

## CHAPTER 11

### LICENSES AND PERMITS

- 11.01 Intoxicating Liquor and Fermented Malt Beverages
- 11.02 Peddlers, Canvassers, and Transient Merchants
- 11.03 Amusement Devices
- 11.04 Bowling Alleys
- 11.05 Public Amusements
- 11.06 Public Dances and Dance Halls
- 11.07 Regulation and Licensing of Dogs
- 11.08 Cigarette Licensing, etc.
- 11.09 Boat Landing

#### 11.01 – INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

- (1) **State Statutes Adopted.** The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted and made a part of this ordinance by reference. All terms defined in Section 125.02 Wis. Stats. shall be accorded their statutory meaning when used herein unless otherwise provided.
- (2) **Licenses.**
  - (a) **When Required.** No person, except as provided by Section 125.06 Wis. Stats. shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or for the purpose of evading any law or ordinance, give away any alcohol or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State of Wisconsin, Village of Cassville applicable thereto.
  - (b) **Separate License Required for Each Place of Sale.** A separate license shall be required for each premises or location, except a licensed public warehouse at which alcohol beverages are stored or from which deliveries and sales of alcoholic beverages are made. No license shall be issued to any person for the purpose of possessing, or selling, or offering for sale any alcoholic beverage in any private residence.
- (3) **License Fees.** There shall be the following classes and denominations of licenses, which, when issued by the Village Clerk under the authority of the Village Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal, or traffic in alcoholic beverages as provided in the Wis. Stats.:

- (a) Class “A” fermented malt beverage retailer’s license - \$100.00 per year.
- (b) Class “B” fermented malt beverage retailer’s license - \$100.00 per year or ¾ of such amount for a 6-month period. Temporary Class “B” licenses issued pursuant to Section 125.26(6) shall be issued for a fee of \$10. No license issued pursuant to Section 125.26(6) Wis. Stats. shall permit sale for more than eight (8) days.
- (c) Wholesaler’s fermented malt beverage license - \$25 per year or fraction thereof.
- (d) Beverage operator’s license - \$20 per year or fractional part thereof.
- (e) Retail Class “A” liquor license - \$500 per year.
- (f) Retail Class “B” liquor license - \$300 per year.
- (g) Class “C” wine license - \$100 per year.
- (h) Provisional Operator's License - \$15

**(4) License Restrictions.**

- (a) Licenses may be issued to any persons eligible therefor under Sections 125.04 Wis. Stats. All applications for licenses shall be on forms prescribed by the Wisconsin Department of Revenue or if there are none on forms prescribed by the Village Clerk.
- (b) **Effect of Revocation of License.** No license shall be issued for any premises if a license covering such premises has been revoked within 6 months of application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.
- (c) **Inspection of Application and Premises.** The Village Clerk shall notify the Chairman of the Zoning, Licenses, and Ordinance Committee of all license and permit applications, who shall determine, based upon an inspection of the application and of the premises, to the extent necessary, with the assistance of any official or village employee whose service is requested, whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable there to and the applicant’s fitness for the trust to be imposed, and who shall report thereon to the Village Board. No annual license or permit provided for this section shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a re-inspection of the premises and report as herein required.
- (d) **Provisional Operator's License.** The Village Clerk may issue a provisional operator's license to an otherwise qualified applicant in those cases where the applicant is required to complete a responsible beverage server training course pursuant to Sec. 125.17(6), Wis. Stats. A provisional operator's license shall expire 60

days after its issuance. A person who has been issued a provisional operator's license and who successfully completes the responsible beverage training course within 60 days of the issuance of the license shall be granted a regular operator's license by the Clerk upon proof of successful completion of the training course. If the holder of a provisional operator's license fails to successfully complete the course or fails to provide the Clerk with proof of successful completion of the course within 60 days of issuance, the Village Clerk or Village Board shall revoke the provisional license. A person whose provisional operator's license has been revoked hereunder shall not be eligible for an operator's license thereafter without proof the person has successfully completed the responsible beverage training course. A provisional operator's license may not be issued to any person who has been denied an operator's license by the Village Board, who has had his or her operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the responsible beverage server training course. The Village Clerk may revoke the license if he or she discovers that the holder of the provisional operator's license made a false statement in his or her license application. A provisional operator's license shall not be renewed.

