

ORDINANCE NO. 11
REGULATING LICENSES AND PERMITS IN THE
VILLAGE OF FRIENDSHIP, ADAMS COUNTY, WISCONSIN

ARTICLE I – ALCOHOL BEVERAGES

SECTION 11-1-1. State Statutes Adopted. [Amended 9-7-1992]

Except as otherwise specifically provided, all provisions of Chapter 125 of the Wisconsin Statutes describing and defining regulations with respect to alcohol beverages are hereby adopted by reference and made a part of this Article as if fully set forth herein. A violation of any such provisions shall constitute a violation of this Article.

SECTION 11-1-2. Definitions. [Amended 1-3-2022]

As used in this article, the terms "alcoholic beverages," "intoxicating liquors," "principal business," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "tamper evident seal," and "wholesalers" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

SECTION 11-1-3. License Required. [Amended 9-7-1992]

- 1) Except as provided by Ch. 125, Wis. Stats., no person, firm or corporation, shall vend, sell, deal or traffic in or have in his or her possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatsoever, or cause the same to be done, without having procured a license as provided in this Article nor without complying with all the provisions of this Article, and all statutes and regulations applicable thereto.
- 2) Except for licensed public warehouses from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored, a separate license shall be required for each location or premises where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale.

SECTION 11-1-4. Classes of Licenses; Fees. [Amended 1-3-2022; 3-4-2024]

There shall be the following classes and denominations of licenses which, when issued by the Village Clerk/Treasurer under the authority of the Village Board after payment of required fee, shall permit the holder to sell, deal or traffic intoxicating liquor or fermented malt beverages as provided in §§ 125.17, 125.25, 125.26, or 125.51(2) and (3), Wis. Stats:

- 1) Class "A" fermented malt beverages. Pursuant to § 125.25, Wis. Stats., a Class "A" license may be issued for the sale of fermented malt beverages for consumption off the premises where sold in original packages, containers and bottles.
- 2) Class "B" fermented malt beverages. Pursuant to § 125.26, Wis. Stats., a Class "B" license may be issued for the sale of fermented malt beverages to be consumed on the premises where sold or off the premises.

- 3) "Class A" intoxicating liquor. Pursuant to § 125.51, Wis. Stats., a "Class A" intoxicating liquor license may be issued for the sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.
- 4) "Class B" intoxicating liquor. Pursuant to § 125.51, Wis. Stats., a "Class B" intoxicating liquor license may be issued for the sale of intoxicating liquor by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. Pursuant to § 125.51(3)(b), any premises for which any "Class B" intoxicating liquor license has been issued is authorized for the sale of intoxicating liquor or wine in the original unopened package or container and in any quantity, for consumption away from the premises where sold. Off-premises sales of intoxicating liquor or wine from any "Class B" licensed premises shall cease between the hours of 9:00 p.m. and 8:00 a.m.
- 5) Reserve "Class B" intoxicating liquor. Pursuant to § 125.51, Wis. Stats., persons seeking a reserve "Class B" license are required to pay an initial issuance fee. The initial issuance fee for a reserve Class "B" shall be \$10,000. Bona fide clubs or lodges situated and incorporated in the state for at least six years are exempt from the initial issuance fee and need only pay the fee for a regular "Class B" license.
- 6) "Class C" wine. Pursuant to § 125.51(3m), Wis. Stats., a wine license may be granted to applicants meeting the requirements set forth in that statute for the sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- 7) Provisional retail licenses. Pursuant to § 125.185, Wis. Stats., the Village Clerk/Treasurer may approve issuance of provisional retail licenses. The fee for such a license shall be \$15. In determining whether to issue a provisional license, the Village Clerk/Treasurer shall follow the requirements set forth in said § 125.185. Additionally, the Village Clerk/Treasurer shall not issue such a license unless he or she is satisfied that the standards set forth in this article are likely to be met. Upon approval, the Village Clerk/Treasurer may issue a provisional retail license for up to 60 days or until a retail license is issued to qualified persons. In the event that it is discovered that a material statement in the application was not truthful, the Village Clerk/Treasurer shall revoke the provisional license and notify the licensee of his or her right to appeal the revocation to the Village Board upon written application.
- 8) Operator's license. Operator's licenses shall be issued to individuals by the Village for the purpose of complying with §§ 125.32(2) and 125.68(2), Wis. Stats., and shall allow the licensee to serve or sell alcohol beverages at any licensed establishment. The Village Board shall set the fee for an operator's license. An initial operator's license shall be valid for one year and shall expire on June 30. A renewed operator's license shall be valid for two years and shall expire on June 30. An application for renewal of an operator's license shall be filed between April 1 and June 30 of the expiration year. An operator's license that has expired may not be renewed; in that event, an application for an initial license must be filed.

