

## TITLE 7

### Licensing and Regulation

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### CHAPTER 1

#### Licensing of Dogs and Regulation of Animals

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#### **SEC. 7-1-1 DOG LICENSE REQUIRED; DEFINITIONS.**

- (a) License Required. It shall be unlawful for any person in the City of Park Falls to own, harbor or keep any dog of more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) "Owner" shall mean any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
  - (2) "At large" means to be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
  - (3) "Dog" shall mean any canine, regardless of age or sex.
  - (4) "Cat" shall mean any feline, regardless of age or sex.
  - (5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
  - (6) "Animal" means mammals, reptiles and birds.
  - (7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (8) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
  - (9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (10) "Pet" means an animal kept and treated as a pet.

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

#### **SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR DOGS AND CATS.**

- (a) **Rabies Vaccination.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog or cat reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the City of Park Falls after the dog or cat has reached four (4) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is brought into the City unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the City stating the

- owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the City.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.
  - (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
  - (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog during competition or to a dog or cat securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog or cat which is not required to be vaccinated under Subsection (a).
  - (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file
  - (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

### SEC. 7-1-3 ISSUANCE OF DOG AND KENNEL LICENSES.

- (a) **Dog Licenses.**
  - (1) It shall be unlawful for any person in the City of Park Falls to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
  - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
  - (3) The minimum license tax under this Section shall be Two Dollars (\$2.00) for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be Five Dollars (\$5.00). These amounts shall be reduced by one-half (1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.

- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The City Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk-Treasurer upon application therefor.

(b) **Kennel Licenses.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Thirty Dollars (\$30.00) for a kennel of twelve (12) or fewer dogs and an additional Three Dollars (\$3.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Common Council, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be established in locations following issuance of a conditional use permit pursuant to the City Zoning Code.
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition or to a dog securely confined indoors. No dog bearing a kennel tag shall be permitted to stray or to be taken any where outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

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

State Law Reference: Section 174.053, Wis. Stats.

#### **SEC. 7-1-4 LATE FEES.**

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

#### **SEC. 7-1-5 RABIES QUARANTINE.**

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk-Treasurer shall promptly post in at least three (3) public places in the City notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from City Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
- (1) Quarantine or sacrifice of dog or cat. An animal control or law enforcement officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

(d) **Quarantine of Dog or Cat.**

- (1) Delivery to isolation facility or quarantine on premises of owner. An animal control or law enforcement officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) Risk to animal health.
  - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
  - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass,

carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the City, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

- (f) COOPERATION OF VETERINARIAN. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) RESPONSIBILITY FOR QUARANTINE AND LABORATORY EXPENSES. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

#### SEC. 7-1-6 RESTRICTIONS ON KEEPING OF ANIMALS.

- (a) RESTRICTIONS. It shall be unlawful for any person within the City of Park Falls to own, harbor or keep any animal which:
  - (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
  - (2) Assaults or attacks any person, destroys any property, or kills, wounds or worries any domestic animal.
  - (3) 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.
  - (4) In the case of a dog, is unlicensed.
- (b) NUISANCE ANIMALS. It shall be unlawful for any person knowingly to keep or harbor any animal, inclusive of a cat or dog, that habitually barks, howls, yelps or cries to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance. An animal is considered to be in violation of this Section when (2) complaints are filed with or made to the Police Department within a twelve (12) month period.
- (c) **Animals Running at Large.**
  - (1) No person shall allow any animal, inclusive of a cat or dog, in their ownership or custody to run at large within the City. The owner or custodian of any animal shall keep the animal within the boundaries of land owned or rented by the owner or custodian of the animal in a manner that shall not interfere with

the adjoining properties owners/tenants or the passing public by one of the following methods:

- (i) Training the animal to remain within the confines of land owned or rented by the owner or custodian;
  - (ii) Keeping the animal within the confines of land owned or rented by the owner or custodian of the animal by use of electronic device;
  - (iii) Chaining/tying the animal within the confines of land owned or rented by the owner or custodian of the animal; or
  - (iv) Keeping the animal within a pen/enclosure that is within the confines of land owned or rented by the owner or custodian of the animal. Any animal found outside the confines of land owned or rented by the owner or custodian of the animal, except as provided herein, shall be considered to be running at large and in violation of this Ordinance. Any animal running at large shall be seized and impounded by an animal control officer or law enforcement officer.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it; or, when accompanied by a person having the animal under voice control/command, provided the animal is within the person's immediate field of vision and the person is out of doors with the animal.
- (d) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (e) **Animal Defecation.** Any owner or person having custody of any animal shall not permit said animal to defecate on any ground, public street, alley, sidewalk, boulevard, park or other public grounds or any private property within the City, other than the premises of the owner or custodian of the animal, unless said defecation is removed immediately and disposed of in a proper manner.

#### SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.

- (a) **Animal Control Agency.**
- (1) The City of Park Falls may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
  - (2) The City of Park Falls does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any animal control or law enforcement officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the City, assaults or attacks any person, is at large within the



City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation.

