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 License Required; Definitions.

(a) **License Required.** It shall be unlawful for any person in the Village of Boyd to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter and Sections 174.05 through 174.10, Wis. Stats., 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.*** 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.

(11) ***Residential Lot.*** A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.

(12) ***Restrain.*** Includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.

(13) ***Untagged.*** Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

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

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

(a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Boyd after the dog has reached four (4) months of age,

the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

(b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.

(c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).

(f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

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

(a) **Dog Licenses.**

(1) It shall be unlawful for any person in the Village of Boyd to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of

Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

(2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.

(3) The minimum license tax under this Section shall be:

a. Neutered males and spayed females: As prescribed in Section 1-3-1.

b. Unneutered males and unspayed females: As prescribed in Section 1-3-1.

(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 law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

(7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer upon application therefor.

(b) **Kennel Licenses.**

(1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax as prescribed in Section 1-3-1 for a kennel of twelve (12) or fewer dogs plus an additional fee 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. Designated officials 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 Chapter 948 of the Wisconsin Statutes.

(5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.

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

Sec. 7-1-4 Late Fees.

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

Sec. 7-1-5 Rabies Quarantine.

(a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village 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 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.*** An officer or animal warden 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.*** An officer or animal warden 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 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 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 Boyd 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 7-1-12.)
(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.
(8) Is tied or leashed in a manner that prohibits or impairs the reading of utility meters.

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

(1) A "vicious dog or other animal" shall be defined as follows: Any dog or other animal shall be deemed and be presumed to be vicious if, at any time, it bites and inflicts a serious injury to any person or persons two (2) or more times during the dog's or animal's life under unprovoked circumstances and while off the dog's or animal owner's, keeper's or caretaker's premises or property. If the dog or other animal inflicts serious injury in a manner other than biting, said dog or other animal shall also be deemed and presumed to be vicious under this Section.
(2) A "serious injury" shall be defined as any abrasions, bruising, cuts, broken bones, lacerations, internal injuries, torn or pulled ligaments or muscles, head injuries, or any other such similar condition.
(3) No vicious dog or other animal as defined herein shall be allowed to be owned, kept, harbored, maintained, or cared for within the Village of Boyd corporate limits, by any person or legal entity.

(c) **Penalty for Keeping Vicious Dogs or Animals in Violation of Subsection (b).**

(1) Any person convicted of violating Subsection (b) above shall pay a forfeiture of Five Hundred Dollars ($500.00) together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any vicious dog or other animal in violation of this Section may be deemed a separate and distinct violation, subject to separate citations and convictions. Furthermore, any violation of Subsection (b) above shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Boyd, or any law enforcement or animal control officer of any jurisdiction authorized by the Village of Boyd to enforce or effectuate the Village of Boyd's ordinances.
(2) In the event that any vicious dog or animal has been impounded, said dog's or animal's owner shall be required to make arrangements to have said animal removed from the corporate limits of the Village of Boyd within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to remove said animal from the corporate limits of the Village of Boyd within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Boyd shall be authorized to destroy said animal.

(d) **Potentially Dangerous Dog or Other Animal.**

(1) ***Definitions.*** "Potentially dangerous dog or other animal" means the following:

a. Any dog or other animal which, when unprovoked, on two (2) separate occasions within the immediate prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

b. Any dog or other animal which, when unprovoked, bites a person, causing a less severe injury than is defined in Subsection (b)(2) above.

c. Any dog or other animal which, when unprovoked, on two (2) separate occasions within the immediate prior thirty-six (36) month period, has killed, seriously bitten, inflicted injury or otherwise caused injury to a domestic animal off the property of the owner or keeper of the dog.

(2) ***Restrictions and Rules Regarding Potentially Dangerous Dogs or Animals.***

a. If a law enforcement or animal control officer for the Village of Boyd or any other law enforcement agency having jurisdiction and authority to enforce this Section, has investigated and determined that there exists probable cause to believe that a dog or other animal which is owned, harbored, kept or cared for within the Village of Boyd corporate limits is potentially dangerous as that term is defined herein, the Chief of Police or animal control officer for the Village of Boyd or his/her designee, shall petition the Village Board for the Village of Boyd, for a hearing for the purpose of determining whether or not the dog or other animal in question, should be declared potentially dangerous. Whenever possible, any complaint received from a member of the public which serves as part of the evidentiary basis for the animal control officer or law enforcement officer to find probable cause, shall be sworn to and verified by the complainant and shall be attached to the aforementioned petition. Notice of the hearing before the Village Board shall be given to the owner, caretaker or keeper of the dog or animal in question no less than seven (7) days prior to said hearing, with said notice, together with a copy of the petition, and all sworn complaints to be either served personally, or by first class mail with return receipt requested All hearings under this Section shall be open to the public.

b. The hearing body, which shall be the Village Board for the Village of Boyd, may admit all relevant documents and testimony into evidence including incident reports and affidavits of witnesses, photographs, and personal testimony. The Village Board for the Village of Boyd shall be the exclusive trier of the issue of whether a dog or other animal is determined to be potentially dangerous. For the Village Board of the Village of Boyd to determine that a dog or other animal is potentially dangerous, there must be a preponderance of the evidence to establish the same.

c. Any owner, harborer, keeper, caretaker, or other interested party who is aggrieved by any decision of the Village Board under this Section shall have the right to

appeal the same by filing an action for certiorari with the Circuit Court no more than thirty (30) days from the date that said aggrieved person had received written notice of the Village Board's decision on whether a dog or other animal is potentially dangerous.

d. After the hearing conducted pursuant to Section 7-1-6(d)(2)a above, the owner, keeper, harborer or caretaker of the dog or other animal shall be notified in writing of the determination and orders issued, either personally or by first class mail return receipt requested. If a determination is made that a dog or other animal is potentially dangerous as herein provided, the owner, keeper, harborer or caretaker shall comply with Section 7-1-6(d)(2)h and i in accordance with the time schedule established by the chief law enforcement officer or animal control officer of the Village of Boyd, but in no case more than thirty (30) days after the date of the determination, or thirty-five (35) days if the notice of the determination is mailed to the owner, keeper, harborer or caretaker of the dog or other animal.

e. No dog or other animal may be declared potentially dangerous if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner, keeper, harborer or caretaker of the dog or other animal, or was teasing, tormenting, abusing, or assaulting the dog or other animal, or was committing or attempting to commit a crime. No dog or other animal may be declared potentially dangerous if the dog or other animal was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog or other animal may be declared potentially dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury, or damage was sustained, was teasing, tormenting, abusing or assaulting the dog or other animal.

f. No dog or other animal may be declared potentially dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, keeper, harborer or caretaker, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

g. No dog or other animal may be declared potentially dangerous if the injury or damage to another domestic animal was sustained while on the property or premises of the owner, harborer, keeper or caretaker of the dog or other animal, and the injured domestic dog or animal was upon the property not owned or maintained by the owner of the injured or damaged domestic animal.

h. All potentially dangerous dogs or other animals shall be properly licensed and vaccinated. The licensing authority for the Village of Boyd shall include the potentially dangerous designation in the registration records of the dog, either

after the owner or keeper of the dog has agreed to the designation or the Village Board, after hearing, has determined the designation applies to the dog. The Village of Boyd may charge a potentially dangerous dog fee in addition to the regular licensing fee as to provide for the increased cost of maintaining the records of the dog.

i. A potentially dangerous dog or other animal, while on the owner's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. A potentially dangerous dog or other animal may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and muzzled, and if it is under the control and supervision of a responsible adult while being restrained by said leash and muzzle.

j. If a potentially dangerous dog or other animal dies, or is sold, transferred or permanently removed from the Village of Boyd where the owner, harborer, keeper or caretaker so resides, said person who owns, keeps, harbors, or caretakes a potentially dangerous dog or other animal shall notify the chief law enforcement officer for the Village of Boyd or the animal control officer of the change in condition or new location of the potentially dangerous dog or other animal in writing within forty-eight (48) hours of said dog or other animal's remove.

(e) **Penalty for Violations of Subsection (d)(2).** Any person or entity convicted of violating Section 7-1-6(d)(2) shall pay a forfeiture of Two Hundred Fifty Dollars ($250.00), together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any potentially dangerous dog or other animal in violation of Section 7-1-6(d)(2), may be deemed separate and distinct violations, subject to separate citations and convictions. Furthermore, any violation of Section 7-1-6(d)(2) shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Boyd, or any law enforcement or animal control officer of any jurisdiction authorized by the Village of Boyd to enforce or effectuate the Village of Boyd's ordinances, may impound any dog or other animal which is subject to Section 7-1-6(e)(2). In the event that any restricted or prohibited animal or other vicious or potentially vicious animal or dog has been impounded, said dog's or animal's lawful owner shall be required to make arrangements to have said animal removed from the corporate Village of Boyd limits within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to lawfully remove said animal from the corporate Village limits within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Boyd shall be authorized to destroy said animal.

(f) **Unleashed Dogs or Other Animals Running at Large.**

(1) No owner, keeper, harborer or caretaker of any dog or other animal shall permit the same to be unleashed or unrestrained at any time said dog or other animal is not on the owner's, keeper's, harborer's, or caretaker's property or premises and which is upon

any public street, alley, right-of-way or any school ground, public park, cemetery or other public or private property without the permission of the owner or occupier of the property.

(2) A dog or other animal which is leashed or otherwise restrained by any device that is less than ten (10) feet in length, which is of sufficient strength to restrain and control said dog or other animal, and is held by a person competent to govern and control said animal, who has obtained the age of ten (10) years or more, and is able to prevent said dog or animal from annoying or worrying pedestrians or from trespassing on private or public property. Furthermore, a dog or other animal is not unleashed or uncontrolled and at large if it is properly restrained within a motor vehicle.

(3) Any person or entity who violates this Subsection (f) shall be subject to a forfeiture of not less than Twenty-five Dollars ($25.00) and not more than One Hundred Dollars ($100.00), together with any impoundment under Section 7-1-7.

