

TITLE 7

Licensing and Regulation

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Licensing of Dogs and Regulation of Animals

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Sec. 7-1-1 Dog and Cat License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the Village of Crivitz to own, harbor or keep any dog or cat for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner.** Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
 - (2) **At large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
 - (3) **Dog.** Any canine, regardless of age or sex.
 - (4) **Cat.** Any feline, regardless of age or sex.
 - (5) **Neutered.** Describing a dog or cat herein shall mean a dog or cat having nonfunctional reproductive organs.
 - (6) **Animal.** Mammals, reptiles and birds.
 - (7) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - (8) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
 - (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - (10) **Pet.** An animal kept and treated as a pet.

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

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

- (a) **Rabies Vaccination.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog or cat reaches five (5) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Crivitz after the dog or cat has reached five (5) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is brought into the Village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unsplayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village of Crivitz.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog or cat during competition or training, to a dog or cat while hunting, to a dog or cat securely confined indoors or to a dog or cat securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog or cat which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

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

- (a) **Dog Licenses.**
 - (1) It shall be unlawful for any person in the Village of Crivitz to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.

- (3) The minimum license tax under this Section shall be per Section 1-3-1 for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be per Section 1-3-1. These amounts shall be reduced by one-half (1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
 - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Village law enforcement or animal control officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
 - (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer upon application therefor.
 - (8) The Village Clerk-Treasurer shall assess and collect a late fee per Section 1-3-1 from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.
- (b) **Kennel Licenses.**
- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax per Section 1-3-1 for a kennel of twelve (12) or fewer dogs and an additional per Section 1-3-1 for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas following a public hearing and approval by the Village

- Board; the Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
 - (3) The term "kennel" means any establishment wherein or whereon three (3) or more dogs are kept.
 - (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. Law enforcement officers or other designated official shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his/her own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Ch. 948, Wis. Stats.
 - (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.

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

Sec. 7-1-4 Issuance of Cat Licenses.

- (a) It shall be unlawful for any person in the Village of Crivitz to own, harbor or keep any cat more than five (5) months of age without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) The owner of any cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the cat becomes five (5) months of age, pay a license tax and obtain a license.

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- (c) The minimum license tax under this Section shall be per Section 1-3-1 for spayed females or neutered males. The minimum fee for unspayed or for unneutered animals shall be per Section 1-3-1. These amounts shall be reduced by one-half (1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
- (d) Upon payment of the required license tax and upon presentation of evidence that the cat is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such cat containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (e) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the cat for which the license is used at all times, except as provided in Section 7-1-2(e).
- (f) The fact that a cat is without a tag attached to the cat by means of a collar shall be presumptive evidence that the cat is unlicensed. Any Village law enforcement or animal control officer shall seize, impound or restrain any cat for which a cat license is required which is found without such tag attached.
- (g) The Village Clerk-Treasurer shall assess and collect a late fee of per Section 1-3-1 from every owner of a cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable cat or if the owner failed to obtain a license on or before the cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All Village officials and officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) **Quarantine or sacrifice of dog or cat.** A Village law enforcement or animal control officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal.

If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

- (2) ***Sacrifice of other animals.*** An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

(d) **Quarantine of Dog or Cat.**

- (1) ***Delivery to isolation facility or quarantine on premises of owner.*** A Village law enforcement or animal control officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- (2) ***Health risk to humans.*** If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) ***Risk to animal health.***
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
 - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) ***Destruction of a dog or cat exhibiting symptoms of rabies.*** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the

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animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the State Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

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

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Crivitz to own, harbor or keep any dog or cat which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Village.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-13.)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.

(b) **Vicious Dogs and Animals.**

- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
- (2) No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(c) **Animals Running at Large.**

- (1) No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the Village of Crivitz. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal control officer.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it, or if it remains on the property of its owner.

(d) **Owner's Liability for Damage Caused by Dogs; Penalties.**

- (1) The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (2) The provisions of Chapter 174, Wis. Stats., as amended, are adopted by reference and shall be applicable in those areas not covered by Village ordinances.

Sec. 7-1-7 Animal Control — Chickens and Ducks.

In addition to all other regulations in this Chapter, the following shall apply to the keeping of chickens and ducks within the Village of Crivitz:

- (a) **Definitions.** The following terms, when used in this Section, shall have the meanings set forth below:
- (1) **Chicken.** A domestic chicken of the sub-species *Gallus gallus domesticus*.
 - (2) **Duck.** A domestic duck.
 - (3) **Keep.** Either the owning, keeping, possessing or harboring of a chicken or duck.
 - (4) **Rooster.** A male chicken of any age, including a capon or otherwise neutered male chicken.

- (5) **Coop.** A new or existing enclosed accessory structure designed or modified for the keeping of chickens and ducks meeting the requirements of this Section.
 - (6) **Chicken or Duck Run.** A fenced cage attached to a coop and not to exceed forty (40) square feet in area.
- (b) **Annual Permit Required.**
- (1) **Permit Requirement; Fee.** Any person who keeps chickens or ducks on land in the Village of Crivitz which the person owns, occupies or controls shall obtain a permit issued by the Village Clerk-Treasurer. The permit is valid January 1 – December 31 and the annual fee shall be per Section 1-3-1. The annual permit fee shall be paid no later than January 31st of each year. Any fee payments made after January 31st shall be subject to a late fee per Section 1-3-1.
 - (2) **Consent Form for Non-Title Holder.** Permit applications submitted by a person other than a record title owner of the property upon which chickens or ducks will be kept shall provide written consent of the property owner with the permit application.
 - (3) **State Registration.** All permit applications shall be accompanied by satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agriculture, Trade and Consumer Protection, pursuant to Sec. 95.51, Wis. Stats., and ATCP 47, Wis. Adm. Code.
 - (4) **Consent From Neighbors.** All annual permit applications shall include signatures from the owners of all adjacent properties within a 360° radius of the applicant's parcel.
 - (5) **Fees Nonrefundable.** License fees shall not be pro-rated or refundable.
- (c) **Keeping of Chickens and Ducks Allowed.**
- (1) **Poultry Numbers.** Up to six (6) chickens and/or ducks are allowed with a Village permit.
 - (2) **Number of Permits.** One (1) permit per residential property is allowed.
 - (3) **Roosters Prohibited.** No person shall keep any rooster.
 - (4) **Restrictions on Slaughtering.** No person other than a licensed meat processing facility may slaughter any chickens or ducks within the Village of Crivitz.
 - (5) **Adequate Food and Water to be Provided.** Chickens and ducks shall be provided with fresh water at all times and adequate amounts of feed.
 - (6) **Coop Requirement.** Chickens and ducks shall be provided with a dedicated sanitary and adequately-sized coop, and shall be kept in the coop or a sanitary and adequately-sized chicken run attached thereto at all times. Chickens and ducks shall not be allowed to free range and shall not be housed in garages or homes.
 - (7) **Coop Standards.**
 - a. All permanent (non-mobile) coops shall comply with all building and zoning requirements of this Code of Ordinances. Prior to construction, all coop and run plans shall be reviewed and approved by the Village Building Inspector or his/her designee.

