

CHAPTER 4 – LICENSES AND PERMITS

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4.1 ALCOHOL LICENSING

(1) STATE STATUES ADOPTED.

Pursuant to Wis. Stats. § 125.10(1), the provisions of Wis. Stat. Chapter 125 relating to the sale of intoxicating liquor and fermented malt beverages are hereby expressly adopted and incorporated into this Ordinance by reference. Violations of said statutes shall constitute a violation of this Ordinance and violators shall be subject to the penalties set forth in the applicable sections of the Wisconsin Statutes and as hereafter amended.

(2) LICENSE FEES.

The following fees shall be chargeable for licenses issued by the Village Board:

- (a) Class A Fermented Malt Beverage - \$25.00
- (b) Class B Fermented Malt Beverage - \$100.00
- (c) Class C Wine - \$100.00
- (d) Class Intoxicating Liquor - \$200.00
- (e) Class B Intoxicating Liquor - \$200.00
- (f) Operator’s License - \$50.00 (Two year term).
- (g) Provisional Operator’s License - \$50.00 (Valid either for one year from the date the license becomes valid in the Village or for the period remaining on the license under the ordinances of the issuing municipality, whichever is shorter).

(3) REVOCATIONS, SUSPENSIONS, REFUSALS TO ISSUE OR RENEW.

- (a) State Statues Adopted. The provisions of Wis. Stats. § 125.12(1), (2)(ag) and (ar), are hereby incorporated by reference in their entirety. Any license who procures for, sells, dispenses or gives away alcoholic beverages to a person who is a minor under state law shall be subject to suspension as provided under Wis. Stats. § 125.07.
- (b) Procedures. The provisions of Wis. Stats. § 125.12(2)(b) are hereby incorporated by reference in their entirety. Whenever the Village Board or Municipal Court revokes or suspends a license or permit or imposes a penalty on a license or permittee for the violation of this Chapter or Wis. Stat. Chapter 125, the Village Clerk or the Clerk of the Municipal Court shall, within ten (10) days after the revocation, suspension or imposition of the penalty, mail a report to the Department of Revenue at Madison, Wisconsin, giving the name of the licensee, the address of the licensed premises and a full description of the penalty imposed.

(c) Refusals to issue or renew. The Village Board may refuse to renew a license for the causes provided in Wis. Stats. § 125.12(2)(ag). Prior to the time for the renewal of the license, the Village Board shall notify the licensee in writing of the Village's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in Wis. Stats. § 125.12(2)(b) and judicial review shall be as provided in Wis. Stats. § 125.12(2)(d).

4.2 LICENSING AND REGULATION OF DOGS.

(1) LICENSE REQUIRED.

No person in the Village of Lac La Belle shall own, harbor, or keep any dog more than 5 months of age without complying with Wis. Stats. § 174.05 through 174.10, relating to the listing, licensing, and tagging of the same.

(2) LICENSE FEE.

The license fee shall be at least the minimum required by Wis. Stats. § 174.05(2) and shall by resolution be established by the Village Board.

(3) ATTACHMENT TO COLLAR.

The licensee, upon obtaining the license, shall securely attach the tag to a collar. This collar, with tag, shall at all times be kept on the dog for which the license is issued.

(4) NUMBER OF DOGS.

No person occupying less than one acer of land shall keep or harbor more than two (2) dogs in any family dwelling unit, place of residence, or business within the Village, and the keeping or harboring of more than two (2) dogs in any family dwelling unit, place of residence, or business is declared to be a nuisance. This subsection shall not apply to the keeping of female dogs and their pups when such pups are lent than 8 weeks of age.

(5) DEFINITIONS.

In this section, unless the context or subject matter otherwise requires:

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

(6) RESTRICTIONS ON KEEPING OF DOGS.

- (a) No person within the Village of Lac La Belle shall own, harbor or keep any dog which:
- (b) Habitually pursues any vehicle upon any public street, alley, or highway in the Village.
- (c) Assaults or attacks any person.
- (d) Is at large within the limits of the Village.
- (e) Habitually barks or howls to the annoyance of any person or persons.
- (f) Kills, wounds, or worries any domestic animal.
- (g) Is known by such person to be infected with rabies or to have been bitten by a dog known to have been infected with rabies.

