

## CHAPTER 12

### LICENSES AND PERMITS

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**12.01 GENERAL PROVISIONS.** (1) **LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the Village for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the Village in the manner provided in this chapter, unless otherwise specifically provided.

(2) **APPLICATION.** Unless otherwise provided, application for a license or permit shall be made in writing to the Clerk-Treasurer upon forms provided by the Clerk-Treasurer and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit.

(3) **PAYMENT OF FEE.** (Rep. & Recr. Ord. #2-89). (a) General. The fees for any license or permit shall be paid at the office of the Clerk-Treasurer with the application for a license or permit.

(b) Alcohol Beverage License. The publication fee for any alcohol beverage license shall be paid at the office of the Clerk-Treasurer with the application. The alcohol beverage license fee shall be paid not less than 15 days prior to the date the license is to be issued.

(4) **FORM.** Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the Village by the Clerk-Treasurer. The Clerk-Treasurer shall keep a record of all licenses and permits issued.

(5) **LICENSE AND PERMIT TERM.** (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.

(b) When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

(c) Permits shall be issued for the term set forth in the permit.

(6) **EXHIBITION OF LICENSES OR PERMITS.** Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(7) **TRANSFER.** Unless otherwise provided, no license or permit shall be transferable or assignable.

(8) **RENEWAL.** Unless otherwise provided, license or permit renewals shall be

issued in the same manner and be subject to the same conditions as the original license or permit.

(9) **SUSPENSION AND REVOCATION OF LICENSES AND PERMITS.** Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Village Board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:

- (a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
- (b) Conviction of any crime or misdemeanor, subject to s. 111.32(5)(a) and (h), Wis. Stats.
- (c) Conducting such activity in such manner as to constitute a breach of the peace of a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Village upon recommendation of the appropriate Village official.
- (d) Expiration or cancellation of any required bond or insurance.
- (e) Actions unauthorized or beyond the scope of the license or permit granted.
- (f) Violation of any regulations or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.
- (g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

**12.02 INTOXICATING LIQUOR OR FERMENTED MALT BEVERAGES.** (1) **STATE STATUTES ADOPTED.** (Am. Ord. #2-89; Am. Ord. #8-98). The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to the penalties to be imposed or the punishment for violation of such statutes, except where otherwise specifically provided herein, are adopted and made a part of this section by reference. A violation of such provisions shall constitute a violation of this section and shall result in a forfeiture equal to any forfeiture or fine as established by said statute. All changes and amendments to Ch. 125 are hereby adopted and incorporated herein by reference.

(2) **DEFINITIONS.** As used in this section, the following definitions apply:

- (a) Legal Drinking Age. Twenty-one years of age, but also includes those persons who have attained the age of 19 on or before August 31, 1986.
- (b) Underage Person. A person who has not attained the legal drinking age.

(3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by s. 125.04(3), Wis. Stats., and shall be filed, together with the cost of publication, when applicable, as provided by s. 125.04(3)(g) 6, Wis. Stats., with the Clerk-Treasurer not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under ss. 125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk-Treasurer not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall permit the Village to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee has been paid.

(4) APPLICATION INVESTIGATION. The Clerk-Treasurer shall notify the Chief of Police and the Fire Chief of each new license and permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinance and laws applicable thereto. These officials shall furnish to the Village Board, in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a report from the Chief of Police.

(5) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows:

(a) Class "A" Fermented Malt Beverage License. \$50 per year. See s. 125.25, Wis. Stats.

(b) "Class A" Intoxicating Liquor License. \$100 per year. See s. 125.51(2), Wis. Stats.

(c) Class "B" Fermented Malt Beverage License. \$100 per year or \$75 for 6 months; a 6-month license may not be renewed in the same calendar year. See s. 125.26, Wis. Stats.

(d) Temporary Class "B" License and Temporary "Class B" License (Picnic License) (Rep. & Recr. Ord. #2-89; Am. Ord. #4-93; Rep. & Recr. Ord. #19-98). \$10.00 per occasion. Issued to organizations enumerated in Ss. 125.26(6) and 125.51(10), Wis. Stats., to sell or serve fermented malt beverages and wine containing not more than 6% alcohol by volume at a picnic, meeting or gathering. Not more than 2 temporary "Class B" licenses (wine) may be issued under this subsection to any above referenced organization in any 2 month period.

(e) Special Historic Site "Class B" Liquor and Fermented Malt Beverage License. \$375 per year.