- (e) **Health and Sanitation.** No license shall be issued for any premises, which do not conform to the sanitary, safety, and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinances and regulations adopted by the Village.
  - (f) **Tax Delinquencies.** No license shall be granted for operation on any premises upon which taxes or assessments, forfeitures, judgments, or other financial claims of the Village are delinquent or unpaid.
  - (g) **Location of Premises.** No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church or any residence district as defined in Chapter 9 of this code. Such distance shall be measured via the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closes entrance to such premises.
- (5) **Search of Licenses Premises.** It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village of Cassville 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 hereunder and shall be deemed a violation of this section.
- (6) **Posting License.** Licenses or permits issued under this section shall be posted and displayed as provided in Section 125.04(10) Wis. Stats. and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

- (a) **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- (b) **Closing Hours.** No premises for which a license has been issued shall be permitted to remain open for the sale of fermented malt beverage or intoxicating liquor:
- (1) If a wholesale license, between 5:00pm and 8:00am, except on Saturdays when the closing hour shall be 9:00pm.
  - (2) If a retail Class “A” license, between 9:00pm and 8:00am.
  - (3) If a retail Class “B” license, between 1:00am and 8:00am, except during each year for which the standard time is advanced under Section 175.095, the closing hours shall be between 2:00am and 8:00am and on January 1<sup>st</sup> when closing hours shall be between 3:00am and 8:00am.
  - (4) Hotels and restaurants whose principal business is the furnishing of food and lodging to patrons and bowling alleys and golf courses, shall be permitted to remain open for the conduct of their regular business but shall not be permitted to sell intoxicating liquor or fermented malt beverage during the hours mentioned in Subsection 3.

**(7) Revocation and Suspension of Licenses.**

- (a) **Procedure.** Except as hereinafter provided, the provision of Section 125.12 of the Wis. Stats. shall be applicable to proceedings for the revocation or suspension or non-renewal of all licenses or permits granted under this section.

- (8) **Penalty.** The penalty for violation of any of the provisions of this section shall be a penalty as provided in Section 25.04 of this code, provided that no penalty imposed shall exceed the maximum allowed by Wis. Stats. A separate violation shall be deemed committed on each day on which a violation occurs or continues.

**11.02 – PEDDLERS, CANVASSERS, AND TRANSIENT MERCHANTS.**

- (1) **Registration Required.** It shall be unlawful for any seller to engage in direct sales within the Village of Cassville without being registered for that purpose as provided herein.
- (2) **Definitions.** In this Ordinance:
- (a) *Direct Seller.* Any individual who, for him/herself, or for a partnership, association or corporation, sells goods or services, or takes sales orders for the later delivery of goods or services, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include,

but not 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.* A direct seller who, for at least one year prior to the consideration of the application for this ordinance to said merchant, (a) has continuously operated an established place of business in this Village, or (b) has continuously resided in this Village and now does business from his or 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 benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) *Clerk.* Shall mean the Village Clerk.

(3) **Exemptions.** The following shall be exempt from all provisions of this ordinance.

- (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 of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under Section 440.41 Wis. Stats. (any charitable organization not registered under Section 440.41 Wis. Stats.), or which is exempt from that statute's registration requirements, shall be required to register under this ordinance.
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has leased for at least one year, or purchased, the premises for which he/she is conducting business, or proof that such person had conducted such business in this Village for at least one year prior to the date complaint was made; or other evidence satisfactory to the Village Clerk which establishes that the business has a permanent location from which it is conducting business in the Village.

**(4) Registration.**

- (a) Applicants for registration must compete and return to the clerk a registration form furnished by the clerk which shall require the following information:
  - (1) Name, permanent address and telephone number, and temporary address, if any;
  - (2) Age, date of birth, height, weight, color of hair and eyes;
  - (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/her business;
  - (8) Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
  - (9) Place where applicant can be contacted for at least seven days after leaving this Village; and if goods are sold for future delivery, a place where the applicant can

be contacted for at least seven days after the contemplated delivery date of the goods;

- (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 years; the nature of the offense and the place of conviction.

(b) Applicants shall present to the Clerk for examination;

- (1) A driver's license or some other proof of identity as may be reasonable 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 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, a fee of \$20.00 shall be paid to the Clerk to cover the cost of processing said registration.

Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of three months from the date of entry, subject to subsequent refusal as provided in Section (5)(b) below.

**(5) Investigation.**

- (a) Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

- (b) The Clerk 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, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling, or the applicant failed to comply with any applicable provision of Section 4(b) above.