(7) DUTY OF OWNER IN CASES OF DOG BITE.

Every owner or persona harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Village Police Department and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the Village shall direct. The owner or keeper of any such dog shall surrender the dog for examination to any Village Police Officer upon demand.

(8) PROTECTION AGAINST RABIES

- (a) When any person owning, harboring or keeping any dog is notified by a Village Police Officer that a dog he owns, keeps, or harbors has contracted rabies, or is being subject to the same, or is suspected by the Village Police Officer as having rabies or has bitten any person, it shall be the duty of the person who shall own, keep, or harbor such dog to surrender the same to the Village Police Officer immediately.
- (b) It shall be the duty of Village Police Officers to apprehend nay dog which shall have bitten any person, or which has contracted rabies, or has been subject to the same, or which the Police Officer has good reason to suspect has contracted rabies.
- (c) Any dog surrendered or apprehended hereunder shall be confined by the Village Police Officer until a Health Officer or Registered Veterinarian shall determine whether or not such dog is infected with rabies. If such dog is found to be infected with rabies, it shall be destroyed in a humane manner. If found not to be infected with rabies, it shall be returned to the person owning, harboring, or keeping such dog.
- (d) The Health Officer or Registered Veterinarian shall cause any dog seized by the Village Police Officer hereunder to be examined for rabies, and shall report in writing the result of the examination, to the Police Officer, and to such person, if known, owning, harboring, or keeping such dog.

(9) FIERCE OR VICIOUS ANIMAL.

- (a) Any law enforcement officer having reasonable grounds to believe that any animal, except for any police canine while performing a law enforcement function, has caused injury to persons or animals within the Village may take such animal into custody pursuant to Wis. Stats. § 173.13 where such law enforcement officer has reasonable

grounds to believe that the animal poses a significant threat to public health, safety or welfare.

- (b) If a law enforcement officer takes custody of an animal with the knowledge of the owner, the humane officer or law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under Wis. Stats. § 173.22, and the procedure to be followed if the animal is not returned to the owner.
- (c) If a law enforcement officer takes custody of an animal without the knowledge of the owner, the law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under Wis. Stats. § 173.22, and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody.
- (d) If the owner informs the humane officer or law enforcement in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under Wis. Stats. § 173.23(1m).
- (e) Disposition of any animal taken into custody under this section shall be governed by Wis. Stats. § 173.23, as amended from time-to-time.

(10) **IMPOUNDING OF DOGS.**

It shall be the duty of law enforcement officers to apprehend any dog running at large on any public land or on private land other than that of its owner and to confine such dog when apprehended.

(11) **RECLAIMING IMPOUNDED DOGS.**

Any owner of a dog that has been confined by law enforcement officers for being at large may reclaim the dog upon payment of all costs and charges incurred in impounding and keeping such dog unless such dog has been confined as a fierce or vicious dog. It is hereby made the duty of law enforcement officials to keep, or cause to be kept, all dogs apprehended at large for a period of seven days to afford the owner of the dog an opportunity to reclaim it.

(12) **DOG WASTE**

- (a) It shall be unlawful for any owner of a dog to fail to immediately remove the solid waste matter of the dog from any public or private property except that property owned by the dog owner.
- (b) Any person violating a provision of this Chapter, and upon conviction of any such violation, shall be subject to a penalty as provided in Ordinance 15.04 of this Code.

4.3 CIGARETTE LICENSING.

(1) ADOPTION OF STATUTORY PROVISIONS.

The statutory provisions describing and defining regulations with respect to the sale and distribution of cigarettes in Wis. Stats. § 134.65, Wis. Stats., as it may be amended from time-to-time, are hereby adopted and by reference made a part of this article of the Village of Lac La Belle, with the same force and effect as though set forth herein verbatim.

(2) DATE OF ISSUANCE.

All licenses shall be issued on July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked.

(3) SUBJECT TO RULES OF SANITATION.

The rules and regulations made by the State Board of Health governing sanitation of restaurants shall apply to all licenses issued under this article. No such license shall be issued unless the premises to be licenses conform to such rules and regulations.