(f) (Rep. Ord. #2-89)

(g) "Class B" Intoxicating Liquor License. \$275 per year, except the license

fee for bona fide clubs and lodges situated and incorporated or chartered in the State at least 6 years shall be \$50 per year, as provided in s. 125.51(3), Wis. Stats. See s. 125.26(6), Wis. Stats.

(g1) “Class C” Wine License (Cr. Ord. #1-92). \$100 per year (see s. 125.51(3m)(e), Wis. Stats.) Shall be prorated on the basis of the number of months remaining in the license year.

(h) Wholesaler’s Fermented Malt Beverage License. \$25 per year. See s. 125.28, Wis. Stats.

(i) Operator’s License. (Am. Ord. #4-99, #8-2004). First time operator’s license \$10.00 per year. Renewal license \$10.00 per year. See s. 125.17, Wis. Stats.

(j) Temporary License. \$5 for up to 14 days as provided in s. 125.17(4), Wis. Stats.

(k) Provisional Operator’s License. \$5 for up to 30 days, pursuant to s. 125.17(5), Wis. Stats.

(l) Transfer of License. \$10. See s. 125.04(12), Wis. Stats.

(6) OPERATOR’S LICENSE. All applications for an annual operator’s license shall be filed in the office of the Clerk-Treasurer on or before May 31 of each year, provided that nothing shall prevent the Village Board from granting any license which is applied for at least 5 working days before a Village Board meeting at any other time. The Clerk-Treasurer may issue a provisional operator’s license to a person who has applied for an operator’s license and has not previously been denied an operator’s license.

(7) LICENSE REQUIRED (Rep. & Recr. Ord. #2-89). (a) General. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor or fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.

(b) Furnishing Alcohol Beverages in Hotel and Motel Rooms. Pursuant to the provisions of Ss. 125.26(2m) and 125.51(3)(bm), Wis. Stats., a Class “B” or “Class B” license, respectively, authorizes a person operating a hotel or motel to furnish registered guests of legal drinking age fermented malt beverages and intoxicating liquor, respectively, in original packages.

(8) **QUALIFICATIONS FOR LICENSES AND PERMITS.** (a) Natural Persons. Licenses related to alcohol beverages, issued to natural person under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to Ss. 111.321, 111.322 and 111.335, Wis. Stats.

2. Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.

3. (Am. Ord. #2-89) Have attained the legal drinking age, except that operators' licenses may be issued to persons who have attained the age of 18.

(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to Ss. 111.321, 111.322 and 111.335, Wis. States., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.

(c) Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under s. 125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of pars. (a)1. and 3. and (b) above, except that par. (a)2. does not apply to agents.

(9) **“CLASS B” LICENSE QUOTA.** The number of “Class B” liquor licenses to be issued hereunder is limited to the number permitted under s. 125.51(4), Wis. Stats.

(10) **LICENSE CONDITIONS AND RESTRICTIONS.** In addition to the conditions and restrictions imposed by State law on the granting of Class A or Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

(b) Violation by Agents and Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of this licensee.

(c) Sales to Underage Persons Restricted. No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless he is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(d) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(e) Commencement of Operations. Within 90 days after the issuance of a “Class A” or “Class B” intoxicating liquor license or a Class “A” or “B” fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, for a good cause shown, extend such 90-day period.

(f) Cessation of Operations. If any licensee shall suspend or cease doing business for 90 consecutive days or more, his Class A or B intoxicating liquor license and fermented malt beverage license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, for a good cause shown, extend such 90-day period.

(g) Transfer of License. No license shall be transferable from person to person except as provided in s. 125.04(12)(b), Wis. Stats., or from place to place, except as provided in a. 125.04(12)(a), Wis. Stats.

(h) Location of Premises Restricted. No retail Class A or B license shall be issued for premises, the main entrance of which is less than 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 main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises so licensed on June 30, 1947.

(i) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the Village.

(j) Operator on Duty Required. The licensee, a member of his immediate family or legal drinking age or a licensed operator must be present at all times in the immediate area open to the public where alcohol beverages are being served.

(k) Village Taxes and Claims. No license shall be granted for operation on any premises upon which personal property taxes or assessments or other financial claims of the Village are delinquent and unpaid.

(l) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any premises.

(m) Wearing Apparel. All persons involved in the operation of any licensed

premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

1. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the mons pubis genitals and the buttocks at all times.

2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubic area, genitals and buttocks at all times.

(n) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in s. 125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(11) CLOSING HOURS. (Am. Ord. #20-98). No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail "Class A" License. (Rep. & Rec. Ord. 1-2012) Between 9:00 P.M. and 6:00 A.M.

