

**CHAPTER 8
LICENSES AND PERMITS**

8.01 INTOXICATING LIQUOR

- (A) **LICENSE REQUIRED:** No person shall vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor in any quantity whatever, or cause the same to be done, without having procured a license therefore, nor without complying with all the provisions of this Code, and all statutes, ordinances and regulations applicable thereto. A separate license shall be required for each stand, place, room or enclosure, or for each suite of rooms or enclosures, which are in direct connection or communication with and contiguous to the service room and connected therewith by an archway not less than 5 feet wide without a door or other obstruction, where intoxicating liquor is kept, sold or offered for sale.
- (B) **STATE STATUTES ADOPTED:** The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor, presence in places of sale, possession or consumption of by underage person, procurement or attempts to procure by underage persons, and false representations as to age by underage persons, except as otherwise specifically provided in this Code, the statutory provisions of Chapter 125 of the Wisconsin Statutes relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Code 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 any statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Code.
- (C) **LICENSE FEE:** There shall be the following classes and denominations of licenses which, when issued by the Village Clerk under the authority of the Village Board after the payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquors as provided in Wisconsin Statutes Sections 125.51 (2), 125.51 (3) or 125.57:
- (1) Retail Class "A" liquor license - \$400.00.
 - (2) Retail Class "B" liquor license - \$300.00 per year. Club licenses shall be issued for a fee of \$150.00.
 - (3) Pharmacist's permit - \$10.00 per year.
 - (4) Part-time or semi-annual liquor licenses may be issued pursuant to Wisconsin Statutes Section 125.51 (9).
 - (5) Beverage operator's license - \$15.00 per year.
 - (6) Temporary "Class B" license - \$20.00.
 - (7) All license fees shall be paid to the Village Treasurer not later than May 25 for those applicants seeking licenses effective July 1 in any year. All other license fees shall be paid to the Village Treasurer on date of application.
- (D) **LICENSE YEAR:** The license year shall be from July 1 to June 30 following.
- (E) **LIMITATION OF NUMBER OF LICENSES:** Only one Class "B" intoxicating

Liquor license shall be granted for every 500 inhabitants or fraction thereof in the Village: provided, however, that the Board, in its discretion, may continue to grant such licenses in a number not to exceed those authorized pursuant to the provisions of Wisconsin Statutes Section 125.51. After the number of such licenses corresponds to the above limitations, the Board shall grant no such licenses, except as follows:

- (1) To any qualified applicant who, at the time of his application, is the holder of such a license and is actively engaged in business.
- (2) To any qualified applicant who has procured the surrender and cancellation of any other such license from a license holder who has been actively engaged in business within thirty (30) days of the date of the application.
- (3) To the heirs, executors, or administrators of any licensee who shall die or become incompetent, or to any qualified applicant nominated by such heir, executor or administrator, by sale of, or contract to sell, the licensed business.
- (4) To any otherwise qualified applicant who has obtained Village Board authorization to file with the Village Clerk a Class "B" intoxicating liquor license application.

(F) LICENSE APPLICATION: Application for a license to sell or deal in intoxicating liquor shall be made in writing on the form prescribed by law and shall be sworn to by the applicant as provided by Wisconsin Statutes Section 125.04 (3), and shall be filed with the Village Clerk not less than 15 days prior to the granting of such license. Said application shall be accompanied by the cost of publication as stipulated by Wisconsin Statutes Section 125.04 (3). Application for a temporary "Class B" license to a church or an organization associated with a church shall be made in writing and filed with the Village Clerk not less than seven (7) days prior to the granting of such license.

(G) LICENSE RESTRICTIONS AND CONDITIONS: In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in Subsection (B) of this Section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

- (1) No license shall be granted to any person who has not attained the Legal drinking age, and is not of good moral character, a citizen of the United States, a resident of the State of Wisconsin continuously for 90 days prior to the date of the application, and has not resided in the County of Vernon continuously for at least thirty (30) days prior to application and at all times thereafter. No license shall be issued to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to Section 111.321 and 111.335, Wisconsin Statutes. This Subsection shall not apply to Corporations, but shall apply to their appointed agents.
- (2) No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.
- (3) No license shall be granted for any premises that is not connected with the Village sewerage facilities and that is not properly lighted and ventilated and supplied with separate sanitary toilet and lavatory facilities, equipped with running water, for each sex customarily using the premise.

- (4) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor in any dwelling house, flat or residential apartment.
- (5) No retail Class “B” license shall be issued to any person who does not have, or to whom is not issued a Class “B” fermented malt beverage retailer’s license as provided in this Chapter.
- (6) No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the Department of Industry, Labor and Human Relations and the Department of Health and Social Services and to all Ordinances and regulations adopted by the Village which pertain to sanitation, safety and health requirements.
- (7) Delinquent taxes, assessments, etc.
 - (a) Premises. No initial or renewal license shall be granted for any one premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.
 - (b) Persons, partnerships and corporations. No initial or renewal license shall be granted to any person, partnership or corporation:
 - (I) Delinquent in payment of any taxes, assessments or other claims owed to the Village.
 - (II) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.
 - (III) Delinquent in payment to the state of any state taxes owed.
 - (IV) Delinquent in payment to the United States of America of any federal taxes owed.
- (8) It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village without any warrant, and the application for a license hereunder shall be deemed 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.
- (9) Licenses or permits issued under this section shall be noted and displayed as provided in Wisconsin Statute Section 125.04 (10) and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.
- (10) No retail Class “B” licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any intoxicating liquor.

- (11) No premises shall be permitted to remain open for sale or consumption of liquor:
- (a) If a retail Class “A” license, between 9:00 p.m. and 8:00 a.m.
 - (b) If a retail Class “B” license, between 2:00 a.m. and 6:00 a.m., any day, except Saturday and Sunday, when the hours shall be 2:30 a.m. and 6:00 a.m. and also except on January 1 when the premises are not required to be closed. Between 12:00 midnight and 6:00 a.m. no person may sell intoxicating liquor on Class “B” licensed premises in an original unopened package, container or bottle or for consumption away from the premises.
 - (c) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons and bowling alleys and golf courses shall be permitted to remain open for the conduct of their regular business, but shall not be permitted to sell intoxicating liquors during the hours mentioned in subsection (b) above.
- (12) No retail Class “B” licensee shall discontinue the sale of intoxicating liquor at any time during the license year without the express consent of the Village Board.
- (13) I.D. Book. Every retail Class “A” and Class “B” licensee shall cause a book to be kept so that the licensee or his or her employee shall require any person, after requiring documentary proof substantiating that the person is not an underage person to sign the book, if the person’s age is in question, showing the date of the purchase of the intoxicating liquor, the identification used in making the purchase, the address of the purchaser and the purchaser’s signature. The I.D. Book shall be subject to inspection by any police officer of the Village at any reasonable hour and maintained in the licensed premises at all times.
- (H) INSPECTION OF APPLICANT AND PREMISES: The Village Clerk shall notify the Chief of Police, Building Inspector, and Fire Chief of all license and permit applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant’s fitness for the trust to be imposed. These officials shall furnish to the Village Board in writing the information derived from such investigations. No license or permit provided for in this section shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a reinspection of the premises and report as herein required.
- (I) GRANTING OF LICENSE: Opportunity shall be given by the Village Board to any person to be heard for or against the granting of any license. Upon the approval of the application by the Board, the Village Clerk shall, upon filing by the applicant of a receipt showing the payment of the required license fee to the Village Treasurer, issue to the applicant an attested license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issues, the date of issuance, the fee paid, and the name of the licensee. Except as otherwise provided or unless sooner revoked all licenses shall remain in force until the 30th day of June next after the granting thereof.
- (J) TRANSFER OF LICENSES: For a fee of \$10.00, any license may be transferred by the Village Board from one premises to another, providing such new premises shall comply with all provisions of this section, but no license shall be transferred more than once in any one license year.

- (K) SALE TO AN UNDERAGE PERSON OR INTOXICATED PERSON: It shall be unlawful to see, vend or in any way deal or traffic in intoxicating liquors in any quantity whatsoever to or with an underage person, or to any person intoxicated or bordering on a state of intoxication.
- (L) UNDERAGE PERSONS PERMITTED ON CLASS “B” PREMISES DURING CERTAIN TIMES: In addition to the exceptions contained in Chapter 125 of the State Statutes, and underage person may enter or remain in a room on Class “B” or “Class B” licensed premises on a date specified by the licensee or permittee during times when no intoxicating liquors are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operators license, shall be on the premises unless all intoxicating liquors are stored in a locked portion of the premises. An underage person may enter and remain on Class “B” or “Class B” premises under this paragraph only if the Chief of Police issued to the Class “B” or “ Class B” licensee a written authorization permitting underage persons to be present under this paragraph on the date specified in the authorization. Before issuing an authorization, the Chief of Police, or his/her designee, shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises. The request for written authorization shall be made at least five (5) days prior to that date.
- (M) OPERATOR’S LICENSE:
- (1) Except as otherwise provided under this Code and Section 8.01, there shall be upon the premises operated under a Class “A” or Class “B” intoxicating liquor license, at all times, the licensee or some person who shall have an operator’s license who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages or intoxicating liquor to customers. No person, including underage members of the licensee’s immediate family, other than the licensee or agent may serve fermented malt beverages or intoxicating liquor in any place operated under a Class “A” or Class “B” license or permit unless he or she has an operator’s license or is at least 18 years of age and is under the immediate supervision of licensee or agent or a person holding an operator’s license, who is on the premises at the time of the service. For the purpose of this paragraph, any member of the licensee’s immediate family who has attained the legal drinking age shall be considered the holder of an operator’s license.
 - (2) An operator’s license may be issued by the Board to persons who have attained the age of 18 and who are of good moral character. A written application shall be filed with the Village Clerk stating the name, residence, age and sex of the applicant, together with such pertinent information as to fitness as the Clerk shall require. Upon the approval of an application by the Board, the Village Clerk shall upon the filing by the applicant of a receipt showing the payment to the Village Treasurer of the license fee of Three Dollars and No Cents (\$3.00), issue to the applicant a license to expires on the 30th day of June within the second year following the issuance thereof.
 - (3) The Village Clerk is hereby authorized to issue a provisional operator’s license for a period not to exceed 60 days to persons the Village Clerk and the Chief of Police feel are otherwise qualified under this section and Wisconsin Statutes. Said provisional license shall be for a fee of \$2.00 and may be revoked by the Village Board.

(N) TEMPORARY “CLASS B” LICENSE: A temporary “Class B” license may be issued to a church or an organization associated with a church pursuant to Wisconsin Statute Section 125.51 (4m), and any amendments thereto, if the church or organization has been in existence for not less than six (6) months prior to the date of application. Such license shall authorize the holder of such license to serve or sell wine containing not more than 6 percent alcohol by volume at the picnic, meeting or other gathering specified on the license.