(g) **Owner's Liability for Damage Caused by Dogs or Other Animals; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs and other animals together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

(h) **Animals Restricted on Public Grounds and Cemeteries.** No dog or cat shall be permitted in any public playground, school grounds, public park, or swimming area within the Village of Boyd. Dogs and cats are prohibited from being in cemeteries. Every aid dog specially trained to assist persons with disabilities shall be exempt from this Section.

Sec. 7-1-7 Impoundment of Animals.

(a) **Animal Control Agency.**

(1) The Village of Boyd 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 Boyd 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 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 this Village, 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 made

under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.

(c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a 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 law enforcement 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 resolution of the Village Board or impounding agency. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.

(d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.

(e) **Village Not Liable for Impounding Animals.** The Village 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. 7-1-8 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 Village law enforcement officers and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

Sec. 7-1-9 Pit Bulls and Other Regulated Dogs and Animals.

(a) **Keeping of Certain Animals Prohibited.** Except as provided herein, it shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Boyd:

(1) ***Exotic Animals.*** 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.

(2) ***Poisonous Animals.*** Any animal having poisonous bites.

(3) ***Regulated Dogs.*** Any regulated dog provided that regulated dogs complying with the provisions of this Section may be kept within the Village subject to the standards and requirements set forth in Subsection (b) of this Section. There shall be a presumption that any dog which substantially conforms or exhibits the distinguishing characteristics or substantially conforms to the standards describing the physical characteristics as recognized by the American Kennel Club, the United Kennel Club, or Continental Kennel Club for a particular breed which is regulated by this Section, shall be deemed a dog of the breed so regulated. *"Regulated dog"* as that term is used in this Section is defined to mean:

a. The Staffordshire bull terrier breed of dog;
b. The American pit bull terrier breed of dog;
c. The American Staffordshire terrier breed of dog;
d. The Perro de Presa Canario breed of dog, otherwise known as Presa Canario, also known as Canary Dog or Presa dog.
e. The Rottweiler breed of dog.
f. The Rhodesian Ridgeback breed of dog.
g. The Mastiff breed of dog.
h. Any dog which has the appearance and characteristic of being predominantly of any of the above-listed breed or breeds of dogs.

(b) **Keeping of Regulated Dogs.** The provisions of Subsection (a) are not applicable to parties who own, keep or harbor regulated dogs within the Village of Boyd, provided there is full compliance with the following conditions:

(1) ***Leash and Muzzle.*** No person shall permit a regulated dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a regulated dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all regulated dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) ***Confinement.*** All regulated dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in Subsection (b)(1). All pens or kennels shall comply with all zoning, building and health regulations of the Village and shall be kept in a clean and sanitary condition.

(3) ***Confinement Indoors.*** No regulated dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(4) ***Insurance.***

a. All owners, keepers or harborers of regulated dogs must within thirty (30) days of the effective date of this Section provide proof to the Clerk-Treasurer of public liability insurance in the amounts of:

1. Five Hundred Thousand Dollars ($500,000.00) for bodily injury or death to any one person with the limit, however, of One Million Dollars ($1,000,000.00) for bodily injury or death resulting from any one incident/accident; and
2. One Million Dollars ($1,000,000.00) for property damage resulting from any one incident/accident.

b. The Village of Boyd shall be named as an additional insured under such insurance and a copy of the current in-force policy shall be deposited with the Clerk-Treasurer. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Clerk-Treasurer.

Sec. 7-1-10 Animal Feces.

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

(b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his/her own property by regularly patrolling and properly disposing of the fecal matter.

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

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

Sec. 7-1-12 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. The owner of a dog or cat is considered to be in violation of this Section

when two (2) formal, written complaints are filed with Village law enforcement officers within a four (4) week period.

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

(a) **Protected Animals.**

(1) ***Possession and Sale of Protected Animals.*** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (thalarctos maritimus), red wolf (canis niger), vicuna (vicugna vicugna), gray or timber wolf (canis lupus), sea otter (enhydra lutris), Pacific ridley turtle (lepidochelys olivacea), Atlantic green turtle (chelonia mydas), Mexican ridley turtle (lepidochelys kempi).

(2) ***Compliance with Federal Regulations.*** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

(3) ***Regulating the Importation of Certain Birds.*** No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(b) **Exceptions.** The provisions of 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 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 possession or under his/her control within the Village any of the following animals, reptiles or insects:

(1) All poisonous animals and reptiles including rear-fang snakes.

(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); ans siamangs (Symphalangus).
(3) Baboons (Papoi, Mandrillus).
(4) Bears (Ursidae).
(5) Bison (Bison).
(6) Cheetahs (Acinonyx jubatus).
(7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
(8) Constrictor snakes.
(9) Coyotes (Canis latrans).
(10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
(11) Elephants (Elephas and Loxodonta).
(12) Game cocks and other fighting birds.
(13) Hippopotami (Hippopotamidae).
(14) Hyenas (Hyaenidae).
(15) Jaguars (Panthera onca).
(16) Leopards (Panthera pardus).
(17) Lions (Panthera leo).
(18) Lynxes (Lynx).
(19) Monkeys, old world (Cercopithecidae).
(20) Ostriches (Struthio).
(21) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
(22) Rhinoceroses (Rhinocero tidae).
(23) Sharks (class Chondrichthyes).
(24) Snow leopards (Panthera uncia).
(25) Tigers (Panthera tigris).
(26) Wolves (Canis lupus).
(27) Poisonous insects.

(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.
(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.

(e) **Farm Animals; Miniature Pigs.** Except as provided in Section 7-1-22 regarding miniature pigs and on properties zoned in an agricultural classification, no person shall own, keep,

harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl [more than two (2)] or rabbits [more than four (4)]. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than eighty (80) pounds which are intended for and kept as domestic pets.

Sec. 7-1-14 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. 951.11, Wis. Stats.

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

(a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.

(b) The food shall be sufficient to maintain all animals in good health.

(c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 951.13, Wis. Stats.

Sec. 7-1-16 Providing Proper Shelter.

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

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

(b) **Indoor Standards.** Minimum indoor standards of shelter shall include:

(1) ***Ambient temperatures.*** The ambient temperature shall be compatible with the health of the animal.

(2) ***Ventilation.*** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:

(1) ***Shelter from sunlight.*** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(2) ***Shelter from inclement weather.***

a. *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

b. *Dogs.* If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:

(1) ***Structural strength.*** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(2) ***Space requirements.*** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 951.14, Wis. Stats.

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

(a) **Neglected or Abandoned Animals.**

(1) No person may abandon any animal.

(2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water,

neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

(3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

(4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

(5) Section 951.16, Investigation of Cruelty Complaints, and Sec. 951.17, 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 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. 951.15, 951.16 and 951.17, Wis. Stats.

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

(a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

(b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

(c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

(d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

(e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Sec. 7-1-19 Limitation on Number of Dogs and Cats.

(a) **Purpose.** The keeping of a large number of dogs and cats within the Village of Boyd 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 and cats is, therefore, declared a public nuisance.

(b) **Number Limited.**

(1) No person or family shall own, harbor or keep in its possession more than a total of more than three (3) dogs or five (5) cats, or a total of five (5) dogs and cats, in any residential unit without the prior issuance of a kennel license by the Village Board except that a litter of pups or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.

(2) The above requirement may be waived with the approval of the Village Board when a kennel license has been issued by the Village pursuant to Section 7-1-3(b). Such application for waiver shall first be made to the Village Clerk-Treasurer.

Sec. 7-1-20 Trapping of Animals.

(a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Boyd to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.

(b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.

(c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
(d) Nothing in this Section shall prohibit or hinder the Village of Boyd or its employees or agents from performing their official duties.

Sec. 7-1-21 Keeping of Bees.

It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the Village of Boyd unless the bees are kept in accordance with the following provisions:
(a) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.
(b) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
(c) Fresh, clean watering facilities for bees shall be provided on the said premises.
(d) The bees and equipment shall be kept in accordance with the provisions of state law.
(e) A conditional user permit shall first be obtained pursuant to the Village Zoning Code.

Sec. 7-1-22 Vietnamese Potbellied Pigs.

(a) **Definitions.** As used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  (1) "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
(b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Boyd limits a Vietnamese Potbellied Pig without first having obtained a license from the Village Clerk-Treasurer and being in compliance with all provisions of this Section. The fee for a license issued hereunder or renewal thereof shall be Ten Dollars ($10.00) per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the Village to care for stray or unwanted animals.
(c) **License/Application.**
  (1) Any applicant for a license or renewal thereof under this Section shall file with the Village Clerk-Treasurer a fully executed application on a form prescribed by the Village Clerk-Treasurer, accompanied by the annual license fee.

(2) No licenses or renewal thereof shall issue hereunder until:
   a. A Certificate of Purebred Registration is filed with the Village Clerk-Treasurer.
   b. There has been an inspection by a Village law enforcement officer or the Building Inspector of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
   c. There is an adequate means of restraining animals from running at large or disturbing the peace.

(3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

(4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any Village personnel requesting to examine it and having authority to enforce this Section.

(5) Only one (1) Vietnamese Potbellied Pig may be at any premises.

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

(1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

(2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.

(3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.

(4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.

(5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.

(6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize

contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.

(7) Animals may not be permitted to exceed one hundred (100) pounds in weight.

(8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:

a. The animal's weight.

b. The animal has received all recommended vaccinations and boosters.

c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.

d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.

e. The animal has passed a pseudorabies test administered in accordance with application state regulations.

(9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.

(10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.

(e) **Suspension, Revocation or Denial of Renewal of License.** The Village President or Village law enforcement officers shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the Village, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten (10) days of such notice.

Sec. 7-1-23 Penalties.

(a) Any person violating Sections 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21 or 7-1-22 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 7-1-15 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars ($25.00) and not more than One Hundred Dollars ($100.00) for the first violation and not less than Fifty Dollars ($50.00) and not more than Two Hundred Dollars ($200.00) for subsequent violations.