(c) Retail Class "A" License. . (Rep. & Rec. Ord. 1-2012) Between 12:00 midnight and 6:00 A.M.

(d) Retail Class B License (Rep. & Recr. Ord. #2-89). Between the hours of 2:00 A.M. and 6:00 A.M., except on Saturday and Sunday the closing hour shall be 2:30 A.M.; on January 1 there are no closing hours.

(e) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (b) above.

(f) Presence on Premises After Closing Hour Restricted. 1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.

2. Any person, while on the premises after closing hours, must be

actively engaged in bona fide business activities and may not consume alcohol beverages.

(12) SALE OF CLASS B PACKAGED GOODS. (a) Sale Restrictions. Pursuant to s. 125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any “Class B” intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(b) Hours of Sale. Between the hours of 12:00 midnight and 8:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

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

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

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.
2. An underage person who enters a “Class A” premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
3. Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
4. Ski chalets, golf clubhouses, curling clubs and private tennis clubs.
5. Licensed restaurants where the principal business is that of a restaurant.
6. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
7. An underage person who enters on Class “B” or “Class B” premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensed operator must be on the premises at all times.

(14) **UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.** (a) Restrictions. Pursuant to Ss. 125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

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

1. A brewer.
2. A fermented malt beverage wholesaler.
3. A permittee other than a Class “B” or “Class B” permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in Ss. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.

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

(15) **REVOCAION AND SUSPENSION OF LICENSES.** (a) Procedure. Except as hereinafter provided, the provisions of s. 125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Village President or the Chief of Police or by the Village Board upon its own motion.

(b) Repossession of License or Permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Clerk-Treasurer shall notify the licensee or permittee and the Chief of Police of such revocation or suspension and the Chief of Police or his designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk-Treasurer.

(c) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

(16) Sale and Consumption of Fermented Malt Beverages in Parks. (Created #8-2001)

The Village may sell fermented malt beverages at any public park operated by the Village provided such beverages are sold by employees, including volunteers, or officers of the Village. No license or permit shall be required for the sale of fermented malt beverages in public parks operated by the Village when such fermented malt beverages are sold by employees, including volunteers, or officers of the Village.

**12.03 CIGARETTE RETAILER LICENSE.** (1) **REQUIRED.** No person shall sell cigarettes in the Village without first obtaining a license from the Clerk-Treasurer. The provisions of s. 134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.

(2) **LICENSE FEE.** (Am. #8-2004) The licensee fee shall be \$20.00 per year.

**12.04 ENTERTAINMENT LICENSE.** (1) **LICENSE REQUIRED.** No person shall conduct within the Village any exhibition, show, tent show, fair, carnival or circus without a license issued by the Clerk-Treasurer.

(2) **APPLICATION.** Application for a license shall be submitted on forms supplied by the Clerk-Treasurer.

(3) **FEE.** The fee shall be \$5 per event.

(4) **INSURANCE; INSPECTION.** The application shall be accompanied by a certificate of insurance showing that the applicant is covered by liability insurance by an insurance company, licensed to do business in Wisconsin, in the amount of \$300,000 for the injury or death of one person, \$1,000,000 for any one accident and \$50,000 for property damage. If the entertainment involves carnival-type rides, proof of current inspection of such rides by the Wisconsin Department of Industry, Labor and Human Relations must also be furnished.

**12.041 STREET AND YARD DANCES** (Am. Ord. #15-98, Cr. Ord. #1-98). (1) **DEFINITION.** A street or yard dance is defined as any dance held wholly or partly on a public street at which admission can be had by the general public, either with or without charge, and which dance is sponsored by a business or person whose premises adjoin the public street or a dance held wholly on licensed premises where the license includes land adjacent to the building or structure and is within the property boundary lines as authorized by the Village Board under sec. 9.08(1)(c) of this Code.

(2) **PERMIT.** (a) Required. No person shall hold a street or yard dance in the Village without first obtaining a permit from the Clerk-Treasurer at least 30 days prior to the date on which the dance will be held. The application form shall contain the following information:

1. Name of sponsor or, if a business, the name of the business together with the name of the individual whose name will be on the permit together with that of the business when the permit is issued.

2. The date, starting time and ending time of the dance.
3. The name of the street or portion of the street sought to be used and closed during the dance or the location of the yard to be used.
4. The names of all property owners whose premises adjoin the street or portion of street sought to be used or the names of all property owners whose premises are located within 200 feet of the yard sought to be used.
5. The estimated attendance.
6. The name of any law enforcement officer hired by the applicant to keep order at the dance.
7. Certification from the applicant's liability insurer naming the Village as an additional insured, that the activity is covered under the policy and certifying the policy limits.
8. The name of the person or group providing music or other entertainment, whether live or recorded.
9. A hold harmless and indemnification agreement.