(O) REVOCATION AND SUSPENSION OF LICENSES:

(1) Except as hereinafter provided, the provisions of Wisconsin Statute Sections 125.12 (2) (a) and 125.12 (2) (b) and (c) shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.

(2) The Board, upon obtaining a complaint made in writing under oath by any resident in the Village and filed with the Village clerk that any licensee has violated the provisions to this chapter or keeps or maintains a disorderly or riotous, indecent or improper house, or that he has sold or given away any intoxicating liquor to any minor, or to persons intoxicated or bordering upon intoxication or to known or habitual drunkards, or that he has not observed and obeyed any order of the Board, or any state or federal liquor or fermented malt beverage law, or committed any felony, may suspend the license of such person for a period of not less than ten (10) days nor more ninety (90) days or revoke the same.

(3) Prior to any suspension or revocation, the Village Board shall cause to be served a notice or summons issued by the Village Clerk notifying the person of the charges upon which the suspension or revocation may be predicated, that such person has a right to respond to and challenge such charges, that such person has an opportunity to present witnesses under oath, that such person has a right to representation by an attorney, that such person has an opportunity to confront and cross-examine opposing witnesses under oath, that such person has an opportunity to have a verbatim written transcript of the hearing made upon his own initiative and expense. Notice of hearing shall be given to such person not less than 14 nor more than 30 days in advance of such hearing. The hearing prescribed herein shall be before the entire Board or a designated committee thereof.

(4) Whenever any license or permit under this section shall be revoked or suspended by the Board or action of any court, it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police, who shall take physical possession of the license wherever it may be found and file it in the Clerk’s office.

(5) If any license granted under this section is seized by any local, state or federal agency pursuant to applicable statutes providing for the seizure of personal property, such seizure will act as an automatic revocation of that license upon notification to the Clerk by the seizing agency that a seizure has been effected.

8.02 FERMENTED MALT BEVERAGES

(A) LICENSE REQUIRED: No person shall sell, barter, exchange, offer for sale, or have in possession with intent to sell, deal or traffic in fermented malt beverages or other licensed beverages without first procuring a license so to do. Such license shall be posted in a conspicuous place in the room or place where the licensed beverages are drawn or removed for sale or delivery or service.

(B) STATE STATUTES ADOPTED: The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of fermented malt beverages, presence in places of sale, possession or consumption of by

underage persons, procurement or attempts to procure by underage persons, and false representation as to age by underage persons, except as otherwise specifically provided in this code, the statutory provisions of Chapter 125 of the Wisconsin Statutes relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Code 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 Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Code.

- (C) LICENSE FEES: There shall be the following classes and denominations of licenses, which, when issued by the Village Clerk under the authority of the Village board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in fermented malt beverages as provided in Wisconsin Statutes Sections 125.25 and 125.26:
- (1) Class "A" fermented malt beverage retailer's license - \$10.00 per year.
 - (2) Class "B" fermented malt beverage retailer's license - \$100.00 per year.
 - (3) Club licenses - \$100.00 per year.
 - (4) Wholesaler's fermented malt beverage license - \$25.00 per year.
 - (5) One day fermented malt beverage licenses may be issued to bona fide clubs, lodges or societies, which have been in existence more than six months, or to organizations of ex-servicemen authorization them to sell fermented malt beverages at a particular picnic, gathering or meeting, with a limitation of one such license per year for a fee of \$10.00 per day.
 - (6) Beverage operator's license - \$15.00 per year.
 - (7) All license fees shall be paid to the Village Treasurer not later than May 25 for those applicants seeking licenses effective July 1 in any year. All other license fees shall be paid to the Village Treasurer on date of application.
- (D) LICENSE YEAR: The license year shall be from July 1 to June 30 following.
- (E) SPECIAL CONDITIONS FOR ONE DAY OR EVENT LICENSES:
- (1) Indoor Events.
 - (a) The structure must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
 - (b) There shall be at least one person properly licensed as an operator under the provisions of Subsection (K) of Section 8.02 of this Code of Ordinances on the premises at all times to supervise the service of beverages.
 - (c) In cases of attendance over 100 persons, the licensee shall provide adequate supervision for the maintenance of order and the

checking of identification to insure that minors not admitted onto the premises.

- (d) Fermented malt beverages and other refreshments must be served in disposable containers, either paper or plastic.

(2) Outdoors Events.

- (a) All of the provisions set forth in Subsection (E) (1) hereof.
- (b) The location of outdoor events on public land shall be limited to public parks.
- (c) In addition to restrooms which exist in each park, the licensee shall provide temporary toilet facilities at the rate of one per 100 persons in anticipated attendance. The existing facilities in each park shall be utilized at the rate of one per 100 persons.
- (d) The area in which fermented malt beverages are dispensed or sold shall be fully enclosed with a temporary enclosure with a clearly defined entrance and exit when it is anticipated the event will draw 200 or more persons.
- (e) A permit to use a public park facility must be secured from the Board and a copy filed with the Village Clerk at the time of application for the license.
- (f) A cash bond in the amount of \$100.00 shall be filed with the Village Clerk at the time of application for a license which bond will be used by the Village to repair any damage caused by the event or to clean up the park of any debris associated with the event. If there is no damage to repair or clean up required, the bond shall be returned. In the event damages are caused on public property or clean up is required, the cost of either or both shall be itemized and deducted from the bond, and the balance returned.

(F) LICENSE APPLICATION: Application for a license to sell or deal in fermented malt beverages shall be made in writing on the form prescribed by law not less than 15 days prior to the granting of such license except that applications for special event licenses for a picnic or other gathering lasting less than four (4) days shall be by written application filed with the village Clerk not less than seven (7) days prior to the granting of such license.

(G) LICENSE RESTRICTIONS AND CONDITIONS: In addition to the requirements imposed by the provisions of the Wisconsin Statutes adopted by reference in Subsection (B) of this section, the following restrictions shall apply to the issuance of the licenses or permits pursuant to this Section.

- (1) No license shall be granted to any person who has not attained the legal drinking age, and is not of good moral character, a citizen of the United States, a resident of the State of Wisconsin continuously for 90 days prior to the date of the application, and has not resided within the County of Vernon continuously for at least thirty (30) days prior to application and at all times thereafter. No license shall be issued to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to Sections 111.321, 111.322 and 111.335, Wisconsin

Statutes. This subsection shall not apply to Corporations, but shall apply to their appointed Agents.

- (2) No license shall be issued to any person acting as an agent of or in the employ of another, except that this restriction shall not apply to Class "B" licenses, to a hotel or restaurant, or a bona fide club, society or lodge, in existence more than six (6) month prior to date of application. Such licenses for a hotel, restaurant club, society or lodge may be taken in the name of an officer or manager, who shall personally be responsible for compliance with the provisions of this Code.
- (3) No Class "B" license shall be granted for any premises where any other business shall be conducted in connection with said licensed premises, except that this restriction shall not apply to a hotel or to a restaurant not a part of or located in any mercantile establishment or to a combination grocery store and tavern or to a bowling alley or recreation premises or to a bona fide club, society or lodge that shall have been in existence for not less than six (6) months prior to the date of filing applications for such license.
- (4) No Class "B" license shall be issued for any premises which include any dwelling house, flat or apartment.
- (5) No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the Department of Industry, Labor and Human Relations and the Department of Health and Social Services and to all Ordinances and regulations adopted by the Village which pertain to sanitation, safety and health requirements.
- (6) No fermented malt beverage shall be sold to any underage person.
- (7) No fermented malt beverage shall be sold or consumed upon licensed premises between the hours of 2:00 a.m. and 6:00 a.m. of any day, except Saturday and Sunday when the hours shall be 2:30 a.m. and 6:00 a.m., provided, however, no fermented malt beverage shall be sold, dispensed, given away, or furnished directly or indirectly to any underage person. Between 12:00 midnight and 6:00 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises. Class "A" premises may remain open for the conduct of their regular business, but may not sell fermented malt beverages between 12:00 midnight and 8:00 a.m.
- (8) It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. 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.
- (9) Licenses or permits issued under this section shall be posted and displayed as provided in Wisconsin Statutes Section 125.04 (10) and any licensee or permittee who shall fail to post his license or permit as therein required shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(10) Delinquent taxes, assessments, etc.

(a) Premises. No initial or renewal license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.

(b) Persons, partnerships and corporations. No initial or renewal license shall be granted to any person, partnership or corporation.

(i) Delinquent in payment of any taxes, assessments or other claims owed to the Village.

(ii) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

(iii) Delinquent in payment to the state of any state taxes owed.

(iv) Delinquent in payment to the United States of America of any federal taxes owed.

(11) No retail Class “B” licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any fermented malt beverages.

(12) No Class “B” license shall be granted for any premises that does not have Class “B” intoxicating liquor license, provided, however, Class “B” licenses may be granted to any premises licensed as a restaurant pursuant to State and local law when such restaurant’s gross sales from food and food products exceeds fifty percent (50%) of its gross dollar volume.

(13) I.D. Book. Every retail Class “A” and Class “B” licensee shall cause a book to be kept so that the licensee or his or her employee shall require any person, after requiring documentary proof substantiating that the person’s age is in question, showing the date of the purchase of the fermented malt beverage, the identification used in making the purchase, the address of the purchaser and the purchaser’s signature. The I.D. Book shall be subject to inspection by any police officer of the Village at any reasonable hour and maintained in the licensed premises at all times.

(14) Disorderly Conduct by Patrons Prohibited. No licensee, either personally or through his agent or employee, shall knowingly permit any patron to participate in any act, stunt, or dance in violation of the provisions of this section.

(15) No original application or transfer of a Class “B” fermented malt beverage license to a new location shall be granted for premises located within 100 feet of land zoned residential or multiple dwelling without first giving written notification to the owners of land within 100 feet of the premises requested to be licensed, who shall be given an opportunity to be heard prior to granting of the license by the Village Board.

