

CHAPTER 12

LICENSES AND PERMITS

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LICENSE AND PERMITS 12.01

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

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

(3) **PAYMENT OF FEE.** The fees for any license or permit shall be paid at the office of the Town Clerk with the application for such license or permit, except that alcohol beverage license fees shall be paid not less than 15 days prior to the issuance of the license.

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

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

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

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

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

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

(8) **RENEWAL.** Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.

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

(a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

(b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.

(c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Town upon recommendation of the appropriate Town official.

(d) Expiration or cancellation of any required bond or insurance.

(e) Actions unauthorized or beyond the scope of the license or permit granted.

(f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.

(g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(h) Being delinquent in payment of any taxes, assessments or other claims owned to the Town, or being delinquent in payment of a forfeiture resulting from a violation of any section of this Code.

12.02 INTOXICATING LIQUOR AND FERMENTED MALT

BEVERAGES. (1) **STATE STATUTES ADOPTED.** The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.075, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 25.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision, or future amendments thereto, shall constitute a violation of this section.

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(2) DEFINITIONS. As used in this section, the following definitions apply:
(a) Legal Drinking Age. Twenty-one years of age.
(b) Underage Person. A person who has not attained the legal drinking age.

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

(4) APPLICATION INVESTIGATION. The Town Clerk shall notify the Town Board of each new license and permit application and the Board shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be license comply with the regulations, ordinances and laws applicable thereto. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board.

(5) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows:
(a) Class "B" Fermented Malt Beverage License. Per fee schedule; a 6-month license may not be renewed in the same calendar year. See §125.26, Wis. Stats.
(b) Temporary Class "B" Beer and Wine License (Picnic). Per fee schedule. Issued to organizations enumerated in §125.26(6), Wis. Stats., to sell or serve beer or wine at a picnic, meeting or gathering. See also §125.51(10), Wis. Stats. No more than 2 licenses may be issued to any one organization in any 12 month period.
(c) "Class B" Intoxicating Liquor License. Per fee schedule, except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the State for at least 6 years shall be \$67.50 per year, as provided in §125.51(3), Wis. Stats. See §125.26(6), Wis. Stats.

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- (1) A license may be issued after July 1 in any license year. The license shall expire on the following June 30th. The fee for the license shall be prorated according to the number of months or fraction thereof remaining until the following June 30th.

- (2) Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.
 - (d) Initial Retail Reserve “Class B” Liquor License. Per fee schedule upon arrival of initial Retail Reserve “Class B” Liquor Licenses application, to be paid in addition to the annual fee due under par. (c) above, and any other fee required under this sub-section. See §125,51(3)(e)2., Wis. Stats.

 - (e) Wholesalers Fermented Malt Beverages License. Per fee schedule. See §125.28, Wis. Stats.

 - (f) Operator’s License. Per fee schedule. No new operator’s license shall be granted unless the applicant has successfully completed a Vocational, Technical and Adult Education responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a), Wis. Stats.

 - (g) Transfer of License. Per fee schedule. See §125.04(12), Wis. Stats.

- (6) OPERATOR’S LICENSE. All applications for a 2-year operator’s license, together with the fee, shall be filed in the office of the Town Clerk on or before May 31st, of the year the license expires, provided that nothing shall prevent the Town Board from granting any license which is applied for at least 5 working days before a Town Board meeting at any other time.

- (7) LICENSE REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.

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

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1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.
2. Have been residents of the State continuously for a least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.
3. Have attained the legal drinking age, except that operators' license may be issued to any person who has attained the age of 18.
4. Have submitted proof of having a seller's permit under §77.61(11), Wis. Stats.
5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course as provided in §125.04(5)(a)5., Wis. Stats., unless the applicant held, within the past 2 years, a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.

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

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

(9) "CLASS B" LIQUOR LICENSE QUOTAS. The number of "Class B" liquor licenses to be issued hereunder is limited to the number permitted under §125.51(4), Wis. Stats.

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

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

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beverage shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

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

(e) Commencement of Operations. Within 180 days after the issuance of a "Class B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 180 day period.

(f) Cessation of Operations. If any licensee shall suspend or cease doing business for 180 consecutive days or more, his Class B intoxicating liquor license and fermented malt beverage license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 90 day period.

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

(h) Location of Premises Restricted. No retail Class B license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises so licensed on June 30, 1947.

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

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

(k) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly

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manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(l) **Posting of Licenses Required.** Licenses or permits issued under this section shall be posted and displayed as provided in §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.