**(6) Appeal.** Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board.

**(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 9:00pm and 9:00am, except by appointment; calling at any dwelling or other place where a sign is displayed bearing the word “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/her visit, his/her identity or the identity of the organization he/she 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, and 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 of 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/she 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/her name, the name of the company or organization he/she is affiliated with, if any and the identity of goods or services he/she offers to sell, and shall produce and display his/her direct Seller’s license or permit.
- (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 \$25, in accordance with the procedure as set forth in Section 423.203, Stats., the seller shall give the buyer two 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/she 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.
- (8) **License Display.** Direct Sellers are hereby required to display their license or permit upon demand by any police officer. Such license shall be carried upon the seller's person at all times while engaged in such licensed activities.
- (9) **Effective date of registration.** Registration under this ordinance becomes effective upon the issuance of the permit by the Village Clerk.
- (10) **Penalty.** Any person convicted of violating any provisions of this ordinance shall forfeit not less than ten dollars nor more than one-hundred dollars for each violation plus costs of prosecution. Each violation shall constitute a separate offense.
- (11) **Severance Clause.** The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

### 11.03 – AMUSEMENT DEVICES

- (1) **Definition.** An amusement device shall include any instrument, board, machine, article or other device used and operated for the playing of games of skills, including pool tables, billiard tables, juke boxes, shuffle boards and all other devices or things whatever whereby any person may play, participate or engage by himself or with others for skill or amusement.
- (2) **License Required.** No person, firm or corporation shall operate, set up, keep, maintain or manage any amusement device within the Village of Cassville without first obtaining a license therefore from the Village Clerk as hereinafter provided.
- (3) **Application; Issuance of License; Fee.** Application for a license to operate any amusement device shall be filed with the Village Clerk of said Village upon forms provided by said Clerk such application shall be presented to the Village Board and upon its approval and the payment of the license fee as hereinafter provided, the Clerk shall issue a license to the applicant. The annual license fee for each amusement device shall be \$10 and shall be assessed on July 1<sup>st</sup> of each year.
- (4) **Revocation of License.** The Village Board may, at any time, after giving the licensee notice and an opportunity to be heard, revoke any license granted under the provisions of

this section for disorderly or immoral conduct on the premises where the amusement device is operated, or upon the conviction of the licensee for violation of any ordinances of the Village, or for the protection of the public health, safety, morals or general welfare. Notice of such hearing and the reason therefore shall be served upon the licensee by mailing the same to the address given to the application for the license and by filing a copy of notice with the clerk.

- (5) **Penalty.** The penalty for violation of this section shall be a penalty provided in Section 25.04 of this code.

#### 11.04 – BOWLING ALLEYS

- (1) **License Require.** No person, firm or corporation shall operate a bowling alley within the Village of Cassville without first obtaining a license therefore from the Village Clerk in the manner provided herein.
- (2) **Application; Issuance of License; Fee.** Application for a license to operate any bowling alley shall be filed with the Village Clerk of said Village upon forms provided by said Clerk; such applications shall be presented to the Village Board and upon its approval and the payment of the license fee as hereinafter provided, the Clerk shall issue a license to the applicant. The annual license fee for each lane shall be \$20 and shall be assessed on July 1<sup>st</sup> of each year.
- (3) **Closing Hours.** No person, firm or corporation shall operate a bowling alley from 12:00 midnight to 8:00am.
- (4) **Revocation of License.** The Village Board may, at any time, after giving the licensee notice and an opportunity to be heard, revoke any license granted under the provisions of this section for disorderly or immoral conduct on the premises where the bowling alley is operated, or upon the conviction of the licensee for violation of any ordinance of the Village, or for the protection of the public health, safety, morals or general welfare. Notice of such hearing and the reason therefore shall be served upon the licensee by mailing the same to the address given in the application for the license and by filing a copy of the notice with the clerk.
- (5) **Penalty.** The penalty for violation of this section shall be a penalty provided in Section 25.04 of this code.

#### 11.05 – PUBLIC AMUSEMENTS

- (1) **Circuses.** No person, firm or corporation shall exhibit any show circus, menagerie or entertainment under canvas without having first obtained a license from the Village Clerk as hereinafter provided. The license fee for each day's exhibition of any show, circus, menagerie or entertainment under canvas shall be \$10 for the first day, and \$5 for each subsequent day's performance.

- (2) **Theatrical Performances.** No person, firm or corporation shall put on any stage exhibition, theatrical performance or moving picture show without first having obtained a license from the Village Clerk as hereinafter provided, except when given in a hall, opera house or other public building for which the owner or lessee shall have obtained a yearly license. The license for each day's exhibition, theatrical performance, or moving picture show when put on in a hall, opera house, or other public building for which there is no annual license shall be \$5. The annual license fee for the operation of a hall, opera house or other public building shall be \$5.
- (3) **Application for License.** Application for a license shall be made to the Village Clerk on form prescribed by him. Upon filing said application forms with the Village Clerk and paying the license fee, the clerk shall thereupon issue the license applied for. Licenses issued under this section shall be posted and displayed for inspection by Village authorities at all reasonable times.
- (4) **Penalty.** The penalty for violation of this section shall be a penalty as provided in Section 25.04 of this code.