- (c) **Claiming Animal; Dispose of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officers the animal shall be impounded. the officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees. Possession of dogs or cats impounded under this Section may be obtained by paying Ten Dollars (\$10.00) to the City Clerk-Treasurer, plus the actual cost of boarding the animal for each day or fraction thereof the dog or cat has been so impounded. Owners of unlicensed dogs shall also obtain a dog license prior to release of an impounded animal. No animal shall be released from the pound without being properly licensed if so required by state law or City Ordinance.
- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (e) **City Not Liable for Impounding Animals.** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

#### **SEC. 7-1-8 ANIMALS RESTRICTED ON PUBLIC GROUNDS AND CEMETERIES.**

- (a) No dog or cat shall be permitted in any public playground or public park within the City unless such dog or cat is entered in a contest or obedience class approved by the Common Council, is on a leash or under control or is confined in a vehicle. No dog or cat shall be permitted in any cemetery, athletic field or swimming area under any circumstances. Every dog specially trained to lead blind persons shall be exempt from this Section.
- (b) No horses are permitted in City parks, cemetery and recreation areas.

#### **SEC. 7-1-9 DUTY OF OWNER IN CASES OF DOG OR CAT BITE.**

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person or the victim shall immediately report such fact to the Police Department and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as the animal control officer shall direct. The owner or keeper of any

such dog or cat shall surrender the dog or cat to a law enforcement, health, or humane officer upon demand for examination.

#### **SEC. 7-1-10 INJURY TO PROPERTY BY ANIMALS.**

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

#### **SEC. 7-1-11 REGULATION OF VICIOUS/DANGEROUS DOGS .**

(a) Definitions.

- (1) Owner as used in this Section means any person, firm, corporation, organization or department possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.
- (2) Vicious Dog as used in this Section means any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals; or any dog, which without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or any dog owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting, or any dog which has been found to be vicious by the Circuit Court in a trial or hearing upon a charge of harboring a vicious animal.
- (3) Dangerous Dog as used in this Section means:
  - a. Any dog which, because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this Section.
  - b. Any dog which, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.

- (4) Untagged Animals as used in this Section means: An animal is considered to be untagged if a valid license tag is not attached to a collar which is kept on the animal.
- (b) **VICIOUS DOGS.** No person shall harbor, keep or maintain within the City limits of the City of Park Falls any vicious dog. Any dog alleged to be vicious by virtue of an attack upon a human being or domestic animal shall be impounded as directed by the City of Park Falls Police Department until disposition of the charge issued by citation. Moreover, the owner of any dog, found to be vicious in the trial of a charge of harboring a vicious dog, or by plea to such a charge, shall be prohibited from returning that dog to the City of Park Falls.
- (c) **DANGEROUS DOGS.** Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping or maintaining a dangerous dog which is not registered with and licensed by the City of Park Falls in accordance with this Section, shall file with the Park Falls Police Department a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The Police Department shall, upon receipt of such affidavit, inquire of the City Clerk if the dog is currently registered as a dangerous dog pursuant to this Section within. If the dog is not registered, the City Clerk shall notify the Park Falls Police Department of this fact and the Park Falls Police Department shall serve notice upon the owner of the alleged dangerous dog, including the requirement that the owner shall bring the alleged dangerous dog to the veterinarian stated in the aforementioned notice for inspection to determine whether this dog is a dangerous dog by definition as set forth in this Section.
- (d) **RETURN OF VICIOUS DOGS PROHIBITED.** No person shall return to or harbor within the City limits of the City of Park Falls a dog previously determined by the Price County Circuit Court to be a vicious dog. The disposition of such a dog shall be in accordance with this Section.
- (e) **EXCEPTION.** No dog shall be declared to be a vicious dog if the injury or damage was sustained by a person who, at the time, was teasing, tormenting, abusing or assaulting the dog, or which dog was protecting its owner from attack by a human being. No dog shall be declared to be a dangerous dog if the proof of dangerousness concerns an incident where a person was teasing, tormenting, abusing or assaulting the dog, or which dog was protecting its owner from attack by a human being.
- (f) **Registration.**
- (1) All owners of dangerous dogs shall, on or before June 1, 1994, and annually thereafter on or before April 15th of each year, register their dog and shall provide a current color photograph of the dog with the City Clerk's Office

and pay a registration fee of Fifteen Dollars (\$15.00). At the time of registration, each owner of any dangerous dog kept within the City limits of the City of Park Falls shall provide to the City Clerk's office proof of liability insurance in the amount of at least One Hundred Thousand Dollars (\$100,000) for any acts of property damage or liability incurred by virtue of injury inflicted by such dog. Such insurance shall name the City as co-insured solely for the purpose of notice of cancellation of the policy. Upon payment of the fee, the City Clerk shall issue a current dangerous dog collar of an approved color for the purpose of identification, and which collar is to be worn by the dog at all times as proof of registration. If, when due to the length of the dog's hair, the collar is not visible, an approved colored lead or chain may be used.

- (2) An owner of a dangerous dog who fails to register his/her dog is subject to a forfeiture of not less than One Hundred Dollars (\$100.00 nor more than Two Hundred Fifty Dollars (\$250.00) per day.
- (3) An owner of a dangerous dog who registers but neglects to have the dangerous dog collar worn by the dog at all times is subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) per day.
- (4) A dangerous dog collar may be removed from a dangerous dog for grooming or purposes of other care when the dog is secured indoors or in an approved pen.

(g) REQUIREMENTS OF DANGEROUS DOGS.

- (1) While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog.
- (2) The owner or keeper shall display a sign on his or her premises facing out from all sides of the premises warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a Public Highway or thoroughfare or within twenty (20) feet of its placement. In

addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.