(d) Each day that a violation of this Chapter continues shall be deemed a separate violation. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure, impoundment and removal from the Village by Village officials in the event the owner or keeper of the dog fails to remove the dog from the Village. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this Chapter.

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 Ch. 125, Wis. Stats., 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 amendments, 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," "Cider," "Chamber of Commerce," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Ch. 125, Wis. Stats.

Sec. 7-2-3 License Required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his/her/its 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, fermented malt beverage, wine or intoxicating cider 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 Secs. 125.16, 125.27, 125.28 and 125.51, Wis. Stats.

Sec. 7-2-4 Classes of Licenses.

(a) **Retail "Class A" Intoxicating Liquor License.**

(1) ***Generally.*** 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.

(2) ***Customer Samples.*** A "Class A" license authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age, taste samples of intoxicating liquor other than wine that are not in original packages or containers and that do not exceed 0.5 fluid ounces each, for consumption on the "Class A" premises. No "Class A" licensee may provide more than one such taste sample per day to any one person. Taste samples may be provided only between the hours of 11:00 a.m. and 7:00 p.m. Any representative of a manufacturer, rectifier, winery, or out-of-state shipper issued a permit under Secs. 125.52, 125.53, or 125.58, Wis. Stats., may assist the "Class A" licensee in dispensing or serving the taste samples. No "Class A" licensee may provide as taste samples under this Subsection intoxicating liquor other than wine that the "Class A" licensee did not purchase from a wholesaler.

(b) **Retail "Class A" Intoxicating Liquor License – Cider Only.** A "Class A" intoxicating liquor license issued under this Section shall entitle the holder to sell, deal and traffic in cider only, and only in original packages or containers and to be consumed off the premises so licensed. A retail "Class A" Intoxicating Liquor License for Cider only shall be granted to an applicant who holds a Class "A" Fermented Malt Beverage Retailer's license issued under Sec. 125.25, Wis. Stats., or under Subsection (e) of this Section, for the same premises for which the "Class A" license application is made.

(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. Per Sec. 125.51(3), Wis. Stats., a "Class B" intoxicating liquor license can only be issued to a holder of a Class "B" fermented malt beverage license.

(d) **Reserve "Class B" Licenses.** A Reserve "Class B" license means a license that is not granted or issued by the Village of Boyd on December 1, 1997, and that is counted under Sec. 125.51(4)(br), Wis. Stats., which, if granted or issued, authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(e) **Class "A" Fermented Malt Beverage Retailer's License.**

(1) ***Generally.*** 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.

(2) ***Customer Samples.*** A Class "A" license also authorizes the licensee to provide, free of charge to customers and visitors who have attained the legal drinking age, fermented malt beverages taste samples that are not in original packages, containers, or bottles and that do not exceed three (3) fluid ounces each, for consumption on the Class "A" premises. No Class "A" licensee may provide more than two (2) taste samples per day to any one person. Taste samples may be provided under this Subsection only between the hours of 11:00 a.m. and 7:00 p.m. Any other regulatory provision applicable to retail sales of fermented malt beverages by a Class "A" licensee also applies to the provision of taste samples, free of charge, of fermented malt beverages by a Class "A" licensee.

(f) **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.

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

(1) ***License.***

a. 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 and chambers of commerce, 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.

b. 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.

c. Such license is valid for dates as approved by the Village Clerk-Treasurer.

(2) ***Application.***

a. Application for such temporary 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 denial of a license may be appealed to the Village Board under Section 7-2-10. Any application not filed at least five (5) days before the date of the licensed event may not provide enough time for the Village Clerk-Treasurer to take action of the application, and any application not filed at least forty-five (45) days before the date of the licensed event may not provide enough time for the applicant to appeal any denial of license by the Village Clerk-Treasurer.

b. 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.

c. The temporary 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 four (4) consecutive days.

d. If the application is for a temporary license to be used in a Village park, the applicant shall specify the main point of sale facility.

e. The Village Board, or other official authorized to issue Temporary Class "B" fermented malt beverage licenses, may issue a qualified organization Temporary Class "B" beer licenses for a multiple-location, single-day event on a specific date and time for the purpose of conducting a "beer walk". For such an event to occur:

1. The Temporary Class "B" fermented malt beverage licenses must be issued by the Village to the same qualified organization which is the licensee and sponsor of the multiple-location, single-day event.
2. The Temporary Class "B" fermented malt beverage licenses must be issued for the same date and time.
3. An admission fee shall be charged for participation in the event. No additional charge can be charged for service of alchohol at the event.

4. There is no limit to the number of Temporary Class "B" fermented malt beverage licenses the Village may issue to a qualified organization.

f. Temporary Class "B" licensees must purchase all beer from beer wholesalers or breweries/brewpubs authorized to self-distribute to retail licensees.

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

(1) ***License.***

a. Notwithstanding Sec. 125.68(3), Wis. Stats., Temporary "Class B" wine licenses may be issued to bona fide clubs and chambers of commerce, 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 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. An eligible organization may obtain a Temporary "Class B" wine license without also obtaining a temporary Class "B" fermented malt beverage license.

b. 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., for 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 from leased stands on the fairgrounds.

c. 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 from the stands while the fair is being held.

d. Not more than two (2) such licenses may be issued under this Subsection to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society or veterans' post in any twelve (12) month period.

e. An applicant may receive up to twenty (20) temporary licenses for the purpose of conducting a "wine walk" if all of the following apply:

1. Each license is issued for the same date and times and the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times.
2. An admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.
3. Within the immediately preceding twelve (12) month period, the Village has issued licenses under authority of this Subsection for fewer than two (2) events.
4. The duration of an event may not exceed one (1) day.

5. Multiple licenses issued under this Subsection count as one (1) license for purposes of Subsection (h)(1)d.

(2) ***Application.***

a. Application for such temporary wine 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 application not filed at least five (5) business days before the desired date of the license may not provide enough time for the Village Clerk-Treasurer to take action on the application. Any denial of a license may be appealed to the Village Board under Section 7-2-10.

b. 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 shall be ineligible to apply for a temporary "Class B" wine license for one (1) year.

c. The license shall specify the hours and dates of license validity.

d. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

e. The Village Board, or other official authorized by the Village Board to issue temporary "Class B" wine licenses, may authorize an underage person to enter and remain on the premises so licensed if all of the following apply:

1. The Village Board issuing the license, or other official authorized by the Village Board, authorizes the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.
2. The licensee permits on the licensed premises unaccompanied underage persons to be present only for the purpose of acting as designated drivers and the licensee provides a means of identification, such as a wrist band, to identify such underage persons as designated drivers.
3. The underage person is present on the licensed premises to act as a designated driver and displays the means of identification specified herein.

f. Temporary "Class B" licensees must purchase all wine from wine wholesalers or other entities authorized to self-distribute wine to retail licensees.

(i) **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.

(j) **Retail "Class C" Wine License.**

(1) In this Subsection, "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.

(2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the Village's quota prohibits the Village from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.

(4) A "Class C" license shall particularly describe the premises for which it is issued.

Cross-Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

(a) **Fees.** There shall be the following classes of licenses in the Village of Boyd 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.:

(1) ***Class "A" Fermented Malt Beverages Retailer's License.*** The annual fee for this license shall be as prescribed in Section 1-3-1. 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.

(2) ***"Class A" Intoxicating Liquor License – Cider.*** There is no fee for a "Class A" Cider License.

(3) ***Class "B" Fermented Malt Beverage License.*** The annual fee for this license shall be as prescribed in Section 1-3-1. 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.

(4) ***Temporary Class "B" Fermented Malt Beverage License.*** The fee for this license shall be as prescribed in Section 1-3-1 per event.

(5) ***Temporary "Class B" Wine License.*** The fee for this license shall be as prescribed in Section 1-3-1 per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.

(6) ***Fermented Malt Beverage Wholesalers' License.*** The annual fee for this license shall be as prescribed in Section 1-3-1.

(7) ***"Class A" Intoxicating Liquor Retailer's License.*** The annual fee for this license shall be as prescribed in Section 1-3-1.

(8) ***"Class B" Intoxicating Liquor Retailer's License.*** The annual fee for this license shall be as prescribed in Section 1-3-1. 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.

(9) ***"Class C" Wine License.*** The annual fee for this license shall be as prescribed in Section 1-3-1. The fee for less than one (1) year shall be prorated.

(b) **Cancellation for Failure to Pay Fee.** The Village Clerk-Treasurer shall issue each license approved by the Village Board and shall make the same available at the Village Clerk-Treasurer's office. Any licenses for which the license fee is not paid within fifteen (15) days of approval of the application by the Village Board shall be returned to the Village Board for cancellation or other disposition.

Sec. 7-2-6 Application for License.

(a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

(b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.

(c) **Publication.** The Village Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.

(d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any Licensee, such Licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.

(e) **Quota.** License quotas shall be as established in Ch. 125, Wis. Stats., except that the number of Class A Fermented Malt Beverage and Intoxicating Liquor licenses in the Village of Boyd shall be limited to one (1).

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

(a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage, "Class A" or Class B" intoxicating liquor license, or Class "C" wine license shall be granted only to American citizen or persons with permanent residency status (green card) who have

been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of 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) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

(h) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with

the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

(1) A hotel.
(2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
(3) A combination grocery store and tavern.
(4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
(5) A combination novelty store and tavern.
(6) A bowling alley or recreation premises.
(7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

(i) **Catering Service Requirements.** In any case where the licensee operates or conducts a business in which the Licensee provides food for consumption off the licensed premises, commonly known as a catering service, the following rules shall apply to a caterer who provides alcoholic beverages as part of the catering services:

(1) The Licensee shall deliver alcoholic beverages to an event only when the Licensee supplies all the food for said event through the catering service for all guests and participants in the event.
(2) No Licensee shall sell, deal or traffic in alcoholic beverages, unless said alcohol is sold on a premises licensed to serve alcoholic berages.
(3) The Licensee, its employees or agents, shall not act as a bartender or pour alcoholic beverages at the catering event.