- (16) **Written Report Concerning Disorder.** The licensee of each establishment licensed by the Village to sell and traffic in fermented malt beverages or intoxicating liquor shall, within twelve (12) hours of the happening, furnish a brief written report to the Police Department of all disorders occurring upon such licensed premises, specifying the nature of the disorder and the names and addresses of the persons involved.
- (H) **INSPECTION OF APPLICANT AND PREMISES:** The Village Clerk shall notify the Chief of Police, Building Inspector and Fire Chief of all license and permit applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the Board in writing the information derived from such investigation. No license shall be renewed without a reinspection of the premises and report as herein required.
- (I) **GRANTING LICENSE:** Whenever any applicant for a license hereunder shall have complied with all the conditions and regulations herein contained relative to the filing of his application, it shall be the duty of the Village Clerk to refer said application to the Board, which shall report the same at any regular meeting or any special meeting called for that purpose. Such license shall be ordered granted or rejected by the board by a majority vote of the members present. No license shall be issued by the Village Clerk until favorable action upon the application therefore is first had by the board and the full amount of the fee has been paid. Each license shall be issued for a period not exceeding one year and shall expire on the 30th day of June.
- (J) **TRANSFER OF LICENSES:** For a fee of \$10.00 any license may be transferred by the Board from one premises to another providing such new premises shall comply with all the provisions of this Section, but no license shall be transferred more than once in any one license year.
- (K) **OPERATOR'S LICENSE:**
- (1) No person other than the personal holder of a Class "B" license or of any operator's license shall serve fermented malt beverages in any place operated under a Class "B" license unless he shall be under the immediate supervision of the personal holder of the Class "B" license for said premises, or the holder of an operator's license then present upon said premises.
 - (2) Except as otherwise provided under this Code and Section 8.02 (M) (2) there shall be upon each premises operated under a Class "A" or Class "B" license or permit at all times when opened for business, the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operators license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this paragraph, any member of the licensee's immediate family who has attained the legal drinking age, shall be considered the holder of an operators license. No person, including underage members of the licensee's immediate family, other than the licensee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operators license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operators license, who is on the premises at the time of service.
 - (3) An operator's license may be issued by the Board to persons who have attained the age of 18 and who are of good moral character. A written

application shall be filed with the Village Clerk stating the name, residence, age and sex of the applicant, together with such pertinent information as to fitness as the Clerk shall require. Upon the approval of an application by the Board, the Village Clerk shall, upon the filing by the applicant of a receipt showing the payment to the Village Treasurer of the license fee of Three Dollars and No Cents (\$3.00), issued to the applicant a license to expire on the 30th day of June within the second year following the issuance thereof.

(4) For the purpose of this Subsection, any member of the immediate family of the holder of the Class "B" license shall be considered as holding an operator's license in the premises covered by such Class "B" license.

(5) The Village Clerk is hereby authorized to issue a provisional operator's license for a period not to exceed 60 days to persons the Village Clerk and the Chief of Police feel are otherwise qualified under this Section and Wisconsin Statutes. Said provisional license shall be for a fee of \$2.00 and may be revoked by the Village Board.

(L) **REVOCATION AND SUSPENSION OF LICENSES:** The provisions of Section 8.01 (0) of this Code relating to suspensions and revocation of licenses issued pursuant to that section shall apply to all licenses issued pursuant to the authority of this Section.

(M) **UNDERAGE PERSONS PERMITTED ON CLASS "B" LICENSES PREMISES DURING CERTAIN TIMES:** In addition to the exceptions contained in Chapter 125 of the State Statutes, an underage person may enter or remain in a room on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during the times when no fermented malt beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license, shall be on the premises unless all fermented malt beverages are stored in a locked portion of the premises. An underage person may enter and remain on Class "B" or "Class B" premises under this paragraph only if the Village Police Department issued to the Class "B" or "Class B" licensee a written authorization. Before issuing an authorization, the Chief of Police, or his/hers designee, shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorizations for each date on which underage persons will be present on the premises. The request for written authorization shall be made at least five (5) days prior to that date.

8.03 BEER GARDEN LICENSE

(A) LICENSE REQUIRED.

No person shall hereafter keep, maintain, conduct or operate any beer garden as defined in Subsection (B) of this section without first obtaining a license therefore.

(B) DEFINITION.

A beer garden is defined as an open air, roofed or unroofed area adjacent or accessory to a "Class B" intoxicating liquor and/or fermented malt beverage licensed premises, where beer and other alcoholic beverages are served or consumed. "Class B" alcohol beverage licensed hotels as defined in Section 125.02(7), Wis. Stats., which have a restaurant, recreational facilities which include a golf course, and other recreational facilities on lands owned by the Village such as a recreational boat club, a public campground, or a baseball stadium are excluded from this definition if such areas are included within the licensed premises.

(C) LICENSE FEE.

The annual fee for a beer garden license shall be \$100.00 for each class, (Non pro-rated) and every license shall terminate on the 30th day of June next following the issuance of the same.

(D) APPLICATION.

Application for a beer garden license shall be made to the Village Clerk and each applicant shall pay to the Village Treasurer the required license fee and present a receipt from the Village Treasurer for the same with the application. The license shall be listed on the business' "Class B" license. All applications for this license must be in writing to the Village Clerk not less than 15 days prior to the granting of this license. All applications must include map or diagram that particularly describes the beer garden area.

(E) RESTRICTIONS.

No beer garden shall be permitted within 100 feet of land zoned for human residence unless approved by all owners of residential property within 200 feet and the Village Board by two-thirds vote. Other than the initial application, persons renewing a beer garden license shall not be required to obtain approval by all the owners of residential property within 200 feet, except that if there are violations of the Stoddard Municipal Code or State law pertaining to alcohol beverage laws or beer garden regulations which occur prior to renewal, then the approval of all owners of residential property within 200 feet shall be required. Additionally, the Beer garden will be limited in size based on the surrounding land use, lot and building size, and availability of off-street parking. An outdoor dining area for the sole purpose of serving food, which may provide alcoholic and non-alcoholic beverages in connection with said dining, shall not be subject to the requirement of obtaining approval of all the owners of the residential property within two hundred (200) feet. The Applicant must still have approval of two-thirds (2/3) of the Village Board and the licensee shall also be subject to conditions identified by the Village Board. Such conditions may include; fencing, signage indicating said dining area is subject to Village of Stoddard Noise Ordinance Rules and limiting the amount of tables and hours of outdoor operation. Said outdoor dining area shall be contiguous to a licensed restaurant and shall consist of not more than 250 square feet in area. The licensed premises for said outdoor dining area shall provide documentation along with a signed statement from a certified public accountant that more than fifty percent (50%) of the gross sales for said licensed premises are from food and that the applicant is in fact a restaurant.

(F) GRANTING.

The Village Clerk shall refer all applications for beer garden licenses to the Police, Fire, Inspection, and County Health Departments for investigation. These departments shall furnish to the Council in writing a recommendation as to whether the license should be granted. Upon approval of the Village Board the Village Clerk shall issue the license authorizing a beer garden to the applicant.

(G) LICENSE TYPES.

- (1) CLASS "A" Beer Garden which will have a capacity of one person for each 10 net square feet or a predetermined number set by the Village Board and be posted within beer garden.
- (2) CLASS "B" Beer Garden which will have a capacity of one person for each 7 net square feet or a predetermined number set by the Village Board. Capacity shall be posted within restaurant. This license shall be restricted to hours of 10:00 A.M. - 10:00 P.M., and only available to businesses who exceed fifty percent (50%) of gross sales from food and food products. Additionally these areas must have tables in place to allow for seating of 80 percent of their capacity.

- (3) CLASS "C" Beer Garden shall be for recreational use only and issued in addition to a Class "A" or "B" Beer Garden license.

(H) CONDITIONS.

No beer garden shall be permitted, maintained, or operated except in conformity with the following regulations:

- (1) The beer garden area shall be particularly described and included within the application for "Class B" intoxicating liquor and/or fermented malt beverage licensed premises.
- (2) Except for open air, roofed or unroofed areas which are part of the "Class B" licensed premises and not at ground level which comply with all applicable safety and building codes, the construction of the beer garden shall be as follows:
 - (a) The ground area shall be of a fire-resistant material.
 - (b) There shall be maintained and constructed a 7-foot chain link, solid wood, or concrete fence surrounding the beer garden area. The fence shall contain the required fire exit(s). The gate(s) or exit(s) shall be of the same height as that required of the beer garden fence, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks. The beer garden fence shall comply with all regulations regarding vision clearance along with required distance from corner.
 - (c) Class "B" beer garden licenses are exempt from section "(b)" requirement of a 7-foot fence. Class "B" beer gardens shall have a 3-foot fence in lieu of this but must meet the other requirements of section "(b)" and may have iron as a fence option.
- (3) All electrical wiring shall comply with national, state, and city electrical codes.
- (4) All combustible rubbish shall be stored in non-combustible covered containers.
- (5) Any noise emanating from the beer garden shall not violate the regulations of the Village of Stoddard Code of Ordinances pertaining to noise.
- (6) All beer garden areas shall comply with Chapters 54 and 55, State Industrial Code, relative to the required number of toilets, exit lights, and other relevant regulations contained therein.
- (7) The "Class B" intoxicating liquor and/or fermented malt beverage licensee and/or the agent shall be responsible for all violations of this Section and subject to compliance with any and all Health Department, Inspection Department, Fire Department and Police Department regulations pertaining to the beer garden, including any and all State and local regulations.

(I) PENALTIES.

Any violations of this ordinance may result in the suspension or revocation of any "Class B" intoxicating liquor and/or fermented malt beverage license for such premises and the penalties provided for in Section 8.12.

8.04 UNUSED

8.05 UNUSED

8.06 SIGNS, CANOPIES, AWNINGS AND BILLBOARDS

Purpose of Sign and Billboard Regulations. The purpose of this Ordinance is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Stoddard painting, posting and general maintenance are excepted.

(A) DEFINITIONS

The following definitions are used in this Ordinance:

- (1) **AWNING:** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (2) **ANIMATED SIGN:** An animated sign shall mean a sign projecting moving motion pictures, moving images, film, or videos.
- (3) **BILLBOARD:** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (4) **BLANKETING:** Blanketing is the unreasonable obstruction of view of a sign caused by the placement of another sign.
- (5) **CANOPY:** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (6) **SIGN:** A sign shall include anything that promotes, calls attention, or invites patronage (or anything similar to the aforementioned) to a business, location, or product.
- (7) **DIRECTLY ILLUMINATED SIGN:** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (8) **DIRECTORY SIGN:** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (9) **ELECTRONIC MESSAGE UNIT SIGN:** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling, animated, or segmented message displays.
- (10) **ERECT:** Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Erect does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign structure.
- (11) **FESTOONS:** A garland, flag, or wreath hanging in a depending curve or graceful loop used in decoration for festivals, special events, etc. or anything arranged in this way.
- (12) **FLASHING SIGN:** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (13) **FREE STANDING SIGN:** A free standing sign is any sign supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Ground and/or Pole Sign").
- (14) **GROUND AND/OR POLE SIGN:** A ground and/or pole sign is any sign supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign").
- (15) **IDENTIFICATION SIGN:** Any sign carrying only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (16) **ILLUMINATED SIGN:** An illuminated sign is lighted from a source inside of the actual sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (17) **INDIRECTLY ILLUMINATED SIGN:** Shall mean a sign that is illuminated from a source outside of the actual sign.

(18) **MARQUEE SIGN:** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall an generally designed and constructed to provide protection against weather.