- (3) A dangerous dog may be off the owner's premises if it is muzzled and restrained by an approved lead or chain not exceeding three (3) feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (4) The provisions of this Section regarding dangerous and vicious dogs shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

(h) APPREHENSION AND IMPOUNDMENT.

- (1) It shall be the duty of such persons, as from time to time may be designated by resolution of the Common Council, to apprehend any unlicensed dogs. The Park Falls Police Department shall, whenever possible, see that such dogs are transferred to a designated kennel at the earliest possible date where the dogs may be taken care of and reclaimed by the owner under the rules and regulations of said kennel. When the dog is impounded by the City before being transferred to a kennel, the owner reclaiming the dog shall be required to pay Ten Dollars (\$10.00) to the City of Park Falls.
- (2) It shall be the duty of the Park Falls Police Department and such other persons, as from time to time may be designated by resolution of the Common Council, to apprehend any dangerous dogs running at large. Any dangerous dog found running at large shall be impounded and returned to its owner only upon proof of registration as a dangerous dog. A police officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion so that the officer believes that the dog is about to attack him/her.
- (3) In any event, when a dog is impounded, the impounding authority shall give notice to the owners of the impoundment and advise the owners whether and under what circumstances the dog may be redeemed. The owner of any animal impounded, confined or destroyed pursuant to the terms of this Section shall be responsible for all costs of such confinement, impoundment or destruction.

- (i) REMOVAL OF DOG PENDING LITIGATION. Whenever any person is charged with harboring a vicious dog as defined in this Section, that person shall, to the

satisfaction of the Court, remove said dog from the City of Park Falls until the trial of the citation. If the owner fails to remove the dog within forty-eight (48) hours of the service of the citation, the Park Falls Police Department shall impound the dog until the trial on the citation. If the dog is determined by plea or trial to be a vicious dog provided by this Section, it shall not be returned to the City of Park Falls. Any dog returned to the City of Park Falls after being determined to be a vicious dog constitutes a public nuisance as pursuant to Section 11-6-5 of the City of Park Falls Code of Ordinances.

- (j) **LICENSE REQUIRED.** All dogs shall be licensed as provided in Section 7-1-1 of the City of Park Falls Code of Ordinances.
- (k) **VIOLATIONS.** Every day that a violation of this Section continues, it shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses including shelter, food, handling, veterinary care and expert testimony fees necessitated by enforcement of this Section.

**SEC. 7-1-12 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.**

- (a) **PROTECTED ANIMALS.**
  - (1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*Canis lupus*), sea otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*), Mexican ridley turtle (*Lepidochelys kempi*).
  - (2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or

subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

- (3) Regulating the Importation of Certain Birds. No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) **Wild Animals; Prohibition on Keeping.** Except for state-licensed game farms, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or harbor within the City any of the following animals, reptiles or insects:
  - (1) All poisonous animals and reptiles including rear-fan snakes.
  - (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
  - (3) Baboons (*Papoi*, *Mandrillus*).
  - (4) Bears (*Ursidae*).
  - (5) Bison (*Bison*).
  - (6) Cheetahs (*Acinonyx jubatus*).
  - (7) Crocodilians (*Crocodylia*), thirty (30) inches in length or more.
  - (8) Constrictor snakes, six (6) feet in length or more.
  - (9) Coyotes (*Canis latrans*).
  - (10) Game cocks and other fighting birds.
  - (11) Hyenas (*Hyaenidae*).
  - (12) Jaguars (*Panthera onca*).
  - (13) Leopards (*Panthera pardus*).
  - (14) Lions (*Panthera leo*).
  - (15) Lynxes (*Lynx*).
  - (16) Ostriches (*Struthio*), emus (*Dromiceius*) and similar type birds and/or birds that may attain a height of three (3) feet or more.
  - (17) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
  - (18) Sharks (class *Chondrichthyes*).
  - (19) Snow leopards (*Panthera uncla*).

- (20) Tigers (*Panthera tigris*).
  - (21) Wolves (*Canis lupus*).
  - (22) Poisonous insects.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a state-licensed game farm; a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; zoological gardens; if:
- (1) Their location conforms to the provisions of the zoning ordinance of the City.
  - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
  - (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (e) **Keeping of Domestic Animals.** Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens, poultry or any animal raised for fur-bearing purposes shall not be kept in the City unless otherwise permitted elsewhere in this Code.

**SEC. 7-1-13 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.**

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Section 948.11, Wis. Stats.

**SEC. 7-1-14 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.**

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribe in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Section 948.13, Wis. Stats.



## SEC. 7-1-15 PROVIDING PROPER SHELTER.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
  - (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
  - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
  - (2) Shelter from inclement weather.
    - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
  - (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Section 948.14, Wis. Stats.

## SEC. 7-1-16 NEGLECTED OR ABANDONED ANIMALS.

- (a) **Neglected or Abandoned Animals.**
  - (1) No person may abandon any animal.

- (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
  - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
  - (5) Section 948.16, Investigation of Cruelty Complaints, and Section 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the City or any animal control agency with whom the City has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Sections 948.15, 948.16 and 948.17, Wis. Stats.

