

ORDINANCE # 2008-193

An Ordinance to Amend Chapter 14 License and Permits of the Municipal Code

Whereas the Village of Eagle is in the process of updating and bringing the Municipal Codes and Ordinances to current status,

And whereas Chapter 14 “Licenses And Permits” of the Village of Eagle Municipal Code must be brought to current status, be it resolved that all previous versions of Chapter 14 Codes and Ordinances are repealed and replaced as follows:

CHAPTER 14
LICENSES AND PERMITS

- 14.01 Intoxicating Liquor and Fermented Malt Beverages
- 14.02 Peddlers, Canvassers and Transient Merchants
- 14.03 Cigarettes
- 14.04 Regulations and Licensing of Dogs
- 14.05 Regulation of Licensing of Pool and Billiard Halls
- 14.06 Regulation of Public Dances

14.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

1. DEFINITIONS –
 - a) CLASS “A” license authorizes retail sales of fermented malt beverages for consumption off the premises per § 125.25.
 - b) CLASS “B” license authorizes retail sales of fermented malt beverages to be consumed on the premises where sold per § 125.26.
 - c) “CLASS A” license authorizes retail sales of intoxicating liquor for consumption off the premises per § 125.51 (2)
 - d) “CLASS B” license authorizes retail sales of intoxicating liquor to be consumed on the premises where sold per § 125.51 (3). “CLASS B” license includes the sales of fermented malt beverages.
2. STATE STATUTES ADOPTED – The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, exclusive of the provisions relating to the penalties to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this chapter.
3. LICENSES, PERMITS, AUTHORIZATION REQUIRED –
 - a) WHEN REQUIRED – No person except as provided by Chapter 125.06, Wisconsin Statutes, shall within the Village of Eagle, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter of Chapter 125, Wisconsin Statutes, requires a license, permit or other authorization without

holding the appropriate license, permit or other authorization as provided in this Chapter. (See section 125.04 (1), Wisconsin Statutes)

- b) **SEPARATE LICENSE REQUIRED FOR EACH PLACE OF SALE** - Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale (see section 125.04 (9), Wisconsin Statutes).
4. **CLASSES OF LICENSE AND FEES** – The following classes and denominations of licenses may be issued by the Village Clerk under the authority of the Village Board after payment of the fee herein specified, which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Sections 125.17, 125.25, 125.26, 125.28, 125.51 and 125.57 or the Wisconsin Statutes. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.
- a) **CLASS “A” LICENSE** - \$75.00 per year. (see § 125.25)
 - b) **CLASS “B” LICENSE** - \$100.00 per year (see § 125.26)
 - 1. **SIX MONTH** – A license may be issued at any time for six (6) months in any calendar year, for which 50% of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
 - 2. **PICNIC** - \$10.00 per day.
 - c) **WHOLESALE’S FERMENTED MALT BEVERAGE LICENSE** - \$25.00 per year, or a fraction thereof. (see § 125.28)
 - d) **“CLASS A” LICENSE** - \$275.00 per year. (see § 125.51 (2))
 - e) **“CLASS B” LICENSE** - \$300.00 per year. (see § 125.51 (3))
 - 1) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
 - 2) Licenses valid for six (6) months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.
 - f) **OPERATORS** - \$30.00 per year. (see § 125.17)
 - 1) Operator’s license may be granted to individuals by the Village Board for the purpose of complying with sections 125.32 (2) and 125.68 (2), Wisconsin Statutes.
 - 2) Operators’ license may be issued only on written application on forms provided by the Clerk.
 - 3) Operators’ license shall be valid for one (1) year and shall expire on June 30 of each year.
 - g) **PUBLICATION FEE** - \$10.00 or actual cost, whichever is greater.
- 4 **LICENSE APPLICATION** –