(19) **NON-CONFORMING SIGN:** A nonconforming sign is any sign, which does not conform to the regulations of this Ordinance.

(20) **OFF-PREMISE SIGN:** Any sign, devise or display, which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the service is located.

(21) **OPERATIONAL MODES FOR MESSAGE SIGN TRANSITIONS:**

Level 1: Segmented static display only (messages change with no transition.

Level 2: Static display with "fade" or "dissolve" transitions, or similar subtle transitions and frame effects that do not have the appearance of moving text or images.

Level 3: Static display with "travel" or "scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once.

Level 4: Full animation, flashing, and video.

(22) **PORTABLE SIGN:** Any sign not permanently attached to the ground, which is designed to be easily moved from one location to another.

(23) **PROJECTING SIGN:** Any sign installed on an arm or mast or spar that is not permanently fastened to an adjacent wall or upright pole to limit or prevent free swing. A projecting sign is any sign extending more than twelve (12) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.

(24) **REAL ESTATE SIGN:** Any sign offering for sale, lease, or rent the property upon which the sign is placed.

(25) **ROOF SIGN:** Any sign erected upon or over the roof or parapet of any building.

(26) **SEGMENTED DISPLAY:** A static display Level 1 Operational Mode for message transitions. A static or segmented message display changes with no transitions.

(27) **STATIC DISPLAY:** A static display is a Level 1 Operational Mode for message transitions. A static display means messages change with no transition.

(28) **SWINGING SIGN:** Any sign installed on an arm or mast or spar that is not permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging. See definition of Projecting Sign.

(29) **TEMPORARY SIGN:** Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

(30) **TETHERED BALLOONS:** Inflatable signs or balloons fastened by a rope or chain.

(31) **WALL SIGN:** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than twelve (12) inches from such wall.

(32) **WINDOW SIGN:** Any sign located completely within an enclosed building and visible from a public way.

(B) REQUIRED PERMITS FOR SIGNS, CANOPIES, AWNINGS AND BILBOARDS.

(1) **Application.** Except those specified in Section 8.06(D), no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Stoddard. Signs shall not be erected or altered until the Building Inspector has issued a permit. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

(a) Any sign located on a State Highway right-of-way must be a minimum of thirty three (33) feet from the center line of the highway per State of Wisconsin Department of Transportation.

(2) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Village Administrator which contain the following information about the sign: drawing or picture of sign applied for; dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.

(3) **Fee.** The fee for each sign permit shall be Forty Dollars (\$40.00) or One Dollar (\$1.00) per square foot of display surface if the sign exceeds 40 sq. feet.

(4) Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Village Administrator before the sign permit is granted.

(5) Inspection. Every sign shall be inspected and approved by the Building Inspector within thirty (30) days after it is erected or altered.

(C) SIGNS EXCEPTED. All signs, awnings and canopies must have a sign permit, except the following, provided that the following exempt signs may not be located over a public road right-of-way or in, on, or over public water:

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(3) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.

(5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

(6) Official signs, such as traffic control, parking restriction, information, and notices.

(7) Temporary signs for a period not to exceed sixty (60) days.

(8) Rummage and auction sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.

(9) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Building Inspector and subject to the following:

(a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Building Inspector for approval.

(b) The permitted size and location of any such sign shall be at the discretion of Building Inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.

(c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one (1) year. An extension may be permitted for a period not to exceed two (2) years total.

(d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine (9) months.

(10) Signs designating entrances, exits, service areas, parking areas, restrooms, and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.

(11) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.

(12) Flags and insignia of any government, (not affiliated with a religion or fascist creed), except when displayed in connection with commercial promotion.

(13) Legal notices, identification information, or directional signs erected by governmental bodies.

(14) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

(15) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(16) Sandwich board signs. Sandwich board signs cannot be more than three (3') X four (4') foot and no more than four (4') feet tall and are limited to one (1) per business to be located not more than twenty (20') feet from the main entrance of the business they advertise. Sandwich board signs cannot be illuminated nor interfere with

pedestrian or vehicular traffic to or from the business and must allow at least four (4') width of sidewalk for pedestrians. Sandwich board signs are allowed only during business hours.

(D) SIGNS PERMITTING.

(1) Business and Industrial Districts. Signs are permitted in all Business Districts and the Industrial Districts subject to the following restrictions:

(a) Wall Signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) for any one (1) premises, and shall not exceed twenty (20) feet in height above the centerline street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any required yard, shall not extend into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than eight (8) feet above a driveway or an alley.

(c) Ground signs or free standing signs shall not exceed thirty-five (35) feet in height above the centerline of the grade of the street from which access to the premises is obtained, shall be set back a minimum of ten (10) feet from the property line or meet all yard requirements for the district in which it is located (whichever is less), and shall not exceed two hundred (200) square feet on one (1) side, nor four hundred (400) square feet on all sides for any one (1) premise. The lowest sign on a sign cabinet shall be no less than ten (10') feet from grade unless the sign is setback ten (10') feet from property line. Any sign in excess of thirty-five (35) feet in height requires a conditional use permit.

(d) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all yard requirements for the district in which it is located, shall be considered part of the structure in meeting all height requirements for the district in which it is located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.

(e) Window signs shall be placed only on the inside of commercial buildings.

(f) Off-premise signs, displays and devices on or within the "adjacent areas" of all State, Freeway and Federal Aid Primary Systems, as defined in Chapter 84.30 of the Wisconsin Statutes, shall be regulated pursuant to Chapter 84.30 of the Wisconsin Statutes and Chapter Trans. 201, as revised, of the Wisconsin Administrative Code, provided, however, that where this Section (f) establishes more restrictive criteria for signs, then the provisions of this Section (f) shall supersede the State criteria. Spacing of signs along non-interstate highways shall be measured from other off-premise signs along the same side of the street and shall be at least three hundred (300) feet apart and not cover two hundred (200) square feet per side. A State permit must be issued before a Village permit is issued. This is the sole Section for regulating off-premise signs for size and spacing.

(g) Directory signs for multi-tenant building complexes are permitted as an alternative to ground signs, free standing signs, projecting signs, and roof signs for individual stores in the multi-tenant building complex. The top of a directory sign shall not exceed thirty (30) feet in height above the mean centerline street grade. The supporting structure shall not be greater than ten (10) feet wide. That portion of the directory sign which advertises the multi-tenant building complex name shall not exceed eighty (80) square feet for one (1) side and a total of one hundred sixty (160) square feet for all sides. That portion of the directory sign which advertises the individual business name shall not exceed fifteen (15) square feet for one (1) side and a total of thirty (30) square feet for all sides. Directory signs measuring less than ten (10) feet from grade to the bottom sign cabinet must be set back ten (10) feet and shall meet all yard requirements for all zoning district in which the signs are located.

(h) Any sign qualifying as more than one (1) of the above-listed types shall meet the requirements for each type.

(i) Bills and posters shall not be posted on the exterior of buildings or windows.

- (2) Residential, Multiple Family, Agricultural and Open Development – Conservancy Districts.
- (a) All signs are prohibited in the Residential, Multiple Family, Agricultural and Open Development – Conservancy Districts, except the following:
 - (b) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four (4) square feet.
 - (c) Real estate signs not to exceed four (4) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (d) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
 - (e) Bulletin boards for public, charitable or religious institutions not to exceed thirty five (35) square feet in area located on the premises.
 - (f) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (g) Official signs, such as traffic control, parking restrictions, information and notices.
 - (h) Temporary signs or banners, when authorized by the Village Administrator.
 - (i) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
 - (j) House numbers or signs identifying parks or country clubs or official bulletin boards.
 - (k) An approved professional sign shall be a sign not exceeding three (3) square feet in area, stating only the name and business or profession of the occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move. Only one (1) such approved professional sign shall be maintained on a premise.

(E) CONSTRUCTION AND MAINTENANCE REGULATION FOR SIGNS.

(1) Installation. All signs shall be properly secured, supported, and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors, and supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.

(2) General Requirements.

- (a) Construction Standards. Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive.
- (b) Roof Signs. No sign shall be located so as to project above the parapet line. Roof sign structures shall be constructed entirely of steel or aluminum, and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.
- (c) Illuminated Signs, intermittent signs, flashing signs, or moving light signs. Any illuminated signs shall not interfere with surrounding properties or traffic. Signs may be illuminated, subject to the following restrictions:
 - (i) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those specified in (d) below, and those giving public service information such as time, date, temperature, weather, or similar information.
 - (ii) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
 - (iii) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) Signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic digital displays that may be changed by any electronic process, subject to all of the following restrictions:

- (1) Each change of message shall be accomplished in one (1) second or less.
- (2) Each message shall remain in a fixed position for at least six (6) seconds.
- (3) The use of “traveling” or “scrolling” messages are set forth in (3) Specific Requirements below.
- (4) The Building Inspector may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility.

(e) Prohibited Mountings. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.

(f) Blanketing. Blanketing of signs shall not be allowed.

(g) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

(h) Annexed Areas. All signs in newly annexed areas shall comply with this Ordinance within two (2) years of annexation.

(3) Specific Requirements.

(a) Electronic Message Unit Signs.

- (1) All electronic message unit signs must obtain a conditional use permit with the exception of electronic numeric price message units.
- (2) Such signs may be used only to advertise activities conducted on the premises or to present public service information pursuant to Section 8.06(F)(2)(c).
- (3) Operational Mode Level 1 as defined in 8.06(B)(21) is the only Level allowed for electronic message unit signs, and all messages must be displayed in a fixed position for at least six (6) seconds.
- (4) Traveling or scrolling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (5) The Building Inspector may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility.

(b) Portable Signs. Portable signs shall be approved by the Village Administrator, provided, however, that the Village Administrator shall not give approval for placement of a portable sign if it presents a vision obstruction. The maximum size of portable signs shall be twenty-five (25) square feet on each face, back-to-back.

(4) Search Lights. Temporary use of search lights, pennants, streamers, or spinners for advertising purposes are allowed in any district, provided, that the use is not located in a public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Temporary use shall not be granted for a period of more than five (5) days in any six (6) month period.

(5) Festoons. Festoons and all other fluttering, spinning, or similar type devices are prohibited except for national flags and flags of political subdivisions of the United States, of bona fide civic, charitable, fraternal, and welfare organizations and except during federal legal public holidays, or during a special civic event, or for a time period not to exceed thirty (30) consecutive days.

(6) Tethered Signs. Only one (1) inflatable sign or tethered balloon shall be allowed per zoning lot. Display of inflatable signs or tethered balloons shall be limited to one (1) week per month.

(7) Signs on Public Rights-of-Way. Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

(F) PROHIBITED SIGNS.