#### **SEC. 7-1-17 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.**

- (a) **Acts of Cruelty, Prohibited.** No person except a police officer in the pursuit of his duties shall, within the City, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a City street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use

- of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
  - (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

#### **SEC. 7-1-18 LIMITATION ON NUMBER OF DOGS AND CATS.**

- (a) **Purpose.** The keeping of a large number of dogs and cats within the City for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **Definitions.**
  - (1) **Dog.** A dog means any canine, regardless of age or sex.
  - (2) **Residential Lot.** A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Number Limited.**
  - (1) No family shall own, harbor or keep in its possession more than three (3) dogs and three (3) cats on any residentially zoned lot without the prior approval of the Common Council except that a litter of pups or a portion of a litter may be kept for not more than twelve (12) weeks from birth. If more than one (1) family resides on a residential lot, then only a total of three (3) dogs and three (3) cats shall be allowed on the residential lot unless the prior approval is obtained from the Common Council. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons. Persons may keep more than three (3) dogs and three (3) cats only if they have first received a kennel license and a conditional use permit pursuant to the City Zoning Code.
  - (2) The above requirement may be waived with the approval of the Common Council or when a kennel license has been issued by the City. Such application for waiver shall first be made to the City Clerk-Treasurer who shall forward the request to the animal control officer. After review, the animal control

officer shall make a recommendation to the Common Council prior to Council action on the matter.

#### **SEC. 7-1-19 ANIMAL FECES.**

It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses, and cats, to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog, horse, or cat to be on property not owned or possessed by such person shall immediately remove all excrement of such dog, horse, or cat to a receptacle located upon property owned or possessed by such person. This Section shall not apply to a person who is visually or physically handicapped.

#### **SEC. 7-1-20 CHICKEN ORDINANCE**

- (a) Purpose. The purpose of this Ordinance is to allow residents to keep chickens, while providing for and ensuring the health and overall wellbeing of the surrounding neighborhood.
- (b) Permit Required. No person shall keep chickens in the city without obtaining a valid permit issued by the Building Inspector and approved by the Board of Public Works. The permit process requires a completed application accompanied by the fee as determined by the City Common Council. A detailed site plan must be provided to the Board of Public Works with the application. The Board of Public Works can, in its absolute discretion, deny a permit for any reason, including based on the aesthetic nature of the proposed permit. The Building Inspector shall provide proof of yearly inspection of the property that the permit has been issued to the Board of Public Works. The permit shall be valid for one (1) year and shall expire December 31 of each year. A new permit must be reissued annually and a new fee paid with each application; the reapplication fee shall be determined by the City Common Council. A late fee shall be determined by the City Common Council. Any resident whom is currently keeping chickens shall have until January 1, 2019 to come into compliance with this ordinance. If compliance is not met, the Board of Public Works may order the complete removal of all chicken coops, enclosures, or fenced in areas.
- (c) Neighborhood approval required. Before a permit is issued for the keeping of chickens, the building inspector shall notify owners and occupants of each abutting property where the chickens will be kept whether directly or diagonally abutting, or across from an alley, in writing of the applicants intention to apply for such a permit. If any owner or occupant protests the letter within ten business days, the permit may only be issued by the Board of Public Works upon written request from the applicant. Upon written request from the applicant, the Board of Public Works shall consider the application, providing notice to both the applicant and the objecting owner(s)/occupant(s) at least five (5) days before such consideration. Renewal of permit shall not require neighborhood approval as set forth herein.

- (d) Keeping of chickens allowed. The keeping of up to four (4) chickens, with a permit, is allowed on a single family residential, non-leased/rental premise, provided the following conditions are complied with:
- (1) No person shall keep a rooster.
  - (2) No person shall slaughter any chicken.
  - (3) Chickens shall be provided with fresh water at all times and adequate amounts of feed.
  - (4) Chickens shall be provided with a sanitary and adequately-sized enclosure or coop, and shall be kept in an enclosure or a sanitary, adequately-sized, and accessible fenced enclosure at all times.
  - (5) Chicken coops shall be constructed in a workman-like manner, be moisture-resistant and either raised off the ground or placed on a hard surface such as concrete, patio block, or gravel.
  - (6) Chicken coops and enclosures shall be constructed and maintained to prevent the collection of standing water, and shall be cleaned of droppings, uneaten food, feathers, and other waste daily and as necessary to ensure that the coop and yard area do not become a health, odor, or other nuisance.
  - (7) Chicken coops, enclosures, and yards, when considered together, shall be large enough to provide sixteen (16) square feet per chicken. The total area devoted to keeping chickens may not exceed one hundred (100) square feet.
  - (8) No part of any enclosure shall be located closer than twenty-five (25) feet from any residential dwelling on an adjoining lot. No part of any enclosure or fenced area may be located closer than five (5) feet from any lot line. No part of any enclosure or fenced area shall be located nearer than twenty-five (25) feet from any navigable waterway.
  - (9) No enclosure or fenced area may be located in the required front yard area of a lot.
  - (10) No one may keep any chickens in a manner that causes a nuisance, unhealthy condition, or a public health threat.
  - (11) No part of any chicken coop, enclosure, or fenced in area may be located on a parcel without a primary structure.
- (e) Permit revocation. A permit is subject to revocation by the Board of Public Works upon written recommendation of the Building Inspector. Upon such recommendation, the Board of Public Works shall notify the permit holder in writing at least five (5) days in advance of the meeting at which the revocation is to be considered. Once a permit is revoked, it shall not be reissued for a period of at least two (2) years. Upon the written recommendation of the Building Inspector, the Common Council may order the complete removal of all associated chicken coops, enclosures, and fenced in areas. If the owner does not remove all associated chicken related coops, enclosures, and fenced areas within thirty (30) days of an order of removal, the City may remove all such items, and the costs associated with this removal be assessed on the property owners tax bill, as special charges.