(j) **Video Surveillance Equipment.** Video surveillance equipment in licensed establishments shall be subject to the following restrictions:

(1) The Village Board may impose video surveillance as a condition on a license if the nature of the license proposal or the character of the immediate area in which the establishment will be located clearly demonstrates that video surveillance is consisent with maintaining the health, safety and welfare of the community. Factors which would support imposing this condition would include but are not limited to: physical layout of the establishment, capacity, venue, history of the application operating previous licensed establishments, history of the applicant in operating previous licensed establishments, history of the establishment itself and character of the surrounding area of the establishment.
(2) If a licensed establishment has video surveillance imposed as a license condition, the Village Board record shall clearly state the basis for imposing the condition.
(3) Any video surveillance license condition imposed by the Village Board or the Police Department shall be limited to two (2) years after which time such condition may be reviewed at the request of the licensee.

Sec. 7-2-8 Investigation.

(a) The Village Clerk-Treasurer shall notify the Village Law Enforcement office, the Fire Inspector and any other inspectors and other pertinent law enforcement agencies as appropriate for each new liquor license application. These officials shall inspect or cause to be inspected each application. Said inspection shall include the business premises of the prospective licensee. The inspection shall include information on the applicant's compliance with the regulation, ordinances and laws applicable thereto, including those governing sanitation in restaurants. These officials shall furnish a written report of their findings to the Village Clerk-Treasurer, accompanied by a recommendation as to whether a license should be granted or refused. All of this information shall be forwarded to the Village Board in a timely manner prior to the Village Board meeting.

(b) No license shall be renewed without a re-inspection of the premises and a report from the Village Law Enforcement office as originally required herein.

(c) Inspection fees will be added to the alcohol beverage license fees and such fees shall not exceed the statutory maximum.

Sec. 7-2-9 Approval of Application.

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

(b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Village.

(c) Consideration for the granting or denial of a license will be based on:
   (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
   (2) The financial responsibility of the applicant;
   (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
   (4) Generally, the applicant's fitness for the trust to be reposed.

(d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance

of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon 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. 7-2-10 Granting of License.

(a) **Review.** 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. The Village Board may grant conditional approval of a license and conditional approval on the doing of such acts by the applicant as the Board may designate. Such acts may be, but are not limited to, making repairs to the licensed premises, completion of purchase of the premises, operation of the premises on a regular basis and payment of fine and penalties.

(b) **Ceased Regular Operations.** An establishment is deemed to have ceased regular operations when any of the following occurs:
   (1) The alcohol beverage license is surrendered to the Village Clerk-Treasurer absent the issuance of a newly-granted license; or
   (2) The establishment is no longer open to the public; or
   (3) The establishment is open to the public only intermittently in an attempt to circumvent the provisions of this Subsection; or
   (4) The establishment fails to maintain open and active accounts with its food and/or alcohol distributors; or
   (5) The alcohol beverage license holder fails to submit a renewal application to the Village Clerk-Treasurer before the last possible submittal date; or
   (6) An establishment is not deemed to have ceased regular operations if it is temporarily closed due to remodeling or any type of license suspension.

(c) **Destruction or Loss of Premises.** In the event that a license is granted or issued and the premises is destroyed or use thereof is lost, such license shall not be renewed unless the license holder presents to the Village Board a plan for renovation or new facilities to be completed within six (6) months. The Village Board may, for good cause shown prior to the expiration of the six (6) month period, grant up to an additional six (6) months.

(d) **Denial of License.** If the Village Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and

to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Village Board meeting at which the application is to be reconsidered.

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

(a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village 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 law enforcement officers of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village.

Sec. 7-2-12 Numbering of License.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the Licensee. The Village Clerk-Treasurer shall affix to the license his/her 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", "Class B" and "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto.

(a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of law enforcement authorities or 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, and in visual control of such premises, operated under a "Class B", Class "B", or "Class C" license, at all times, the Licensee, members of the Licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the Licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless he/she possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.

(e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.

(f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.

(g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

(h) **Gambling Regulations; Video Gambling Machines.** For purposes of this Section, "gambling machine" shall be as defined in Sec. 945.01, Wis. Stats. Except as authorized by state law, no gambling or game of chance of any type shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin. The premises for which a Class "B" or "Class B" license has been issued may have not more than five (5) video gambling machines on the licensed premises for entertainment purposes. The regulation and penalties of gambling machines shall be as prescribed in Secs. 945.02 – 945.041, Wis. Stats.

(i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A", "Class B", or "Class C" liquor, wine, or fermented malt beverage Licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such Licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.

(j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a Licensee or permittee under this Chapter shall constitute a violation by the Licensee or permittee. Whenever any Licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.

(k) **Timely Startup.** Timely startup and continuation of business is an ongoing condition of an alcohol beverage license issued under this Chapter. The Village Board may cancel or not renew any license granted if any of the following occurs:

(1) The privileges granted under the license are not exercised within ninety (90) days after the granting of the license;

(2) The business for which the license was issued is discontinued; or the business was not opened for business for the purpose of the license for a period of ninety (90) consecutuve days or more; or the business was only open intermittently for period of two (2) days or less during the ninety (90) day period.

(l) **Open Container.** It shall be unlawful for any person to whom a license has been granted to permit any person to leave the licensed premises with an open container containing any alcohol beverages.

(m) **Sell or Serve on Public Street.** It shall be unlawful for any person to sell or serve, or offer to sell or serve any alcoholic beverages upon any public street within the Village of Boyd except in areas holding a sidewalk café permit pursuant to Section 7-2-22.

(n) **Online Ordering and Curbside Pickup of Alcohol Beverages.** No licensed establishment shall allow online purchases of alcohol beverages and curbside delivery of such purchases, commonly called a "click and collect" purchase, in the Village. The Village shall not expand the area described for a licensed premises to include an area for outside pickup.

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

Sec. 7-2-15 Closing Hours.

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

(a) **Class "B" Licenses.**

(1) No premises for which a retail "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.

(2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.

(3) No person may serve wine after 9:00 p.m. on premises licensed by a Temporary "Class B" wine license issued as provided in Section 125.51(10)b and Section 7-2-4(h) of this Code of Ordinances.

(b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises. On "Class B" liquor or Class "B" fermented malt beverage licensed premises, carryout shall be prohibited between midnight and 6:00 a.m.

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 Boyd, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Village Board in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on Village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met:

(a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.

(b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.

(c) **Fencing.**

(1) If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.

(2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

(d) **Underage Persons Prohibited.** Except as provided in Section 7-2-4(h)(2)e regarding temporary wine licenses, 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 oiter 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 Boyd. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross Reference: Section 11-4-1.

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

(a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.

(b) **Abandonment of Premises.** Any Licensee holding a license to sell alcoholic beverages who abandons such business shall be subject to revocation by the Village Board as stated in Sec. 125.12, Wis. Stats. "Abandon" shall mean a continuing refusal or failure of the Licensee to use the license for the purpose or purposes for which the license was granted by the Village Board for a period of ninety (90) days or more.

(c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

(d) **Point Values for Alcohol Beverages Violation, Revocations and Suspensions.**

(1) ***Purpose and Definitions.*** The purpose of this Subsection is to administratively interpret those portions of this Chapter relating to the establishment of an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

(2) ***Point Schedule.*** The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and Village Ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

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

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

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

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

a. The Village Board shall call before it for purposes of revocation or suspension hearing all licensees who have accumulated two hundred (200) points in a twelve (12) month period as a result of court imposed convictions.

b. If the demerit point accumulation calculated from the date of violation amounts to two hundred (200) points in a twelve (12) month period, a suspension of thirty (30) days shall be imposed. If the demerit point accumulation is two hundred fifty (250) points (calculated from the date of violation) in a twenty-four (24) month period, a suspension of sixty (60) days shall be imposed. If the demerit point accumulation in a thirty-six (36) month period is three hundred (300) points, the suspension shall be for the maximum allowed by law, which is ninety (90) days. If the license is revoked no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.

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

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

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

(a) The Licensee or agent of a corporate Licensee shall notify the Police Department at least 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 Police Department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Village. After a non-alcohol event notice has been given, the Licensee may cancel an event(s) only by giving like notice to the Police Department in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B", "Class B" or "Class C" license.

(b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Village to a requesting Licensee.

(c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.

(d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the Licensee or a licensed bartender in the employ of the Licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

Sec. 7-2-19 Outdoor Sports Activities or Events Regulated.

(a) **Purpose.** The Village Board finds that restrictions are necessary for sports activities at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section enacted pursuant to the Village's police power, provides a framework for regulatory controls on such outdoor sports activities.

(b) **Approval Required.** No Licensee shall conduct or sponsor any outdoor sports activity or event on property forming any part of the real property on which the licensed premises exist without the prior approval of the Village Board.

(c) **Application.** If a Licensee shall conduct or sponsor any outdoor sports activity or event on the Licensee's property, the Licensee shall file an application with the Village Clerk-Treasurer setting forth the following information:

(1) The name, address and telephone number of the person or persons who will be responsible for the actual conduct of the activity or event;

(2) The date and duration of time for the proposed activity or event;

(3) An accurate detailed description and/or design of that portion of the Licensee's property proposed to be used;

(4) A good faith estimate of the number of users, participants and spectators for the proposed activity or event; and

(5) The Licensee's plan for maintaining the cleanliness of the licensed area.

(d) **Time for Filing.** The Licensee shall file the application not less than fifteen (15) days before the date of the proposed activity or event. The application shall be accompanied by payment of a fee of Twenty Dollars ($20.00) for review of the application. The applicant may request that an annual permit be issued for the outdoor sports activities. If a special Village Board meeting needs to be held to review the application, the applicant shall be required to pay for the special Board meeting as well as the publication fee when the application is submitted.