(4) REVOCATION OF LICENSE.

The license or permit of any persona shall stand revoked without further proceedings upon the conviction of such person for maintaining a disorder or riotous, indecent or improper house, or for permitting gambling in any form upon or within the premises or any appendage thereto. The license shall also stand revoked without further proceedings if the licensed premises are vacated and no application for transfer of the license to another premises has been made within sixty (60) days after the licensed premises have been vacated.

(5) LICENSE FEE.

The fee for such license shall be one-hundred dollars (\$100.00) per year or fraction thereof.

4.4 SPECIAL EVENT PERMITS.

(1) PREAMBLE.

The Village of Lac La Belle hereby determines that, as it is necessary to protect the health, safety and welfare of persons and property within the Village of Lac La Belle, Special Events and related activities shall be regulated.

(2) DEFINITIONS.

The following terms are hereby defined for sec. 4.04 of this Code only;

- (a) PERSON. Any individual natural human being and any legal entity including but not limited to partnership corporation, firm, company, association, limited-liability company, society or group.
- (b) SPECIAL EVENT. An outdoor assemblage of one-hundred (100) or more persons at any one time on public property for a performance, celebration, commemoration, display

and/or sale of goods or other type of social gathering open to the public for free or upon payment of some kind of consideration; it includes, but is not limited to, whether for profit or not, outdoor festivals, flea markets, fun runs, bicycle races, walk-a-thons, footraces, marathons, athletic events, outdoor gatherings on nonresidential property, either public or private or a combination of both involving the use of temporary structures, and other similar-type activities that do not require a permanent site or business location and do not compromise public health, safety or welfare.

(3) PERMIT; WHEN REQUIRED.

- (a) Prior to application, no person shall allow on their property or conduct a Special Event within the Village unless a permit has first been issued.
- (i) Applications for Special Event permits shall be made to the Village Clerk, on forms provided by the Village of Lac La Belle, and shall include at a minimum all of the following information:
 - (ii) The names, addresses and telephone numbers of all of the officers and directors if the applicant is a corporation, or members if the applicant is a limited-liability company, or the identity, contact information, and addresses of the entire leadership of a society or group;
 - (iii) The location at which the event is to be conducted;
 - (iv) Details related to the nature of the event, including:
 - 1. Whether or not music will be provided; Music for Special Events shall terminate at 9:00 p.m. if the event is held Sunday through Thursday and at 11:00 p.m. if the event is held on a Friday, Saturday or holiday weekend.
 - 2. Whether or not alcoholic beverages will be served and, if so, what controls will be in place to prevent underage or intoxicated individuals from being served;
 - 3. The anticipated number of event attendees;
 - 4. Hours and/or days of operation for the Special Event; all Special Events as defined by this chapter shall cease operation no later than 10:00 p.m. Sunday through Thursday and no later than 12:00 midnight on Friday, Saturday or a holiday weekend.
 - 5. An event site plan that documents the location of:
 - a. Vendors of consumable food or beverages;
 - b. Generators;
 - c. Parking accommodations (both off- and on-site); and
 - d. Proposed road closures, if any.
 - (v) The Village Clerk, in consultation with Village department heads, may include specific conditions which require cleanup of public and private property in the vicinity of the location of the Special Event that may be littered.
 - (vi) The Village Clerk, in consultation with the Village President and/or Village Administrator and Chief of Police, may include special conditions which required additional security, provided on- or off-duty Village Police Officers, at the applicant's expense.