- b. Coops shall be constructed in a workmanlike manner, be moisture-resistant, and either be raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
 - c. Coops with or without a chicken run shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of droppings, uneaten food, and other waste daily, and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance. All feed containers shall be made of metal and be rodent-proof. All droppings shall be disposed of in accordance with Title 8 of this Code of Ordinances (Solid Waste Disposal).
 - d. Coops constructed after April 21, 2015, shall be large enough to provide at least four (4) sq. ft. per chicken or duck, but may not exceed ten (10) feet in height or fifty (50) sq. ft. in size. There is no size limit for coops constructed prior to April 21, 2015.
 - e. No chicken or duck coop shall be located closer than twenty-five (25) feet to any principal residential structure on an adjacent lot. No chicken or duck coop shall be located within any setback area.
 - f. All chicken or duck coops shall be located in the rear yard. No chicken or duck coop shall be located in the front or side yard of a parcel, whether outside the setback or not.
- (8) **Nuisance Situations.** In addition to compliance with the requirements of this Section, no one shall keep chickens or ducks that cause any other nuisance associated with unhealthy conditions, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.
- (d) **Public Health Requirements.**
- (1) Chickens and ducks shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
 - (2) Any person keeping chickens or ducks shall immediately report any unusual illness or death of chickens or ducks to the Health Department.
 - (3) The Chief of Police or his/her designee may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or ducks, or chickens or ducks believed to be a carrier of a communicable disease. The owner of the chickens or ducks shall be responsible for all costs associated with the procedures ordered hereunder.
 - (4) Inspections of chickens, ducks, coops, and runs may be conducted by the Chief of Police or his/her designees.
- (e) **Permit Revocation.** A permit is subject to revocation by the Health Officer upon failure to comply with any provisions hereof. Such revocation is subject to appeal to the Plan Commission. Once a permit is revoked, a permit shall not be reissued.
- (f) **Sale of Eggs and Baby Chicks or Ducklings Prohibited.** No person may offer for sale eggs, chicks or ducklings accumulated from the activities permitted hereunder.

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- (g) **Penalty.** Persons found to be in violation of this Chapter shall be subject to the penalty prescribed in Section 1-1-6 of the Village of Crivitz Code of Ordinances.

Sec. 7-1-8 Impoundment of Animals.

(a) **Animal Control Agency.**

- (1) The Village of Crivitz may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Crivitz does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, a Village law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village of Crivitz, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his/her possession a signed statement of a complaining witness alleging the facts regarding the violation.

(c) **Claiming Animal; Disposal of Unclaimed Animals.**

- (1) After seizure of animals under this Section by a Village law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or animal control officer has taken such animal into his/her possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by the Village Board. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.
- (2) Impoundment fees shall be a seizure/collection charge as prescribed in Section 1-3-1, plus a shelter fee per day as prescribed in Section 1-3-1. Impound fees, for any

subsequent occurrence, shall be a seizure/collection charge as prescribed in Section 1-3-1, plus the shelter fee per day as prescribed in Section 1-3-1.

- (d) **Sale of Impounded Animals.** If the owner does not reclaim the animal within seven (7) days, the animal control officer may sell or donate the animal to any willing buyer.
- (e) **Village Not Liable for Impounding Animals.** The Village of Crivitz and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-9 Dogs and Cats Restricted on Cemeteries.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section.

Sec. 7-1-10 Duty of Owner in Case of Dog or Cat Bite.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to a Village law enforcement or animal control officer and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as a Village law enforcement or animal control officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or animal control officer upon demand for examination.

Sec. 7-1-11 Animal Feces.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

Sec. 7-1-12 Injury to Property by Animals.

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

Sec. 7-1-13 Barking Dogs or Crying Cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with a Village law enforcement officer within a four (4) week period.

Sec. 7-1-14 Prohibited and Protected Animals, Fowl, Reptiles and Insects.**(a) Protected Animals.**

- (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village of Crivitz any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempi*).
- (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into the Village of Crivitz any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(b) Exceptions. The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

(c) Wild Animals; Prohibition on Keeping. It shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the Village of Crivitz

any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the Village of Crivitz any of the following animals, reptiles or insects:

- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Baboons (Papoi, Mandrillus).
 - (3) Bears (Ursidae).
 - (4) Bison (Bison).
 - (5) Cheetahs (Acinonyx jubatus).
 - (6) Crocodilians (Crocodilia), thirty (30) inches in length or more.
 - (7) Constrictor snakes.
 - (8) Coyotes (Canis latrans).
 - (9) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
 - (10) Elephants (Elephas and Loxodonta).
 - (11) Game cocks and other fighting birds.
 - (12) Hippopotami (Hippopotamidae).
 - (13) Hyenas (Hyaenidae).
 - (14) Jaguars (Panthera onca).
 - (15) Leopards (Panthera pardus).
 - (16) Lions (Panthera leo).
 - (17) Lynxes (Lynx).
 - (18) Monkeys, old world (Cercopithecidae).
 - (19) Ostriches (Struthio).
 - (20) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
 - (21) Rhinoceroses (Rhinocero tidae).
 - (22) Snow leopards (Panthera uncia).
 - (23) Tigers (Panthera tigris).
 - (24) Wolves (Canis lupus).
 - (25) Poisonous insects.
 - (26) Except on properly zoned farms, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code of Ordinances.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:
- (1) Their location conforms to the provisions of the zoning ordinance of the Village.

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- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

Sec. 7-1-15 Sale of Rabbits, Chicks or Artificially Colored Animals.

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

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

Sec. 7-1-16 Providing Proper Food and Drink to Confined Animals.

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

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

Sec. 7-1-17 Providing Proper Shelter.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements

or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
 - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) **Shelter from inclement weather.**
 - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
 - (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

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

Sec. 7-1-18 Neglected or Abandoned Animals.

- (a) **Neglected or Abandoned Animals.**
 - (1) **Abandonment Prohibited.** No person may abandon any animal.
 - (2) **Removal; Care; Expenses.** Any law enforcement officer or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the

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- weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (3) **Unknown Owner.** If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) **Disposal of Animal.** Whenever in the opinion of any such officer or animal control officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.
 - (5) **Statutes Adopted.** Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village of Crivitz or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

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

Sec. 7-1-19 Cruelty to Animals and Birds Prohibited.

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement officer or animal control officer in the pursuit of his/her duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises

and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Sec. 7-1-20 Limitation on Number of Dogs.

