4. The clerk shall assess and collect a late fee as set from time to time by resolution of the Village Board from every owner of a dog or cat five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to the required license fee.
5. Upon payment of the required license fee, and upon presentation of evidence of current immunization against rabies, as required by section 17.06(5) of this Code, the clerk shall complete and issue to the owner a license for each dog or cat and a tag of durable material bearing the same serial number as the license, the name of the county, and the license year.
6. The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except when the animal is securely confined indoors.
7. Any officer shall seize and impound any dog or cat, for which a license is required, which is found without such tag attached. A dog or cat found without a tag shall be presumptive evidence the dog or cat is unlicensed.
8. Replacement tag. In the event a tag is lost, replacement tags can be obtained from the clerk.
9. Dogs trained to lead the blind or deaf shall be exempted from licensing according to Wis. Stats. §174.055.
10. In addition to the required identification, an effective antipredation device shall be attached to the collar of any cat at all times that it is off the property of its owner and not under the physical control of the owner.

(b) *Kennels.* Kennels are prohibited.

(8) Issuance of Permit to Keep Chickens.

- (a) The fee for a permit to keep chickens shall be set from time to time by resolution of the Village Board.
- (b) The permit shall be effective when issued and shall be for a term of three years.

- (c) Upon payment of the permit fee, and upon presentation of evidence of current registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection, the clerk shall complete and issue to the applicant a permit to keep chickens on the permitted premises.
- (d) All applicable provisions of the Village's zoning regulations, including the provisions of sections 10-1-100, shall apply to keeping chickens.

(9) Issuance of Permit for Beekeeping.

- (a) The fee for a permit to keep bees shall be set from time to time by resolution of the Village Board.
- (b) The permit shall be effective when issued and shall be for a term of three years.
- (c) Upon completion of the application form, payment of the permit fee, and approval by the Zoning Administrator, the clerk shall complete and issue to the applicant a permit to keep bees on the permitted premises.
- (d) All applicable provisions of the Village's zoning regulations, including the provisions of section 10-1-100, shall apply to bee keeping.

(10) Limitation of Number of Household Pets.

- (a) *Purpose.* The keeping of a large number of dogs or cats in one household detracts from, and is detrimental to, healthful and comfortable life within the Village. The keeping of a large number of dogs or cats is, therefore, declared a public nuisance.
- (b) *Number limited.* No more than three dogs and/or cats, in the aggregate, may be kept in one household, without the prior approval of the clerk, except a litter of offspring from one female dog, cat, or other pet, or a portion of a litter, may be kept for not more than sixteen weeks from birth.

(11) Restriction on Keeping of Animals.

- (a) No person having the possession or ownership of a pet shall:
 - 1. Allow the pet to habitually pursue any vehicle upon any public street or ally.
 - 2. Allow the pet to destroy or materially harm property, including, but not limited to, lawns, flower beds, plants, shrubs, trees, or gardens.
 - 3. Allow the pet to run at large within the Village, except under paragraph (c) below.
 - 4. Allow the pet to habitually bark, howl, meow, or cry to an extent that a reasonable person would be annoyed.

5. Allow the pet, off the property of its owner, to chase, confront or approach a person on an adjacent public or private property in a menacing fashion that puts a reasonable person in fear of being attacked.
6. Allow the pet, while on the property of its owner, to chase, confront or approach a person on an adjacent public or private property in a menacing fashion that puts a reasonable person in fear of being attacked.
7. Allow the pet to assault or attack any person or property.
8. Keep or own a pet the person knows to be infected with rabies or to have been bitten by an animal known to have been infected with rabies unless the animal is being kept in accordance with the requirements of section 17.06(6).
9. Allow the pet, while on another person's property without consent of the property owner, to harass, injure, or kill any animal.
10. Have an unlicensed dog or cat, except in accordance with section 17.06(7)(a)9.

(b) *Vicious pets.*

1. No vicious pet shall be allowed off the premises of its owner unless muzzled or on a leash and in the charge of the owner or a member of the owner's immediate family over sixteen years of age.
2. A vicious pet means:
 - a. it has inflicted serious injury to one or more persons or pets in unprovoked circumstances;
 - b. within any two-year period, it has two or more incidents of biting one or more persons or pets in unprovoked circumstances; or
 - c. within its lifetime, it has three or more incidents of biting one or more persons or pets in unprovoked circumstances.
3. Any vicious pet that is found off the premises of its owner other than as provided above may be seized by an officer or a person authorized by the Village and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said pet by testimony under oath reduced to writing, be killed by the police authorities. Any person who violates this paragraph shall forfeit not less than \$250.00 and not more than \$1,000.00.

(c) *Dogs and cats running at large.*

1. No dog shall run at large within the Village. The owner of any dog, whether licensed or unlicensed, shall keep the animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any dog running at large may be seized and impounded by an officer.
2. A dog shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control it or in the company of a person to which it immediately responds and obeys, e.g., a dog playing a game of fetch in a field, or walking alongside its owner or a member of the owner's immediate family over the age of twelve years.
3. A cat shall not be considered to be running at large if it is wearing its license and an antipredation device.

(d) *Finding of public nuisance.* Pets whose behavior violates the provisions of section 17.06 are declared to be a public nuisance. A pet is considered to be in violation when two formal, written complaints are filed with the police department within a four week period, or when such behavior is witnessed by an officer.

(e) *Owner's liability for damage caused by pets; Penalties.* Further, the provisions of Wis. Stats. §174.02 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, and shall apply, for purposes of this section, to dogs, cats and other pets.