- a) FORM – Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators’ licenses and filed with the Village Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
 - b) APPLICATION TO BE NOTARIZED – Applications shall be signed and sworn to by the applicant as provided by section 887.01, Wisconsin Statutes.
- 5 LICENSE RESTRICTIONS –
- a) STATUTORY REQUIREMENTS – Licenses shall be issued only to persons eligible therefore under sections 125.04 and 125.33, Wisconsin Statutes.
 - b) LOCATION –
 - 1) No retail CLASS “A”, CLASS “B”, “CLASS A” or “CLASS B” license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distances 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 the premises covered by the license.
 - 2) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
 - c) VIOLATOR OF LIQUOR OR BEER LAWS OR ORDINANCES – No retail CLASS “A”, CLASS “B”, “CLASS A” or “CLASS B” license shall be issued to any person who has been convicted of a violation of any Federal or State liquor or fermented malt beverage law or the provisions of this section during one 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 year.
 - d) HEALTH AND SANITATION REQUIREMENTS – No retail CLASS “A”, CLASS “B”, “CLASS A” or “CLASS B” license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.
 - e) LICENSE QUOTA –
 - 1) The number of persons and places that may be granted a retail “CLASS B” license under this section is limited as provided in section 125.51 (4) Wisconsin Statutes.
 - 2) The number of persons and places granted a retail “CLASS A” license under this section shall be one for each 500 population or fraction thereof.

- 3) The number of persons or places granted a retail CLASS “B” license under this section shall be one for each 500 of population or fraction thereof.
 - 4) The number of persons or places granted a retail CLASS “A” license under this section shall be one for each 250 population or fraction thereof.
 - f) CORPORATIONS – No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.
 - g) AGE REQUIREMENTS – No license hereunder shall be granted to any person under 18 years of age.
 - h) EFFECT OF REVOCATION OF LICENSE – Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.
 - i) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS – No license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.
 - j) ISSUANCE FOR SALES IN DWELLINGS PROHIBITED – No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.
7. FORM AND EXPIRATION OF LICENSES – 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 and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Village Clerk shall affix his or her affidavit as required by section 125.04 (4), Wisconsin Statutes.
 8. TRANSFER OF LICENSES –
 - a) AS TO PERSON – No license shall be transferable as to licensee except as provided by section 125.04 (2), Wisconsin Statutes.
 - b) AS TO PLACE – Licenses issued pursuant to this section may be transferred as provided in section 125.04 (12), Wisconsin Statutes. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceeding for transfer shall be had in the same manner and form as the original application.
 9. POSTING AND CARE OF LICENSES – Every license or permit required under this section shall be framed and posted and at all times displayed as provided in section 125.04 (10), Wisconsin Statutes. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.
 10. REGULATION OR LICENSED PREMISES AND LICENSES –

- a) **GAMBLING AND DISORDERLY CONDUCT PROHIBITED** – Each licensed and permitted premise 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 such premises.
 - b) **EMPLOYMENT OF MINORS** - No licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any alcohol beverage.
 - c) **SALES BY CLUBS** – No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
 - d) **SAFETY AND SANITATION REQUIREMENTS** – Each licensed premise shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
11. **CLOSING HOURS** – No premise for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:
- a) If a wholesale license, between 5 PM and 8 AM, except on Saturday when the closing hour shall be 9 PM.
 - b) If a retail “CLASS A” license, between 9 PM and 8 AM.
 - c) If a retail CLSSS “A” license, between 12 AM and 8 AM.
 - d) If a retail “CLASS B” license or CLASS “B license, between 2 AM and 6 AM weekdays, between 2:30 AM and 6 AM Saturday and Sunday, exception being New Year’s Eve, when they are not required to close. No package, container or bottle sales may be made between midnight and 6 AM.
 - 1) Daylight Saving Time -Section 175.095(2), Wisconsin Statutes states that daylight saving time begins at 2:00 a.m. the second Sunday in March and ends at 2:00 a.m. the first Sunday in November. As such, clocks are set ahead one hour at 2:00 a.m. the second Sunday in March. Thus, taverns would close at 3:30 a.m. daylight saving time on this date. On the first Sunday in November, the clocks are set back an hour at 2:00 a.m.; taverns gain an extra hour and must close at 2:30 a.m. regular Central Standard Time.
 - e) Hotels and restaurants whose principal business is the furnished of food or lodging to patrons, and bowling alley and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.
12. **REVOCAION AND SUSPENSION OF LICENSES** –
- a) **PROCEDURE** – Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocations or suspension of such license may be instituted in the manner and under the procedures established by section 125.12, Wisconsin Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.
 - b) **AUTOMATIC REVOCATION** - Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under