- (1) All Districts. No sign, except those permitted in Section 8.06(D) shall be permitted to face a Residential district within fifty (50) feet of such district boundary.
- (2) Traffic Interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility. No signs, billboards or other advertising media, which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (3) Number of Signs Permitted. No more than one (1) ground sign or free standing sign exceeding ten (10') feet in height and one (1) ground sign less than ten (10) feet in height shall be located on any one premise. No more than two (2) signs of all other types shall be located on any premise. Said sign shall not exceed two hundred (200) square feet on one side or more than four hundred (400) square feet on all sides for any one premise. Premises occupied by a multi-tenant building complex may, as an alternative, have one (1) detached sign plus one (1) flat sign illuminated or otherwise for each place of business located in said multi-tenant building complex provided that the aggregate total of all signs located on any premises so occupied shall not exceed six (600) hundred square feet. This Paragraph shall not apply to directional on-site signs or flat identification signs attached to buildings.
- (4) Signs on Public Right-of-Way. Signs shall not be permitted on any public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.

(G) DANGEROUS AND ABANDONED BILLBOARD SIGNS.

- (1) All billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise or premise sign/billboard is located when the business it advertised is no longer conducted where advertised or when, in the judgment of the Building Inspector, such sign is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove the sign/billboard, the Village Administrator, or its designee, shall give the owner thirty (30) days' written notice to remove said sign/billboard, and, thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Village Administrator or designee may take any other appropriate legal action necessary to attain compliance.
- (2) Alterations. Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.
- (3) Violations. All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violation of this Chapter, the Village Board, or its designee, may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

(H) NONCONFORMING SIGNS.

- (1) Signs Eligible for Characterization as Legal Nonconforming. Any sign located within the Village of Stoddard limits of the date of adoption of this Chapter hereafter, which does not conform to the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
 - (a) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance.
 - (b) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.
- (2) Loss of Legal Nonconforming Status. A sign loses its nonconforming status if one (1) or more of the following occurs:

- (a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Ordinance than it was before alteration;
- (b) The sign is relocated.
- (c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
- (d) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefore or shall be removed.

(3) Legal Nonconforming Sign Maintenance and Repair. Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance and repair of signs.

(I) VARIANCES OR EXCEPTIONS. The Village Board, following a recommendation from the Building, Zoning and Land Planning Committee, may grant variances or exceptions to these sign regulations through Conditional Use Permits.

(J) AWNINGS AND CANOPIES.

(1) Permitted Awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (a) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
- (b) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
- (c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.
- (d) Advertising. No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side edges.

(2) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (a) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the Village of Stoddard. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
- (b) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
- (c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.
- (d) Advertising. No advertising shall be placed on any canopy, except that the name of the establishment. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than twelve (12) inches on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.
- (e) Canopy Insurance Requirements. Every applicant for a canopy permit, which will overhang the public street or sidewalk shall, before the permit is granted, file with the Administrator a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for property damage which shall indemnify and save harmless the Village from any and all damages,

judgments, costs or expense which the said Village may incur or suffer by reason of the granting of said permit.

(K) VIOLATIONS OF SIGN CODE.

- (1) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Article prior to the granting of a permit shall pay a penalty of four (4) times the amount of the permit otherwise required.
- (2) If the Village Administrator or Building Inspector finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (3) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five (5) days after such notice, the Village Administrator may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Article.
- (4) Any person, firm or corporation who violates any provision of this Ordinance, except as otherwise provided in this Ordinance, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein reference, shall be subject to forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense. Any person found in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County jail until payment of such forfeiture and costs of prosecution.

8.07 COMMUNITY ANTENNA TELEVISION SYSTEM NON-EXCLUSIVE FRANCHISE REGULATIONS

(A) DEFINITIONS: For the purpose of this Ordinance the following terms, phrases, words, abbreviations, and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- (1) "Basis CATV Service" means the distribution of broadcast television and radio signals.
- (2) "Cable Television System" means a system composed of, without limitation, antenna, cables, wires, lines, ducts, towers, wave guides, or other conductors, converters, equipment of facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying and distributing by coaxial cable audio and/or visual radio television, electronic or electrical signals to and from persons, subscribers and locations in the franchise area.
- (3) "CATV" or "cable systems" means a cable television system as hereinabove defined.
- (4) "Village" means Village of Stoddard, a political subdivision of the State of Wisconsin.
- (5) "Company" means the grantee of rights under this ordinance, and its successors and assigns.
- (6) "Board" means the Village Board of the Village of Stoddard.

- (7) "Expanded CATV Services" means any communications service in addition to Basic CATV Service provided by the Company either directory or as a carrier for their subsidiaries, affiliates, or any other person engaged in communication service, including, but not limited to, pay TV, burglar alarm service, data or other electronic transmission services, facsimile reproduction services, meter reading services and home shopping services.
- (8) "Franchise area" means that area located within the limits of the Village as they exist or may from time to time change.
- (9) "Gross Annual Basic Subscriber Receipts" means any and all compensation received directly by the Company from subscribers for regularly furnished Basic CATV Service. Gross annual basic subscriber receipts shall not include receipts derived from expanded CATV service or from any taxes on services furnished by the Company imposed directly on any subscriber or user by any village, state or other governmental unit and collected by the Company for such governmental unit.
- (10) "Person" means any individual, partnership, association, corporation, company or organization.
- (11) "Property of the Company" means all property owned, installed or used by the Company in the conduct of a CATV business in the Village.
- (12) "Street" means the surface of and space above and below any public place, street, right-of-way, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, and communications or utility easement, now or hereafter existing as such within the franchise area.
- (13) "Subscriber" means any person receiving Basic CATV Service.

- (B) **GRANT OF AUTHORITY:** The Board has approved the legal, character, financial, technical and other qualifications of the Company and the adequacy and feasibility of the Company's construction arrangements as part of a full public proceeding affording due process. There is hereby granted to the Company the right and privilege to engage in the business of operating a CATV system in the Village for the purpose of providing Basic CATV Service and such aspects of Expanded CATV Service as the Company may from time to time deem advisable. There is, therefore, hereby granted to the Company the right and privilege to erect, install, construct, repair, replace, reconstruct, maintain and retain in, over, under, upon, across and along any street and public place, now laid out or dedicated and all extensions thereof and additions thereto in the franchise area, such property of the Company as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the Village.
- (C) **NON-EXCLUSIVE GRANT:** The right to use and occupy streets and public places for the purpose of this Ordinance shall not be exclusive, and the Village reserves the right to grant similar use in said streets to other persons.
- (D) **TERM OF FRANCHISE:** The Board having determined the term to be reasonable, the term of the franchise is as follows:

- (1) The franchise and rights herein granted shall take effect and be in force thirty (30) days from and after the final passage hereof and shall continue in force and effect for a term of _____ years. (July 29, 1994).
- (2) The franchise shall be renewed for an addition ___ years following a full public proceeding affording due process, during which proceeding the adequacy of this Ordinance will be reviewed.
- (3) The franchise term may be extended for one period of six (6) months provided that proceedings for renewal of the franchise have been commenced by giving public notice thereof and the Company has accepted such extension prior to the expiration date of the franchise.

(E) **CONDITIONS OF STREET OCCUPANCY:** Streets may be occupied on the following conditions:

- (1) The Company shall locate all structures, lines, equipment and property of the Company within the franchise area so as to cause minimum interference with the proper use of streets and the rights and reasonable convenience of property owners who join said streets. The CATV system shall be constructed and operated in compliance with Village construction and electrical codes. The Company shall install and maintain the property of the Company in such manner that it will not interfere with any installations of the Village.
- (2) The Company shall, at its own expense and in a manner approved by the Village, restore any street or paved area which the Company disrupts, as to nearly as possible as good a condition as before the street was disrupted.
- (3) The Company shall place any poles in any street in such manner as not to interfere with the usual travel on such street.
- (4) The Company shall, at the request of any person holding a building moving permit issued by the Village, temporarily raise or lower its cables to permit the moving of buildings. The expense of such temporary raising or lowering of cables shall be paid by the person requesting the same, and the Company may require payment in advance. The Company shall be given not less than forty-eight (48) hour's advance notice to arrange for such temporary changes.
- (5) The Company shall have the authority to trim trees upon and overhanging streets so as to prevent the branches of such trees from coming in contact with the property of the Company.
- (6) The Company shall, to the extent feasible, place its cables, wires, or other like facilities underground if at any time during the term of the franchise the cables, wires or other facilities of public utilities are placed underground.
- (7) The Company shall protect, support, temporarily disconnect, relocate in the same street or other public place (all such activity of the Company being herein referred to as "relocation") property of the Company when reasonably required by the Village by reason of traffic

conditions, public safety, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, and however, that the Company shall be entitled to reimbursement for the costs incurred by it in connection with such relocation; and provided further, that is such reimbursement is not sought from the Village but from a private contractor who is performing the work necessitating such relocation, the Company shall have the right to receive appropriate security for anticipated relocation expenses prior to making such relocation.

- (8) The Village may use, for any public or municipal purpose, any poles or conduits maintained exclusively by or for the Company in any street, provided such use by the Village does not interfere with the use by the Company. The Village shall indemnify, hold harmless, and defend the Company against and from any and all claims, demands, actions, suits, proceedings, damages, costs or liabilities of every kind and nature whatsoever arising out of such use of the Company's poles or conduits.

(F) SAFETY REQUIREMENTS: The Company shall observe the following safety requirements.

- (1) The Company shall at all times employ ordinary care and shall use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- (2) The Company shall maintain all structures, lines and equipment in, over, under and upon the streets wherever located, in a safe condition, and in good order and repair.

(G) SERVICE POLICIES: In order that existing subscribers will not be unfairly burdened, the following service policies are adopted:

(1) System Expansion to Isolated Subscribers.

(a) The Company shall extend cable television services to any isolated residence at the standard rate if:

- (i) The resident requests the service extension; and,
- (ii) The service connection to the isolated residence would require no more than a standard one hundred fifty (150) foot aerial drop line.

(b) The Company shall extend cable television services to any isolated residence requiring more than a standard one hundred fifty (150) foot aerial drop line at an added installation charge if such service has been requested by the resident. The added installation charge shall be the actual cost for the distance exceeding one hundred fifty (150) feet. Company may require advance payment for such installation charge.

(2) Service Expansion to New or Existing Developments, Overhead Construction.

(a) The Company shall extend cable services to any existing

development or group of residences at the standard rate if:

- (i) The existing development or group of residences to be served has a density of at least eighty (80) residences per strand mile or trunk line cable installed: and
- (ii) Forty percent (40%) of the residences within the development or group of residences to be served have agreed to subscribed to service.

(b) Any development or group of residences not meeting these requirements may be served at the Company's discretion.

(3) System Expansion to New or Existing Developments, Underground Construction.

(a) The Company may extend cable or conduit to all new residential developments as they are constructed. Costs of trenching, conduit, pedestals and/or vaults and laterals as well as easements required to bring service to and within the development shall be borne by the developer and /or landowner. All installations and construction by developer and/or landowner shall be to the specifications of the Company.