- (a) **Purpose.** The keeping of a large number of dogs within the Village of Crivitz for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs is, therefore, declared a public nuisance.
- (b) **Definitions.**
 - (1) **Dog.** A dog means any canine, regardless of age or sex.
 - (2) **Residential Lot.** A residential lot means a parcel of land occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Number Limited.**
 - (1) No family shall own, harbor or keep in its possession more than three (3) dogs on any residentially zoned lot without the prior approval of the Village Board except that a litter of pups or a portion of a litter may be kept for not more than twelve (12) weeks from birth. If more than one (1) family resides on a residential lot, then only a total of three (3) dogs shall be allowed on the residential lot unless the prior approval is obtained from the Village Board. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons.
 - (2) The above requirement may be waived with the approval of the Village Board when a kennel license has been issued by the Village. Such application for waiver shall first be made to the Village Clerk-Treasurer.

Sec. 7-1-21 Trapping of Animals on Public Lands.

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

Sec. 7-1-22 Penalties.

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

Title 7 ► Chapter 2

Fermented Malt Beverages and Intoxicating Liquor

Article A Fermented Malt Beverages and Intoxicating Liquor

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Article A: Fermented Malt Beverages and Intoxicating Liquor

Sec. 7-2-1 State Statutes Adopted.

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

State Law Reference: Chapter 125, Wis. Stats.

Sec. 7-2-2 Definitions.

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

Sec. 7-2-3 License Required.

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

Sec. 7-2-4 Classes of Licenses.

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village

Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

- (b) **Retail "Limited Class A" Intoxicating Liquor License.** A retail "Limited Class A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in limited intoxicating liquors, to exclusively include wine, as defined by Sec. 125.02, Wis. Stats., in an original package, container or bottle, and to be consumed off the premises so licensed. The application and qualification requirements, as well as state and local regulations and restrictions, of this license shall be the same as established for "Class A" Intoxicating Liquor Licenses.
- (c) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (d) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (e) **Class "B" Fermented Malt Beverage Retailer's License.**
 - (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
 - (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(f) **Temporary Class "B" Fermented Malt Beverage License.**

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- (1) **License.** As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Village Board.
- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

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

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

issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.
- (h) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (i) **Class "C" Retail Wine License.**
 - (1) **License.** A Class "C" retail wine license when issued by the Village Clerk-Treasurer under the authority of the Village Board shall permit its holders to possess, sell and offer for sale, wine by the glass or in an opened container for consumption on the premises. Such license may be issued after July 1st. The license shall expire on the following June 30th.
 - (2) **Application.** A Class "C" retail wine license may be issued to any person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom, or for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A Class "C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of such foreign entity. Applicants shall further meet the qualifications of Section 7-2-7 herein, and the license shall be subject to the conditions of Section 7-2-14 herein.

Cross-Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

There shall be the following classes of licenses which, when issued by the Village Clerk-Treasurer under the authority of the Village Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating

liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be One Hundred Seventy-five Dollars (\$175.00). The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be One Hundred Dollars (\$100.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be Ten Dollars (\$10.00) per event.
- (d) **Temporary "Class B" Wine License.** The fee for this license shall be Ten Dollars (\$10.00) per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be Twenty-five Dollars (\$25.00).
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Four Hundred Dollars (\$400.00).
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Four Hundred Dollars (\$400.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (h) **Initial Issuance of Reserve "Class B" Intoxicating Liquor License.** The initial fee for this license shall be Ten Thousand Dollars (\$10,000.00) [except for a bona fide club or lodge situated and incorporated in the state for at least six (6) years].
- (i) **"Limited Class A" Intoxicating Liquor License.** The annual fee for this license shall be One Hundred Seventy-five Dollars (\$175.00).
- (j) **Class "C" Retail Wine License.** The annual fee for this license shall be One Hundred Dollars (\$100.00).

Sec. 7-2-6 Application for License.

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant, and shall be filed with the Village

Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include all rooms and storage spaces to be covered by the license, including detailed descriptions of outdoor spaces and the manner in which these outdoor spaces will be physically delineated. Furthermore, the applicant shall indicate the licensed activities to take place in each space to be covered by the license, whether the activity shall be sales, service, storage or consumption, or a combination of all four. The Village Board reserves the right to attach conditions, including limitations to the described premises, when the license is initially granted or the licensed premises are initially amended.

- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The Village Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A" or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.**
 - (1) Retail intoxicating liquor and fermented malt beverage licenses issued by the Village Board shall be limited in number to the quota prescribed by state law, except as provided herein.
 - (2) Not more than ten (10) "Class A" intoxicating liquor retail licenses shall be issued per year, unless to replace revoked or cancelled licenses.
 - (3) The number of persons and places that may be granted a retail Class "B" fermented malt beverage license under this Section shall be limited to three (3).
 - (4) Not more than three (3) "Limited Class A" intoxicating liquor retail licenses shall be issued per year, unless to replace revoked or cancelled licenses. The quota for "Limited Class A" intoxicating liquor retail licenses shall be separate from the above "Class A" intoxicating liquor retail licenses.
 - (5) The quota for Class C" Retail Wine Licenses shall be three (3).
 - (6) There shall be not less than four (4) "Class B" alcohol and fermented malt beverage licenses that would be issued only to establishments which are a "full service restaurant."
 - (7) "Restaurant" has the meaning as defined in Section 254.61(5), Wis. Stats., and whose sale of food accounts for sixty percent (60%) or more of the establishment's gross revenue.
 - (8) "Full-service Restaurant" means a restaurant where:
 - a. Full-course meals are primarily prepared individually for the customer and are served to customers at the table by wait staff; and

- b. Where food is predominantly the major sales item, computed by gross sales, floor area, and general use of the restaurant. A restaurant which is a fast-food restaurant, or which has a drive-through facility, is not considered a full service restaurant. All establishments seeking to be defined as a full service restaurant shall submit an annual financial report, with their license renewal application, which indicates that sixty percent (60%) or more of gross revenue is directly related to the sale of food. Such reporting requirement shall not apply to any existing licenses that were in existence as of January 19, 2010.

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

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he/she has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk-Treasurer a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%)

of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.

- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Separate License Required for Each Place of Sale.** A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- (h) **Business Plan.** All original applications for a license to sell or deal in intoxicating liquor or fermented malt beverages shall include therewith a business plan as to the proposed establishment.

Sec. 7-2-8 Investigation.

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

Sec. 7-2-9 Approval of Application.

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

Board. An application for transfer shall be made on a form furnished by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the Village Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village of Crivitz.

Sec. 7-2-12 Number of License.

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

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

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

Sec. 7-2-14 Conditions of License.

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

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B" or Class "B" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B" or Class "B" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor licenses issued under this Chapter. No "Class B" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- (g) **Licenses Prohibited in Residential Districts.** No retail "Class B" or Class "B" license shall be issued in any R-1 or R-2 Residential District. This Subsection shall not apply to any bona fide club or hotel.
- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.