this section or for a violation of Chapters 125 or 139, Wisconsin Statutes, or any other State or Federal liquor or fermented malt beverage laws.

- c) EFFECT OF REVOCATION - See sub. (5) (h) of this section.
- 13. NONRENEWAL OF LICENSES - Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violation of the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.
- 14. VIOLATIONS BY AGENTS AND EMPLOYEES – A violation of this section by an authorized agent or employee or a licensee shall constitute a violation by the licensee.

14.02 PEDDLERS, SOLICITORS, TRUCKERS & TRANSIENT MERCHANTS

- 1. DEFINITIONS –
 - a. A “Peddler”, within the meaning of this section, is a person who travels from place to place and from house to house, offering for sale and selling articles of merchandise which he carries.
 - b. A “Trucker”, within the meaning of this section, is a person who transports produce not grown by him, in a truck or other vehicles, from a point without or within the Village, and who sells the same direct from such vehicle to retail merchants without advance order.
 - c. A “Transient Merchant”, within the meaning of this section is a person who engages in the sale of merchandise at any place in the Village temporarily, and who does not intend to become and does not become a permanent merchant of such place. For the purposes of this section, sale of merchandise includes a sale in which the person services rendered upon, or in connection with, such merchandise constitutes the greater part of value for the price received.
 - d. A “Solicitor”, within the meaning of this section, is a person who travels from place to place taking orders for goods by sample or otherwise which he afterwards delivers. It does not include professional solicitation and collection of funds for charitable purposes as regulated by section 440.41 of the Wisconsin Statutes.
- 2. LICENSE REQUIRED - No person shall engage in the business of peddler, trucker, solicitor or transient merchant within the Village of Eagle without first obtaining a license from the Chief of Police in compliance with the provisions of this section.
- 3. EXEMPTIONS -
 - a) This section or any part thereof shall not apply to the following: Newsboys, merchants delivering goods in the regular course of business; vendors of milk, bakery goods, groceries or ice distributing products to only regular customers on established routes; religious, charitable, patriotic or philanthropic organizations; and persons selling property at wholesale to dealers. This section also applies to transient merchants and peddlers at fairs, civic celebrations, Eagle Kettle Moraine Days and the like, which have been approved by the Village Board.

