

CHAPTER 4

LICENSES AND PERMITS

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4.01 ISSUANCE OF LICENSES

(1) Granting of Licenses. The Village Clerk may issue the following license subject to the standards established by this chapter without prior approval of the Board:

- (a) Dog licenses.
- (b) Chicken licenses.
- (c) Operator licenses.
- (d) All other licenses shall be issued by the Village Board unless otherwise designated.

4.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

(1) State Statutes Adopted. Except as otherwise specifically provided in this code, the statutory provisions in Chapter 125 of the Wisconsin Statutes, describing and defining regulations with respect to alcohol beverages, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code.

(2) Licenses Required. No person, firm or corporation shall vend, sell, deal, distribute, traffic, offer or keep for sale at retail or wholesale, or for the purpose of evading any law or ordinance, give away any alcohol beverages in any quantity whatever, or, cause the same to be done, without having procured a license as provided in this code and all applicable statutes, ordinances and regulations. A license shall be required for each stand, place, room or enclosure, or for each suite of rooms or enclosures where alcohol beverages are kept, sold or offered for sale, and no license shall be issued to any person, firm or corporation for the purpose of selling, or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(3) Licenses and Fees. There shall be the following classes of licenses, which, when issued by the Village Clerk under the authority of the Village Board after payment of the specified fee, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the Wisconsin

Statutes. Application and payment must be received no later than May 20th each year for timely renewal to occur.

(a) Class "A" Fermented Malt Beverages/Beer License (see Wis. Stat. § 125.25). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per year or fraction thereof.

(b) "Class A" Intoxicating Liquor License (See Wis. Stat. § 125.51(2)). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per year or fraction thereof.

(c) Class "B" Fermented Malt Beverages/Beer License (see Wis. Stat. § 125.26) License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per year or fraction thereof.

(d) "Class B" Intoxicating Liquor License (see Wis. Stat. § 125.51(3)). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per year or fraction thereof.

(e) Temporary Class "B" Picnic Beer License (see Wis. Stat. § 125.26(6)). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per specified event.

(f) Temporary "Class B" Picnic Wine License (see Wis. Stat. § 125.51(10)). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per specified event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Beer License.

(g) "Class C" Wine License (see Wis. Stat. § 125.51(3m)). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office per year or fraction thereof.

(h) Operators' Licenses (see Wis. Stat. § 125.17). License fee shall be set forth in the Village's official fee schedule on file at the clerk's office annually together with the actual cost of background checks for applicants.

(i) Provisional Operators' Licenses (see Sect. 125.17(5) of Wis. Stats.) License fee shall be set forth in the Village's official fee schedule on file at the clerk's office for a period not to exceed 60 days.

(j) Provisional Retailer's License.

(i) The Village Clerk, upon authorization by the Village Board, shall issue provisional retail licenses.

(ii) No person shall apply for or obtain a provisional retail license for purposes of circumventing the license requirements of this section or due to his or her own failure to timely apply for a new license or renewal of an existing license. A provisional retail license shall only be issued to a person who has satisfied all provisions of this chapter and whose application for a regular retail malt beverage or liquor license has been approved by the Village Board but who cannot obtain such license because of failure to complete the responsible beverage server course as required under Wis. Stat. § 125.04(5)(a)5.

(iii) Provisional retail licenses may be issued only to a person applying for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine license.

(iv) The license will expire 60 days after issuance or when the person has been issued a license as listed under (5).

(v) The official who issued the provisional retail license may revoke the license if he or she discovers the holder made a false statement on the application.

(vi) No provisional "Class B" liquor license will be issued if the Village's quota is filled.

(k) Proration of license fees: (see Wis. Stat. §§ 125.25(4), 125.26(4) and 125.51(9)(a)). Class "A" beer, "Class A" liquor, Class "B" beer, "Class B" liquor and "Class C" wine--When a new license is issued, proration of the annual license fees shall be required on the basis of the number of months or fractions thereof remaining in the licensing year.

(l) A publication fee shall be set forth in the Village's official fee schedule on file at the clerk's office annually.

(m) Refund of license fee. The Village will not refund a portion of the fees when a license is surrendered.

(4) 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) Age of Applicant. Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age except operators' licenses may be issued to persons who have attained eighteen (18) years of age.

(c) Corporate Restrictions.