Applicants may be required to provide either the Police Department or the Village Board with additional information on a case by case basis and the foregoing items are to be construed as being the minimum information required. No application which is incomplete will be accepted by the Clerk-Treasurer.

(b) Investigation. Upon receipt of the completed application, the Clerk-Treasurer shall notify the Police Department of the application and the Department shall conduct an investigation of the applicant and the premises proposed to be used for the dance. Upon completion of the investigation, the Police Department shall report its findings, together with recommendations for fencing, barricading, supervision and other recommendations deemed appropriate by the Department, to the Village Board which shall then act upon the application.

(c) Fee. The application shall be accompanied by a nonrefundable fee of \$5 for each permit.

(3) (amended 11-2014) **DAYS AND HOURS.** Street and yard dance permits are available for Friday and Saturday nights only. The dances may begin at a time agreed upon between the Village Board and the applicant and shall end no later than midnight.”

(4) **REGULATIONS** (a) Sufficient sanitary facilities shall be provided to accommodate the number of people at the dance.

(b) Sufficient trash and recycling containers shall be placed on the premises by the applicant. Cleanup of the premises, including the street, if applicable, shall be the responsibility of the applicant and shall be completed no more than 2 hours following the dance.

(c) The applicant shall fence any area at which alcoholic beverages or fermented malt beverages are to be served or consumed in accordance with recommendations by the Police Department. No such beverages may be sold or distributed off or away from properly licensed premises.

(d) (Ord Cr 11-2014) No glass containers of any kind, including drinking glasses, may be sold or used on the street.

(5) PERMIT REVOCATION. Any material violation of the permit requirements may, in addition to the penalties provided in sub (6) below, result in the Police Department stopping the activity at any time. It is the responsibility of the permit holder to ensure that all conditions of the permit, the provisions of this section and all other laws and regulations relative to the holding of a street or yard dance are complied with.

(6) PENALTY. Any person and/or business holding a street or yard dance in violation of the terms of this section, either by failing to obtain a permit or by failing to comply with the term of the permit, shall be subject to a forfeiture of not less than \$100 nor more than \$1,000, together with required court costs. The bond amount is established at \$200 for a first offense and \$750 for each subsequent offense occurring within one year of the date of the first offense. In addition, upon conviction, the person and/or business shall be ineligible to receive a street or yard dance permit for one calendar year following the date of the most recent conviction.

**12.042 PROHIBITION OF LIVE, NUDE, NON-OBSCENE EROTIC DANCING.** (Cr. 9-2002)

(1) 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:

- a. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering.
- b. Shows any portion of the female breast below a point immediately above the top of the areola or
- c. Shows the covered male genitals in a discernibly turgid state.

(2) **EXEMPTIONS.** The provisions of this ordinance do 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.

(3) **DEFINITIONS.** For purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the Village Board of the Village of Hazel Green to sell alcohol beverages pursuant to ch. 125, Stats. The term “licensee” means the holder of a retail “Class A”, “Class B”, Class “B”, Class “A”, or “Class C” license granted by the Village Board of the Village of Hazel Green pursuant to Ch. 125, Stats.

(4) **PENALTIES.** Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$200.00, and not more than \$500.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under sec. 125.12, Stats.

(5) **SEVERABILITY.** If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

**12.05 JUNK DEALERS.** (1) **LICENSE REQUIRED.** No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefor, and all articles and things discarded as manufactured articles commonly referred to as “junk,” without first obtaining a license from the Village Board.

(2) **EXCEPTION.** No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site.

(3) **APPLICATION.** Applications for such license shall be made on forms supplied by the Clerk-Treasurer and filed with the Clerk-Treasurer.

(4) **LICENSE FEE.** The license fee shall be \$25.00 per year. The license year shall commence on July 1 of each year.

(5) **REFERRAL TO VILLAGE BOARD.** The application shall be referred to the Village Board which may grant, grant with conditions, or deny the license.

(6) **RESTRICTIONS APPLICABLE TO JUNK DEALERS.** (a) No junk shall be

displayed or stored outside the fenced area of the premises.

(b) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.

(c) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Village Board.

(d) Effective means for the elimination of the rodents and vermin commonly infesting junkyards shall be administered by all licensees hereunder.

(e) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by police officers at any time.