- b) Persons holding a state license under the provisions of section 440.41, Wisconsin Statutes, shall be exempt from the provision of this section, but such person, group, or organization shall register with the Chief of Police, file a copy of the application with the Wisconsin Department of Licensing as set forth in section 440.41 (2), and a list of names and current addresses of all persons proposed to be used in solicitation in the Village. The Chief of Police shall make such investigation of each proposed solicitor as set forth in subsection (5) hereof.
4. APPLICATION – At the time of filing application, an investigation fee of five dollars (\$5.00) shall be paid to the Village 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 Chief of Police and shall contain such information as the Chief shall require for the effective enforcement of this section and the safeguarding of the residents of the Village from fraud, misconduct or abuse.
5. INVESTIGATION – ISSUANCE - Upon receipt of each such application, the Chief of Police shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within 72 hours after it has been filed with him, and shall issue or deny the license or permission in accordance with his findings after presentation by the applicant of a receipt of the Village Clerk/Treasurer showing payment of the required fee.
6. FEE – The fee for peddler's license shall be: \$5.00 per day; \$20.00 per week; \$50.00 per month; \$200.00 per year. The fee for a transient merchant's and trucker's license shall be \$10.00 per day; \$50.00 per week; \$150.00 per month; \$500.00 per year. Annual licenses issued on or after July 1st shall be issued for one-half the required annual fee. No fee shall be required for a solicitor's license. Peddlers may employ an assistant and transient merchants two assistants without payment of an additional license fee, but such persons must comply with the other provisions of this section.
7. BOND – If the Chief of Police determines from his investigation of said application that the interests of the Village or of inhabitants of the Village require protection against possible misconduct of the licensee of that the applicant is otherwise qualified but due to causes beyond his control is unable to supply all of the information required by subsection (3), he may require the applicant to file with the Village Clerk a bond in the sum of \$1,000.00 with surety acceptable to the Village President running to the Village conditioned that he will fully comply with the ordinances of the Village relating to peddlers, canvassers or transient merchants and guaranteeing to any citizen of the Village of Eagle doing business with him that the property purchases will be delivered according to the representations of applicant, provided that action to recover on any such bond shall be commenced within six month after the expiration of the license of the principal.
8. REGULATIONS AND RESTRICTIONS –
 - a. CONSENT REQUIRED – No peddler, trucker, or transient merchant as herein defined shall go in or upon any private residence, business establishment or office in the Village for the purpose of soliciting order for goods, wares and merchandising or peddling or hawking the same or soliciting subscriptions for

magazines or other periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of said place.

- b. DISPLAY OF LICENSE - Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.
 - c. MISREPRESENTATION PROHIBITED – No licensee shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of 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.
 - d. LOUD NOISES AND SPEAKING DEVICES - No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the Village or upon private premises where sound of sufficient volume is emitted or produces therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee purposes to sell.
 - e. USE OF STREETS – No licensee shall have any exclusive right to any location in the public streets or sidewalks, or public way, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of streets, sidewalk or public way. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
9. SUSPENSION OR REVOCATION OF LICENSE – Licenses issued under the provisions of this section may be revoked or suspended by the Village President or Police Chief pending a hearing by the Village Board for fraud, misrepresentation or incorrect statement contained in the application or made in the course of carrying on business; conviction of licensee of any crime or misdemeanor or conducting the licensed business in an unlawful or disorderly manner as to menace the health, safety or general welfare of the public.

14.03 CIGARETTES

1. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) Child means as given in W.S.A., § 48.02(2).
- b) Cigarette means as given in W.S.A., § 139.30(1).
- c) Distributor means any of the following:

- 1) A Person specified under W.S.A., § 139.30(3).
 - 2) A person specified under W.S.A., § 139.75(4).
- d) Identification card means any of the following:
- 1) A license containing a photograph issued under W.S.A., ch. 343.
 - 2) An identification card issued under W.S.A., § 343.50.
 - 3) An identification card issued under W.S.A., § 125.085.
- e) Jobber means as given in W.S.A., § 139.30(6).
- f) Law enforcement officer means as given in W.S.A. § 30.50(4s).
- g) Manufacturer means any of the following:
- 1) A person specified under W.S.A., § 139.30(7).
 - 2) A person specified under W.S.A., § 139.75(5).
- h) Place of business means any place where cigarettes or tobacco products are sold, manufactured, or stored for the purpose of sale or consumption, including any vessel, vehicle, airplane, train or vending machine.
- i) Retailer means any person licensed under W.S.A. § 134.65(1).
- j) School means as given in W.S.A., § 118.257(1)(c).
- k) Subjobber means as given in W.S.A., § 139.75(11).
- l) Tobacco products means as given in W.S.A., § 139.75(12).
- m) Vending machine means as given in W.S.A., § 139.30(14).
- n) Vending machine operator means as given in W.S.A. § 39.30(15).