- 9) Provisional operator's licenses. Pursuant to § 125.17(5) Wis. Stats., the Village Clerk/Treasurer, is hereby authorized to approve issuance of provisional operators' licenses. The fee for such a license shall be \$15. In determining whether to issue a provisional license, the Village Clerk/Treasurer shall follow the requirements set forth in said § 125.17(5). Additionally, the Village Clerk/Treasurer shall not issue such a license unless he or she is satisfied that the standards set forth therein and in this article are satisfied. The Village Clerk/Treasurer may issue a provisional operator's license for up to 60 days, or upon the expiration of the operator's license issued by another municipality, whichever is sooner. In the event that it is discovered that a material statement in the application was not truthful, the Village Clerk/Treasurer shall revoke the provisional license and notify the licensee of his or her right to appeal the revocation to the Village Board upon written application.
- 10) Temporary Class "B" (picnic). Pursuant to §§ 125.26(6) and 125.51(10), Wis. Stats., temporary class "B" (picnic) licenses may be issued for the sale of fermented malt beverages or wine at a picnic, meeting or similar gathering of limited duration and may only be issued to bona fide clubs and chambers of commerce, state, county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months and to posts of veterans' organizations. An application shall include the fee set by the applicable statute for such a license and shall further include the following (except for posts of veteran organizations): confirmation that the organization has been in existence for at least six months prior to the date of application, a list of officers, a copy of the organization's bylaws or a statement of its purpose, and information about the holding of regular meetings.

SECTION 11-1-5. Application for License. [Amended 9-7-1992, 1-3-2022; 3-4-2024]

- 1) 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 signed by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., and shall be filed with the Village Clerk/Treasurer not less than 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.
- 2) Corporations. Such application shall be filed and signed by the President and secretary, if a corporation, or by all members if an LLC.
- 3) Publication. The application shall be published according to the Wisconsin Statutes in the official Village newspaper, and the applicant shall pay the costs of publication.
- 4) 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 30 days after the occurrence thereof. Any amendment which constitutes a material change, as determined by the Village Clerk/Treasurer after consultation with the Village Attorney, shall be on file for 15 days from its filing and shall be published as provided for in Subsection 11-1-5(3), above.

- 5) Material falsifications. Any applicant who materially falsified an application for an alcohol beverage license will not be eligible to reapply for an alcohol beverage license for a period of six months from the date of denial of such application. The Village Board may waive the provision of this subsection, allow the applicants to submit a corrected application, and grant an alcohol beverage license to the applicant, if it appears to the Village Board that any falsifications on the application were the result of inadvertence, excusable neglect, or mistake. Only convictions during the current licensing year for the individual shall be considered for denial of renewal applications unless the Village Clerk/Treasurer demonstrates that convictions from previous license years were not considered in granting the current license.
- 6) License quotas. Retail intoxicating liquor and fermented malt beverage licenses issued by the Village Board shall be limited in number to the quota prescribed by state law.

SECTION 11-1-6. Qualifications for Applicants and Premises. [Amended 9-7-1992, 1-3-2022]

- 1) Applicant restrictions. Licenses related to alcohol beverages issued to natural persons under this section may be issued only to persons who meet the following requirements:
 - a. Residence requirements. A Class "A," Class "B," "Class A" or "Class B" license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least 90 days prior to the date of application.
 - b. Age of applicant. Except as provided for in § 125.04(5)(d)2, Wis. Stats., no license under this section shall be granted to any underage person who has not attained the legal drinking age.
 - c. Arrest or conviction record; habitual offenders. Habitual Offender. No license or permit related to alcohol beverages may, subject to §§ 111.321, 111.322 and 111.335, Wis. Stats., be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses, charged as a crime, which are substantially related to the licensed activity within the five years immediately preceding the license application. Any applicant who has been convicted of, released from incarceration in any prison system, or a county jail for, or released from parole or probation status for any felony shall not be eligible for an alcohol beverage license, unless the person has been duly pardoned.
 - d. Operator's licenses; Class "A," Class "B" or "Class C" premises. Except as provided under §§ 125.32(3)(b) and 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A," Class "B" or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the license 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 § 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 § 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate

family who has attained the age of 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 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.