(b) The Company need not provide cable television services to a new development until forty percent (40%) of the residential dwelling units within the development have agreed to subscribe to cable services.

(c) For any system expansion in existing developments the Company shall place the cable system underground where both telephone and power lines are underground. For existing facilities, Company shall replace aerial facilities with underground facilities concurrently and in cooperation with similar programs of the telephone and power utilities. Where undergrounding is required, the Company shall have the option of sharing or not sharing utility trenches.

(4) System Expansion, Limitation.

(a) No provision of this Ordinance shall require the Company to extend in any twelve (12) month period, trunk and /or distribution lines to more than twenty-five percent (25%) of that portion of the franchise area not having cable at the time of the adoption of this Ordinance. Requests for system extension in excess of this limitation may be deferred by the Company, to the next twelve (12) month period. Should the Company elect to extend the system in excess of this limitation, credit for such extension shall be made against extension requirements in the next twelve (12) month period.

(b) Upon application involving a line extension (more than 150 feet but less than 3,000 feet) the Company will provide the applicant with a written estimate of the total cost of

constructing facilities needed to render the quality of service required by any regulatory agency and the required amount of the refundable deposit. A copy of each estimate will be retained in the files of the Company for two (2) years.

- (c) Each construction estimate will be valid for thirty (30) days from the date of such estimate, and unless accepted and the required refundable deposit funds are received in cash within thirty (30) days from the date of such estimate, the Company will not be required to construct such facilities. A similar estimate for a particular line extension within a twelve (12) month period from the date of the initial estimate will be made only after payment by the applicant of the cost of making the subsequent estimate.
- (d) If more than one applicant is involved, the amount of the refundable deposit or the cost of subsequent estimates will be borne by each applicant at the ratio of each applicant's estimated annual payment to the Company at regular rates to the total estimated annual payments by applicants requesting the particular line extension.
- (e) If the actual cost of the line extension is greater than the estimated cost, no additional refundable deposit will be required. However, if the actual cost of the line extension is less than estimated, a refund of the excess deposit will be paid promptly to the subscriber or subscribers (pro rata).
- (f) An applicant for service involving a line extension of more than 150 feet but less than 3,000 feet must sign a contract for service prior to the Company commencing construction of facilities involved in an amount equal to the sum of the regular monthly charge for service for each such applicant times twenty-four (24) and payable in equal annual installments over a twenty-four (24) month period. The contract will be binding on each applicant even if service is not longer wanted. Where more than one applicant is involved in a line extension agreement, all applicants will be held responsible for each other and if one applicant fails to fulfill his contractual obligation the remaining applicants must pay to the Company any additional deposit based upon ignoring the payment of the applicant who failed to pay for CATV service, less the amount actually paid by the applicant who ceased to pay.
- (g) At the end of twenty-four (24) months from the date of any refundable deposit received by the Company under a line extension agreement, the obligation to make any refund shall cease.
- (h) Whenever additional subscribers are connected to lines constructed under a line extension refundable deposit agreement, which deposit is still refundable, a refund in an amount up to the total amount (but not in excess of the total amount) of the deposit will be required, over a period of time, out of revenue paid by such additional subscribers during the time a deposit refund is required (e.g., twenty-four months from the date of the deposit). The basis of the refund will be as follows:
 - (i) The amount of cash actually collected from such new subscriber for the preceding calendar year. Refunds

must be paid by April 30 of the current year for the preceding calendar year.

(iii) In the event the refundable extension deposit involves more than one subscriber, the refund due will be prorated among the depositors at the ratio of each depositor's deposit to the total deposit.

(j) The Company shall give a copy of this subsection to each subscriber required to make a refundable line extension deposit.

(k) This policy shall be effective for a period of twenty-four (24) months from the date of this Ordinance unless modified or extended by the Company.

(6) When the application of this policy appears impractical or unjust to the Company or the subscriber, either party may refer the matter to the Village Clerk/Treasurer for a ruling or for the approval of special conditions.

(H) OPERATIONAL STANDARDS: The Company shall operate and maintain its cable television system in full compliance with performance standard established by the Federal Communications Commission.

(I) INDEMNIFICATION OF VILLAGE: In order that the Village shall be protected:

(1) The Company shall at all times hold the Village harmless from all claims, liability, or damage of every kind and description (herein collectively referred to as "claims") including court costs and reasonable attorney's fees, which may arise out of the sole negligence of the Company in the ownership, construction, maintenance and operation of the cable television system; provided, that the Village shall give the Company written notice within two days of any claims filed against it. The Company may elect to defend the Village against such claims.

(2) The Company shall maintain in full force and effect during the life of this franchise, public liability insurance in a solvent insurance company authorized to do business in the State of Wisconsin, in the amount of:

(a) \$100,000 property damage in any one accident;

(b) \$100,000 for personal injury to any one person;

(c) \$300,000 for personal injury in any one accident; provided, however, that all such insurance may contain reasonable deductible provisions not to exceed \$1,000 for any type of coverage.

(J) PROCEDURES: In order that all parties be afforded due process of law:

(1) Any inquiry, proceeding, investigation or other action taken or proposed to be taken by the Village adverse to the operation of the Company's cable television system, shall be taken only after:

(a) The minimum legally required public notice is published in a local newspaper having general circulation in the Village (and in the absence of any such requirement, the notice shall be published at least ten (10) days prior to the date of the proposed action; and,

(b) A written summary of such action or proposed action is served on the Company at least ten (10) days prior to the proposed action; and,

(c) The Company has been given an opportunity to respond, in writing, and at any hearing held by the Village.

(2) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the Village. If a hearing is to be held, the public notice shall give the date and time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The Company shall be an indispensable party to any proceedings conducted in regard to its operations.

(K) PROCEDURE UPON TERMINATION: Upon expiration of the initial term of this franchise, if the Company has not been granted an extension or renewal thereof and accepted the same, the Company may enter upon the streets of the Village for the purpose of removing therefrom its property and otherwise. In removing its property, the Company shall, at its own expense, leave the streets in as nearly as possible as good condition as that prevailing prior to the Company's removal of its property.

(L) APPROVAL OF TRANSFER: The Company may not sell or transfer its rights under this Ordinance to another, other than a parent company or wholly-owned subsidiary of a parent company, except as security for monies borrowed, without Board approval. Such Board approval shall not be unreasonably withheld.

(M) NEW DEVELOPMENTS: It shall be the policy of the Village liberally to amend this Ordinance upon application of the Company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers.

(N) LOCAL OFFICE, COMPLAINTS: The following complaint procedure is established:

- (1) The Company shall maintain an area business office or agent, which subscribers may telephone during regular business hours without incurring added message or toll charges, so that CATV maintenance service shall be promptly available.
- (2) If a subscriber has an unresolved complaint regarding the quality of cable television service, equipment malfunctions, or similar matters, the subscriber may file his complaint with the Village Clerk/Treasurer, who has primary responsibility for the continuing administration of the franchise and the procedures for resolving complaints, and thereafter may meet jointly with a representative of the Board and a representative of the Company within thirty (30) days to fully discuss and resolve such matters.
- (3) The Company shall notice each subscriber, at the time of initial subscription to the service of the Company, of the procedures for reporting and resolving such complaints.

(O) MISCELLANEOUS PROVISIONS: The following general provisions are adopted:

- (1) When not otherwise prescribed herein, all matters herein required to be filed with the Village shall be filed with the Village Clerk/Treasurer.
- (2) The Company shall pay the cost of publication of this Ordinance as such

publication is required by law. A bill for the payment of the publication costs shall be presented to the Company by the Village Clerk/Treasurer upon the Company's filing of acceptance and shall be paid at that time.

- (3) The Company shall provide without charge on outlet to each government office building, fire station, police station, and public school building at locations passed by its cable. The distribution of the cable facility inside buildings shall be the responsibility of the building owner.
- (4) In the case of any emergency or disaster, the Company shall, upon request of the Village, make available its facilities to the Village for reasonable use during the emergency or disaster period.

(P) **COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES:** The Company shall during the life of this Ordinance be subject to all lawful exercise of police power by the Village. The Village reserves the right to adopt from time to time such ordinances as may be deemed necessary to the exercise of police power. The exercise of the Village's police power shall be reasonable and not destructive of the rights herein granted and not in conflict with the laws of the United States, the State or local laws and regulations.

(Q) **VIOLATIONS:** The Village declares certain acts unlawful and provides penalties as follows:

- (1) From and after the effective date of this Ordinance, it shall be unlawful for any person to construct, install or maintain within any street in the Village, or within any other public property of the Village, or within any privately-owned area within the Village, or which has not yet become a street but is designated or delineated as a proposed street on any tentative subdivision map approved by the Village, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.
- (2) It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this Village for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of said system.
- (3) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs or sound.
- (4) Any person convicted of violating any of the provisions of this section shall pay a forfeiture in the amount of \$200 and upon failure to pay said forfeiture, shall be imprisoned for a term not to exceed thirty (30) days.

(R) **ACCESS:** The Company, within a reasonable time, shall make available channel capacity of one channel or time on one channel, for use by others having no ownership affiliation with the Company for the purpose of originating noncommercial programs over facilities of the system. The Company shall from time to time adopt and make available at its business office rules governing the use of such channel or time on a channel, and shall from time to time adopt and make available at its business office rules governing the use of such channel or time on a channel, and shall submit a copy of such rules to the Village and to the Federal Communications Commission.

(S) RATES: Subscriber rates for Basic Service shall be established by the Village by resolution enacted from time to time. The rates may be changed as follows:

- (1) The Company may from time to time change its rates so as to ensure a fair and compensatory return on its investment; provided, that the Company shall give the Village Clerk/Treasurer written notice of any proposed rate increase at least sixty (60) days prior to its proposed effective date. The Board may hold a hearing (at which hearing Company shall be afforded due process of law) to determine whether the Company's proposed rate increase will be fair and compensatory. The Company agrees to cooperate with the council in connection with such public proceedings and, upon request, to supply the Board data as reasonably may be required by the Council for determining the fairness of the proposed rate increase. The pendency of such proceedings shall not prevent the proposed rate increase from going into effect as scheduled, but if the Board ultimately determines that a different rate, such different rate shall be applicable from the first day of the month following the date of the Board's action.
- (2) The Company may charge a connection fee for each outlet. From time to time such fee may be increased in order to compensate for the Company's installation costs. In no event shall the Company be required to charge fees at less than the cost of providing such installation. Nothing herein shall prevent

the Company from charging certain subscribers added installation fees as contemplated by Section G hereof.