2. License Required

No person shall in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away or keep for sale any cigarettes or cigarette papers or wrappers without first obtaining a license therefore from the Village Clerk in the manner provided in S134.65, Wis. stats. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside Wisconsin.

2. Fee

The fee for such cigarette license shall be \$60.00 and the Treasurer's receipt must be presented to the Clerk before the cigarette license shall be issued.

3. Form of License: Expiration: Transfer.

All cigarette licenses shall be signed by the Village Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue. A license issued hereunder may not be transferred for the license to another owner, nor shall a license be transferable as to the location of the licensed premises.

4. Restrictions on sale or gift to minors.

- a) No retailer may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in W. S .A. § 48.983 (3). A vending machine operator is not liable under this section for the purchase of cigarettes or tobacco products from his vending machine by a person under the age of 18 if the

vending machine operator was unaware of the purchase.

- b) A retailer shall post a sign in areas within his premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and W.S.A., § 48.983.
- c) A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under W.S.A., § 48.983 and that the purchaser is subject to a forfeiture.
- d) No person may place a vending machine within 500 feet of a school.
- e) Except as provided in subsection (f) of this section, a vending machine operator shall remove all of his vending machines, which are located within 500 feet of a school
- f) Notwithstanding subsection (e) of this section, if a written agreement binding on a vending machine operator governs the location of his vending machine which is located within 500 feet of a school, the vending machine owner shall remove the vending machine on the date that the written agreement expires or would be extended or renewed.
- g) No manufacturer, distributor, jobber, subjobber, retailer, or their employees or agents may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.

5. Defense of retailer

Proof of all of the following facts by a retailer who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for violation of section 14.03(5) (a):

- a) The purchaser falsely represented that he has attained the age of 18 and presented an identification card.
- b) The appearance of the purchaser was such that an ordinarily prudent person would believe that the purchaser had attained the age of 18.
- c) The sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

6. Purchase or possession of tobacco products by minors.

- a) Except as provided in W.S.A., § 48.983(3), no child may do any of the following:
 - 1) Buy or attempt to buy any cigarette or tobacco product;
 - 2) Falsely represent his age for the purpose of receiving any cigarette or tobacco product; or
 - 3) Possess any cigarette or tobacco product.
- b) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (a) of this section committed in his presence.

7. Penalties for violation of Section 14.03(5)(a), (c) or (g).

- a) In this section, the word “violation” means a violation of section 14. 03 (5) (a), (c) or (g)

- b) A person who commits a violation is subject to a forfeiture of:
 - 1) Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or
 - 2) Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.
 - c) A court shall suspend any license or permit issued under W.S.A., § 134.65, 139.34 or 139.79 to a person for:
 - 1) Not more than three days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - 2) Not less than three days nor more than ten days, if the court finds that the person committed a violation within 12 months after committing two other violations; or
 - 3) Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three or more other violations.
 - d) The court shall promptly mail notice of a suspension under subsection (c) of this section to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.
9. Other Penalties.

The penalty for violation of any provision of this section except as already provided for in Section 14.03(8) shall be as provided in §30.04 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues. If any person shall be convicted of a second or subsequent violation of the provisions of this section and the court in its judgment shall determine that the person failed to exercise due care to prevent the violation, his license privileges shall terminate immediately and he shall not be entitled to another license nor act as an agent or servant of another licensee for 5 years thereafter.