- e. Right to premises. No applicant will be considered unless he or she has the right to possession of the premises described in the application for the license period, by lease or by deed.
- f. Applicant to have malt beverage license. No "Class B" license shall be issued to any person who does not have a Class "B" license.
- g. No license shall be granted to any applicant for operation on any premises, or for operation with any equipment, for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent.
- h. No license or permit shall be granted to any applicant who has delinquent taxes for any real or personal property within the Village or who has delinquent assessments, forfeitures or other financial claims owed to the Village.
- i. Subsections g and h shall not prevent the renewal of an existing license if real property taxes are delinquent for not more than one year. Personal property taxes, however, must be current at the time of renewal.

2) Corporate restrictions.

- a. No license shall be granted to any corporation or limited liability company, which does not comply with the provisions of § 125.04(5)(c) and (6), Wis. Stats.
- b. Each corporate or limited-liability company applicant shall file with its application for such license a statement by its officers or members 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 five business days after such transfer of stock.

3) Adequate parking on premises. Adequate parking shall be available on-site. The minimum number of parking stalls that will be required shall be determined by dividing the maximum capacity of the establishment, as determined by the Fire Chief, by the number three. The Village Board may waive this requirement where it is determined adequate off-site/street parking is available.

4) Premises distance from certain activities. The premises shall be located at least 300 feet from the following activities: church, chapel, synagogue or other regular place of religious worship; school, public or private; youth recreation center; licensed day-care center; library; clinic or hospital. Measurement of the distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where the applicant's business is conducted, to the nearest property line or boundary of a property enumerated above. In addition, premises

must be located at least 500 feet from a sexually oriented business as defined in the Village Code. 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 300 feet thereof by any of the aforementioned activities.

- 5) No license shall be issued for a "Class B" or "Class C" license unless the premises conforms to the sanitary, safety and health requirements of the State Building Code, and the regulations of the Wis. Department of Agriculture, Trade and Consumer Protection 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.
- 6) Ordinance compliance. The applicant and the premises for which the application is made must be in compliance with all other Village ordinances, including but not limited to Zoning.

SECTION 11-1-7. Investigation. [Amended 1-3-2022]

The Village Clerk/Treasurer shall notify all Village Officials requiring inspection or review of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Clerk/Treasurer in writing, who shall then forward the same to the Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

SECTION 11-1-8. Guidelines for License Application Screening. [Amended 9-7-1992, 1-3-2022]

It is the responsibility of the Village Board to screen applicants for alcohol beverage licenses within the Village of Friendship under the licensing authority granted by Chapter 125 of the Wisconsin Statutes; the Village adopts the following guidelines in order to clarify the considerations taken into account when deciding whether to grant an alcohol beverage license. The Village Board retains broad discretionary authority in this area. However, if a decision is made to deny a license, the Board is required to provide that applicant with a written reason for the denial. A copy of these guidelines shall be provided to each applicant for a license.

- 1) General requirements. Consideration for the granting or denial of a license will be based on:
 - a. Arrest and conviction record. Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322, and 111.335, Wis. Stats.
 - b. Economic impact. The applicant must demonstrate that the establishment will have a positive impact on the Village. The applicant shall provide estimates as to the assessed value of the establishment as proposed as well as the number of employees.
 - c. Location. The appropriateness of the location and the premises where the licensed business is to be conducted, including the traffic impact and the impact on the health, safety and welfare of the area.
 - d. Law enforcement impact. The impact the proposed establishment would have on the ability of current law enforcement resources to provide adequate enforcement services to the establishment as well as the impact on service to the rest of the

Village shall be considered.

- 2) Convictions. Pursuant to § 111.335, Wis. Stats., no license or permit related to alcohol beverages may be issued to any person who has been convicted of a violation of any Federal or State law, the nature of which substantially relates to the activity of selling intoxicating beverages and liquor during one (1) year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one (1) year.