(f) No junk shall be purchased from any person under 16 years of age without the written consent of the parent or guardian of such person.

(7) **REVOCATION AND SUSPENSION OF LICENSE.** (a) Upon complaint being made in writing by any official of the Village to the Village Board that any licensee hereunder has violated any of the provisions of this section, the Village Board shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than 10 days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Village Board shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the Chief of Police and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

(b) Whenever a license is revoked, the licensee shall have a period of 45 days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

**12.06 MOBILE HOMES AND MOBILE HOME PARKS.** (1) **STATE STATUTES ADOPTED BY REFERENCE.** The provisions of s. 66.058, Wis. Stats., and the definitions therein are hereby adopted by reference.

(2) **PARKING OUTSIDE LICENSED MOBILE HOME PARKS.** (a) Restricted. No occupied mobile home shall be permitted to be located in the Village unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.

(b) Exception. Paragraph (a) above is not intended to restrict the location of 1- and 2-family manufactured homes, which meet the applicable 1- and 2-family standards set forth in Ch. 101, Wis. Stats.

(3) **PARK LICENSE REQUIRED.** No person shall establish or operate upon property owned or controlled by him within the Village a mobile home park without having first secured a license therefor from the Village Board. The application for such license shall be filed with the Clerk-Treasurer and shall be accompanied by a fee of \$2 for each space in the existing or proposed park, but not less than \$25. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference. The license transfer fee is \$10.

(4) **ADDITIONS TO PARKS.** Licensees of mobile home parks shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their parks within 5 days after their arrival on forms furnished by the Clerk-Treasurer.

(5) **PARKING PERMIT FEES (Am. Ord. #2-89).** There is imposed on each mobile home located in the Village a parking permit fee, such amount to be determined in accordance with s. 66.058, Wis. Stats. The fees shall be paid to the Clerk-Treasurer, monthly, on or before the 10th day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk-Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats. The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the Clerk-Treasurer all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(6) **MOBILE HOME PARK REQUIREMENTS.** See sec. 14.18 of this Code.

**12.07 REGULATION AND LICENSING OF DOGS.** (1) **DOG LICENSE REQUIRED.** It shall be unlawful for any person in the Village to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and Ss. 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.

(2) **LICENSE FEE (Am. Ord. #4-91).** The license fee for a dog shall be as follows:

- (a) Unneutered Male Dog. \$9.
- (b) Unspayed Female Dog. \$9.
- (c) Neutered Male Dog. \$4.
- (d) Spayed Female Dog. \$4.

- (e) Duplicate License. \$4.

In the event a dog becomes 5 months of age after July 1, 1/2 of the appropriate fee shall be charged.

(3) **LATE FEES.** The Clerk-Treasurer shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

(4) **KENNEL LICENSE OPTION.** The owners of kennels may opt to pay a kennel license fee of \$30 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Clerk-Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential district.

(5) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep a dog in the Village which is over 5 months of age and has not received a rabies vaccination as required by s. 95.21(2), Wis. Stats. No dog licensed shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in s. 95.21(2)(f), Wis. Stats.

(6) **DEFINITIONS.** In this section, unless the context of subject matter otherwise required, the terms used shall be defined as follows:

(a) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) At Large. A dog which is 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 any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(c) Kennel. Any establishments wherein dogs are kept for the purpose of breeding, sale or sporting purpose.

(7) **RESTRICTIONS ON KEEPING OF DOGS.** It shall be unlawful for any person within the Village to own, harbor or keep any dog which:

- (a) Habitually pursues vehicles upon any street, alley or highway.
- (b) Molests passersby or assaults or attacks any person without provocation.
- (c) Is at large within the limits of the Village.

(d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the Village Pound.

(e) Kills, wounds or worries any domestic animal.

(f) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.

(8) **DOGS RUNNING AT LARGE AND UNTAGGED DOGS.** (a) Dogs Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (6)(b) above.

(b) Untagged Dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fence area.

(c) Dogs Subject to Impoundment. Police Officers shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties (Am. Ord. #12-93). If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall be subject to a penalty as provided in sec. 20.04 of this code.

(9) **DUTY TO REPORT ANIMAL BITE.** Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.

(10) **QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.** (a) Quarantine or Sacrifice of Animal. A police officer may order a dog, cat or other animal quarantined if he 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 animal cannot be captured, the office may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) Quarantine Order. If a quarantine is ordered, the owner of the dog, cat or other animal shall be subject to the provisions of Ss. 95.21(5), (6) and (8), Wis. Stats.