14.04 REGULATION OF LICENSING OF DOGS AND CATS

- 1. STATUTES ADOPTED – The following sections of the Wisconsin Statutes are hereby adopted by reference.
 - (a) 174.001 (Definitions) except 174.001 (2)
 - (b) 174.01 (Restraining action against dogs)
 - (c) 174.02 (Owners liability)
 - (d) 174.02 (Dogs running at large and untagged dogs subject to impoundment) except subsection 4, penalties.
 - (e) 174.05 (Dog License Tax)
 - (f) 174.055 (Exemption of dogs for the blind)
 - (g) 174.056 (Dogs for the blind and deaf admitted to public places)
 - (h) 175.06 (Responsibility of list)
 - (i) 174.065 (Collection)
 - (j) 174.07 (Dog license and collar tags)

- (k) 174.08 (License fees paid to county treasurer)
 - (l) 174.117 (Claims for damages)
 - (m)174.13 (Humane use of dogs for diagnosis and treatment)
2. LIMITED NUMBER OF DOGS AND CATS - It shall be unlawful to own, harbor or keep more than three (3) dogs and/or (3) cats on any single piece or parcel of land in the Village of Eagle, except agriculturally zoned lands.
 3. LICENSE FEES - The annual license fee for dogs or cats is set at \$20.00 per animal or \$15.00 per animal if documentation shows the dog or cat is spayed or neutered. License fees are due each year on April 1st, after which time an additional \$5.00 is charged.
 4. OTHER RESTRICTIONS ON KEEPING OF DOGS AND CATS – It shall be unlawful for any person within the Village of Eagle to own, harbor, or keep any dog or cat which:
 - a) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - b) Assaults or attacks any person.
 - c) Habitually barks or howls to the annoyance of any person or persons.
 - d) 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.
 5. DUTY OF OWNER IN CASES OF DOG OR CAT BITES - Every owner or person harboring or keeping a dog or cat who knows that such animal has bitten any person shall immediately report such fact to the Humane Officer and shall keep such dog or cat 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 or cat shall surrender the animal to the Humane Officer or any Village Police Officer upon demand for examination.
 6. IMPOUNDMENT –
 - a) POUND - The Village Board may provide a pound for strays or unwanted dogs or cats in the Village, or may designate a humane society or other person or organization to provide a pound for strays or unwanted dogs or cats in the Village. The service fees of the pound shall be the responsibility of the dog or cat owner.
 - b) DELIVERY – A person who captures and restrains a dog or cat shall notify the Humane Officer, or if there be none, to a Police Officer.
 - c) ATTEMPT TO NOTIFY OWNER – The pound, humane officer, organization or officer who is notified or to whom a dog or cat is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort.
 - d) ATTEMPT TO LOCATE OWNER - The officer or pound who is notified or to whom a dog or cat is delivered shall check the lost and found column of the local daily newspapers having a general circulation in the community to determine if a dog or cat is advertised which answers the description of the animal.
 - e) RECORD - The officer of pound who is notified or to whom a dog or cat is delivered shall keep a record of each dog or cat giving a description of the animal, the date of the impoundment, if any, and the description of the animal. If the dog

or cat is kept by, or released to a person, the record shall include the name, address and date of delivery of the dog or cat. This record is a public record.

- f) **IMPOUNDMENT FEE** – The owner of an impounded dog or cat shall pay an impoundment fee to the pound to which the dog was delivered.
 - g) **BOARDING FEE** – The owner of an impounded dog or cat shall pay the pound to which the dog or cat was delivered a boarding fee for each day or fraction of a day that the animal is impounded. The pound shall establish the boarding fee.
 - h) **RELEASE TO OWNER** - The pound to whom a dog or cat is delivered may release the dog or cat to the owner or a representative:
 - 1) The owner or representative gives his or her name and address.
 - 2) The owner or representative presents evidence that the dog or cat is licensed and presents evidence that the animal is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.
 - 3) The owner or representative pays the boarding fees and any impoundment fee for the dog or cat.
 - i) **RELEASE OF DOG OR CAT TO PERSON OTHER THAN OWNER** – The officer or pound to whom a dog or cat is delivered may release to a person other than the dog or cat’s owner only if:
 - 1) The owner is unknown or does not claim the dog or cat within seven (7) days after the animal is delivered to the officer or pound.
 - 2) The person to whom the dog or cat is released gives his or her name and address.
 - 3) The person to whom the dog or cat is released signs a statement agreeing to license the animal and to have the dog vaccinated against rabies unless evidence is presented that the dog or cat is licensed and vaccinated.
 - 4) The person to whom the dog or cat is released, if required by the officer or pound, pays the boarding fees and any impoundment fee for the animal.
 - j) **SACRIFICE OR USE FOR HUMANE PURPOSES IF DOG OR CAT IS UNCLAIMED** – A dog or cat which is not released to its owner or to a person other than its owner within the impoundment period is deemed an unclaimed dog or cat. The minimum impoundment period is seven (7) days, after the dog or cat is delivered to the officer or pound. The officer or pound may extend the impoundment if release of the dog or cat to the owner or a person other than the owner appears likely. The officer or pound may dispose of an unclaimed dog or cat by releasing it as provided under section 174.14, by disposing of the animal in a proper and humane manner.
7. **IMPOUNDING OR KILLING OF DOGS OR CATS** – In addition to any penalty here into after provided for a violation of this section, any person may detain and deliver to any officer any dog or cat and any police officer of the Village may kill any dog or cat which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, howls, kills, wounds, worries any domestic animal or is infected with rabies.