(i) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Wis. Stat. § 125.04(a)1 and 4 and (b), unless the agent of the corporation appointed under Wis. Stat. § 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 Wis. Stat. § 125.04(6) meets the qualification under Wis. Stat. § 125.04(a)2. The requirement that the corporation meet the qualifications under Wis. Stat. § 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.

(ii) 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 a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.

(iii) Any license issued to a corporation may be revoked in the manner and under the procedure established in Wis. Stat. § 125.12, 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.

(d) Sales Tax Qualification. All applicants for retail licenses shall provide proof, as required by Wis. Stat. § 77.61(11), that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

(e) Investigation. The Village Clerk shall notify the Village's law enforcement official of each new application, and he or she 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 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.

(5) Approval of Application.

(a) No license shall be granted for operation on any premises or with any equipment for which personal property taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.

(b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements established by state law or administrative regulation.

(c) Consideration for the granting or denial of a license will be based on:

(i) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stat. §§ 111.321, 111.322, and 111.335 and 125.12(1)(b);

(ii) The financial responsibility of the applicant;

(iii) The appropriateness of the location and the premises where the licensed business is to be conducted; and

(iv) Generally, the applicant's fitness for the trust to be reposed.

(d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years' immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.

(e) No license, except for an operator's license, shall be issued to any person who has had a license issued pursuant to this chapter revoked within twelve months prior to application.

(6) Search of Licensed Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer, his or her deputies or assistants of the Village of Montfort or the Village President or any member of the Village Board, without any search 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.

(7) Posting Licenses. Every person licensed in accordance with the provisions of this code shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or moved for service or sale. It shall be unlawful for any person to post such license or be permitted to post it upon premises other than those mentioned in the application or to knowingly deface or destroy such license. Any person who fails to post his or her license as required herein shall be presumed to be operating without a license.

(8) Revocations, Suspension, Refusals to Issue or Renew

(a) Procedure. The provisions of Wis. Stat. § 125.12 shall be applicable to proceedings for the revocation, suspension or refusal to issue or renew of all licenses granted under this code. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.

(b) Repossession of license. Whenever any license issued under this code is revoked, the Village Clerk shall notify the licensee of the revocation and notify the Village's law enforcement official, who may take physical possession of the license and file it with the office of the Village Clerk.

(9) Hours

(a) Retail Class "A" Fermented Malt Beverages. No person operating under the authority of a Class "A" license shall sell any fermented malt beverages between the hours of 12:00 midnight and 6:00 a.m. of the following day.

(b) Retail "Class A" Intoxicating Liquors. No person operating under the authority of a "Class A" license shall sell intoxicating liquor between the hours of 9:00 p.m. and 6:00 a.m. of the following day.

(c) Class "B" licenses, Class "C" licenses and "Class B" licenses. No premises for which a Class "B" license or a "Class B" has been issued shall remain open and no business activities shall be conducted thereon during the hours designated as closing hours in Wis. Stat. §§ 125.32 and 125.68.

(d) The owner, licensee, or no more than two bona fide, paid tavern employees may remain on the premises after the closing hour for a period of not more than one hour, only for purposes of conducting the internal operations of the business such as counting cash, tallying receipts, bookkeeping or cleaning of the premises. During such one-hour period, no alcoholic beverages shall be sold, given away, consumed, open or available for consumption. No customers or patrons shall be on the premises for any reason after the closing hour.

(10) Underage Persons; Presence in Places of Sale

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

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

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

(ii) An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.

(iii) Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.

(iv) Licensed restaurants where the principal business is that of a restaurant.

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

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

(11) Underage Persons; Consumption and Possession of Alcohol Beverages

(a) Restrictions. Pursuant to Wis. Stat. § 125.07(4)(b) and (bm), no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

(b) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:

(i) A brewer.

- (ii) A fermented malt beverages wholesaler.
- (iii) A permittee other than a Class "B" or "Class B" permittee.
- (iv) A facility for the production of alcohol fuel.
- (v) A retail licensee or permittee under the conditions specified in Wis. Stat. § 125.32(2) or Wis. Stat. § 125.68(2), or for delivery of unopened containers to the home or vehicle of a customer.

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

(12) Violations by Agents and Employees. A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(13) Penalty. The penalty for violation of any provision of this section for which no penalty is provided under Chapter 125 of the Wisconsin Statutes shall be a penalty as provided in Sec. 13.05 of this Code, provided that no penalty imposed shall exceed the maximum allowed by Wis. Stat. § 125.07(1)(b) and Wis. Stat. § 125.11(1).