(11) **SETTING ANIMAL AT LARGE PROHIBITED.** No person shall open any door or gate of any private premises for the purpose of setting any dog, cat or other animal at large, except the owner of such animal.

(12) **IMPOUNDING AND DISPOSITION OF DOGS.** (a) Impounding of Dogs. A police officer or other person restraining a dog running at large shall take such dog to the Village Pound. The police officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

(b) Release of Dog to Owner or Representative. The police officer may release the dog to the owner or his representative if:

1. The owner or representative gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
3. Pays the dog's boarding fee in the amount of \$4 per day.

(c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the police officer may release the dog to a person other than the owner if such person:

1. Gives his name and address.
2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(13) **PENALTIES.** In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to Obtain Rabies Vaccination. (Am. Ord. #12-93). A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall be subject to a penalty as provided in sec. 20.04 of this Code.

(b) Refusal to Comply With Quarantine Order (Am. Ord. #12-93). An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Village Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, be subject to a penalty as provided in sec. 20.04 of this Code.

**12.075 KEEPING OF PIT BULLS PROHIBITED. ( Cr. 6-2006)**

(1) It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the Village any pit bull.

(2) Definitions.

(a) "*Pit bull*," for purposes of this section, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog

exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(b) “*Secure temporary enclosure*,” for purposes of this section, is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a “door” for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own or have the capacity to bite any person in close proximity to the enclosure.

(3) Exceptions. The prohibition in subsection (1) of this section shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to impoundment and disposal pursuant to subsection (4) of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection (1).

(a) Except according to the provisions in subsection (7), below, any nonprofit animal welfare organization lawfully operating an animal shelter in the Village may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the Grant County Animal Shelter to turn the pit bull over to the Animal Shelter.

(b) A person may temporarily transport into and hold in the Village a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the Village Board, must obtain any other permits or licenses required by Village ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the Village to and from the place of exhibition, contest, or show, keep the pit bull confined in a “secure temporary enclosure” as defined above.

(c) The owner of a pit bull may temporarily transport a pit bull continuously through the Village, only if such pit bull is being transported from a point outside the Village directly to a destination outside the Village. During such transportation, the owner may only stop in the Village where such stoppage is necessary and solely related to the continuing ability of the owner to continue said transportation, including, but not limited to the refueling or repair of a motor vehicle. The pit bull must be maintained at all times inside a secure temporary enclosure, as defined above, which may include inside of the passenger compartment of a private motor vehicle, with all accessible windows closed; adequate shelter must be maintained for such pit bull confined in a motor vehicle.

(4) The police department is authorized to impound any pit bull found in the Village which does not fall within the exceptions listed in subsection (3), above.

(5) When any pit bull dog has been impounded pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the Village Clerk for a hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Village Clerk will then issue a notice of hearing date by mailing a copy to the petitioner’s address no later than ten (10) days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the Village Clerk within seven (7) days of impoundment, the pit bull shall be destroyed. The hearing, if any, will

be held before the Village Board or a hearing officer designated by the Village Board. Any facts which the petitioners wish to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. This may include veterinary papers, AKC papers, adoption papers from a shelter or other records that prove the dog is not a pit bull. The Village Board or hearing officer shall make a final determination whether the dog is a pit bull as defined above. Such final determination shall be considered a final order of the Village Board subject to judicial review pursuant to the applicable rules of legal procedure. The procedures in this subsection shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite on a human being. In those instances, the dog shall be handled and the procedures governed by the provisions for dogs involved in a bite or attack.

(6) If the dog is found not to be a pit bull, the dog shall be released to the owner. If the dog is found to be a pit bull, it shall be humanely destroyed, unless the owner voluntarily comes forward within seven (7) days after impoundment and produces credible evidence, deemed sufficient by the Village Clerk, that the pit bull is to be permanently taken out of the Village to a specified lawful location, and the pit bull will not return to the Village illegally and the owner pays all the costs of impoundment or the pit bull is placed as provided under subsection (7).

(7) The Village Clerk may place abandoned pit bulls with any established non-profit animal welfare organizations who have a Wisconsin Animal Care Facility License for the placement and adoption of individual pit bulls, under the following conditions:

(a) The non-profit animal welfare organization must execute a written agreement to the terms and conditions for such placement of abandoned pit bulls for adoption by said organization, including the payment of costs to the Village to offset its expenses for the impoundment, treatment, and care of the pit bull. The agreement shall also hold the Village harmless regarding the evaluations, placement, and adoption of each and every pit bull.