## **SEC. 7-1-21 PENALTIES.**

- (a) Any person violating Sections 7-1-14, 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19 or 7-1-20 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
  
- (b)
  - (1) Anyone who violated Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
  
  - (2) An owner who refuses to comply with an order issues under Section 7-1-5 to deliver an animal to an officer isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
  
- (c) Any person who violates Section 7-1-6 through 7-1-13 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

## CHAPTER 2

### Fermented Malt Beverages and Intoxicating Liquor

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## ARTICLE A

### Fermented Malt Beverages and Intoxicating Liquor

#### SEC. 7-2-1 STATE STATUTES ADOPTED.

STATUTES ADOPTED. Except as otherwise specifically provided in this code, the statutory provisions in Chapter 125 of the Wisconsin Statutes, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulations of alcohol beverage control.

#### SEC. 7-2-2 DEFINITIONS.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

#### SEC. 7-2-3 LICENSE REQUIRED.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

#### SEC. 7-2-4 CLASSES OF LICENSES.

- (a) RETAIL "CLASS A" INTOXICATING LIQUOR LICENSE. A retail "Class A" intoxicating liquor license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- (b) RETAIL "CLASS B" INTOXICATING LIQUOR LICENSE. A retail "Class B" intoxicating liquor license, when issued by the City Clerk-Treasurer under authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or



container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(c) **Class "A" Fermented Malt Beverage Retailer's license.** A Class "A" retailer's fermented malt beverage license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.

(d) **Class "B" Fermented Malt Beverage Retailer's License.**

(1) License. A Class "B" fermented malt beverage retailer's license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.

(2) Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

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

(1) License. As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Common Council.

- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Common Council at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility. The Clerk-Treasurer is authorized to issue such license

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

- (1) License. Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.
- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Common Council at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a

City park, the applicant shall specify the main point of sale facility. The Clerk-Treasurer is authorized to issue such license.

- (g) **WHOLESALE'S LICENSE.** A wholesaler's fermented malt beverage license, when issued by the City Clerk-Treasurer under authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

Cross Reference: Section 7-2-17.

#### **SEC. 7-2-5 LICENSE FEES.**

- (a) **LICENSE FEES.** There shall be the following classes of licenses which, when issued by the City Clerk-Treasurer under the authority of the Common Council after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:
- (1) Class "A" Fermented Malt Beverages Retailers License. The annual fee for this license shall be Twenty-five Dollars (\$25.00). The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
  - (2) Class "B" Fermented Malt Beverage License. The annual fee for this license shall be Ninety Dollars (\$90.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued. Club licenses shall be issued for a fee of Ten Dollars (\$10.00).
  - (3) Temporary Class "B" Fermented Malt Beverage License. The fee for this license shall be Ten Dollars (\$10.00) per event.
  - (4) Temporary "Class B" Wine License. The fee for this license shall be Ten Dollars (\$10.00) per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
  - (5) Fermented Malt Beverage Wholesalers' License. The annual fee for this license shall be Fifty Dollars (\$50.00).
  - (6) "Class A" Intoxicating Liquor Retailer's License. The annual fee for this license shall be Three-Hundred Dollars (\$300.00).
  - (7) "Class B" Intoxicating Liquor Retailer's License. The annual fee for this license shall be Two Hundred Ten Dollars (\$210.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

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

#### **SEC. 7-2-6 APPLICATION FOR LICENSE.**

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the City Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or Joined by connecting entrances.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The City Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A" or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official City newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.** Retail intoxicating liquor and fermented malt beverage licenses issued by the Common Council shall be limited in number to the quota prescribed by state law. The City may utilize the annual population estimate received from the Wisconsin Department of Administration Demographic Service Center or the Bureau of Census of the United States Government in determining quotas.

#### **SEC. 7-2-7 QUALIFICATIONS OF APPLICANTS AND PREMISES.**

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.

- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
  - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
  - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the City Clerk-Treasurer a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
  - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Separate License Required for Each Place of Sale.** A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

#### **SEC. 7-2-8 INVESTIGATION.**

The City Clerk-Treasurer shall notify the Chief of Police, Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected

each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the City Clerk-Treasurer in writing, who shall forward to the Common Council, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

#### **SEC. 7-2-9 APPROVAL OF APPLICATION.**

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the City are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the City.
- (c) Consideration for the granting or denial of a license will be based on:
  - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
  - (2) The financial responsibility of the applicant;
  - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

#### **SEC. 7-2-10 GRANTING OR DENIAL OF LICENSE.**

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Common Council, the City Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the City. The full license fee shall be charged for the whole or fraction of any year.
- (b) If the Common Council denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Common Council and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Common Council consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Common Council meeting at which the application is to be reconsidered.

#### **SEC. 7-2-11 TRANSFER AND LAPSE OF LICENSE.**

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Common Council. An application for transfer shall be made on a form furnished by the City Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the City Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the City for reissuance of said license and the City, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the City Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Common Council, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the City Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Common Council until the successor agent or another qualified agent is appointed and approved by the City.

#### **SEC. 7-2-12 NUMBERING OF LICENSE.**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The City Clerk-Treasurer shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

#### **SEC. 7-2-13 POSTING LICENSES; DEFAACEMENT.**

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

#### **SEC. 7-2-14 CONDITIONS OF LICENSE.**

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the City applicable thereto.

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B" or Class "B" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B" or Class "B" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.