(12) **Animal Feces.**

- (a) The owner or person in charge of any animal shall not permit solid fecal matter of said animal to be deposited on any street, alley, or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. No person shall walk an animal beyond the limits of his or her own property without carrying or having in his or her possession an item designed to pick up and remove fecal matter; further it is unlawful for any person to dispose of fecal matter on public or private property, other than his own property or a village-designated animal waste disposal container.
- (b) The owner or person in charge of an animal must prevent accumulation of animal waste on his or her own property by regularly patrolling and properly disposing of the fecal matter.

(13) **Crimes Against Animals.** The provisions of Wis. Stats. §951 are hereby adopted and incorporated herein by reference.

(14) Prohibited and Protected Animals, Fowl, Reptiles, and Insects.

- (a) *Protected animals.* The provisions of Wis. Stats. §29.415 are hereby adopted and incorporated herein by reference.
- (b) *Dangerous animals; prohibition on keeping.* It shall be unlawful for any person to keep, maintain or have in possession or under control within the Village any poisonous or dangerous animal.

(15) Trapping of Animals.

- (a) *Trapping restricted to live box-type traps.* It shall be unlawful for any person to set, place, or tend any trap, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, catch, wound, or molest any animal, except by use of live box-type traps. Any animals caught in live box traps shall be promptly released to an officer or to the wild in another location, as appropriate. It is unlawful to confine an animal caught in a live box trap until the animal dies.
- (b) *Trapping within buildings or homes.* This section shall not apply to trapping within the confines of buildings or homes, except it shall be unlawful for any person to intentionally lure, or otherwise allow a wild or domestic animal into a building or home for the purpose of trapping it in any way other than by a live box-type trap.

(16) Vehicle Accidents. The operator of any vehicle involved in an accident resulting in injury to or death of an animal that appears to be a pet shall promptly notify an officer and the owner of said animal, if known.

(17) Impoundment of Animals.

- (a) *Animal control agency.* The Village may contract with or enter into an agreement with such person, persons, organization, or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs and may delegate any such animal control agency the authority to act.
- (b) *Impounding of animals.* In addition to any penalty provided herein for a violation of this section, any officer may impound any dog, cat, or other animal that is in violation of any part of section 17.06(5) through 17.06(8) of this Code. In order for an animal to be impounded, the officer must see or hear the violation of section 17.06(9) or have in his or her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.

The provisions of Wis. Stats. §174.046(7), (8), and (9) are hereby adopted and

incorporated herein by reference.

17.07 Permits and Fee for Use of Village Streets.

- (1) The streets in the possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances they may be used for other purposes, 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.
- (2) A written application for a street use permit by persons or groups desiring the same shall be made to the Village on a form provided by the clerk. The application shall set forth the following information regarding the proposed street use:
 - (a) The name, address, and telephone number of the applicant or applicants.
 - (b) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized, responsible heads of such organization.
 - (c) The name, address, and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (d) The date and duration of time for which the requested use of the street or streets is proposed to occur.
 - (e) An accurate description of that portion of the street or streets proposed to be used.
 - (f) The approximate number of persons for whom use of the area of the street or streets is proposed.
 - (g) The proposed use, described in detail, for which the street use permit is requested.
- (3) The clerk shall forward copies of such permit application to the police chief, fire chief, and crew chief, who shall consider the same and make recommendations to the Village Board.
- (4) The street use permit application may be denied by the Village Board for any legally sufficient reason, including:
 - (a) If it is for a street use that will occupy the street or streets on a workday during the hours when, and at places where, the flow of vehicular traffic will be unusually delayed; or
 - (b) If it is for a street use between the hours of 9:00 pm and 6:00 am.
- (5) The street use permit application shall be denied:

- (a) If it is for a proposed street use that is primarily for private or commercial economic gain; or
 - (b) If it is for a proposed street use that would involve violation of federal or state law or of any provision of this Code; or
 - (c) If reasonably anticipated utilization of public services, including police and fire protection, by the proposed street use will require so large a number of persons and vehicles as to prevent adequate service of the needs of the rest of the Village; or
 - (d) If the proposed street use will so substantially hinder the movement of police, fire, and other emergency vehicles as to create substantial risk to persons and property.
- (6) The application for the permit shall be accompanied by the payment of a fee set from time to time by resolution of the Village Board. In addition to the permit fee, the applicant shall pay the amount estimated to be sufficient to reimburse the Village for all expenses which might be required for extra police or other services. Any excess over the estimated amount shall be refunded to the applicant within a reasonable time following such use. In addition the applicant shall be responsible for any increased costs in the Village's liability insurance coverage which may be occasioned by the issuance of the permit, and, if required by the Village, shall furnish a policy of liability insurance approved by the Village to cover personal injury and property damage which may result from the activities conducted under the permit.
- (7) This section shall not be applicable to any official Village function.

17.08 Other Licenses and Permits Required by this Code. In addition to the above mentioned licenses and permits, the following is a partial list of other permits that may be required by this Code:

- (1) Police/fire alarm: 5.06(2);
- (2) Parking permit: 7.08;
- (3) Bicycle license: 7.14;
- (4) Fireworks: 8.02(2);
- (5) Open burning: 8.03(1)
- (6) Collection and transport of rubbish or refuse: 9.04(4)
- (7) Permit to work on highways: 11.04;
- (8) Driveway construction: 11.04(2);
- (9) Use of Village streets: 11.07 and 17.07
- (10) Water utility connection: 13.03;
- (11) Well operation permit: 13.05(3);

- (12) Sanitary sewer connection: 14.04;
- (13) Building permits: 15.04;
- (14) Electrical permits: 15.03(3);
- (15) HVAC permits: 15.04(4);
- (16) Plumbing permit: 15.05(4).