- (c) **Consideration for the Granting or Denial of a License.** Certain questions shall be answered by the Village Board in the affirmative before it shall be proper to grant a license. Among the questions, but not limited thereto, shall be those questions following, and it is mandatory for the said Village Board to consider these conditions on any original application for any alcohol and/or fermented malt beverage license, and the Village Board shall not issue such a license until it finds the answers to the following questions to be in the affirmative:

- (1) Are the premises and the building in which the licensee is to be conducting business in accordance with the Zoning and Building Codes of the State of Wisconsin and Village of Crivitz, and in compliance with other regulating bodies?
- (2) Is the building sightly and will its construction and operation be in such a manner that it will not create, add to, or aggravate any chance of bringing about a "honkytonk" atmosphere?
- (3) Is it in the commercial and general welfare of the Village of Crivitz, Marinette County, Wisconsin?
- (4) Does the granting of the license have a valid purpose?
- (5) Will the aesthetic propensities of the building and the operation generally, including fencing, grounds, parking, etc., contribute to the general attractiveness of the community?
- (6) Is the sign copy to be used with such business, on and off premises, such that it will not confuse the tourist public or the local public, both of which are the economic lifeblood of the Village of Crivitz?
- (7) Will the effect of granting this license have any socially redeeming values effectuated for the benefit of the people of the community of the Village of Crivitz?
- (8) Is the building, business and entire set-up constructed, located and operated so that it is not a vengence, spite or other type of operation based on contrariness or based on the destruction of some other business?
- (9) Has the traffic situation been reviewed by a proper traffic reviewing authority such as the Village of Crivitz Police Department, and is such report on file for the benefit of the Village Board's consideration?
- (10) Has the Village Board considered the availability of the sale of the product that will be sold under this license in its total quantum capacity available to the residents, tourists, passers-through and others that will be affected and have access to the same and is it the decision of the Village Board that the addition of this license will not create an over supply that would be adverse to the health, safety, general welfare and public peace, safety and order of the community?
- (11) Has the Village Board considered the application in its entirety, including such background material as shall be lawful as it may require within the orbit of proper inquiry in this respect, and also the personnel involved in the operation, and is the Village Board satisfied that there is no one operating who is a convicted felon or who

is not a person of good character and that every applicant and all employees and/or agents, etc., are people of good character and that the application itself meets with all of the legal requirements of the laws of the State of Wisconsin and the ordinances of the Village of Crivitz?

- (12) Has the Village Board, or a majority of those members voting, made a personal inspection of the premises, or if a proposed structure, reviewed the plans and specifications for the same, and, if necessary, has it consulted with engineers?
- (13) Has the Village Board consulted, should it deem necessary to do so, with special experts such as engineers, legal counsel, or otherwise, to check out the validity of statements or allegations made by way of the application, the plans and specifications or other documents that the Board shall, in its reasonable wisdom, require in order that it may be properly advised as to the entire structure of the organization, its principal, the type and nature of the building and operation, and has the Board satisfied itself that it has met the legal requirements and the ethical requirements that would go with an operation so that it will not be a detriment to the health, safety and general welfare of the people of the Village of Crivitz?
- (d) **Discretionary Authority of the Village Board.** The fact that a particular premises meets the qualifications set forth in Sections 7-2-5 thru 7-2-9 above does not entitle said premises to a license, the issuance of which remains the sole discretion of the Village Board considering all factors relevant to the issuance of said license.

Sec. 7-2-10 Granting of License.

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year.
- (b) If the Village Board denies the license, the applicant shall be notified within ten (10) days of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision. The decision of the Village Board to deny the license application may, upon proper filing by the applicant, be reviewed by the Marinette County Circuit Court, under the provisions of Sec. 125.12(d), Wis. Stats.

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

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village

- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) **Unauthorized Possession on Licensed Premises.** No person shall have in his possession or consume on the premises any fermented malt beverages or intoxicating liquors not purchased under the applicable license(s) issued for the premises.
- (l) **Residency Requirements.** Every applicant procuring a license shall maintain, during the application review period, and during the period of the license issuance, residence within the State of Wisconsin. As to any license issued to a company or corporation, the named agent shall maintain the above residency requirement within the State of Wisconsin. Failure to maintain residency during the period of the license issuance shall be grounds for immediate revocation of the license by the Village Board. Residency is to be defined pursuant to Section 6.10, Wis. Stats.
- (m) **Felony Conviction.** No license shall be issued to any person or agent who has been convicted of a felony. Conviction of a felony during the period of the license issuance shall be grounds for immediate revocation of the license by the Village Board.
- (n) **False Statements.** Any false statements in an original or a renewal application shall be automatic basis for the denial of the application, and the applicant may not reapply for one (1) year. In addition thereto, any costs incurred by the Village of Crivitz in the processing of the original or renewal application prior to the discovery of the false statements shall be reimbursed to the Village by the applicant.

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

Sec. 7-2-15 Closing Hours.

Closing hours shall be as established by Sec. 125.32(3), Wis. Stats.

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

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

- (a) **Compliance with Eligibility Standards.**
 - (1) The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1.
 - (2) A responsible representative of the organization seeking such license shall execute a release of liability form as provided by the Village Clerk-Treasurer.
 - (3) Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing; Facility Standards.**
 - (1) If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
 - (2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.

- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Crivitz. The applicant may be required to furnish a performance bond prior to being granted the license.
- (h) **Unauthorized Possession on Licensed Premises.** No person shall have in his possession or consume on the premises any fermented malt beverages not purchased under the Special Class "B" Temporary Fermented Malt Beverage or Wine License issued for the premises.

Cross-Reference: Section 11-4-1.

Sec. 7-2-17 Revocation and Suspension of License; Non-Renewal.

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **Abandonment of Premises.** Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the Village for which a quota exists limiting the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.
- (c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

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

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

- (a) The licensee or agent of a corporate licensee shall notify a Village law enforcement officer at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Village law enforcement officers during normal working hours, and shall be given on forms prescribed by the Village. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to a Village law enforcement in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (b) During the period of any non-alcohol event a notice card prescribed by Village law enforcement officers shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by Village law enforcement officers to a requesting licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

Sec. 7-2-19 Temporary Outdoor Extension of Retail Class "B" Liquor and/or Fermented Malt Beverage Licenses.

Temporary outdoor licenses may be granted to individuals or corporations which hold a valid Class "B" Liquor and/or Class "B" Fermented Malt Beverage license in the Village of Crivitz subject to the following conditions:

- (a) **Permission Required.** No holder of a Retail "Class B" Intoxicating Liquor License or a Class "B" Fermented Malt Beverage Retailer's License may operate under said license(s) in any outdoor area that is not included in the licensed premises description without first having obtained the permission of the Village Board therefor in accordance with the terms and conditions of the Section. Upon application and compliance with requirements hereunder the Village Board may temporarily extend a Retail "Class B" Intoxicating Liquor License and/or Class "B" Fermented Malt Beverage Retailer's License to an outdoor area for up to three (3) days not to exceed one (1) permit per week. The granting of permission

hereunder shall result in the outdoor area temporarily becoming a part of the description of the licensed premises with said outdoor area also being subject to all State and Village laws, rules, regulations and lawful orders governing Retail Class "B" and/or "Class B" licensed premises.