(e) **Review.** The Village Board shall review the applications in light of the standards of this Section. If the nature of the property or the event requires the imposition of additional regulations, the Village Board may impose these regulations upon an express finding detailing the reasons for additional regulation. All property owners within one hundred fifty (150) feet of the proposed outside sports event shall be notified of the pendency of application for a permit by first class mail or by telephone.

(f) **Outdoor Sports Activity/Event Standards.** The following standards shall apply to any outdoor sports activity regulated under this Section:

(1) Approval of an application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically licensed.

(2) If the estimated number of participants and spectators shall bring the number of persons on the property above the number for which licensed premises' restroom facilities are rated adequate, the Licensee shall provide a number of portable temporary restrooms sufficient to serve the estimated number of persons.

(3) The Village Board shall not grant approval to any applicant whose property on which the activity or event is proposed is adjacent to any property zoned residential or on which a residential use exists as a nonconforming use, or within one hundred (100) feet of any property zoned residential or on which a residential use exists as a nonconforming use. Fencing may be required.

(4) The applicant shall provide parking adequate for the proposed activity or event, whether on-site or through agreements with property owners shown to the Village Board's satisfaction to permit their property to be used for parking for the proposed activity or event.

(5) The applicant shall show the Village Board plans adequate to provide reasonable access to participants and spectators for the event, and to limit access for all other persons.
(6) The Licensee shall clean up all garbage and debris relating to the activity or event at least once per twenty-four (24) hours during the activity or event.
(7) The Licensee shall not permit the noise level of the sports activity or event to exceed seventy-five (75) dB, measured at any border of the Licensee's real property.

(g) **League Sporting Events.**
(1) "League Sporting Events" are defined as horseshoes and volleyball.
(2) The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
(3) All League Sporting Events are to end at 10:00 p.m.
(4) If there is a complaint that a League Sporting Event did not end at 10:00 p.m., the establishment where said league sporting event occurred will be issued an ordinance violation in accordance with the Village general penalty provision.
(5) No application fee is required.

(h) **State Statutes Enforced Within Outdoor Sports Activity/Event Sites.** Every permittee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the outdoor sports activity or event permit by the Village Board.

(i) **Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee's alcohol beverage license or licenses.

Sec. 7-2-20 Beer Gardens Regulated.

(a) **Purpose.** The Village Board finds that restrictions are necessary for outdoor beer gardens at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems.

(b) **Approval Required.**
(1) ***Generally.*** No Licensee shall conduct or sponsor any beer garden on property forming any part of the real property on which the licensed premises exist without the prior approval of the Village Board.
(2) ***Permit Required for Beer Garden Outdoor Consumption.*** No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under a beer garden permit granted by the Village Board. The permits are a privilege in which no rights vest and, therefore, may be

revoked by the Village Board at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid beer garden permit.

(c) **Application.** If a Licensee desires to have a beer garden on the Licensee's property, the Licensee shall file an application with the Clerk-Treasurer not less than fifteen (15) days before the date of the next Village Board meeting. The applicant shall also submit the following information to the Village Board at the time the application is filed, setting forth the following information:

(1) The name, address and telephone number of the person or persons who will be responsible for the beer garden;

(2) An accurate detailed description and/or design including dimensions of that portion of the Licensee's property proposed to be used;

(3) The occupancy for the beer garden; and

(4) A description of the nature of fencing or other measures to provide control over the operation of the beer garden.

(d) **Filing.**

(1) If a proposed Licensee requests a special Village Board meeting to be held to review the application, the applicant shall be required to pay for the special Board meeting as well as the publication fee when the application is submitted.

(2) The Village Clerk-Treasurer must submit the notice of publication for the special Board meeting and the purpose of said meeting so that publication will occur on a Wednesday with the meeting to be held no earlier than Thursday of the week of publication. The Clerk-Treasurer shall also post the meeting notice per statute. All property owners within one hundred fifty (150) feet of the proposed beer garden shall be notified of the pendency of application for a permit either by telephone or first class mail.

(e) **Annual Fee.** There shall be an annual fee in the amount of Fifty Dollars ($50.00) for review or renewal of the beer garden application or permit.

(f) **Review.** The Village Board shall review the applications in light of the standards of this Section. If the nature of the property or the event requires the imposition of additional regulations, the Village Board may impose these regulations upon an express finding detailing the reasons for additional regulation. All property owners within one hundred fifty (150) feet of the proposed beer garden shall be notified of the pendency of application for a permit by first class mail.

(g) **Limitations on Issuance of Beer Garden Permits.**

(1) The entrance to the outdoor beer garden shall be solely through the entrance to the principal tavern.

(2) The beer garden shall be enclosed by a wall or fence of a minimum height of six (6) feet.

(3) No beer garden shall be situated within one hundred (100) feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises.
(4) There shall be a licensed operator with the beer garden at all times the beer garden is in operation.
(5) The premises shall conform to the rules of the Wisconsin Department of Commerce and the Wisconsin Department of Health and Social Services.
(6) No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the beer garden.

(h) **State Statutes Enforced Within Beer Garden.** Every permittee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the beer garden permit by the Village Board.

(i) **Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee's alcohol beverage license or licenses.

Sec. 7-2-21 Dancing in Licensed Establishments Prohibited.

(a) **Authority.**
(1) The Village Board of the Village of Boyd has explicit authority under Sec. 125.10(1), Wis. Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Ch. 125, Wis. Stats.; and
(2) The Village Board has authority under its general police powers set forth in Sec. 62.11(5), Wis. Stats., to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and
(3) The Village Board recognizes it lacks authority to regulate obscenity in light of Sec. 66.051(3), Wis. Stats., and does not intend by adopting this Section to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and
(4) Bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities; and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and

(5) The Village Board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

(6) However, the Village Board is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Village of Boyd; and

(7) Among these secondary effects are:

a. The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses;

b. The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist;

c. Health risks associated with the spread of sexually transmitted diseases; and

d. The potential for infiltration by organized crime for the purpose of unlawful conduct; and

(8) The Village Board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village of Boyd; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

(9) The Village Board has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

(b) **Nude Dancing in Licensed Establishments Prohibited.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

(1) Shows his/her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or

(2) Shows any portion of the female breast below a point immediately above the top of the areola; or

(3) Shows the covered male genitals in a discernably turgid state.

(c) **Exemptions.** The provisions of this Section does not apply to the following licensed establishments; theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on

a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(d) **Definitions.** For purposes of this Section, the term "licensed establishment" means any establishment licensed by the Village Board of the Village of Boyd to sell alcohol beverages pursuant to Ch. 125, Wis. Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" licensee granted by the Village Board of the Village of Boyd pursuant to Ch. 125, Wis. Stats.

(e) **Penalties.** Any person, partnership or corporation who violates any of the provisions of this Section shall be subject to a forfeiture pursuant to Section 1-1-6. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this Section constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under Sec. 125.12, Wis. Stats.

Sec. 7-2-22 Sidewalk Cafes.

(a) **Introduction.** No establishment may operate a sidewalk café without first having obtained approval of the Village Board, subject to the conditions of this Section.

(b) **Application; License Fee.** An application for expansion of the premises or the licensed premises to include a sidewalk café shall be filed with the Village Clerk-Treasurer with the following information:

(1) The name, address and telephone number of the person or persons who will be responsible for the sidewalk café;

(2) An accurate detailed description and/or design including dimensions of the property and the Licensee's property, if serving alcohol.

(3) The application shall be accompanied by payment of a fee of Twenty-five Dollars ($25.00) for review of the application. The application shall expire on June 30th of each year.

(c) **Requirements.** Sidewalks cafés approved under this Section shall be subject to the following requirements. The Village Board may impose additional requirements at its discretion:

(1) The service and consumption of alcohol beverages in the sidewalk café shall be limited to the hours of operation of the sidewalk café.

(2) Alcohol beverages shall only be served to patrons of the establishment by a server in the sidewalk café. There shall be no carry-out or carry-in of alcohol beverages by the patron to and from the sidewalk café.

(3) Patrons of the sidewalk café shall remain seated at the table when consuming alcohol beverages.

(4) Alcohol beverages shall only be served to patrons of the establishment with food service in the sidewalk café.

(5) All sidewalk cafés shall be placed within approved boundaries of the sidewalk café site as determined by the Village Board. The Village Board shall make said determination by considering the following minimum factors: the distance the table and chairs of said café can extend into the sidewalk, upon considering the width of the sidewalk; no obstruction or interference with the public pedestrian walkway or interference with automobile traffic is allowed.

(6) The entire sidewalk surface for the proposed sidewalk café shall be paved. A "paved surface" includes concrete, asphalt, cement, brick, pavers, or other impervious surface. Paved areas of the establishment's private property may be included within the boundary of the proposed café, if immediately adjacent to the paved public sidewalk. Trash receptacles shall be provided within the sidewalk café.

(7) An establishment is not eligible for a license if, in the opinion of the Village Board, the sidewalk café has obstructions on the adjacent sidewalk which interfere with the public right-of-way. The sidewalk café shall have at least one (1) unobstructed entrance, the position of which allows sufficient access to the public entrance for ingress and egress from and to the restaurant.

(d) **Case-by-Determination.** Given unique circumstances, the Village Board may on a case-by-case basis modify or add to the above requirements.

(e) **Responsibility of Licensee.** The license holder shall, in addition to all other requirements of the law, the Village alcohol beverage license, and this Section, take reasonable steps to ensure that alcohol beverages are consumed only by patrons of the establishment who are of legal drinking age, and not by passersby or persons who are not of age or who are obviously intoxicated. Reasonable steps may include, but not be limited to, the use of portable barriers or fences, supervision of the outside area by security and staff personnel, or electronic surveillance monitors. Failure to take reasonable steps and use them at all times in the sidewalk café is grounds for suspension or revocation of the sidewalk café permit.

(f) **Responsiblity of Patrons.** No person shall leave the sidewalk café area listed in the permit with an alcohol beverage. Any person doing so shall be in violation of the Village of Boyd outdoor consumption ordinance prohibiting the consumption of alcohol or possession of open containers on the streets.