(b) The non-profit animal welfare organization must require that parties adopting a pit bull originating from the Hazel Green Animal Shelter provide the Village Clerk a legible and true copy of the adopting party's driver's license or state issued photo identification card. The adopting party must certify in writing that their sole purpose for the adoption is to maintain the pit bull as a domesticated companion animal at their residence.

(8) Penalties:

(a) Upon conviction of a first offense of this section, the penalty shall be a forfeiture of not less than One Hundred Dollars (\$100.00) and not more than Two hundred Fifty Dollars (\$250.00). The bond amount shall be \$150.00.

(b) Upon conviction of a second offense, the penalty shall be a forfeiture of not less than Three Hundred Dollars (\$300.00). The bond amount shall be \$250.00.

(c) In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section. Each day of violation shall be a separate offense.

**12.08 TRANSIENT MERCHANTS (Cr. Ord. #2-88).** (1) DEFINITION. The term "transient merchant," as hereinafter used, shall include any peddler, canvasser, solicitor, whether principal, agent or employee, who engages in, does or transacts business from place to place in the Village either in one location or by moving his place of business from place to place in the Village selling goods, wares or merchandise or solicits for such trade, and whether or not for the

purpose of carrying on such business, such individual hires, leases, occupies or uses a building, structure, vacant lot or railroad car or other vehicle for the exhibition or sale of such goods, wares or merchandise. The term shall include transient photographers.

(2) WHO NOT INCLUDED. (a) This section shall not include persons selling services, goods or materials at wholesale to dealers in such articles, newsboys, vendors of dairy products, fruit juices, bakery goods, groceries or ice to any regular customers on established routes, local area merchants or their employees in delivering such goods in the regular course of business, any farmer or truck gardener who shall vend, sell or dispose of, or offer to sell, vend or dispose of the products of the farm or garden occupied and cultivated by him, except as provided in sub. (8) below, nor government agents in the performance of their official duties.

(b) This section shall not prohibit any sale required by statute or by order of any court, or prevent any person conducting a bona fide auction sale pursuant to law.

(c) This section shall not apply to any ex-soldier holding a license under s. 440.51, Wis. Stats., who has been a bona fide resident of this State for more than 5 years immediately preceding the application for such license and who has a 25% or more disability or who has a tuberculosis or cardiac disability recognized by the Veterans Administration and who shall at all times while engaged in the business specified in sub. (1) above carry on his person the special license and proof required for the issuance of same under s. 440.51, Wis. Stats. 2-19-2007

(3) PERMITS REQUIRED. No transient merchant shall sell or solicit for sale of, or dispose of goods, wares or merchandise, produce or any other thing at any place within the Village without first obtaining a permit as set forth herein.

(4) APPLICATION AND PERMIT. (a) Application. 1. Any person desiring to engage in business as described above shall obtain a permit application form from the Clerk-Treasurer. He shall fill out this application form, stating the nature of and the place where his business is to be carried on, the length of time for which a permit is desired, a general description of the things intended to be sold, disposed of or contracted for, the name, date of birth and address of the person he represents and the place or places of residence of the applicant for the 2 previous years. No permit shall be granted until all of the provisions of par. (b) below have been complied with nor until the applicant has exhibited a license standing in the name of the applicant, if required under s. 440.51, Wis. Stats., the number and date of which license shall be set forth in such application.

2. (Am. Ord. #8-2004) At the time of filing application, an investigation fee of \$50.00 for each person to be covered by permit shall be paid to the Clerk-Treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the Police Department. Religious, charitable, patriotic and philanthropic agencies or their agents shall not be required to pay the application fee.

(b) Investigation. Upon receipt of such application, the Police Department

shall institute such investigation of the applicant's business and character as he deems necessary for the protection of the public good and shall endorse his approval or disapproval upon such application within 72 hours after it has been filed with him, and the Clerk-Treasurer shall thereupon issue or deny the permit in accordance with the findings of the Police Department.

(c) Bond. If the Police Department determines from its investigation that the interests of the Village or the inhabitants of the Village require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but, due to causes beyond his control, is unable to supply all of the information required by this subsection, the Police Department may require the applicant to file with the Clerk-Treasurer a bond in the amount of \$500, with surety acceptable to the Clerk-Treasurer, running to the Village, conditioned that he will fully comply with the ordinances of the Village and the laws of the State relating to peddlers, canvassers or transient merchants and guaranteeing to any citizen of the Village doing business with him that the property purchased will be delivered according to the representations of the applicant, provided the action to recover on any such bond shall be commenced within 6 months after the expiration of the permit.