SECTION 11-1-9. License Application Decision. [Amended 1-3-2022; 3-4-2024]

- 1) Granting of license. 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.
 - a. If the Village Board approves a license application, it may issue to the applicant a license on such terms and conditions as in its discretion it believes best are suited to serve the public health, safety and welfare of the Village. A failure of the license holder to fulfill the conditions of the license issuance will be grounds for suspension, revocation or nonrenewal of a license.
 - b. 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.
- 2) 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 reconsidered. In addition, the notice shall inform the applicant that any evidentiary hearing or meeting at which final action will be taken on the reconsideration of the application shall be held in closed session, pursuant to § 19.85(1)(b), Wis. Stats. unless the applicant requests such hearing and/or meeting 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 five business days prior to the Village Board meeting at which the application is to be reconsidered.
 - a. Pursuant to § 125.12(2)(b), Wis. Stats., upon denial, suspension, revocation or nonrenewal of a license by the Village Board, an applicant may seek Circuit Court review thereof by certiorari within 30 days of receipt of the final determination.

SECTION 11-1-10. Conditions of License. [Amended 9-7-1992; 10-4-1992]

All Class "A," Class "B," "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this section, and subject to all other ordinances and regulations of the Village applicable thereto:

- 1) Posting licenses; defacement. Licenses shall be conspicuously displayed as required in § 125.04(10), Wis. Stats. Any licensee who shall fail to post their license as therein required shall be presumed to be operating without a license. 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.

- 2) Licensed operator on premises. As required in §§ 125.32(2), and 125.68(2), Wis. Stats., no licensed premises may be open for business unless there is present thereupon the licensee, agent (if the licensee is a corporation or LLC) or some other person who holds an operator's license and is responsible for the acts of all persons serving or selling fermented beverages and/or intoxicating liquor.
- 3) Consent to entry. It is a condition of any license issued under this section that the licensed premises, delivery vehicles, and any of the business books of account, bank statements, billings, invoices, and any other documents relating specifically to the licensed business may be entered and inspected at any reasonable hour by any law enforcement officer without any warrant, and application for a license under this section shall be deemed a consent to this provision.
- 4) Closing hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages as follows:
 - a. If a wholesale license, between 5:00PM and 8:00AM, except on Saturday when the closing hour shall be 9:00PM.
 - b. If a retail "Class A" License, between 9:00PM and 8:00AM except Saturday from 9:00PM to 10:00AM Sunday.
 - c. If a retail Class "B" or "Class B" License, between 1:00AM and 8:00AM, except on January 1 when the closing hours shall be between 3:00AM and 8:00AM, and except on that day of each year when the standard of time is advanced under Wis. Stat. 175.095, when the closing hours shall be between 2:00AM and 8:00AM. No package container or bottle sales may be made after 12:00 Midnight. Except Sunday when the closing hours shall be from 1:00AM or 2:00AM to 10:00 Sunday.
- 5) Sales to underage persons prohibited. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless he or she is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- 6) 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.
- 7) Health and sanitation regulations. As provided for in § 125.68(5), Wis. Stats., the premises for all "Class B" and "Class C" licenses shall at all times be in compliance with the rules of the Wisconsin Department of Health Services governing restaurants.
- 8) Gambling prohibited. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this section.
- 9) Activities permitted during closed hours. The licensee or permittee and employees shall be permitted to performed job-related activities during closed hours. Under no circumstances shall the consumption of alcohol beverages be permitted after closing time. Commercial

janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning during closed hours. The premises shall be well-lighted during cleanup. Prior approval must be requested and granted by the Village Board or its designee for any variance of the above circumstances.

- 10) Licensee responsible for acts of agent or employee. A violation of this section by a duly authorized agent or employee of a licensee under this section shall constitute a violation by the licensee or permittee. Whenever any licensee under this section shall violate any portion of this section, proceedings for the suspension or revocation of the license of the holder thereof may be instituted in the manner prescribed in Section 11-1-13 of this Article.