- (e) HEALTH AND SANITATION REGULATIONS. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor licenses issued under this Chapter. No "Class B" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) RESTRICTIONS NEAR SCHOOLS AND CHURCHES. No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- (g) CLUBS. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) GAMBLING PROHIBITED. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) CREDIT PROHIBITED. No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) LICENSEE OR PERMITTEE RESPONSIBLE FOR ACTS OF HELP. A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) **Repeal and Effective Date.** All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

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

**SEC. 7-2-15 CLOSING HOURS.**

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

(a) CLASS "B" LICENSES.

- (1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
- (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.

(b) CARRYOUT HOURS.

- (1) Between 9:00 p.m. and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A", Class "A", "Class B", or Class "B" license, intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.
- (2) Between the hours of midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages in original unopened packages, containers or bottles for consumption away from the premises.
- (3) Between midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class B" or "Class B" license, fermented malt beverages in original unopened packages, containers or bottles for consumption away from the premises.

**SEC. 7-2-16 RESTRICTIONS ON TEMPORARY FERMENTED MALT BEVERAGE OR WINE LICENSES.**

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any City-owned property or privately-owned property within the City of Park Falls, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Common Council in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on City-owned property or privately-owned property may be authorized by the Common Council provided the following requirements are met:

- (a) COMPLIANCE WITH ELIGIBILITY STANDARDS. The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section

and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.

- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the City may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Common Council may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the City of Park Falls. The applicant may be required to furnish a performance bond prior to being granted the license.
- (h) **Permitted Cups or Cans Only.** Intoxicants will be sold outside only in foam or plastic cups or cans.

Cross Reference: Section 11-4-1.

## **SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL**

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

(b) **Cancellation of Premised Licenses.**

- (1) **Grounds for Cancellation for Nonuse of License.** Any Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this Chapter for which the subject premises:
  - a. Is not open for business within one hundred eighty (180) days of the granting of such license; or
  - b. Is not open for business for a period of one hundred eighty (180) consecutive days or more; or
  - c. Is not open for business at least fifty percent (50%) of the days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years; shall be canceled unless, after notice and hearing as provided in Subsection (2) hereof, the Common Council shall determine that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimums set forth in this Subsection. If such cause is found to exist, the Common Council may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must open for business to avoid cancellation of the subject license(s).
- (2) **Notice and Hearing.** Prior to cancellation of any license, the City Clerk-Treasurer shall notify the licensee in writing of the City's intention to cancel the license for nonuse and provide the licensee with an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing, which shall be not less than fifteen (15) days after the date of the notice. Such hearing shall be conducted as provided in accordance with Sec. 125.12(2)(b), Wis. Stats., or any amendments thereto.
- (3) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

**SEC. 7-2-18 NON-ALCOHOL EVENTS FOR UNDERAGE PERSONS ON LICENSED PREMISES.**

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

- (a) The licensee or agent of a corporate licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this Subsection. Regardless of the

- date given, all notices shall expire and be deemed canceled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license
- (b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Department to a requesting licensee.
  - (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
  - (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

**SEC. 7-2-19 ALCOHOL BEVERAGES TO UNDERAGE PERSONS.**

Alcohol beverages restrictions relating to underage persons shall be in conformance with Sec 125.07 Wisconsin Statutes. Any violations of this ordinance shall be made known to the Common Council for the granting or denial of alcohol beverage licenses.

(a) Restrictions:

- (1) No person may procure for, sell, dispense or give away any alcohol beverage to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (3) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on the premises owned by an adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

**SEC. 7-2-20 THROUGH SEC. 7-2-29 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Operator's License

#### SEC. 7-2-30 OPERATOR'S LICENSE REQUIRED.

- (a) **Operator's licenses; Class "A" or Class "B" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
  - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

#### SEC. 7-2-31 PROCEDURE UPON APPLICATION.

- (a) The Common Council may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Clerk-Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the City.
- (b) All applications are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall

recommend, in writing, to the Common Council approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

**SEC. 7-2-32 DURATION.**

Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June of each even year.

**SEC. 7-2-33 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSE.**

- (a) **Fee.** The annual fee for an operator's license or provisional license shall be Ten Dollars (\$10.00) for the term or part thereof.
- (b) **PROVISIONAL LICENSE.** The City Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The City Clerk-Treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the Common Council or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The City Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The City Clerk-Treasurer may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.

**SEC. 7-2-34 ISSUANCE OR DENIAL OF OPERATOR'S LICENSES.**

- (a) After the Common Council approves the granting of an operator's license, the City Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) (1) If the application is denied by the Common Council, the City Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Common Council in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

- (2) If, upon reconsideration, the board again denies the application, the City Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) (1) Consideration for the granting or denial of a license will be based on:
  - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
  - b. The financial responsibility of the applicant;
  - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Common Council may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Common Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

**SEC. 7-2-35 TRAINING COURSE.**

- (a) Except as provided in Subsection (b) below, the Common Council may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:
  - (1) The person is renewing an operator's license.
  - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A" or "Class B" license or permit or a manager's or operator's license.
  - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Common Council may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.



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

NOTE: This Section shall take effect July 1, 1991.

**SEC. 7-2-36 DISPLAY OF LICENSE.**

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.