4.03 CIGARETTE LICENSES

(1) License Issuance. When authorized by the Village Board, the Clerk may issue licenses for the sale of cigarettes. The Village shall follow the statutory provisions in Wis. Stat. § 134.65 describing and defining regulations with respect to the sale of cigarettes or tobacco products, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code.

(2) Fee. The annual license fee shall be set forth in the Village's official fee schedule on file at the clerk's office.

4.04 ANIMAL REGULATIONS AND LICENSING OF PETS

(1) Licensing and regulation of any animal.

(a) Licenses required. Licenses shall be required as follows:

(i) No person residing in the Village shall own, keep, harbor, or have custody or possession of any dog which is more than 5 months of age, unless a license has been obtained for the dog in accordance with this section. A license shall be obtained for each dog prior to the date on which it becomes 5 months of age, and that license shall remain in effect until December 31, of the year in which it is obtained. All licenses shall be renewed annually, and are effective for the calendar year (January 1-December 31). All - licenses shall be obtained or renewed prior to January 31.

(ii) A certificate, issued by a licensed veterinarian, indicating that the dog has been currently inoculated for Rabies shall be supplied to the Village Clerk-Treasurer along with the appropriate license fee.

(iii) Every person residing in the Village who owns, keeps, harbors or has custody or possession of any animal required to be licensed in accordance with this section shall insure that the animal, when away from the person's premises, is wearing a collar to which a current license tag and a current Rabies vaccination tag are attached. The collar tags may be removed from a dog during competition.

(b) Licenses Fee. License fees shall be set forth in the Village's official fee schedule on file at the clerk's office. The license fee shall be paid to the Village Clerk each year. A late fee shall be assessed against anyone purchasing a license after April 1 of the license year or against anyone purchasing a license more than thirty (30) days after the dog becomes five (5) months during the license year. The license year begins January 1st of each year and ends on the following December 31st.

(c) Issuance of License. Upon receipt of the required fee and certificate of inoculation, the Clerk-Treasurer shall issue to the owner a license to keep such dog during the current license year.

(d) State Regulations Adopted. The provisions of Ch. 174, Wisconsin Statutes, and all subsequent amendments and modifications thereof, are incorporated herein by reference. Penalty forfeiture for unlicensed animal shall be \$20 plus court costs.

(3) Limitation on Number of Dogs and Cats.

(a) No person or family shall own, harbor or keep in its possession more than a total of three (3) dogs and cats in any residential unit except the litter of pups or kittens or portion of a litter may be kept for not more than eight (8) weeks from birth.

(4) Animals Not Permitted to Be At Large. Animals are not permitted to be at large within the Village at any time. For the purposes of this section, the phrase "at Large" embraces all places within the Village except the owner's premises, and includes all streets, alleys, sidewalks, or other public or private property, and not under the owner or keeper's control by means of a leash,

animal transport cage or other similar device, or confined within a vehicle owned or controlled by the owner or keeper. The owner or keeper of any animal, tied outdoors by means of a leash, chain or similar device, shall prevent the animal from being present on the private property of other persons, public property, and the street, alley, sidewalk, or other public rights-of-way. Penalty forfeiture for a dog at large shall be \$20 plus court costs.

(5) Noisy or Vicious Animals

(a) No person shall keep or harbor in the Village any dog or cat which by loud frequent or habitual barking, meowing, yelping or howling, or by constant threat of attacking and biting persons, property, or animals, shall cause annoyance to the neighborhood or to people passing upon the street.

(b) Whenever a dog or cat shall bite any person other than the owner, notice thereof shall be reported to the County or Village as soon as possible after a person becomes aware of such event.

(c) No vicious dog shall be allowed off the premises of its owner unless on a leash held by a member of the owner's immediate family over 16 years of age. For purposes of enforcing this subsection, a dog shall be deemed to be vicious if it does any one of the following:

(i) While on or off the dog owner's premises, the dog bites a person or inflicts serious injury to another animal, provided that the dog was not provoked into committing the act; or

(ii) While off the dog owner's premises, the dog displays a mean or vicious disposition toward a person, on two or more occasions, provided that the dog was not provoked into such a display. A "mean or vicious disposition" may be displayed in many ways, including (but not limited to) by the dog chasing a person under circumstances where the person reasonably believes that the dog may do harm to the person, or by the dog growling at a person, or by the dog threatening to bite or attempting to bite a person.