- (b) **Application.** Application for an outdoor extension of a Retail "Class B" Intoxicating Liquor License and/or Class "B" Fermented Malt Beverage Retailer's License shall be made to the Village Clerk-Treasurer on forms furnished by the Village Clerk-Treasurer. The application shall include a map describing the outdoor area sought to be temporarily included within the description of the licensed premises. Said application shall be made at least thirty (30) days prior to the event for which the temporary license is sought.
- (c) **Definition of "Outdoor Area" as Used Herein.** "Outdoor Area" shall mean an area whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year round use.
- (d) **Requirements.** The Village Board may require a double fence, a minimum of four (4) feet high and a minimum of ten (10) feet between, surrounding the outdoor area sought to be within the description of the Retail Class "B" and/or "Class B" licensed premises. Said fence shall be removed within two (2) days subsequent to the event and shall not be erected more than three (3) days prior to the event.
- (e) **Restrictions Governing the Use of the Outdoor Area.**
 - (1) All Public Nuisance Ordinances of the Village of Crivitz shall be strictly complied with. The Retail Class "B" and/or "Class B" licensee shall be responsible for any violation of said ordinances, whether or not present upon the premises at the time of the violation.
 - (2) The Retail Class "B" and/or "Class B" Licensee shall be responsible for cleaning litter from abutting properties which was deposited by patrons.
 - (3) No glass containers shall be utilized for the consumption of food or beverages within the outdoor area.
 - (4) Any separate bar operating within the outdoor area shall be operated in conformity with Chapter 125, Wis. Stats. and this Chapter.
- (f) **Closing Hours.** Any outdoor area included within the description of the Retail Class "B" and/or "Class B" licensed premises pursuant to this Section shall be closed for business in accordance with current closing hours pursuant to Wisconsin Statutes and Village of Crivitz ordinances.
- (g) **Fee.** At the time of application for permission hereunder, the applicant shall pay to the Village Clerk-Treasurer a fee of Five Dollars (\$5.00) per day of the event in addition to the current charge for investigations.
- (h) **Scope of Use.** The Village Board, following review and recommendation by the Finance Committee, may limit the scope of the use of the outdoor area included or sought to be included within the description of the Retail Class "B" and/or "Class B" licensed premises. The limitation imposed may provide for a limitation on the activities permissible within the

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outdoor area during part or all of the time which the outdoor area is permitted to be or remain open.

- (i) **Violations.** Violations of this Section shall be processed in accordance with any applicable and appropriate Sections of the Village of Crivitz Code of Ordinances.

Sec. 7-2-20 through Sec. 7-2-29 Reserved for Future Use.

Article B: Operator's License

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

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

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

Sec. 7-2-31 Procedure Upon Application.

- (a) **General Requirements.** The Village Clerk-Treasurer may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk-Treasurer's office, only to persons eighteen (18) years of age or older, and only subsequent to approval under Subsection (b) hereof.. Operator's licenses shall be operative only within the limits of the Village of Crivitz.
- (b) **Investigation.** All applications are subject to an investigation by the Chief of Police, and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant, including, but not limited to,

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

Sec. 7-2-32 Duration.

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

Sec. 7-2-33 Operator's License Fee; Provisional License.

- (a) **Fee.** The biannual fee for an operator's license or provisional license shall be as established by the Village Board.
- (b) **Provisional License.** The Village Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when a standard operator's license is issued to the holder, whichever is sooner. The Village Clerk-Treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such provisional license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his/her successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or who has had his/her operator's license revoked or suspended within the preceding twelve (12) months. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk-Treasurer may revoke the provisional license issued if it is discovered that the holder of the license made a false statement on the application. Following completion of a responsible beverage server training course and verification thereof, the license application for a standard operator's license, with the appropriate fee and subject to investigation approval, may be approved and issued by the Village Clerk-Treasurer.
- (c) **Temporary License.** The Village Clerk-Treasurer may issue a temporary operator's license at no fee, provided that:
 - (1) The temporary operator's license may be issued only to applicants employed by, or donating their services to, a nonprofit corporation.

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- (2) No person may hold more than one (1) temporary operator's licenses of this kind per year.
- (3) The temporary operator's license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

State Law Reference: Section 125.17, Wis. Stats.

Sec. 7-2-34 Issuance or Denial or Operator's License.

- (a) **Issuance.** After an investigation and approval by the Chief of Police, the Village Clerk-Treasurer may proceed to issue the operator's license. Such license shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) **Denial.**
 - (1) If the application is denied, the Village Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reason(s) therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by certified mail to, or served upon, the applicant at least ten (10) days prior to the Village Board's reconsideration of the matter. At such reconsideration by the Village Board, the applicant may present evidence and testimony as to why the applicant believes the license should be granted.
 - (2) If, upon reconsideration, the Village Board again denies the application, the Village Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) **Criteria.**
 - (1) Consideration for the granting or denial of a license will be based, but not be limited to:
 - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - b. The financial responsibility of the applicant;
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
 - (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
 - (3) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing

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procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-35 Training Course.

- (a) **Training Requirements.** Except as provided in Subsection (b) below, the Village Clerk-Treasurer may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which includes computer-based training and testing which is approved by the Wisconsin Department of Safety and Professional Services (SPS), or unless the applicant fulfills one of the following requirements:
- (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) **Provisional Operator's License Training Requirement.** The Village Clerk-Treasurer may issue a provisional operator's license to a person who is enrolled in a training course as prescribed under Subsection (a) above and shall revoke that license if the applicant fails to successfully complete the course in which he or she is enrolled.
- (c) **Additional Training Resources.** The Village Clerk-Treasurer may not require that applicants for operator's licenses undergo training in addition to those specified under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the courses under Subsection (a).

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Sec. 7-2-36 Display of License.

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

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

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

Sec. 7-2-38 and Sec. 7-2-39 Reserved for Future Use.

Article C: Penalties

Sec. 7-2-40 Penalties.

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

Title 7 ► Chapter 3

Cigarette License

7-3-1 Cigarette License

Sec. 7-3-1 Cigarette License.

- (a) **License Required.** No person, firm or corporation in the Village of Crivitz shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the Village Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk-Treasurer and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee of One Hundred Dollars (\$100.00).
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

Title 7 ► Chapter 4

Transient Merchants (Direct Sellers)

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemptions
7-4-4	Registration
7-4-5	Investigation
7-4-6	Appeal
7-4-7	Regulation of Transient Merchants
7-4-8	Revocation of Registration

Sec. 7-4-1 Registration Required.