**SEC. 7-2-37 REVOCATION OF OPERATOR'S LICENSE.**

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

**SEC. 7-2-38 TEMPORARY CLASS B LIQUOR LICENSE.**

- (a) **First License Required.** Any person, persons, group or organization that serves and/or sells any alcoholic beverages while on public property shall obtain a Temporary Class B Liquor License pursuant to Secs. 125.26(6) and 125.07(3)12, Wis. Stats. The aforementioned shall obtain the Temporary Class B Liquor License by making application with the City Clerk's office prior to the regularly scheduled meeting of the Common Council that is to take place before the event in which alcoholic beverages are to be served upon public property.
- (b) **Security.** Any person, persons, group or organization hosting an event in which alcoholic beverages are to be served and/or sold while on public property shall provide security in a manner consistent to enforcing all applicable rules for the consumption of alcoholic beverages. The Public Services Committee shall establish applicable guidelines for security to enforce all applicable rules at the applicant's event, provide the aforementioned rules pertaining to security to the applicant and the applicant shall abide by the aforementioned rules established for security, in addition to all other applicable laws.

**SEC. 7-2-39 RESERVED FOR FUTURE USE.**

## ARTICLE C

### Penalties

#### **SEC. 7-2-40 PENALTIES.**

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the City of Park Falls, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the City of Park Falls, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the City of Park Falls.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

## CHAPTER 3

### Cigarette License

#### 7-3-1 Cigarette License

##### **SEC. 7-3-1 CIGARETTE LICENSE.**

- (a) **LICENSE REQUIRED.** No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **APPLICATION FOR LICENSE; FEE.** Every person, firm or corporation desiring a license under this Section shall file with the City Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the City Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the City Clerk-Treasurer a license fee of Twenty-five Dollars (\$25.00).
- (c) **ISSUANCE AND TERM OF LICENSE.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the City Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

## CHAPTER 4

### Direct Sellers

- 7-4-1 Registration Required
- 7-4-2 Definitions
- 7-4-3 Exemptions
- 7-4-4 Registration
- 7-4-5 Investigation
- 7-4-6 Appeal
- 7-4-7 Regulation of Direct Sellers
- 7-4-8 Revocation of Registration

#### SEC. 7-4-1 REGISTRATION REQUIRED.

It shall be unlawful for any direct seller to engage in direct sales within the City of Park Falls without being registered for that purpose as provided herein.

#### SEC. 7-4-2 DEFINITIONS.

In this Chapter:

- (a) **Direct Seller** means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) **Permanent Merchant** means a direct seller who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
  - (1) Has continuously operated an established place of business in this City; or
  - (2) Has continuously resided in this City and now does business from his/her residence.
- (c) **Goods** shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
- (d) **Charitable Organization** shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.
- (e) **Clerk** shall mean the City of Park Falls Clerk-Treasurer.
- (f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

### **SEC. 7-4-3 EXEMPTIONS.**

The following shall be exempt from all provisions of this Chapter:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;
- (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent over the age of eighteen (18) of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the City Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter; it is intended to include any employee, officer, agent or member of any local charitable organization having a local group or association. Such registration may be for all members of the charitable organization.
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the City Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the City Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this City for at least one (1) year prior to the date complaint was made.
- (k) Any person participating in a flea market providing that the organizing charitable organization is registered under this Chapter or is exempt under Subsection (i) above, and provided further that at least five (5) days before the flea market, the City Clerk-Treasurer and Police Chief are notified by the charitable organization of the time, place, and duration of the flea market.

## SEC. 7-4-4 REGISTRATION.

- (a) **REGISTRATION INFORMATION.** Applicants for registration must complete and return to the City Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
- (1) Name, permanent address and telephone number, and temporary address, if any;
  - (2) Height, weight, color of hair and eyes, and date of birth;
  - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
  - (4) Temporary address and telephone number from which business will be conducted, if any;
  - (5) Nature of business to be conducted and a brief description of the goods offered and any services offered;
  - (6) Proposed method of delivery of goods, if applicable;
  - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
  - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
  - (9) Place where applicant can be contacted for at least seven (7) days after leaving this City;
  - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.
- (b) **IDENTIFICATION AND CERTIFICATION.** Applicants shall present to the City Clerk-Treasurer for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required;
  - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
  - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) **REGISTRATION FEE.**
- (1) At the time of filing applications, a fee of Twenty Dollars (\$20.00) per month or an annual fee of One Hundred Thirty-five Dollars (\$135.00) shall be paid to the City Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Each and every member of a group must file a separate registration form.
  - (2) The applicant shall sign a statement appointing the City Clerk-Treasurer his/her agent to accept service of process in any civil action brought against

the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

- (3) Upon payment of said fee and the signing of said statement, the City Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of thirty (30) days from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.

#### **SEC. 7-4-5 INVESTIGATION.**

- (a) Upon receipt of each application, the City Clerk-Treasurer may refer it immediately to the Police Department for an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The City Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling including, but not limited to, any of the following: 1) any conviction associated with the sexual assault of a child; 2) any conviction of a 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree sexual assault of an adult; and 3) any conviction of burglary, theft or fraud in the past ten (10) years; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

#### **SEC. 7-4-6 APPEAL.**

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council or, if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Wis. Stats.

#### **SEC. 7-4-7 REGULATION OF DIRECT SELLERS.**

##### **(a) Prohibited Practices.**

- (1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A direct seller SHALL not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered

for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) **Disclosure Requirements.**

- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
- (2) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- (3) If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (4) A direct seller shall carry his license while engaged in licensed activities and shall display his license upon demand by any police officer of the City of Park Falls.