(d) Issuance. All permits shall be numbered in the order in which they are issued and shall state clearly the place where the business may be carried on, the kind of goods, wares and merchandise to be sold, disposed of or contracted for, the date of issuance and expiration of the permit, the fee paid and the name and address of the licensee and all employees covered by such permit, and the date of expiration of permit. Such permit shall be valid for 30 days from the date of issue. No permit shall be granted to a person under 18 years of age and no applicant to whom a license has been refused or who has had a permit which has been revoked shall make further application for at least 6 months after the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists. Every permit holder, while exercising his permit, shall post his permit in a conspicuous place on the premises or his person and shall exhibit the same upon demand of any officer, or a customer or prospective vendee. A permit shall not be assignable and any holder of such permit who allows it to be used by any other person shall be guilty of a violation of this section. Whenever a permit shall be lost or destroyed, a duplication in lieu thereof under the original application may be issued by the Clerk-Treasurer upon the filing with him by the permit holder of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery and upon payment of a fee of \$2.

(5) MUTILATION OF PERMIT. On the expiration of the permit, the holder shall surrender the same to the Clerk-Treasurer. No person shall alter or change any permit issued under the provision of this section and any such alteration or the failure of the holder of same to display the permit in a conspicuous place on the premises or to exhibit the same upon demand of any officer, customer or prospective vendee shall be cause for revocation of such permit.

(6) REVOCAION. The Police Department or the Village President may at any time, for a violation of this or any other ordinance or law, revoke any permit issued under these provisions. When a permit shall be revoked, no refund of any unearned portion of the permit fee shall be made. Notice of such revocation and the reasons therefor in writing shall be

immediately served personally upon the person named in the application or by mailing the same to the permit holder at the named premises and by filing a copy of such notice with the Clerk-Treasurer. Appeal from revocation shall be made to the Village Board within 30 days of date of revocation.

(7) PREPAYMENTS. All orders taken by a permit holder under this section who accepts or receives payment or deposit of money in advance of final delivery shall be in writing in duplicate, stating the terms thereof and the amount paid in advance and one copy shall be given to the purchaser at the time the deposit of money is paid.

(8) REGULATIONS. A transient merchant holding a permit shall:

(a) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted food or food stuffs; intentionally misrepresent to any prospective customer the purpose of his visit or solicitation; the name of business or his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.

(b) Not use the permit provided by the Village after the expiration or revocation of the permit.

(c) Keep the premises in a clean and sanitary condition and the foodstuffs offered for sale well covered and protected from dirt, dust and insects.

(d) Not go in or upon private residences, businesses or offices without having been requested or invited to do so by the owner or occupant thereof.

(e) Not go upon any property in the Village, which is posted with a notice that no peddlers, solicitors or salesmen are to come thereon.

(9) FINDINGS AND APPEAL. If the investigation by the Police Department shows the applicant to be dishonest in business, morally corrupt or otherwise unfit to be licensed as a transient merchant, the Police Department shall document its findings as much as possible and give the applicant an opportunity to explain before granting or denying the license. If the applicant is denied a license by the Police Department, the applicant may appeal within 48 hours to the Village Board or to the Licensing Committee of the Village if one exists.

**12.09 REGULATION OF NATURAL LAWNS.** (Created #9-2001) (1) Natural Lawns Defined. Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed twelve (12) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 10.09 of this Code. The growth of a natural lawn in excess of twelve (12) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is

issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris, shall not harbor undesirable wildlife and shall not otherwise violate the provisions of Section 10.03(8)(b)-(e) of this Code.

(2) Natural Lawn Management Plan Defined. (a) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed twelve (12) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

(b) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.

(c) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-(10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(3) Application Process.

(a) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Five Dollar (\$5.00) nonrefundable filing fee will be assessed by the

Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. The application, together with any other documentation, will be presented to the Village Board no fewer than 20 days after the date of mailing. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Board shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

(b) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Board shall issue permission to install a natural lawn. The decision rendered by the Village Board shall be final and binding.

(4) Safety Precautions for Natural Grass Areas.

(a) When, in the opinion of the Fire Chief of the Department serving the Village of Hazel Green, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three- (3) days upon receiving written direction from the Fire Chief.

(b) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

(5) Revocation of an Approved Natural Lawn Management Plan Permit. The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file

an application for appeal within the fifteen- (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen- (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

(6) Public Nuisance Defined-Abatement After Notice.

(a) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.

(b) If the person so served with a notice a public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.

(c) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section."

**12.10 PENALTY.** Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 20.04 of this Code.