#### **11.06 – PUBLIC DANCES AND DANCE HALLS**

- (1) **License Required.** No person shall hold or conduct a public dance except in compliance with a written license to be issued by the Village Clerk upon application made therefore, made at least seven days prior to the date of the holding of such public dance. The application fee to be paid with each application shall be \$5.
- (2) **Definitions.** A "public dance" as used in this ordinance shall mean any dance at which admission can be had by the public generally upon payment of an admission fee or cover charge or at which a minimum food or drink purchase is required or a surcharge on food or drinks is assessed.
- (3) **Inspector Optional.** Upon applying for a dance license, the applicant shall state in writing whether a dance inspector is desired. If an inspector is requested it shall be the duty of the Chief of Police to select a deputy to be present at such dance and to see that the laws of the State, the ordinances, rules and regulations of the County and the local ordinances are complied with and enforced. If the applicant does request an inspector, it shall be his duty to see to it that the aforementioned laws, ordinances and rules are fully complied with. If an inspector is requested by the applicant, a payment to the Village Clerk of \$65.00 plus \$14.50 for each hour or fraction thereof the dance will exceed four hours shall be made with the application, for compensation of the inspector. The Clerk upon the issuance of said license shall in all cases notify the Chief of Police of the application and license.
- (4) **Conduct of Public Dances.** The following rules and regulations shall govern the conduct, operation and management of all public dances.

- (a) Public dances shall be discontinued at or before 1:00am. No public dance shall be conducted between such closing hour and 8:00am unless the deputy sheriff has a special permit in writing given by the Village Clerk. A written application for such special permit must be filed with the Village Clerk at least two days prior to the date of the holding of such dance.
- (b) All dances held in the nighttime shall be kept sufficiently lighted at all times.
- (5) **Denial of License.** If following receipt of any license and holding of a dance pursuant to such license, state or local law and regulations are violated, no new license shall be issued to the same licensee within six months following the date of such revocation.
- (6) **Penalty.** The penalty for violation of this section shall be a penalty as provided in Section 25.04 of this code.

## 11.07 – REGULATION AND LICENSING OF DOGS

- (1) **License Required.** It shall be unlawful for any person in the Village of Cassville to own, harbor and keep any dog more than six month of age without complying with the provisions of Chapter 174 Wis. Stats.
- (2) **Definitions.** In this section, unless the context or subject matter otherwise required:
  - (a) “Owner” shall mean 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 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 some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog’s owner shall be deemed to be upon the owner’s premises.
- (3) **Restrictions on Keeping of Dogs.** It shall be unlawful for any person within the Village of Cassville to own, harbor or keep any dog which:
  - (a) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (b) Is at large within the limits of the Village.
  - (c) Habitually barks or howls to the annoyance of any person or persons.

- (d) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (e) Any dog which is vicious.
- (f) For the purpose of this section, the following shall be specifically defined as vicious:
  - (1) Any dog or other animal with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, barking and/or snarling in a threatening manner.
  - (2) Any dog or other animal which attacks a human being or other domestic animal without provocation.
  - (3) Any dog or other animal owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting.
  - (4) Any pit bull dog.
  - (5) The pit pull terrier breed of dog.
  - (6) The Staffordshire bull terrier breed of dog.
  - (7) The American pit bull terrier breed of dog.
  - (8) The American Staffordshire terrier breed of dog.
  - (9) Dogs of mixed breed or other breeds listed herein whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.

Any vicious dog or animal which is found off the premises of its owner shall be seized by any police officer and, upon establishing to the satisfaction of the court, the vicious character of such dog or animal may be destroyed. Notwithstanding the above, a police officer may kill or tranquilize a vicious dog or animal if he determines that it is necessary to take such action in order to prevent real and immediate personal injury to any person, including himself.

- (4) **Duty of Owner in Cases of Dog Bite.** Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Chief of Police and shall keep such dog confined for not less than 14 days or for such period of time as the Chief of Police shall direct. The owner or keeper of any such dog shall surrender the dog to the Chief of Police or any village police officer upon demand for examination.