SECTION 11-1-11. Abandonment, Transfer and Lapse of License. [Amended 9-7-1992, 1-3-2022]

- 1) Abandonment of premises. Any licensee holding a license to sell alcohol beverages that abandons such business shall forfeit any right or preference they may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the Village for which a quota exists limiting the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least 100 days during the term of such license, unless such license is issued for a term of less than 100 days, in which event, this subsection shall not apply.
- 2) In accordance with the provisions of § 125.04(12), Wis. Stats. a license shall be transferable from one premise to another if the Village Board first approves such transfer. An application for transfer shall be made on a form furnished by the Village Clerk/Treasurer. Proceedings for such transfer shall be in the same form and manner as the original application. The fee for such transfer shall be as set forth in § 125.04(12)(a), Wis. Stats. Whenever a license is transferred, the Village Clerk/Treasurer shall notify the Wisconsin Department of Revenue of such transfer within three business days. In the event of the sale of a business or business premise 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.
- 3) 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 where there is disapproval of the successor agent by the Village Clerk/Treasurer.

SECTION 11-1-12. Revocation and Suspension of Licenses; Nonrenewal. [Amended 9-7-1992, 1-3-2022]

- 1) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation, suspension or nonrenewal of such license may

be instituted in the manner and under the procedure established by Chapter 125, Wis. Stats.

- 2) Effect of revocation of license. If the license(s) is revoked, no other license shall be granted to such licensee or for such premises for a period of 6 months from the date of revocation.
- 3) Nonrenewal of License. Before renewal of any licenses issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed notices for nonrenewal and shall have an opportunity to be heard before the Village Board.

ARTICLE II – REGULATION AND LICENSING OF DOGS [Amended 3-6-1978]

SECTION 11-2-1. License Required. [Amended 1-3-2022]

The statutory provisions in Chapters 172 and 174, Wis. Stats., are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or any act prohibited by any regulation incorporated herein by reference is required or prohibited by this article. Any future amendments, revisions or modifications of the statutory regulations in Chapters 172 and 174 incorporated herein are intended to be made part of this article.

- 1) It shall be unlawful for any person in the Village of Friendship to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Wisconsin State Statutes and this Article.

SECTION 11-2-2. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. If not defined herein, the word, term or phrase shall have the definition commonly accepted including a relevant definition contained in the Wisconsin Statutes:

- 1) Owner. Shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or in which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog within the meaning of this section.
- 2) At Large. Means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

SECTION 11-2-3. Restriction on Keeping of Dogs.

It shall be unlawful for any person within the Village of Friendship to own, harbor or keep any dog which:

- 1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- 2) Assaults or attacks any person without provocation.
- 3) Runs at large within the limits of the Village.
- 4) Habitually barks or howls, which shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- 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) No family shall own or have on its premises over two (2) dogs over six months of age.

SECTION 11-2-4. Duty of Owner in Cases of Dog Bite.

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Health Officer or a Humane Officer and shall keep such dog confined for not less than 14 days or for such period of time as the humane officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer or a Humane Officer or the Adams County Sherriff's Department upon demand for examination.

SECTION 11-2-5. Impounding or Killing of Dogs. [Amended 1-3-2022]

In addition to any penalty hereinafter provided for a violation of this article, any person may impound any dog and any law enforcement officer of Adams County may kill any dog which habitually pursues any vehicle upon any street, alley or highway of the Village, habitually barks or howls, kills, wounds or worries any domestic animal or is infected with rabies. Possession of any dog impounded under this section may be obtained by paying a fee as set by the Village Board to the Village Clerk/Treasurer plus an additional fee as set by the Village Board for each twenty-four-hour period or fraction thereof the dog has been impounded. Dogs impounded for a period of seven days may be destroyed by or under the direction of the Health Officer or a pound to whom the dog is delivered, in accordance with s. 176.10(2), Wisconsin Statutes.

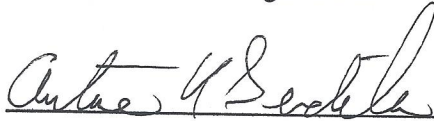
SECTION 11-2-5. Penalty. [Amended 1-3-2022]

Any person who shall violate any provision of this Article shall, upon conviction thereof, forfeit not less than \$1.00 and not more than \$200.00, together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense, where applicable.

ARTICLE III - EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Village Board this 4th day of March, 2024.



Antone Sindelar, Village President

ATTEST:



Lori Hustad, Village Clerk/Treasurer

Published: 3-13-2024