It shall be unlawful for any transient merchant to engage in direct sales within the Village of Crivitz without being registered for that purpose as provided herein.

State Law Reference: Sec. 66.0423, Wis. Stats.

Sec. 7-4-2 Definitions.

In this Chapter the following definitions shall be applicable:

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

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- (b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business in the Village; or
 - (2) Has continuously resided in the Village and now does business from his/her residence.
- (c) **Merchandise.** Shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.
- (d) **Charitable Organization.** Shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Clerk-Treasurer.** The Village of Crivitz Clerk-Treasurer or Deputy Clerk-Treasurer.
- (f) **Person.** All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.
- (g) **Goods.** Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

Sec. 7-4-3 Exemptions.

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

- (a) **Regular Delivery Routes.** Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) **Wholesalers.** Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) **Agricultural Products.** Any person selling Wisconsin agricultural products which the person has grown;
- (d) **Deliveries by Permanent Merchants.** Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) **Requested Home Visits.** Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) **Prior Sales Transactions.** Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) **Services Not Offering Merchandise.** Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

- (h) **Auctions; Sales Authorized by Statute.** Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) **Charitable Organizations; Limited Exemptions.** Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Village Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) **Alleged Transient Merchants.** Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Village Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) year prior to the date complaint was made.
- (k) **Persons Licensed by Examining Boards.** Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) **Village Authorized Events.** This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board.
- (m) **Resident Minors.** Minors under eighteen (18) years of age who are residents of the Public School District of which the Village of Crivitz is a part.

Sec. 7-4-4 Registration.

- (a) **Registration Information.** Applicants for registration must complete and return to the Village Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
 - (6) Proposed method of delivery of merchandise, if applicable;
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.

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- (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
- (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.
- (b) **Identification and Certification (Documentation).** Applicants shall present to the Village Clerk-Treasurer for examination:
 - (1) A driver's license or some other proof of identity as may be reasonably required;
 - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) **Investigation and Registration Fees.**
 - (1) At the time of filing applications, an investigation fee shall be paid to the Village Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form. Transient merchants/direct sellers may employ two (2) assistants without payment of an additional fee, but such persons shall comply with the other provisions of this Section.
 - (2) The applicant shall sign a statement appointing the Village Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) The fee for a transient merchants/direct sellers license shall be:
 - a. Five Dollars (\$5.00) per day when participating at the Crivitz Flea and Farmers Market.
 - b. Three Hundred Dollars (\$300.00) per season:
 1. May 1st through September 30th.
 2. October 1st through April 30th.
 - c. Five Hundred Dollars (\$500.00) full calendar year.
 - (4) Upon payment of said fees and the signing of said statement, the Village Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.

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CHAPTER 5

Mobile Homes

7-5-1 Monthly Parking Fee; Limitations on Parking

SEC. 7-5-1 MONTHLY PARKING FEE; LIMITATIONS ON PARKING.

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village of Crivitz a monthly parking fee as determined in accordance with Sec. 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Village Treasurer such parking permit fees 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 Chapter and such regulations as the Village Treasurer may reasonably promulgate.
- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Treasurer and Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Village Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
- (2) Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the Village Treasurer as provided in Subsection (a).
- (b) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Village Treasurer of their liability for the monthly parking permit fee, shall remit to the Village Treasurer a cash deposit of Twenty-five Dollars (\$25.00) to guarantee payment of such fees when due to the Village. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and to remit such deposits to the Village Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Village Treasurer shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- (c) It shall be unlawful for any person to park any mobile home in the Village of Crivitz at any site other than a licensed mobile home park.

State Law Reference: Sec. 66.058, Wis. Stats.

Sec. 7-4-5 Investigation.

- (a) Upon receipt of each application, Village-designated law enforcement officers shall make and complete an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The Village Clerk-Treasurer/Village law enforcement officers may shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

Sec. 7-4-6 Appeal.

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

Sec. 7-4-7 Regulation of Transient Merchants.**(a) Prohibited Practices.**

- (1) A transient merchant/direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant/direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) No transient merchant/direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

- (4) No transient merchant/direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
 - (5) No transient merchant/direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) **Disclosure Requirements.**
- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant/direct seller shall expressly disclose his name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
 - (2) If any sale of merchandise is made by a transient merchant/direct seller or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
 - (3) If the transient merchant/direct seller takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 7-4-8 Revocation of Registration.

Registration may be revoked by Village law enforcement officers or Village Clerk-Treasurer if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling. The registrant may appeal such revocation pursuant to Section 7-9-1.

Title 7 ► Chapter 6

Regulation and Licensing of Fireworks

7-6-1 Regulation of Fireworks

Sec. 7-6-1 Regulation of Fireworks.

- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (2) A toy snake which contains no mercury.
 - (3) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length that is designed to produce audible or visible effects.
 - (4) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - (5) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
 - (6) A fuseless device that is designed to produce audible or visible effects, and that contains less than one-quarter (1/4) grain of explosive mixture.
 - (7) Fireworks that are classified by the Federal Department of Transportation as a Class C consumer firework (Division 1.4 explosive).
- (b) **Sale Regulated.** Except as provided herein, no person shall sell, or possess with intent to sell, fireworks in the Village of Crivitz.
- (c) **Use Regulated.** No person shall possess or use fireworks in the Village of Crivitz without a user's permit issued pursuant to Sec. 167.10(3), Wis. Stats., and Subsection (f) below; except that the following fireworks may be possessed and used without a permit:
- (1) Those fireworks enumerated in Subsection (a)(1) through (7) above.
- (d) **Sale License.**
- (1) Only those fireworks specifically enumerated in Subsection (a)(1) through (7) may be sold or possessed for sale by persons holding a Fireworks Sale License issued hereunder.