(d) Any dog determined to be vicious may be seized by the Village, and retained at the owner's expense until the Circuit Court determines whether the dog is vicious, as defined above. If the dog is determined to be vicious, the dog shall be permanently removed from the Village or destroyed, at the owner's expense, and the dog owner shall be liable for all costs associated with the impoundment of the dog, the removal or destruction of the dog, and the Court costs.

(6) Duty of Owner in Cases of Dog Bite. Every owner or person harboring or keeping a dog who knows that such dog has bitten any person other than the owner, shall immediately report such fact to law enforcement and shall keep such dog confined for not less than 14 days or

for such a period of time as the law enforcement officer shall direct. The owner or keeper of any such dog shall surrender the dog to law enforcement and anyone a law enforcement officer designates upon demand for examination.

(a) Any owner who violates the quarantine will have their dog impounded for the duration of the quarantine at their expense.

(b) Penalty. The owner of a dog shall forfeit set forth in Wis. Stat. § 174.02(2)(a) of not less than \$200 nor more than \$500 if the dog injures or causes injury to any person other than the owner, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(7) Impoundment and Disposition. Animals are impounded humanely and securely in the following manner:

(a) Any Village police officer or maintenance worker may apprehend any animal which is at large within the Village.

(b) The Village police officer or maintenance worker will make a reasonable effort to notify the owner of the apprehension of the animal if the identity of the owner can be readily determined from the information shown on the animal's license tag. If the identity of the owner cannot be readily determined, the Village police officer or maintenance worker may take the stray animal to be impounded at a bona-fide kennel or Humane Society for a maximum of five days. If the rightful owner does not reclaim any animal within five days of notification of the owner (or of impoundment when owner cannot be notified), the animal shall be deemed surrendered to the Village Police Department or its designee, and may be sold for all or a portion of the amount incurred in apprehending, keeping and caring for the animal or surrendered to an animal adoption agency. If the animal cannot be sold or surrendered due to unsafe behavior or an untreatable health condition, it may be destroyed in a proper and humane manner only after eight full days of impoundment and any previous owners shall have no further claim to such animal. The keeper of the bona-fide kennel or Humane Society shall collect the amount incurred in apprehending, keeping and caring for the animal if the owner can be ascertained and located.

(8) Stray animals. The Village prohibits the feeding of stray animals. All unlicensed and unidentifiable animals shall be considered feral and may be subject to being destroyed in a proper and humane manner at the discretion of the Village consistent with state law.

(9) Animal Feces. The owner or person in charge of any dog, cat, horse, or any other animal allowed by village ordinance shall not permit solid fecal matter of such animal to deposit on any street, alley or other private property, unless such matter is immediately removed therefrom by said owner or person in charge.

(a) The owner or person in charge of a dog, cat, or other animal must also prevent accumulation of animal waste on his/her own property by regularly inspecting and properly disposing of fecal matter.

(b) Any owner of property rented to others must ensure tenants do not permit the accumulation of animal waste on the rental property by insuring tenants regularly inspect and properly dispose of fecal matter.

(10) Penalty. The penalty for violation of any of the provisions of this section shall be subject to a forfeiture of not less than \$50 nor more than \$200 plus court costs per violation unless otherwise stated.

4.05 OTHER DANGEROUS ANIMALS

(1) Keeping of Animals Prohibited. It shall be unlawful to keep, harbor, own or in any way possess the following within the corporate limits of the Village of Montfort:

(a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.

(b) Any animal having poisonous bites.

(2) Penalty. Failure to comply. The penalty for violation of this section shall be a forfeiture of not less than \$50 nor more than \$200 for a first offense, and not less than \$100 nor more than \$300 for a second and each subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, imprisonment in the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day any such violation continues shall constitute a separate offense.

4.06 KEEPING OF CHICKENS WITHIN THE VILLAGE LIMITS

(1) Chickens Allowed. Within the Village of Montfort, hens (female chickens) are allowed on residential lots with single-family dwellings.

(2) Roosters Not Allowed. Within the Village of Montfort, roosters (male chickens) shall not be allowed.

(3) Maximum number of Hens. No more than six (6) hens may be kept on any property.