- (vii) A cash deposit of five-hundred dollars (\$500.00) may be required as a condition to assure such security is provided and/or such cleanup is satisfactorily accomplished within twenty-four (24) hours. Said sum shall be used by the Village to offset any costs which it may incur in providing security and cleanup, and the balance of the deposit, if any, should be refunded upon final inspection. In the event insufficient funds are available to offset costs, the Village reserves the right to seek reimbursement through all means available to the Village. There will be no reissuance or new issuance of Special Events permits to the applicant or his or her organization until such payments are made. A contact person who will be available at all times during the Special Event and that person's cell phone number which must be accessible throughout the Special Event.
- (viii) Applicant shall deliver notice to property owners within a five-hundred-foot radius of the Special Event site at least three weeks prior to the Special Event (property owner list shall be provided by the Village three weeks in advance); applicant must provide evidence of mailing, such as an affidavit, and a copy of the notice to the Village Clerk;
- (ix) Proof of insurance, subject to Village Attorney approval in consultation with the Village President or Administrator, based on potential degree of risks posed by the Special Event
- (x) Signage and proposed location for such signage (to the extent allowed by sec. 8.23 of this Code);
- (xi) Such other information as may be required to process the application.
- (b) Completed applications shall be submitted to the Village Clerk at least sixty (60) days prior to the schedule date of the Special Event.
- (c) Notwithstanding the requirements of sec. 4.04(3)(B), the Village Clerk may accept an untimely or inadequately submitted application if the Village Clerk determines that there is reasonably sufficient time to review the application and any supplemental information, and process the application. Said discretion shall apply to applications submitted in accordance with sec. 4.04(7), Permit reissuance.
- (d) Upon receipt of a completed Special Event permit application, the Village Clerk shall refer said application to the Village President and Attorney and to the Village Board of Trustees for their review. The Village Clerk shall instruct all potentially affected Village departments to review the completed Special Event permit application and provide a report with recommendations concerning all phases of the proposed Special Event.
- (e) Should the application be deemed consistent with the requirements of this chapter, the Village Clerk shall issue the Special Event permit. Any application that is denied by the Village Clerk shall be processed in accordance with sec. 4.04(4).

(4) APPEALS.

Any person aggrieved by a decision of the Village Clerk pursuant to this chapter is able to appeal solely to the Board of Trustees. Any appeal to the Board of Trustees under this chapter shall be made within ten (10) business days of the date that the Village Clerk issued the decision being appealed from. The Board shall consider the matter at the next available regular Board of Trustees meeting. Based upon testimony provided by both the applicant and the Village Clerk, and after consideration of impacts generated by the Special Event related to the health, safety and welfare of the Village, the Board may affirm, reverse, or modify the Village Clerk's initial decision.

(5) BOARD OF TRUSTEES REVIEW.

All Special Events applications shall be referred to the Board of Trustees for review and approval. Based upon testimony and submissions provided by both the applicant and the Village Clerk and other relevant witnesses, and after considerations of potential impacts and submissions stemming from the Special Event on the health, safety and welfare of the Village, the Board may approve the application as presented, approve the application with conditions or deny the application.

(6) PERMIT EXPIRATION.

All permits approved under this chapter are effective for only the times and dates specified within the application and further shall expire upon the cessation of event activities as identified on the approved Special Events permit application, unless said permit is reissued under the terms of sec. 4.04(7) or terminated under the terms of sec. 4.04(8).

(7) PERMIT REISSUANCE.

Special Event permits previously approved under this chapter may be reissued by the Village Clerk, provided that the proposed Special Event does not materially differ from the Special Event previously approved and provided that all requirements of this chapter are met. Requests to reissue Special Event permits shall be submitted in writing to the Village Clerk on an application form provided by the Village accompanied by the fee or any reimbursement that may be established by the Village Board. Said reissuance application shall be submitted at least sixty (60) days prior to the start date of the event.

(8) TERMINATION OF EVENT PERMIT.

A Special Event permit for an event in progress may be terminated by the Chief of Police, or his respective designee if public safety is compromised or threatened by activities generated during the event, if the participants engage in violent, riotous, disorderly or destructive behavior causing injury to persons or damage to property, or if there is a violation of the conditions of the permit such that conditions of issuance are no longer met.

(9) VIOLATIONS AND PENALTIES.

Any person who shall violate any provision of this chapter or any policy or procedure made under this chapter shall be subject to a forfeiture of no less than what the permit fee and/or deposit would have been, had a permit been properly obtained, plus any additional penalty provided in sec. 15.04 of this Code.

4.5 - 4.19 [RESERVED]

4.20 PENALTY.

Any person who shall violate any provision of this chapter shall be subject to penalties as provided in sec. 15.04 of this Code.