- (5) **Sacrifice of Use for Humane Purposes if Dog is Unclaimed.** A dog which is not released to its owner or to a person other than its owner within the impoundment period is deemed an unclaimed dog. The minimum impoundment period is 7 days after the dog is delivered to the Chief of Police. The Chief of Police may extend the impoundment period if release of the dog to the owner or a person other than the owner appears likely. The Chief of Police may dispose of an unclaimed dog by releasing it as provided for humane purposes pursuant to Section 174.13, Wis. Stats. or by disposing of the dog in a proper humane manner if said dog is not released under Section 174.13.
- (6) **Impounding of Killing of Dogs.** In addition to any penalty hereinafter provided for a violation of this section, any person may impound any dog and any police officer of the Village may kill any dog which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks or howls, kills, wounds, or worries any domestic animal or is infected with rabies. Possession of dogs impounded under this section may be obtained by paying a \$20 pickup fee to the Village Treasurer plus a \$15 per day impoundment fee for each day or fraction thereof the dog has been so impounded, and obtaining a dog license under Sec. 11.07, if none has been previously obtained. Dogs impounded for a period of 7 days shall be destroyed by or under the direction of the Chief of Police, in accordance with Sec. 174.10(2), Wis. Stats. In the event the owner of the dog is found but refuses to accept the return of the dog, the pickup and impoundment fees, plus the costs of destroying the dog will be collected as a debt to the owner and upon written notice of the charges such cost shall be assessed against the owner's real estate as a special charge.
- (7) **Penalty.** The penalty for violation of any provisions of this section shall be a penalty as provided in Section 15.04 of this code.

#### 11.08 – Cigarette License.

- (1) **License Required.** No person, firm or corporation in the Village of Cassville, 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 therefore, without first obtaining a license as hereinafter provided.
- (2) **Application for License; Fee.** Every person, firm or corporation desiring a license under this section shall file with the Village 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 Village Clerk-Treasurer and shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee of \$25.00.
- (3) **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 therefore shall be issued by the Village 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 30<sup>th</sup> unless sooner revoked for any violation of this Section.

- (4) **Restrictions on Sale.** Wis. Stat. Section 134.66 regarding restrictions on the sale of cigarettes or tobacco products is hereby incorporated herein by reference as if fully set forth including the penalty provisions of said section.

## 11.09 – BOAT LANDING FEES AND REGULATIONS

- (1) **Fees.** The following fees are established for the use of all boat ramps located within a public boat landing in the Village of Cassville, Grant County, Wisconsin.

- (a) \$25.00 – Annual Fee
- (b) \$15.00 – Weekly Fee
- (c) \$5.00 – Daily Fee

- (2) For the fees set forth in paragraph (1) above, the following definitions shall apply:

(a) Annual shall mean the year 2006 commencing with the enactment of this ordinance and extending to and including the 31<sup>st</sup> day of December 2006. Thereafter, annual shall be each calendar year starting January 1, 2007.

(b) Weekly shall mean commencing on the day the fee for the weekly usage was purchased and ending at midnight of the seven-day period.

(c) Dailey shall mean commencing on the day the fee for the daily usage was purchased and ending at midnight of that same day.

- (3) Any person launching a boat or other watercraft from a ramp located at a public boat landing in the Village of Cassville, Grant County, Wisconsin, shall be required to pay the fee as set forth in paragraph (1) above. Notwithstanding the above, all state, federal and local governmental agencies are exempt from payment of the fee hereunder required.

- (4) **Vehicle Parking.** No person may park any vehicle with an empty boat or watercraft trailer within the restricted areas without paying the fee set forth in paragraph (1) above and visibly displaying on said vehicle a permit obtained from the Village evidencing payment of said fee. The appropriate signs shall designate the areas where parking without said permits is prohibited.

- (a) **Restricted Parking Areas.** The following restricted parking areas require payment of the boat landing fee and visible display of the permit on the vehicle.

- 1. Designated parking area of a public boat landing
- 2. Grassy areas surrounding the boat landing and designated parking area
- 3. Prime Street
- 4. Jack Oak Road
- 5. Land within the boundaries of Riverside Park

- (5) That the Village Clerk, her designee, the Cassville Police Department or any other person designated by the Village Board, is hereby authorized to sell and collect the permits and associated fees required by this ordinance. Further, the Village Clerk or Police Department is authorized to undertake and implement any and all additional requirements necessary to effectuate this ordinance.
- (6) No person may use a dock located in a public boat landing for any purpose other than to load or launch a boat. Any other activities, including but not limited to swimming, fishing or transient docking, are hereby prohibited.
- (7) All fees collected hereunder shall be placed in a fund to be used for the repair and maintenance of the public boat landing located at Riverside Park in the Village of Cassville or for the development, construction, repair and maintenance of future boat launching sites within the Village of Cassville, Grant County, Wisconsin.
- (8) **Penalty.** Each day for which a person violates any provision of this ordinance shall be considered a separate offense. Any person violating any provision of this ordinance shall be subject to a forfeiture of \$25 plus court costs and other costs or prosecution.