(g) **State Statutes Enforced.** Every permittee under this Section shall comply with and enforce all provisions of Ch. 125, Wis. Stats. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for immediate revocation of the sidewalk café permit.

(h) **Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, non-renewal or revocation of the sidewalk café permit and/or the Licensee's alcohol beverage license or licenses.

Sec. 7-2-23 through Sec. 7-2-29 Reserved for Future Use.

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

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

(b) **Use by Another Prohibited.**

(1) No person may allow another to use his or her operator's 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: Sections 125.17 and 125.32, Wis. Stats.

Sec. 7-2-31 Procedure Upon Application.

(a) **Clerk-Treasurer Designated to Issue Operator's Licenses.** The Village Clerk-Treasurer, pursuant to Sec. 125.17, Wis. Stats., shall be designated as the municipal official authorized to issue operator's licenses with the same authority and following the same procedures as required by the Village Board for issuance of operator's licenses as prescribed in Sections 7-2-30 through 7-2-37.

(b) **Application.** 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 only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village of Boyd.

(c) **Investigation; Approval or Denial of Applications.**

(1) All applications are subject to an investigation by Village-designated law enforcement authorities and/or other appropriate authorities to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto.

(2) The investigating authorities shall conduct an investigation of the applicant including, but not limited to, requesting information from the State of Wisconsin, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record.

(3) Based upon such investigation, the investigating authorities shall recommend, in writing, to the Village Clerk-Treasurer approval or denial of the application. If the investigating authorites recommend denial, the investigating authorites shall provide, in writing, the reasons for such recommendation.

(4) The Village Board may adopt an Operator's License Review Policy to provide additional criteria when making determinations on applications for an operator's license.

Sec. 7-2-32 Duration.

Operator's 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 the second year of the licensing period.

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

(a) **Fee.** The fee for a two (2) year operator's license shall be as prescribed in Section 1-3-1. The non-refundable fee for a provisional license or temporary operator's license shall also be as prescribed in Section 1-3-1.

(b) **Provisional License.**

(1) 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 an operator's license is issued to the holder, whichever is sooner.

(2) Pertinent law enforcement agencies shall, upon request, submit to the Village Clerk-Treasurer a report regarding the applicant's conviction history, if any.

(3) The applicant for such provisional operator's license must present evidence to the Village Clerk-Treasurer establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(a), Wis. Stats. The Village Clerk-Treasurer may, upon receiving an application for a provisional operator's license, issue such a license without requiring the successful completion of the approved program as described herein. However, such provisional operator's 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, and the applicant shall also apply for a regular operator's license.

(4) No such provisional operators license shall be issued prior to a waiting period of less than ninety-six (96) hours [four (4) days], and the completion of a background check subject to limitations established by law.

(5) A provisional operator's license may not be issued to any person who has been denied a regular operator's license by the Village Clerk-Treasurer, who has had his/her operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program.

(6) No person shall be issued more than three (3) provisional operator's licenses in any twelve (12) month period. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant.

(7) The Village Clerk-Treasurer may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application.

(8) A provisional operator's license shall not be renewed.

(c) **Temporary License.** The Village Clerk-Treasurer may issue a temporary operator's license provided that:

(1) The temporary operator's license may be issued only to operators employed by, or donating their services temporarily to, nonprofit corporations.

(2) No person may hold more than two (2) temporary operator's licenses 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 of Operator's Licenses.

(a) **Issuance of Operator's License.** After the Village Clerk-Treasurer approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

(b) **Denial of Operator's License Application; Reconsideration.**

(1) If the application is denied by the Village Clerk-Treasurer, the Village Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board. 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 hearing, the applicant may present evidence and testimony as to why the license should be granted.

(2) If, upon reconsideration, the Village Board 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 on:

a. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections 111.321, 111.322, and 111.335, Wis. Stats.;

b. The financial responsibility of the applicant;

c. The appropriateness of the location and the premises where the licensed business is to be conducted; and

d. Generally, the applicant's fitness for the trust to be reposed.

(2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.

(d) **Consideration of Prior Record.** 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 of Boyd, the Village Clerk-Treasurer and Village Board reserve 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 vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:

(1) The person is renewing an operator's license.

(2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.

(3) Within the past two (2) years, the person has completed such a training course.

(b) **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 under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

(c) **Additional Training Resources.** The Village Clerk-Treasurer may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

Sec. 7-2-36 Display of License.

Each operator's license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his/her 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 Wisconsin Statutes or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

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

Article C: Penalties

Sec. 7-2-40 Penalties.

(a) Forfeitures for violations of Sections 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 Boyd, 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 Boyd, 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 Boyd.

(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 Boyd 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 as prescribed in Section 1-3-1.

(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

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Sec. 7-4-1 Registration Required.

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

Sec. 7-4-2 Definitions.

In this Chapter the following definitions shall be applicable:

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

(b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:

(1) Has continuously operated an established place of business in 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 Boyd 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.

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. Any charitable organization

engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.

(j) **Alleged Transient Merchants.** Any person who claims to be a permanent merchant, but against whom complaint has been made to the 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 School District of which the Village of Boyd 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.

(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.** 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) **Registration Fee.**

(1) At the time of filing applications, a fee as prescribed in Section 1-3-1 shall be paid to the 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.

(2) The applicant shall sign a statement appointing the Village Clerk-Treasurer his 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) 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.

(d) **Bond.** Every applicant who is not a resident of Chippewa County or who represents a firm whose principal place of business is located outside of the State shall file with the Clerk-Treasurer a surety bond in the amount of Five Hundred Dollars ($500.00), conditioned that the applicant will comply with all provisions of the ordinances of the Village and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.

(e) **Solicitors.** Solicitors of funds or donations for charitable or other organizations shall comply with all disclosure and registration requirements above, but shall be exempt from the registration fee; such applicants, however, shall each pay any CIB registration fee.

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 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 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 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 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 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 shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) **Disclosure Requirements.**

(1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

(2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars ($25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.

(3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 7-4-8 Revocation of Registration.

(a) Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Sec. 7-4-9 Special Event Vending Permit.

(a) **Permit Required.** There shall be a per day charge as prescribed in Section 1-3-1 for a special event vending permit. The Village Board will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid

only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.

(b) **Exclusive Vending Rights During Special Events.**

(1) During a special event the Village Board may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Village Board for the special event.

(2) To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Village Board may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Village Board shall take precedence.

(3) For each such specific day during which certain or all vending permits have been declared to be not valid, the Village Board may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Village Board at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Village Board as to any specific day during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.

(4) No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.

Title 7 ▸ Chapter 5

Regulation of Large Assemblies of Persons

7-5-1 Permits for Large Public Gatherings

Sec. 7-5-1 Permits for Large Public Gatherings.

(a) **Intent.**

(1) It is the purpose of the Village Board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the Village of Boyd, in order that the health, safety and welfare of all persons in the Village, residents and visitors alike, may be protected.

(2) The purpose and intent of this Section is to establish site approval for locations in the Village of Boyd used temporarily for large gatherings, as defined in Subsection (b) below, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent of this Section should be the subject of a Public Gathering Permit issued only after public hearing and a determination by the Village Board that there will be compliance with the standards set forth in this Section.

(b) **Scope.** This Section shall apply to all public and private gatherings, rallies, assemblies or festivals at which attendance is greater than five hundred (500) persons for a one (1) day event and greater than five hundred fifty (500) persons for a two (2) day or more event. The requirement for a Public Gathering Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena or other similar permanently established structure designed for assemblies or to church picnic events which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

(c) **Definitions.** The following definitions shall be applicable in this Section:

(1) ***Person.*** Any individual, partnership, corporation, firm, organization, company, association, society or group.

(2) ***Assembly.*** A company of persons gathered together at any location at any single time for any purpose, and may be considered a large public gathering if it falls within the definition in Subsection (b) above.

(3) ***Public Gathering.*** Shall be as defined in Subsection (b) above.

(d) **Permit Required.** No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give away tickets to an actual or reasonably anticipated large gathering, whether on public or private property, unless a Public Gathering Permit to hold the assembly has first been issued by the Village Board. A permit to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(e) **Application for Permit.**

(1) ***Applicant.*** Applications for a Public Gathering Permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public or private gathering, rally, assembly or festival as defined in this Section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, organization, society or group or, if there be no officers, by all members of such association, organization, society or group.

(2) ***Filing Period.*** An application for a Public Gathering Permit shall be filed with the Clerk-Treasurer not less than forty-five (45) days nor more than one hundred twenty (120) days before the date on which it is proposed to conduct the event.

(f) **Required Application Information.** The application for a Public Gathering Permit shall contain and disclose all of the following information:

(1) The name, residence and mailing address of all persons required to sign the application by Subsection (e)(1) above and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of such corporations.

(2) The name and mailing address of the promoter and/or sponsor of the gathering.

(3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the owner of record of all such property. This description shall be by plat of survey to a scale of one (1) inch equals one hundred (100) feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, existing or proposed wells, buildings, fences, woods, streams, lakes or water courses, as well as the vertical contour interval two (2) feet above the ordinary highwater level.

(4) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of two hundred fifty (250) or more persons.

(5) The nature or purpose of the assembly.

(6) The total number of days and/or hours during which the assembly is to last.

(7) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight.

(8) The maximum number of tickets to be sold, if any.

(9) The plans of the applicant to limit the maximum number of people permitted to assemble.

(10) The plans for fencing the location of the assembly and the gates contained in such fence.

(11) The plans for supplying potable water including the source, amount available and location of outlets.

(12) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.

(13) The plans for holding, collection and disposing of solid waste material.

(14) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.

(15) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.

(16) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.

(17) The plans for camping facilities, if any, including facilities available and their location.

(18) The plans for security including the number of guards, their deployment, command arrangements, and their names, addresses, credentials and hours of availability.

(19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

(20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

(21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

(22) The application shall include the bond required in Subsection (g) and the permit fee.