- (2) Applicants for a Fireworks Sale License shall make an application in writing on forms provided by the Village Clerk-Treasurer. A non-refundable license application free of Five Hundred Dollars (\$500.00) shall accompany each application. The applicant shall:
 - a. Be at least eighteen (18) years of age. A license shall not be issued to a minor.
 - b. Have no record of criminal felony convictions.
 - c. Obtain and provide proof of having a liability insurance policy in an amount of not less than One Million Dollars (\$1,000,000.00).
- (3) The application for license shall include, without limitation, the following information:
 - a. Name, address, and telephone number of the applicant.
 - b. Address(es) at which the applicant intends to sell the enumerated fireworks;
 - c. Name(s), address(es) and consent(s) of the owner(s) of the real estate upon which the enumerated fireworks will be sold.
 - d. Itemization of which enumerated fireworks the applicant intends to sell.
- (4) The Village Board shall consider the application for licensees hereunder and shall approve or deny each application. The Clerk-Treasurer shall issue the license upon the approval of the Village Board, with notification to the Fire Chief and Chief of Police.
- (5) Licenses issued hereunder may be for a term of one (1) year or five (5) years:
 - a. One (1) year. Licenses issued hereunder for a term of one (1) year shall be valid from May 1 through the following April 30. Applications for an annual license shall be filed not later than April 1 of each year.
 - b. Five (5) years. Licenses issued hereunder for a term of five (5) years shall be valid from May 1 through April 30 of the fifth year. Such license shall be reviewed by the Village Board on an annual basis to consider ongoing compliance with state and local statutes. An annual fee of Five Hundred Dollars (\$500.00) shall be due from the licensee not later than April 1 of each year.
- (6) The Village President and Village Board may condition the issuance of licenses hereunder as it sees fit to protect the public interest and safety.
- (7) The Village Board shall have the right to suspend or revoke any licenses issued hereunder as it sees fit to protect the public interest or safety. If a license is suspended or revoked, the licensee shall be entitled to a public hearing before the Village Board within seven (7) days of the suspension or revocation.
- (8) Without limitation, it shall be grounds for suspension or revocation of a person's Fireworks Sale License if the licensee sells or possesses for sale fireworks other than those enumerated in Subsection (a)(1) through (7).
- (9) Licenses issued hereunder may not be transferred or assigned without the consent of the Village Board; and no licensee may use a site other than the site licensed pursuant to the application of the license.
- (10) The Fire Chief, Police Chief or their designee may temporarily suspend and confiscate licenses if violations occur and order the closing of the site pending corrective action or appeal to the Village Board.

(e) **Site Requirements.**

- (1) **Fire Extinguishers Required.** No wholesaler dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- (2) **Smoking Prohibited.** No person may smoke where fireworks are stored or handled. At all entrances/exits there shall be "NO SMOKING" signs posted in a plainly visible location.
- (3) **Securable Building.** No wholesaler, dealer or jobber may store or handle fireworks unless the premises are a serviceable and securable building. Tents and trailers shall not qualify hereunder.
- (4) **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within two hundred fifty (250) feet of a dwelling.
- (5) **Restrictions on Storage.** No person may store fireworks within two hundred fifty (250) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (6) **Exception.** If the sale of fireworks is in a business that sells other merchandise, such sale then comes under the jurisdiction of the Wisconsin Department of Commerce or State Statute.

(f) **Use Permit.**

- (1) **Permit Required.** No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. As provided in Sec. 167.10(3), Wis. Stats., the Village President, or other official designated by the President, may issue fireworks user's permits. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount he/she deems necessary. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief and the Chief of Police at least five (5) days before authorized use. This permit may be canceled by the Fire Chief, if the President is unavailable, if weather or other situations make it an unsafe condition.
- (2) **Permit Exceptions.** Subparagraph (c)(1) above does not apply to:
 - a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
 - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

- f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit. The possession of the fireworks in the Village of Crivitz while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.
- (3) **Copy of Permit.** A copy of a permit under this Subsection shall be given to the Fire Chief and Village law enforcement officers at least two (2) days before the date of authorized use.
- (4) **Minors Prohibited.** A permit under this Subsection shall not be issued to a minor.
- (g) **Obnoxious Odor Devices and Products.**
 - (1) No person may sell, possess, or use any device, product or item that has its primary purpose the production of an obnoxious odor or smell.
 - (2) Without limitation, it shall be grounds for suspension or revocation of a person's Fireworks Sale License if the licensee sells or possesses for sale any obnoxious odor devices, products or items.
- (h) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.
- (i) **Penalties.**
 - (1) Any person who violates the provisions of Subsections (b) or (d)(1), upon conviction thereof, shall forfeit not less than Two Hundred Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. Each day of continued violation shall constitute a separate violation and offense.
 - (2) Any person who violates the provisions of Subsection (c), upon conviction thereof, shall forfeit not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. Each day of continued violation shall constitute a separate violation and offense.
 - (3) Any parent or legal guardian of a minor who consents to the use of fireworks by the minor contrary to the provision of Subsection (c), upon conviction thereof, shall forfeit not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. Each day of continued violation shall constitute a separate violation and offense.

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

CHAPTER 7

Street Use Permits

7-7-1 Street Use Permits

SEC. 7-7-1 STREET USE PERMITS.

- (a) **Purpose.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village Board may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk and shall be filed with the Village Clerk. The application shall set forth the following information regarding the proposed street use:
 - (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **Review by Village Law Enforcement Officers.** Before any application for a Street Use Permit is considered by the Village Board, the application shall be reviewed by Village law enforcement officers for their recommendation as to the affect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- (e) **Denial of Street Use Permit.** An application for a Street Use Permit may be denied if:
 - (1) The proposed street use is primarily for private or commercial gain.
 - (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
 - (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.

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- (4) The application for a Street Use Permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of five (5) days.
- (6) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (f) **Insurance.** The applicant for a Street Use Permit may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Crivitz. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (g) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by Village law enforcement officers if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Crivitz. Village law enforcement officers have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

CHAPTER 8

Regulation of Nonmetallic Mining

7-8-1	Statutory Provisions Adopted
7-8-2	Definitions
7-8-3	Existing Nonmetallic Mining Operations
7-8-4	Exempt Activities
7-8-5	Permit Required for Nonmetallic Mining
7-8-6	Permit Revocation
7-8-7	Blasting and/or Rock Crushing

SEC. 7-8-1 STATUTORY PROVISIONS ADOPTED.

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

SEC. 7-8-2 DEFINITIONS.

As used in this Chapter:

- (a) **Environmental Pollution.** Has the meaning specified under Sec. 144.01(3), Wis. Stats.
- (b) **Nonmetallic Mining or Nonmetallic Mining Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (c) **Nonmetallic Mining Refuse.** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.
- (d) **Nonmetallic Mining Site or Site.** The location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.
- (e) **Operator.** Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (f) **Reclamation.** The rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

- (g) **Replacement of Topsoil.** The replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

SEC. 7-8-3 EXISTING NONMETALLIC MINING OPERATIONS.

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

SEC. 7-8-4 EXEMPT ACTIVITIES.

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

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

SEC. 7-8-5 PERMIT REQUIRED FOR NONMETALLIC MINING.