- (3) The Company may impose a late charge of one and one-half percent (1 ½%) per month or the maximum rate permitted by law, whichever is less, for each monthly payment not paid within thirty (30) days of the date of required payment.
- (4) Nothing contained herein shall prevent the Company from challenging before any court of appropriate jurisdiction the reasonableness of any action by the Board in fixing rates different from those initially set by the Company.

(T) FRANCHISE PAYMENTS: In order to recover the cost of regulating the cable television system:

- (1) For all rights granted hereunder or incidental to the Company's operation hereunder, the Company shall pay to the Village, on or before July 31 of each year, a maximum of 5 percent franchise fee based on Gross Annual Basic Subscriber Receipts received for cable television operations in the Village for the preceding calendar year. No other fee, charge or consideration shall be imposed. At the time of each payment due hereunder, upon Board's request, the Company shall provide to the Village an annual summary report showing Gross Annual Basic Subscriber Receipts received during the preceding year.
- (2) On or before January 30 of each year, the Company may pay tot he Village an amount equal to the franchise fee paid in the preceding calendar year, such amount to be adjusted on or before July 31 to reflect actual Gross Annual Basic Subscriber Receipts received during the preceding calendar year. The adjusted fee shall not exceed the maximum franchise fee established in this section.

(U) SEVERABILITY: If any section , subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this Ordinance and each section, subsection, clause and phrase

hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

8.08 CAMPGROUNDS AND CAMPING RESORTS

Private camping areas shall comply with Wisconsin Administrative Code: Health and Family Services Chapter 178.

8.09 MOBILE HOMES AND MOBILE HOME PARKS

(A) DEFINITIONS: Whenever used in this Ordinance, unless a different meaning appears from the context:

(1) A “mobile home” is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be used; and includes any additions, attachments, annexes, foundations and appurtenances except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations or appurtenances equal or exceed 50 percent of the assessable value of the house trailer.

(2) “Unit” means a mobile home unit.

(3) “Nondependent mobile home” means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year around facilities.

(4) “Dependent mobile home” means a mobile home which does not have complete bathroom facilities.

(5) “Mobile home park” means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

(6) “Space” means a plot of ground within a mobile home park of not less than one thousand square feet, designed for the accommodation of one automobile only and/or one mobile home unit.

(7) The word “person” shall be construed to include any individual, partnership, firm, company, corporation, whether tenants, owner, leasee, licensee, or their agent, heir or assign.

(8) “Licensee” means any person licensed to operate and maintain a mobile home park under this Ordinance.

(9) “Park” means Mobile Home Park.

(B) LOCATION OUTSIDE CAMPS: Inhabited mobile homes may be placed, parked or kept within the Village for not to exceed twenty-four (24) hours, provided adequate water and toilet facilities are available to the occupants. No person shall occupy any mobile home on any premises which is situated outside an approved mobile home park after the first twenty-four (24) hours of occupancy within the Village.

(C) LICENSE FOR MOBILE HOME PARK, APPLICATION AND ISSUANCE:

- (1) It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a mobile home park within the limits of the Village of Stoddard, without having first secured a license for each such park from the Village Board pursuant to this ordinance. Such license shall expire on year from the date of issuance but may be renewed under the provisions of this Ordinance for additional periods of one year.
 - (2) The application for such license or the renewal thereof shall be filed with the Village Clerk and shall be accompanied by a fee of \$2.00 for each space provided that the minimum fee shall be \$25.00 and provided further that no annual fee shall exceed \$100.00 for each fifty spaces or fraction thereof in each mobile home park, and a surety bond in the sum of Five Thousand Dollars (\$5000.00). This bond shall guarantee the collection by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for the violation of the ordinance of said Village pursuant to which said license is granted, and shall be for the use and benefit, and may be prosecuted and recovery had thereon of any person, firm or corporation who may be injured or damaged by reason of the licensee violating the provisions of this ordinance. A fee of Ten Dollars (\$10.00) shall be paid for each transfer of a license.
 - (3) The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some other person, that the applicant is authorized by him to construct or maintain the mobile home park and make the application) and such a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the park plans showing the following, either existing or as proposed: (1) The extent and areas used for camp/park purposes; (2) roadways and driveways; (3) location of units for mobile homes; (4) location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the units; (5) method and plan of sewage disposal; (6) method and plan of garbage removal; (7) plan for water supply; (8) plan for electrical lighting of units; and (9) if the existing or proposed park is designed to serve non-dependent mobile homes, such plans shall clearly set forth the location of all sewer and water pipes and connections.
- (D) **INSPECTION AND ENFORCEMENT:** No mobile home park license shall be issued until the Village Clerk shall notify the Village Board and the Building Inspector of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.
- (E) **LOCATION:** No occupied mobile home shall be located between the recognized set-back line for the zoning district and the street or highway not less than ten feet from any building or other mobile home or from the boundary line of the premises on which located.
- (F) **PARK PLAN:**
- (1) Every mobile home or mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any manner that is situated so that the drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

- (2) Mobile home spaces shall be clearly defined and shall consist of a minimum of one thousand square feet and a width of not less than twenty (20) feet. The park shall be so arranged that all spaces shall face or abut on a driveway of not less than twenty (20) feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night, and shall not be obstructed.
- (3) The park shall be so laid out that no dependent mobile home shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.
- (4) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 amperes capacity, and a heavy-duty outlet receptacle. Electrical outlets shall be waterproof and no power lines shall be less than fifteen (15) feet above ground.
- (5) No mobile home unit shall be parked in a park outside of a designated space.

(G) WATER SUPPLY:

- (1) An adequate supply of water shall be run to each space on which is located a nondependent mobile home unit and additional supply faucets shall be located not more than two hundred (200) feet from any dependent mobile home for drinking and domestic purposes. The wells supplying the camp shall comply with the Wisconsin Well Construction Code, excepting that well pits or pump pits are not permitted. Supply outlets may be located in the service buildings, or building, if separate from toilet, shower and laundry rooms.
- (2) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- (3) Every mobile home park serving dependent mobile home units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

(H) SERVICE BUILDING AND ACCOMMODATIONS:

- (1) Every mobile home camp, designed to serve dependent units, shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities as required by this Ordinance, such buildings to be known as service buildings. Service buildings shall be located not more than two hundred (200) feet from any dependent mobile home unit space, nor closer than fifteen (15) feet from any mobile home space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated. The Village Board reserves the right to waive this requirement for good cause.
- (2) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in ratio of one toilet for each eight dependent units or fraction thereof, and shall have separate compartments. Each male toilet room shall also have on urinal for each sixteen dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets. The Village Board reserves the right to waive this requirement for good cause shown.
- (3) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square, for each eight dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least

twelve square feet. The Village Board reserves the right to waive this requirement for good cause shown.

- (4) Laundry facilities shall be provided in the ratio of one double tray and one conventional type washing machine, or one automatic washing machine, with electric outlet, for each eight units. Sufficient drying facilities shall be available.
- (5) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each sixteen dependent units.
- (6) The above accommodations shall be based on the total park capacity according to accepted plans.
- (7) Floors of toilets, showers, and the laundry shall be of concrete, tile, or similar material impervious to water and easily cleaned and pitched to a floor drain.

(I) WASTE AND GARBAGE DISPOSAL:

- (1) All liquid waste from toilets, showers, laundries, faucets, lavatories, etc. shall be discharged into a septic tank system or sanitary sewer system approved by the State Board of Health.
- (2) Every space designed to serve a nondependent unit shall be provided with sewer connections, which shall comply with the State Plumbing Code. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
- (3) Each faucet shall be equipped with facilities for drainage of waste and excess water.
- (4) Every mobile home unit shall be provided with a substantial fly-tight, watertight metal or plastic or polyethylene garbage container, not to exceed thirty (30) gallons from which the contents shall be removed and disposed of in a sanitary manner by the Camp Custodian at least twice weekly between May 1 and October 31, and otherwise weekly.

(J) DEPARTMENT OF HEALTH AND SOCIAL SERVICES REGULATIONS: Any regulations of the Department of Health and Social Services now or hereafter in force, which are more stringent than the provisions of this ordinance, shall be complied with in all respects.

(K) MANAGEMENT:

- (1) In every mobile home park shall be located the office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office. This section or any part thereof may be waived by the Village Board for good cause shown.
- (2) It is hereby made the duty of the attendant or person in charge, together with the license, to:
 - (a) Keep a register of all guests, to be open at all times to inspection by State and Federal officers and the Village Board and Building Inspector, which shall show for all guests:

Names and addresses.
Number of children of school age.

State of legal resident.
Dates of entrance and departure.
License numbers of all mobile homes and towing or other vehicles.
States issuing such licenses.
Purpose of stay in camp.
Place of last location and length of stay.
Place of employment of each occupant.

- (b) Maintain the park in a clean and orderly and sanitary condition at all times.
- (c) Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of this ordinance or any other violation of law which may come to his attention.
- (d) Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
- (e) Maintain in convenient places hand fire extinguishers in the ratio of one to each eight units.
- (f) Collect the monthly parking permit fee provided for in subsection (M) of this ordinance. A book shall be kept showing the names of the persons paying said service charges and the amount paid.
- (g) Prohibit the lighting of open fires on the premises.

(L) **APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES:** All plumbing, electrical, building and other work on or at any park licensed under this Ordinance shall be in accordance with the ordinances of the Village of Stoddard and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the Department of Health and Social Services.

(M) **MONTHLY PARKING PERMIT FEE:**

- (1) There is hereby imposed on each owner of a non-exempt occupied mobile home in the Village of Stoddard a monthly parking permit fee determined in accordance with Section 66.058 (3) of the Wisconsin Statutes, and all amendments thereto, which is hereby adopted by reference and made a part of this Ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee of the mobile home park to collect the proper amount from each mobile home owner. Licensees and land owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Village Treasurer such parking permit fee on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the Treasurer may reasonably promulgate.
- (2) Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Village Clerk and Assessor on such homes added to their park or land within five (5) days after arrival of such homes on forms furnished by the Village Clerk in accordance with Section 66.058 (3) (c) and (e) of the Wisconsin Statutes.

- (3) Exempt mobile homes. No fee shall be imposed for any space occupied by a mobile home accompanied by an automobile if the mobile home and automobile bears license plates issued by any other than this State for an accumulating period not to exceed sixty (60) days in any twelve (12) month or if the occupants of the mobile home are non-resident tourists or vacationers. Exemption certificates in duplicate shall be accepted by the Treasurer of the licensing authority from qualified non-resident tourists or vacationers in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee.

8.10 ANIMAL CONTROLS – REGULATIONS AND LICENSES

(A) STATE STATUTES ADOPTED: Except as otherwise specifically provided in this Ordinance the provisions of Section 948.01 through Section 948.17, Wisconsin Statutes, are hereby adopted by reference and made a part of this Ordinance as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance.