8. PENALTY – The penalty for violation of any provision of this section shall be a penalty as provided in section 30.40 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues.

14.05 REGULATING AND LICENSING OF POOL & BILLIARD HALLS

1. LICENSE REQUIRED – No person, firm or corporation shall operate, maintain or conduct a billiard, pool or bagatelle or pigeon hole table, open to the public, without first obtaining a license therefore, as is herein required. All applications for such licenses shall state therein the intended location of the place of business and the number of tables to be used therein.
2. EXEMPTION – An establishment within the Village with a valid “CLASS B” LICENSE shall be exempt from the provisions of this section.
3. FEES - The annual fee for such license shall be five dollars (\$5.00) for the first table and an additional fee of two dollars (\$2.00) for each additional table.
4. CLOSING HOURS - No premises, for which a license has been granted under this section, shall be permitted to remain open for business between 1 AM and 8 AM, except any premises which hold a license under Chapter 125 of the Wisconsin Statutes, wherein the hours shall be 2 AM and 8 AM, during Daylight Saving Time.
5. MINORS - It shall be unlawful for the licensee, proprietor, owner, agent or employees to allow or permit a violation of any of the provisions of section 15.03 of this code.
6. PENALTY - Violations of this section shall be subject to penalties as provided in section 30.04 of this code.

14.06 REGULATION OF PUBLIC DANCES

1. LICENSE REQUIRED – It shall be unlawful to operate or conduct a public dance in the Village of Eagle without having first obtained a license, therefore, as herein required.
2. APPLICATION – Application for such license shall be made in conformance with the provisions of the ordinances relating to licenses, and shall specify the location of the proposed dances and the person or organization sponsoring the same. No such license shall be issued to a person who is not a person of good moral character, nor to a corporation or organization which is not represented by a person of good moral character.
3. INVESTIGATION – It shall be the duty of the Chief of Police to make or cause to be made an investigation into the character of each applicant and report the results of such investigation to the Village Board.
4. PREMISES – It shall be unlawful to conduct a public dance in any hall or place which is not equipped with sufficient and adequate exits of four feet or more in width; and no hall or building which is not provided with at least two exits of four feet or more in width shall be used for such purposes.
5. CONDUCT - It shall be unlawful to indulge in or to permit any improper or any immoral conduct at any public dance or any other conduct prohibited under Chapter 15 of this code.

6. LICENSE FEE - The annual license fee required under this section shall be \$25.00. All such licenses shall expire on June 30th of each year.
7. PENALTY - Any person firm, corporation or organization who violates any provision of this section will be penalized as provided for in section 30.04 of the Municipal Code.

Passed and approved this 11th day of December, 2008.

VILLAGE OF EAGLE.

Richard Spurrell, Village President

Attest _____
Shirley K. Mealy, Village Clerk