(g) **Bond.** The Village Board shall have authority to require the applicant and site owners to file a cash bond or establish an escrow account in an amount to be determined by the Village Board, but not exceeding One Hundred Thousand Dollars ($100,000.00), conditioned on complete compliance by the applicant and site owner with all provisions of

this Section, the terms and conditions of the Public Gathering Permit, including cleaning up the site, and the payment of any damages, administrative and law enforcement costs, fines, forfeitures or penalties imposed by reason of violation thereof. Such bond or escrow account information shall be filed with the Clerk-Treasurer prior to the issuance of a permit.

(h) **Charge for Increased Costs.** Where the Village Board determines that the cost of municipal services incident to the staging of the usage will be significantly increased because of the usage, the Village Board may require the permittee to make an additional payment into the general fund of the Village in an amount equal to the increased costs.

(i) **Hearing; Determination.** Prior to considering an application for a Public Gathering Permit, the Village Board shall conduct a public hearing on the matter. Written notice of such hearing shall be mailed to the applicant and all property owners adjacent to the site of the proposed assembly. The Village Board shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.

(j) **Standards.** A Public Gathering Permit shall not be issued unless it is determined, based on evidence produced at the hearing or submitted with application materials, that the following standards are or will be met; the applicant may be required to file with the Clerk-Treasurer copies of properly executed contracts establishing the ability to fully provide the services required under this Section:

(1) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots and required yards shall be provided for each one hundred (100) persons attending.

(2) Every site proposed for a Public Gathering Permit shall be on generally well-drained ground and shall not be on ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.

(3) Due to the physical characteristics of the site, the Village Board may require that the applicant shall provide proof that he/she will furnish, at his own expense, a minimum of two (2) days before the assembly commences, a snow-fence type fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.

(4) The applicant shall provide proof that he/she has contracted for local EMS services to provide emergency ambulance and EMT services, at the applicant's expense, for events at which over one thousand (1,000) persons will be in attendance.

(5) The applicant shall provide proof that he/she will furnish, at his own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

(6) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences, a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.

(7) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences, security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every five hundred (500) people. If it is determined by the Village President that additional police protection shall be required, he/she may contact the County Sheriff's Department; and all costs for the additional protection required shall be deducted from the posted cash bond.

(8) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences, fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and Village, and sufficient emergency personnel to efficiently operate the required equipment.

(9) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one (1) gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.

(10) The applicant shall provide separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every one hundred (100) females and at least one (1) toilet for every two hundred (200) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.

(11) The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and a plan for collection of all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.

(12) If the assembly is to continue overnight, camping facilities shall be provided in compliance with all state and local requirements as set forth in the Wisconsin

Administrative Code and ordinances of the Village and county, sufficient to provide camping accommodations for the maximum number of people to be assembled.

(k) **Reasons for Denial.** Applicants may be denied for any of the following non-exclusive reasons:

(1) It is for a use which would involve a violation of federal or state law or any Village or county ordinance.

(2) The granting of the permit would conflict with another permit already granted or for which application is already pending.

(3) The application does not contain the information or does not properly satisfy the conditions required by this Section.

(4) The application is made less than the required days in advance of the proposed assembly.

(5) The policing of the assembly will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the community.

(6) The assembly will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.

(7) The assembly will reasonably create a substantial risk of injury to persons or damage to property.

(8) The assembly use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(l) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Temporary Fermented Malt Beverage license shall be obtained and applicable Village ordinances shall be fully complied with. Said license must be possessed by the person who filed for the license and shall be presented to any law enforcement officer upon request.

(m) **Recommendations of Governmental Agencies.** The Clerk-Treasurer may submit a copy of the application to the County Sheriff's Department and other governmental agencies for their recommendations.

(n) **Permit Revocation.** Any law enforcement officer, the Clerk-Treasurer, or the Village Board may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(o) **Fees.** The following fees shall be applicable under this Section:

(1) ***Gatherings of Five Hundred (500) to Two Thousand Five Hundred (2,500).*** A fee as prescribed in Section 1-3-1.

(2) ***Gatherings of Over Two Thousand Five Hundred (2,500).*** A fee as prescribed in Section 1-3-1.

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

(b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
(1) To a person holding a permit under Subsection (c)(3);
(2) To a municipality; or
(3) For a purpose specified under Subsection (c)(2)b-f.

(c) **Use.**
(1) ***Permit Required.*** No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public. A fee as prescribed by Section 1-3-1 shall be paid at the time of application.
(2) ***Permit Exceptions.*** Subparagraph (c)(1) above does not apply to:
a. The Village, except that Village fire 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.
(3) ***Who May Obtain Permit.*** A permit under this Subsection may be issued only to the following:
a. A public authority.
b. A fair association.
c. An amusement park.
d. A park board.
e. A civic organization.
f. A group of resident or nonresident individuals.
g. An agricultural producer for the protection of crops from predatory birds or animals.
(4) ***Crop Protection Signs.*** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
(5) ***Bond.*** The Village President issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Village, and any person injured thereby may

bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the officer of the Village.

(6) ***Required Information for Permit.*** A permit under this Subsection shall specify all of the following:

a. The name and address of the permit holder.
b. The date on and after which fireworks may be purchased.
c. The kind and quantity of fireworks which may be purchased.
d. The date and location of permitted use.
e. Other special conditions prescribed by ordinance.

(7) ***Copy of Permit.*** A copy of a permit under this Subsection shall be given to the Fire Chief at least two (2) days before the date of authorized use.

(8) ***Minors Prohibited.*** A permit under this Subsection may not be issued to a minor.

(d) **Storage and Handling.**

(1) ***Fire Extinguishers Required.*** No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.

(2) ***Smoking Prohibited.*** No person may smoke where fireworks are stored or handled.

(3) ***Fire Chief to be Notified.*** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.

(4) ***Storage Distance.*** No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.

(5) ***Restrictions on Storage.*** No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.

(e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(f) **Temporary Sales of Fireworks.** Temporary or seasonal sales of fireworks from a temporary sales stand, not to exceed thirty (30) days in one (1) calendar year, is permitted only after issuance of a zoning conditional use permit as prescribed by Title 13, Chapter 1 (Village Zoning Code).

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

Title 7 ▸ 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 Clerk-Treasurer 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-Treasurer and shall be filed with the Village Clerk-Treasurer. A fee as prescribed by Section 1-3-1 shall be paid at the time of application. 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) **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.

(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.

(e) **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 Boyd. The applicant may be required to furnish a performance bond prior to being granted the permit.

(f) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Village President or a law enforcement officer 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 Boyd. The Village President or a law enforcement officer has 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.

Title 7 ▸ Chapter 8

Synthetic Drug Establishments

7-8-1 Findings of Fact; Statement of Purpose
7-8-2 Definitions
7-8-3 Licensing of Synthetic Drug Establishments
7-8-4 Prohibited Acts and Conduct

Sec. 7-8-1 Findings of Fact; Statement of Purpose.

(a) **Findings of Fact.** The Village Board of the Village of Boyd finds the following facts to exist:

(1) Law enforcement authorities have advised Village officials that the increased use of synthetic drugs is negatively affecting the health, safety and welfare of the public.

(2) Synthetic drugs are commonly marketed as a safe and legal alternative to marijuana or other controlled substances regulated by Chapter 961, Wis. Starts.

(3) Ingestion of synthetic drugs has been shown to produce dangerous side effects such as, but not limited to:

a. Nausea;
b. Vomiting;
c. Hallucinations;
d. Blurred vision;
e. Delusions;
f. Headaches;
g. Agitation;
h. Anxiety;
i. Insomnia;
j. Convulsions;
k. Addiction;
l. Psychosis;
m. Elevated blood pressure;
n. Loss of consciousness;
o. Tremors;
p. Suicidal thoughts;
q. Seizures;

r. Paranoid behavior;
s. Elevated or irregular heart rates; and
t. death.

(4) Due to the manner in which such synthetic substances are marketed, the manufacture and sale of synthetic drugs is purportedly not fully regulated by the federal Food And Drug Administration (FDA) and/or federal drug enforcement authorities.

(5) Because slight molecular alterations can be made to chemical compounds, law enforcement authorities have often found it difficult to take enforcement actions against manufacturers and sellers of synthetic drug products. Synthetic drugs are currently being sold without even basic regulation and licensing requirements of the type other businesses in the Village of Boyd must comply with.

(6) Like the marketing of synthetic cannabinoids [such as, but not limited to, Spice/K2], as incense, these substances are commercially available and in some instances are marketed as "bath salts" under such names as Bliss, Vanilla Sky, White Lightning, Ivory Snow, Red Dove and Hurricane Charlie, or are packaged or marketed as potpourri, incense, plant food, spice, tobacco, or dietary supplements.

(7) The establishment of retail points of sale for synthetic drug products in the Village of Boyd would increase the use of synthetic drugs, and would likely have negative secondary effects on nearby businesses and residences.

(b) **Statement of Purpose.** This Chapter provides certain minimum licensing standards for establishments making available to the public synthetic drugs. The purpose of this Chapter is not to condone illegal activity nor is it to legitimize activity that may now, or in the future, be considered illegal activity under state or federal laws or local ordinances.

Sec. 7-8-2 Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings:

(a) **Synthetic Drug.** The term "synthetic drug" means one (1) or more of the following:

(1) A substance that a reasonable person would believe is a synthetic drug;

(2) A substance that a reasonable person would believe is being purchased, sold or given away as a synthetic drug;

(3) A substance which has been listed as a regular synthetic drug in the Wisconsin Statutes or Village ordinances, and their derivatives, analogues, homologues, salts, optical isomers and salts of optical isomers with substantially similar chemical structure and pharmacological activity as a synthetic drug or other controlled substance; or

(4) A substance that a person knows or should have known was intended to be consumed by ingestion, inhalation, injection or any other immediate means, and consumption was intended to cause or simulate a depressant, stimulant or hallucinogenic effect on

the central nervous system that is substantially similar to or greater than the depressant, stimulant or hallucinogenic effect on the central nervous system of a controlled substance on Schedule I through V as defined in Chapter 961, Wis. Stats. "Synthetic drug" does not mean legal food or drug ingredients, prescription drugs, alcohol, tobacco or dietary supplements.