(B) LICENSING:

(1) Required. Any person owning, keeping, harboring, or having custody of any dog over three months of age must obtain a license as herein provided. This provision does not apply to the keeping of small caged animals, birds or aquatic reptiles and amphibian animals solely as pets.

(2) Exception. No license or permit shall be required of any humane society, municipal animal control facility or licensed veterinary clinic.

(3) Application. Application for licenses shall be made to the Village Treasurer and shall include name and address of applicant, description of the animal, the appropriate fee, information whether the animal is sexed or neutered, and a rabies certificate issued by a licensed veterinarian or anti-rabies client, illustrating that the animal for which the license is sought has received current immunization for rabies. (Written proof is required from a licensed veterinarian that the animal being licensed has been neutered.) Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months, except that this requirement will not apply to a non-residents keeping a dog or cat within the Village for no longer than thirty (30) days.

(4) Fees. A license shall be issued after payment of the applicable fee:

For each unneutered male dog	\$8.00
For each unspayed female dog	\$8.00
For each neutered male dog	\$3.00
For each spayed female dog	\$3.00

(5) Exception. License fees shall not be required for seeing eye dogs or governmental police dogs: licenses for the above shall be issued without charge.

(6) Duplicate. A duplicate license may be obtained upon payment of a Two Dollar (\$2.00) replacement fee.

(7) Disbursement. All dog license tax revenues shall be disbursed by the Village Treasurer in accordance with the provisions of Chapter 174 of the Wisconsin Statutes.

(8) Issuance. Upon acceptance of the license application and fee, the Village Treasurer shall issue a durable tag, stamped with an identifying number and year of issuance.

- (a) Dogs must wear identification tags at all times, except under any organized show or training situation.
 - (b) No person shall use any license receipt or license tag issued for one animal on another animal.
 - (c) The Village Treasurer shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- (9) Term. All licenses shall be issued for a term of one (1) year commencing with the first day of January of each year, and terminating as of midnight on the last day of the licensing period. Application for licenses may be made from January 1 to April 1 of each year without penalty. Any license issued after April 1 of each year shall pay an additional Five Dollars (\$5.00), unless the owner can conclusively illustrate that the animal has been acquired by him within the last thirty (30) days prior to application for a license, or that applicant has established Village residency within the last thirty (30) days prior to application for a license, or that applicant has established Village residency within the last thirty (30) days prior to application. If not revoked, licenses for the keeping of dogs shall be for a period of one (1) year.
- (10) Census. The Village of Stoddard, may at such intervals, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners then and there to procure their rabies shots and licenses. The Village shall impose an additional charge of Five Dollars (\$5.00) for each license issued in the course of such census.
- (11) Release from impoundment. Any dog which has been impounded as a result of being lost or at large, shall not be released to its owner until the owner can show proof of a current rabies shot and has paid the license fee prescribed in this Section along with an additional One Dollar (\$1.00). For purpose of collecting such fee under this subsection, the County of Vernon designated animal shelter is hereby designated the collecting official and said prescribed license fee along with the additional One Dollar shall be collected by the County of Vernon designated animal shelter. The prescribed license fee shall be submitted to the Village Treasurer and the additional One Dollar (\$1.00) shall remain with the animal shelter.

(C) ANNOYANCES:

- (1) No person shall harbor or keep any dog or any other animal which would be public nuisance as defined in this Ordinance.
- (2) Or by failure of the owner, caretaker or custodian to maintain in a clean and sanitary condition and free from objectional odor, all structures, pens, yards, and areas adjacent thereto wherein any dog or animal is kept.
- (3) Or by conduct following failure of the owner, caretaker, or custodian to keep such dog or animal confined on his own premises or under his immediate control.
- (4) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the Village, or in such a manner that the animal has access to any portion or any street, alley, sidewalk or other public or private property.
- (5) Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned

breeding, provided, however, a dog or cat may be kept on a leash when under the supervision of a responsible person.

- (6) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Molesting passerby's, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks, cemeteries, or trespassing upon private property, and barking or whining, shall be deemed a nuisance.
 - (7) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This Section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.
- (D) ANIMAL BITES: The owner of any dog, cat or other animal which has bitten any person shall, upon demand of the Humane Officer or Police Department, produce and surrender up such dog or cat or other animal to such department to be held in quarantine for a minimum of ten (10) days. During quarantine the animal shall be securely confined and kept from contact with any other animal.
- (E) LIMIT OF DOGS: No individual owner or family unit living together, firm or corporation, shall keep more than two (2) dogs over the age of three (3) months within any residential district, excepting, however, bona fide animal hospitals in which the dogs are confined within a completely enclosed building. The term "residential district" as used in this Section shall be defined as those certain areas on which there are two (2) or more residences within a distance of three hundred (300) feet of each other.
- (F) RABIES VACCINATION REQUIRED: Every dog owned or kept in the Village that is five (5) months of age or older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within thirty (30) days after they have reached the age of five (5) months. Unvaccinated dogs and cats acquired or moved into the Village must be vaccinated within thirty (30) days after arrival, unless under five (5) months of age, as specified above. Every dog shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall specify the expected duration of the immunity of the vaccine used. The administering veterinarian shall issue a tag upon completion of the rabies vaccination, and that tag must be attached to the dog collar.
- (G) IMPOUNDMENT OF ANIMALS:
- (1) Unrestrained animals, including dogs, may be taken by the Police, animals control personnel or the Humane Officer, and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than seven (7) days. The only exception is if the animal is claimed by the owner. If by a license tag or other means the owner can be identified, the Shelter Manager shall, within forty-eight (48) hours, Sundays and holidays excepted, notify the owner by telephone or mail, of the impoundment of the animal.
 - (2) Animals not claimed by their owners within the seven (7) days shall be deemed as being surrendered to the Humane Society and may be disposed of by the Humane Society in a humane manner, and the original owner shall have no further claim against such animal.
 - (3) Animals not claimed by their owners after the seven (7) days shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time, or those animals deemed as being unsuitable for adoption, shall be humanely euthanized by the Shelter Manager, or by an agency delegated by the Humane Society to exercise that authority.
 - (4) The owner of any animals which have been impounded as a result or being at large or stray shall pay a reclaiming fee in order to regain possession of their animal. This fee shall be set by the Humane Society, with the approval of the Village Board and shall cover all costs involved in the pickup and

impounding of said animal. The owner may also be proceeded against, at the discretion of the Humane Officer, for violation of this Ordinance, and his license or permit may be revoked. The owner is responsible for the cost of the animal even if not reclaimed.

(H) CRUELTY TO ANIMALS:

- (1) No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard to said animals; such act shall be deemed cruelty to animals and such animals may be impounded by the Humane Officer or his agent.
- (2) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, with humane care and treatment.
- (3) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal.
- (4) No person shall cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.
- (5) No owner of an animal shall abandon such animal.
- (6) No theatrical exhibit or act shall be held in which animals are forced or encourages to perform through the use of chemical, electrical or mechanical devices.

(I) PET LITTERING: No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner.

(J) SHELTER REQUIRED: Every person in charge of or control of any animal which is kept outdoors or in an unheated enclosure shall provide such animal with shelter and bedding as prescribed in this Section as a minimum. This shelter shall be as follows:

- (1) A moisture-proof structure.
- (2) Made of durable material.
- (3) Suitable in size to accommodate the dog or cat and allow for the retention of body heat.
- (4) A solid floor raised a least two inches (2") off the ground.
- (5) The entrance covered by a self-closing swinging covering, or an "L" shaped entrance to prevent the wind from blowing directly into the house.
- (6) A sufficient quantity of suitable bedding material, to provide insulation and protection against the cold and dampness and promote the retention of body heat.
- (7) Sections 5 and 6 above may be suspended during the months of May through September, inclusive.

(K) SHADE REQUIRED: Shade from direct rays of the sun during the months of June to September, inclusive, shall be provided for all animals kept outside, and all animals placed outside and restrained via leash or chain or confined in a pen. No animal can be put outside without shelter for more than one-half (1/2) hour at a time during inclement weather.

- (L) **SPECIES PROHIBITED WITHIN THE VILLAGE:** The species named in this section are by their nature or actions considered to be a public nuisance and are hereby declare to be a nuisance with the Village and may not be kept by any person within the Village limits. Species prohibited by this Section include: livestock, including all cattle, horses, mules and donkeys, sheep and goats and swine; and also all mink, foxes, skunks, raccoons, chickens, geese, ducks, bees, poisonous snakes, alligators and crocodiles. This subsection does not apply to agricultural zoned districted of the Village and animals permitted in connection with lawful uses therein.
- (N) **DOGS AND CATS AT LARGE:** All dogs and cats shall be kept under restraint. No person shall permit his dog or cat to run at large in the Village. Each owner of any such animal shall confine the same within the limits of his premises. For the purposes of this Section, the phrase “running at large” embraces all other places within the Village except the owner’s premises. This includes all streets, alleys, sidewalks, or other public or private property which may be about the owner’s premises.
- (O) **RESTRAINT OF DOGS:** Any person owning or having charge, custody, care or control of any dog shall keep such animal exclusively upon his own premises, which shall include his automobile, either by personal or direct supervision, such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than six (6) feet in length or in enclosed yard, either walled or fenced, or in any other appropriate retraining enclosure. However, public access to one entrance of the owner’s house must be provided without interference from such animal. Also, however, that such dog may be off such premises if it be restrained by an appropriate leash or chain not exceeding six (6) feet in length, and in the hands of said persons indirectly controlling the movement of such animal, and provided that such leash or chain be in the hands of a person of sufficient strength to physically control such animal.
- (P) **PROHIBITED AREAS FOR ANIMALS:** Any person owning, keeping, or in charge of any animal shall not permit such animal to be in any park, or any school grounds, except for school sponsored and authorized purposes, beaches, or cemeteries in the Village at any time. The provisions of this Section shall not apply to seeing-eye dogs used and accompanied by a blind person.
- (Q) **SANITARY ANIMAL PENS:** Any person owning, harboring, keeping, possession or in charge of any animal and housing or confining them in pens or enclosures shall regularly and as necessary clean and disinfect such pen or enclosure to maintain clean, sanitary and odor free conditions at all times. No animal feces shall be permitted to remain exposed upon private or public property.

8.11 UNUSED

8.12 ENFORCEMENT AND PENALTIES

- (A) **INTERFERENCE:** No person shall prevent, resist, or interfere with any of the officers or employees of the Village in the entering of any premises or the carrying out of their duties.
- (B) **PENALTIES:** Any person violating any provision of this Chapter, including those provisions of this Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.
- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this Chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this Chapter may be suspended or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this Chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (4) Upon conviction thereof, shall forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation.
- (5) Additionally, any underage person convicted under Sections 8.01(B) or 8.02(B) shall be subject to the penalties as provided in Wisconsin Statutes Sections 48.344 and 125.07(4).