- (a) **Permit Required.** No person shall operate any nonmetallic mining site or operation within the Village unless he obtains a nonmetallic mining permit from the Village Board. The fee for such permit shall be Fifty Dollars (\$50.00), plus any actual Village administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within thirty (30) days of the effective date of this Chapter.
- (b) **Required Permit Information.** An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
 - (1) An adequate description of the operation, including a legal description of the property;
 - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
 - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;

- (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties;
 - (6) Hours of operation;
 - (7) Dust and noise control;
 - (8) Maximum depth;
 - (9) Blasting procedures;
 - (10) Location and height of stockpiles; and
 - (11) Such other information the Village Board deems pertinent to the operation.
- (c) **Reclamation Plan.** The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
 - (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
 - (3) Excavations made to a water-producing depth shall be not less than three (3) feet measured from the low water mark;
 - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
 - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board;
 - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- (d) **Applications.** All applications for a license hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the Village Clerk at least sixty (60) days prior to the licensing period. The Clerk shall immediately refer all applications for a license hereunder to the Village Board for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Village Board. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Board shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Village Board may approve, approve conditionally or reject the application and reclamation plan.
- (e) **Financial Assurance.** Before a license and reclamation plan is approved by the Village Board, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Village Board.
 - (2) Guaranteed completion of the required reclamation within a period determined by the Village Board.
 - (3) Payment by the operator for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Village Engineer and Attorney, as well as other costs of a similar nature.
 - (4) The Village may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.

- (5) The required performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the Village Engineer's estimated cost of the required improvements.
- (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Village Board, at its option, may extend the bond period for additional periods.
- (f) **Fences.** Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- (g) **Inspection.** An authorized agent of the Village may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter.
- (h) **Prohibitions and Orders.** Nonmetallic mining operations within the Village are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.

SEC. 7-8-6 PERMIT REVOCATION.

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

SEC. 7-8-7 BLASTING AND/OR ROCK CRUSHING.

- (a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section:
 - (1) **Blasting.** A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.
 - (2) **Person.** Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.
 - (3) **Rock Crusher.** Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.
- (b) **Operation.** No person within the Village shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the Village. All blasting within the Village shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.

(c) **Permit.**

- (1) **Permit Required.** No person within the Village shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the Village.
- (2) **Applications.** All applications for permits hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the Village Clerk at least sixty (60) days prior to the licensing period. The Village Clerk shall immediately refer all applications for permits hereunder to the Village Engineer. The Village Clerk shall issue a permit hereunder only after first receiving the recommendation of the Village Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the Village Engineer.
- (3) **Certified Check.** Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the Village.
- (4) **Plan of Operation.** Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the Village Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the Village Engineer.
- (5) Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the Village of Crivitz as a party insured in the amount of Five Hundred Thousand Dollars (\$500,000.00) for damage to property, and Five Hundred Thousand Dollars (\$500,000.00) for injury to one (1) person and One Million Dollars (\$1,000,000.00) for injury to more than one (1) person caused by the blasting.

(d) **Renewals.** All requests for renewals of permits hereunder shall be made at least sixty (60) days prior to the expiration date of the permit and must comply with all requirements of Subsection (c) above.(e) **Blasting Procedures and Controls.**

- (1) **Energy Ratio.** The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35" per second based on the following formula:

Energy ratio = 0.5 = $10.823 f^2 A^2$ where: f = frequency in cycles per second,
A = amplitude or displacement in inches

Energy ratio = .274 V² (V = resultant particles velocity expressed in inches per second)

- (2) **Measurement of Blasts.** The operator of the quarry operation, when requested to do so by the Village Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the Village Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the Village or by the Village Engineer.

Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.

- (3) **Blasting Log.** A log in duplicate shall be kept of each blast on forms similar to the one on file with the Village Clerk. The original copy of this blasting log shall be filed with the Clerk within forty-eight (48) hours after the blast, and a copy shall be kept on file at the quarry office.
- (4) **Cover Material.** Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot (1') of dirt or other suitable cover material.
- (f) **Permit Fee.** The permit fee for any permit issued pursuant to this Section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:
 - (1) Quarries using blasting to supply buildings and/or ornamental stone: Ten Dollars (\$10.00) per blasting period.
 - (2) Gravel crushing operations using portable or fixed crushing equipment less than thirty (30) days per year: Ten Dollars (\$10.00) per year.
- (g) **Penalty.** Any person who shall violate any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. However, upon conviction for the violation of any of the provisions of this Section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.
- (h) **Enforcement.** Before renewal of any license issued under this Section is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Village Board.

CHAPTER 9

Flea Market Vending Permits

7-9-1 Flea Market Vending Permits

SEC. 7-9-1 FLEA MARKET VENDING PERMITS.

- (a) **Permit Required.** A flea market vending permit is required in order to offer goods for sale at the Crivitz flea market.
- (b) **Fees.**
 - (1) Residents of the Village of Crivitz or Town of Stephenson shall pay no permit fee, but shall pay to the Clerk a Ten Dollar (\$10.00) daily maintenance fee for a standard-sized vending stall.
 - (2) Non-residents of the Village of Crivitz or Town of Stephenson shall pay to the Clerk a Five Dollar (\$5.00) daily permit fee, and a Ten Dollar (\$10.00) per day maintenance fee for a standard-sized vending stall.
 - (3) Residents and non-residents shall pay Five Dollars (\$5.00) to the Clerk for each additional vehicle parking stall utilized.
- (c) **No Overnight Parking.** No overnight parking or arrivals before 5:00 a.m. are permitted on the flea market grounds.
- (d) **Restroom Facilities.** Use of the Village Hall restroom facilities is permitted for the convenience of permittees. These restrooms must be left clean.
- (e) **Hours.** Vending is allowed through 3:00 p.m. Cleanup and departure must be completed no later than 4:00 p.m. All refuse, including animal litter and cigarette butts, must be collected and deposited in available garbage cans or removed by the permittee.
- (f) **Sale of Weapons Prohibited.** The sale of any weapon(s) including knives with a blade over six (6) inches, firearms, pneumatic weapons, martial arts weapons or any instrument manufactured to be used for fighting, attacking, defense or causing injury is strictly prohibited at the Crivitz Flea Market.
- (g) **Sale of Adult Entertainment Materials Prohibited.** The sale, rent, lease, inspection or viewing of any books, films, videocassettes, novelties, displays, magazines, or other periodicals which have as their dominant theme or are distinguished or characterized by their emphasis on any actual or simulated matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas" or the removal of articles of clothing or partial or total nude appearance, is strictly prohibited at the Crivitz Flea Market.
- (h) **Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a forfeiture in the amount of Eighty-six and 50/100 Dollars (\$86.50), and each occurrence shall so designate a separate violation.

CHAPTER 10

Licensees to Pay Local Claims; Appellate Procedures

7-10-1 Licensees Required To Pay Local Taxes, Assessments and Claims; Appellate Procedures

SEC. 7-10-1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.

- (a) **Nonpayment of Taxes or Forfeitures.** The Village shall not issue or renew any license to transact any business within the Village of Crivitz:
 - (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessments or other claims owed the Village; or
 - b. Of any forfeiture resulting from a violation of any Village Ordinance.
- (b) **Applicability.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Denial of Renewal.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
 - (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time.
 - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.
- (e) **Other Grounds for Hearing.** Where an individual, business or corporation wishes to appeal the Village Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Village Clerk that the

matter be referred to the Village Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.