(b) **Synthetic Drug Establishment.** Any business establishment where a person engages in the sale or giving away of synthetic drugs.

Sec. 7-8-3 Licensing of Synthetic Drug Establishments.

(a) **License Required.** No person shall engage in the business of owning and/or operating a synthetic drug establishment, either exclusively or in connection with any other business enterprise, in the Village of Boyd without first obtaining a license for each synthetic drug establishment. Each licensee shall be eighteen (18) years of age or older.

(b) **License Applications.**

(1) An application for a synthetic drug establishment license shall be made to the Village Clerk-Treasurer in letter format or on forms supplied by the Village containing the following information:

a. A description of the business, including a general description of the types of merchandise sold;

b. A description of the location of the premises to be licensed;

c. The full names and addresses of the property owner, business owner, business manager or agent, lessee, and business operator, and the date of birth and contact information (email address; cellphone, landline and fax numbers) of each;

d. If the applicant is a partnership, limited liability corporation or corporation, the full names and residence addresses of each of the partners including limited partners, and the address of the business entity if different from the address of the synthetic drug establishment; and

e. A statement from each of the above individuals as to whether any of the aforementioned individuals have ever been convicted of any crime or offense other than a traffic offense, and if so, a description of the offense, including date, time, place and disposition.

(2) An annual license in the amount of Five Hundred Dollars ($500.00) shall be paid at the time the application is filed with the Village Clerk-Treasurer. The fee will not be prorated and is non-refundable. A separate license shall be obtained for each place of business. Unless suspended or revoked, a license shall be effective from January 1 through December 31 annually.

(c) **Investigation; Report; Delinquent Taxes.**

(1) The Village Clerk-Treasurer shall notify the Village Police Department and, as appropriate, other pertinent law enforcement agencies, Fire Inspector and health

inspection officials of each new and renewal application. Such authorities shall investigate whether the applicant and/or premises subject to licensing will be able to comply with all regulations, ordinances and laws applicable thereto, including, but not limited to, requesting information from the State of Wisconsin, other states, municipalities and/or any community where the applicant has previously resided or operated a business concerning the applicant's arrest and conviction record.

(2) Based upon such investigations, the Village Police Department, other pertinent law enforcement agencies, Fire Inspector and health inspection officials shall recommend, in writing, to the Village Board approval, conditional approval or denial, with the reasons provided for such recommendation.

(3) No license shall be renewed without an investigative report as originally required.

(4) No license shall be issued for operations on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.

(d) **License Determination.**

(1) Opportunity shall be given by the Village Board to any person to be heard for or against the granting of a license.

(2) If the Village Board, Village Police Department or other Village official finds that they have insufficient information to evaluate the license application, they may request that the applicant or his/her agent file an amended application or appear at a reasonable time and place to give under oath information concerning the application.

No license shall be granted to any applicant who refuses to cooperate with the investigation process or who fails to appear, personally or by his/her agent, before the Village Board when the license application is under consideration.

(3) No license under this Chapter shall be issued unless it is approved by the Village Board, upon the recommendation of the Village Police Department and other investigating/inspecting authorities, and unless the establishment has passed fire and health inspections. The Village Board shall not approve any new or renewal license application if there are reasonable grounds to believe that:

a. The granting of said license would result in a violation(s) of the law;

b. The license application contains false or misleading information or statements;

c. The location of the proposed licensed premises is not appropriate; and/or

d. Other good cause exists for denying the license.

(4) An application may be denied based upon the applicant's or his/her manager's arrest and conviction record if the applicant or his/her manager has been convicted of a felony (unless duly pardoned) or if the applicant or manager 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 the facts and circumstances of the offense when making its determination to grant, deny or not renew a license. In addition, the Village Board, at its discretion, may, based upon an arrest or conviction of two (2) or more offenses which are substantially related to the licensed activity within five (5) years immediately preceding, act to suspend such license for a period of up to one (1) year or revoke the license.

(5) If the Village Board denies the license, the applicant shall be notified, in writing, by personal service or certified mail, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. Written notice of any reconsideration shall be mailed to the applicant a minimum of seven (7) days prior to the Board meeting at which the application is to be reconsidered.

(e) **Posting of License.** Every person licensed in accordance with the provisions of this Chapter shall post such license and keep the same posted in a conspicuous place on the premises.

(f) **Suspension or Revocation of Licenses.** The Village Board may suspend or revoke any license issued under this Chapter, if, after giving the licensee the opportunity to be heard on the matter, the Village Board finds:

(1) The licensee has violated a provision of this Chapter or any other law relating to the conduct of its operation including, but not limited to, federal, state or local laws;

(2) The licensee secured the license through misrepresentation or fraud regarding any material fact in the license application;

(3) The failure of the licensee to cooperate with law enforcement, fire or health authorities in any investigation relating to their operations or failure to admit law enforcement officers into the establishment at any time when people are present in the establishment;

(4) The establishment is operated in such a way as to endanger public health or safety; or

(5) The establishment is operated in such a way as to constitute a public nuisance under Sec. 823.07, Wis. Stats., or Village ordinances.

(g) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of law enforcement authorities or 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 that are 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.

(h) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee under this Chapter shall constitute a violation by the licensee.

Sec. 7-8-4 Prohibited Acts and Conduct.

No synthetic drug establishment shall:

(a) Remain open for business between the hours of 9:00 p.m. and 8:00 a.m.

(b) Sell synthetic drug products that do not include the name, address and telephone number of the manufacturer, packer and distributer of the product.

(c) Sell synthetic drug products that do not identify all commodities within the package, including organic and non-organic, chemically synthesized substances and compounds.

(d) Sell synthetic products to any individual under the age of eighteen (18).

(e) Sell synthetic drug products that do not comply with all state and federal laws and regulations, including those related to packaging, labeling and weights and measures.

(f) Be located within three hundred (300) feet of any park, school, daycare facility or area zoned residential or mixed-use.

Title 7 ▸ Chapter 9

Licensees to Pay Local Claims; Appellate Procedures

7-9-1 Licensees Required to Pay Local Taxes, Assessments and Claims; Appellate Procedures

7-9-2 Issuance of Licenses

7-9-3 Criminal History Record Information Searches

Sec. 7-9-1 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 Boyd:

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

Sec. 7-9-2 Issuance of Licenses.

(a) **Application.** Applications for licenses under this Title shall be made to the Village Clerk-Treasurer on a form furnished by the Village. Such application shall contain such information as may be required by the provisions of this Chapter or as may be otherwise required by the Village Board.

(b) **Payment of License Fee.** License fees imposed under this Title shall accompany the license application. If a license is granted, the Village Clerk-Treasurer shall issue the applicant a receipt for his/her license fee.

(c) **Refund of License Fee.** No fee paid shall be refunded unless the license is denied.

(d) **Terms of Licenses.** All licenses issued hereunder shall expire on June 30, in the year of issuance unless issued for a shorter term, when they shall expire on midnight of the last effective day of the license, or unless otherwise provided by these Ordinances or State laws.

(e) **Form of License.** All licenses issued hereunder shall show the date of issue, the activity licensed, and the term of the license, and shall be signed by the Village Clerk-Treasurer and be impressed with the Village Seal, if any.

(f) **Record of Licenses.** The Village Clerk-Treasurer shall keep a record of all licenses issued.

(g) **Display of Licenses.** All licenses hereunder shall be displayed upon the premises or vehicle for which issued, or if carried on the person shall be displayed to any officer of the Village upon request.

(h) **Compliance With Ordinances Required.** It shall be a condition of holding a license under this Title that the Licensee comply with all ordinances of the Village. Failure to do so shall be cause for revocation of the license.

(i) **Transfer of Licenses.** All licenses issued hereunder shall be personal to whom issued and shall not be transferred except with the consent of the Board.

(j) **Consent to Inspection.** An applicant for a license under this Chapter thereby consents to the entry of police or authorized representatives of the Village upon licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this Title all things found therein in violation of this Chapter or State law.

Sec. 7-9-3 Criminal History Record Information Searches.

(a) **General Provisions; Purpose.**

(1) ***Purpose.*** This Section is adopted for the purpose of providing the Village of Boyd and law enforcement agencies serving the Village of Boyd with the authority to request criminal history record information from the State of Wisconsin or the federal government when required by ordinance or if requested by the Village Clerk-Treasurer or a Village department head.

(2) ***State Requirements.*** The Village of Boyd is a municipal corporation which provides government services to its citizens and the general public, and in order to efficiently provide services, it is necessary to conduct criminal history record searches concerning certain persons. This Section is enacted in order to comply with any applicable State of Wisconsin requirement that a municipality that requests that the state provide them with criminal history record information concerning an individual under certain circumstances have an ordinance, resolution or department policy enacted authorizing such requests.

(b) **Authority.** If required by ordinance or if requested by the Village Clerk-Treasurer or a Village department head, law enforcement agencies serving the Village of Boyd shall conduct a criminal history records information search concerning the following persons:

(1) Alcohol license and permit applicants.
(2) Transient merchant license applicants.
(3) Applicants for Village employment.
(4) Firefighter applicants when requested by the Fire Chief.
(5) Rescue squad applicants when requested by the Emergency Medical Service.
(6) Hunting permit applicants.
(7) Ride-along participants.
(8) Applicants for all other licenses and permits which may be issued by the Village.
(9) An officer or partner of any corporate or partnership applicant for licenses or permits from the Village.

(10) Any other person for whom a department head or the Village Clerk-Treasurer requests criminal history information due to interaction with municipal services. A request under this Subsection must be based on a reasonable belief that the criminal history information is necessary to assist in the safe and efficient operation of local government and/or to safeguard the public health and safety.

(c) **Fees.** The cost of the criminal history record information search shall be paid as provided by ordinance, or if not specifically specified in an ordinance, as directed by the Village Clerk-Treasurer.