(4) No Slaughtering. There will be no slaughtering of chickens within the Village.

(5) No Selling of Products Produced No individual may sell any products produced from the chicken hens.

(6) Bird Fighting. Raising or keeping hens for fighting and the fighting of hens is not allowed within the Village as prohibited under Wis. Stat. § 951.08.

(7) Chicken Feed. All food must be kept in airtight containers that are out of reach of wild animals.

(8) Chicken Coops. Hens must be provided with a building structure that houses them and that is constructed in accordance with the following rules:

- (a) Nesting boxes (at least 2) must be provided.
- (b) Coops must include elevated perches to ensure chickens are able to rest in their natural position.
- (c) Coops must be structurally sound, moisture proof and kept in good repair
- (d) Coops must have vents to insure proper ventilation during all times of the year.
- (e) The coop must have windows for adequate lighting.
- (f) Coops must be kept clean, and waste must be properly disposed of. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the premises. All other manure not used for composting or fertilizing shall be removed. The henhouse or chicken coop and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
- (g) During the winter months precautions must be taken to protect the chickens.
- (h) No chicken should be locked outside the coop.
- (i) Coops must provide access to the chicken run.
- (j) No coop shall be located closer than 15 feet from the property line on an adjacent lot. Coops must be in the rear yard of the property or non-address side yard on corner lots.
- (k) Any coop in place prior to the adoption of this ordinance shall be grandfathered in. When the existing coop needs to be replaced, the provisions of this section shall apply.

(9) Chicken Runs. The chickens must be provided with an outdoor fenced structure in which to run around.

- (a) The fencing must have spacing of no more than one inch.
- (b) The top of the run must be covered with fencing that has spacing of one inch or less.
- (c) During the winter months:
 - (i) The run area should be cleared of snow if possible.
 - (ii) No chicken should be locked outside the coop from the run area.

- (d) Any chicken run in place prior to the adoption of this ordinance shall be grandfathered in. When the existing run needs to be replaced, the provisions of this section shall apply.
- (10) General Care Requirements. Chickens must be cared for properly.
 - (a) Food and Water must be provided daily and must be proper for chickens in accordance with Wis. Stat. § 951.13(2).
- (11) Premises Registration. Registration through Wisconsin Department of Agriculture, Trade & Consumer Protection is required to be filed with the Village Clerk.
- (12) Application Process. Applications will be submitted to the Village Clerk's office and must contain the following information:
 - (a) The desired location for the coop and run on a scaled drawing of the lot. The drawing shall include dwelling units on properties within 100 feet of the proposed coop location.
 - (b) Applicant will send a courtesy letter to property owners within 100 feet of their property notifying them of the chicken license application.
 - (c) A copy of the proof of having obtained a Premise ID and proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (13) Licenses and Fees.
 - (a) Licenses are for a one-year term, beginning January 1 of each year.
 - (b) License fee for flock shall be set forth in the Village's official fee schedule on file at the clerk's office, is annual and will not be prorated for any portion of the year.
 - (c) Licenses not renewed by March 31st will be assessed a late fee set forth in the Village's official fee schedule on file at the clerk's office.
- (14) Renewal Process. All licenses must be renewed on an annual basis, prior to January 1 of each year. License renewals will be submitted to the Village Clerk's office and shall include:
 - (a) Current proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection and site number.
 - (b) Annual Fee.

(15) Exemption. The provisions of this section shall not apply to chickens maintained in the agricultural zoning sections of the Village.

(16) Penalties.

(a) General violations:

(i) First offense: a warning will be given to the license holder that if similar complaints continue, a fee will be assessed, and license may be revoked.

(ii) Second offense: a forfeiture of not less than \$50 nor more than \$100 plus court costs will be assessed and the license will be revoked for 12 months.

(iii) Third offense: a forfeiture of not less than \$100 nor more than \$200 plus court costs will be assessed and the license will be permanently revoked.

(b) Animal Cruelty violations. These consist of but are not limited to inadequate food or water, dirty coop, improper temperature conditions for the birds, sick or unhealthy birds, and improper size coop.

(c) Permit revoked permanently

(d) Nothing in this section shall prohibit the Village from pursuing violations of this section as public nuisances or referring violations of this section to the district attorney's office when the Village deems it appropriate to do so. The maintenance of chickens in residential districts without a license is deemed a public nuisance.