**SEC. 7-4-8 REVOCATION OF REGISTRATION.**

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



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

## CHAPTER 5

### Mobile Homes

#### 7-5-1 Monthly Parking Fee; Limitations on Parking

#### **SEC. 7-5-1 MONTHLY PARKING FEE; LIMITATIONS ON PARKING.**

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City of Park Falls a monthly parking fee as determined in accordance with Section 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the City Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the City Clerk-Treasurer may reasonably promulgate.
- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk-Treasurer and Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the City Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
  - (2) Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Clerk-Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the City Clerk-Treasurer as provided in Subsection (a).
- (b) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the City Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the City Clerk-Treasurer a cash deposit of Twenty-five Dollars (\$25.00) to guarantee payment of such fees when due to the City. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and to remit such deposits to the City Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the City, the City Clerk-Treasurer shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- (c) It shall be unlawful for any person to park a mobile home outside a mobile home park in the City of Park Falls.

- (d) It shall be unlawful for any person to establish or operate upon property owned or controlled by him within the City of Park Falls a mobile home park without having first secured a license therefor from the City Clerk. The application for each license shall be accompanied by a fee of Two Dollars (\$2.00) for each space in the existing or proposed park but not less than Twenty-five Dollars (\$25.00). The license shall expire one (1) year from the date of issuance. Such parks shall comply with the requirements of the Wisconsin Administrative Code which is hereby adopted by reference and with any zoning regulations of the City which shall take precedence where there is a conflict with the Wisconsin Administrative Code. All such parks shall provide off-street parking for motor vehicles with a minimum of one and one-half (1-1/2) spaces provided for each mobile home unit in the park.

State Law Reference: Sec. 66.058, Wis. Stats.

## CHAPTER 6

### Regulation and Licensing of Fireworks

#### 7-6-1 Regulation of Fireworks

#### SEC. 7-6-1 REGULATION OF FIREWORKS

- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
  - (2) A firearm cartridge or shotgun shell.
  - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
  - (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
  - (6) A toy snake which contains no mercury.
  - (7) A model rocket engine.
  - (8) Tobacco and a tobacco product.
  - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
  - (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
  - (12) A device that emits smoke with no external flame and does not leave the ground.
  - (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
  - (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- (b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
- (1) To a person holding a permit under Subsection (c)(3);
  - (2) To a municipality; or
  - (3) For a purpose specified under Subsection (c)(2)b-f.

(c) **Use.**

- (1) **Permit Required.** No person may possess or use fireworks without a user's permit from the Mayor or from an official or employee of the City as designated by the Common Council. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.
- (2) **Permit Exceptions.** Subparagraph (c)(1) above does not apply to:
  - a. The City, except that City fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
  - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
  - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
  - d. The possession or use of explosive or combustible materials in any manufacturing process.
  - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (3) **Who May Obtain Permit.** A permit under this Subsection may be issued only to the following:
  - a. A public authority.
  - b. A fair association.
  - c. An amusement park.
  - d. A park board.
  - e. A civic organization.
  - f. An agricultural producer for the protection of crops from predatory birds or animals.
- (4) **Crop Protection Signs.** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (5) **Bond.** The Mayor issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the City, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the

amount of the bond or policy. The bond or policy together with a copy of the permit, shall be filed in the officer of the Clerk-Treasurer.

- (6) **Required Information for Permit.** A permit under this Subsection shall specify all of the following:
    - a. The name and address of the permit holder.
    - b. The date on and after which fireworks may be purchased.
    - c. The kind and quantity of fireworks which may be purchased.
    - d. The date and location of permitted use.
    - e. Other special conditions prescribed by ordinance.
  - (7) **Copy of Permit.** A copy of a permit under this Subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.
  - (8) **Minors Prohibited.** A permit under this Subsection may not be issued to a minor.
- (d) **Storage and Handling.**
- (1) **Fire Extinguishers Required.** No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
  - (2) **Smoking Prohibited.** No person may smoke where fireworks are stored or handled.
  - (3) **Fire Chief to be Notified.** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
  - (4) **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
  - (5) **Restrictions on Storage.** No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

State Law Reference: Section 101(1)(j), Wis. Stats.

## CHAPTER 7

### Licensees to Pay Local Claims; Appellate Procedures

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

#### SEC. 7-7-1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS; APPELLATE PROCEDURES.

- (a) **Payment of Claims as Condition of License.** The City shall not issue or renew any license to transact any business within the City of Park Falls:
- (1) For any purposes for which taxes, assessments or other claims of the City are delinquent and unpaid.
  - (2) For any person who is delinquent in payment:
    - a. Of any taxes, assessments or other claims owed the City; or
    - b. Of any forfeiture resulting from a violation of any City Ordinance.
- (b) **Exception.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Appeals; Notice and Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Section 125.12, Wis. Stats., as amended from time to time.
  - (2) With respect to licenses other than those described in Subsection (a) herein, the Common Council or its assignee shall notify the applicant in writing of the City's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Common Council. If the applicant shall fail to appear before the Council on the date indicated on the notice, the Council shall deny the application for renewal. If the applicant appears before the Council on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Common Council shall conduct a hearing with respect to the matter. At the hearing, both the City and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Common Council determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Other License Denial Appeals.** Where an individual, business or corporation wishes to appeal the Clerk-Treasurer's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Clerk-Treasurer that the matter be referred to the Common Council. A public hearing shall be scheduled within fourteen (14) calendar days by the Common Council. All parties may be represented by counsel. The Council shall consider all relevant information and shall render a decision which shall be binding.