(m) **Live Music and Dancing.** Dancing and live music shall be permitted in any premises holding a "Class B" liquor license, provided that such dancing and music is limited to the building only and does not constitute a nuisance in the neighborhood.

(11) **NUDE DANCING IN LICENSED ESTABLISHMENTS.** (a) Prohibited. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in, any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

1. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or

2. Shows any portion of the female breast below a point immediately above the top of the areola; or

3. Shows the covered male genitals in a discernibly turgid state.

(b) Exemption. The provisions of this subsection do not apply to licensed establishments such as theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(c) **Definitions.** For purposes of this subsection:

1. **Licensed Establishment.** Any establishment licensed by the Town to sell alcohol beverages pursuant to Ch. 125, Wis. Stats.

2. **Licensee.** The holder of a retail "Class A", "Class B", Class "B", Class "A" or "Class C" license granted by the Town pursuant to Ch. 125, Wis. Stats.

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(d) Penalties. Any person who violates any of the provisions of this subsection shall be subject to a forfeiture as provided in sec. 20.04 of this Code. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this subsection constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under §125.12, Wis. Stats.

(12) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

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

(b) Retail Class B License. No premises shall be open for the sale of intoxicating liquor or fermented malt beverage between the hours of 2:00 A.M. to 6:00 A.M., except on Saturday and Sunday the closing hour shall be 2:30 A.M.; on January 1 there are no closing hours.

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

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

2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.

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

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

(14) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. (a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied

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by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

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

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.
2. Licensed restaurants where the principal business is that of a restaurant.
3. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
4. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Town Clerk of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

(15) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES. (a) Restrictions. Pursuant to §125.07(4)(b) and (bm), Wis. Stats., any underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may not knowingly possess or consume alcohol beverages.

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

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

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

(16) REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Town Chairperson or by the Town Board upon its own motion.

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

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

(17) PROVISIONAL RETAIL LICENSES.

(a) **AUTHORITY:** Pursuant to s. 125.185, Wis. Stats., the Town of Newbold, Oneida County, desires to establish standards under which provisional retail licenses may be issued.

(b) **ELIGIBILITY.** A person who has applied for a Class “A”, Class “B”, “Class A”, “Class B” or “Class C” retail license may apply for a provisional retail license as provided under this ordinance.

(c) **APPLICATION.** Application for a provisional retail license shall be made to the town clerk on such form designated by the clerk and shall be accompanied by the fee set forth in paragraph 7 below.

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(d) **CLERK OR DESIGNEE AUTHORIZED TO ISSUE:** Subject to the approval of the Town Chair, a provisional retail license may be issued to an applicant by the town clerk or the clerk's designee upon written application, subject to the provisions of this ordinance. The provisional retail license may only permit those activities which are of the same type as are authorized by the type of retail license applied for. The town board shall review the issuance of any such provisional retail license at the next regularly scheduled town board meeting, reserving final approval authority on whether the provisional retail license should be issued.

(e) **STANDARD:**

- 1 The applicant must be at least 21 years of age, a resident of the state of Wisconsin, and must have applied for a retail license. If the applicant is a corporation or limited liability corporation, the designated agent must be at least 21 years of age, and a resident of the state.
- 2 No provisional retail license will be granted if the applicant or a business applicant's agent has been denied a retail license by the town board or if the applicant, pursuant to s. 111.321, 111.322 and 111.335, Wis. Stats., has an arrest or conviction record substantially related to the alcohol licensing activity.
- 3 No provisional "class B" retail license shall be granted if the town's quota under s. 125.51(4), Wis. Stats., prohibits the town from issuing one.
- 4 No person may hold more than one provisional retail license for each type of license applied for by the holder per license year.

(f) **TERM.** The provisional retail license shall expire either 60 days from the date of issuance or when a retail license is authorized by the town board, whichever is sooner.

(g) **FEES.** The fee for a provisional retail license shall be set by the Fee Schedule

(h) **REVOCACTION:**

- a. The town clerk shall immediately revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.
- b. The town clerk shall revoke the provisional retail license if the town board denies the applicant's application for a retail license.
- c. Revocation of the provisional retail license shall become effective upon the mailing of the notice of revocation by the town clerk. Any notice mailed in this ordinance is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the town clerk.

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

(2) **LICENSE FEE.** The license fee shall be per fee schedule.

12.04 REGULATION AND LICENSING OF DOGS.

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

(2) **LICENSE FEE.** The license fee for a dog shall be as follows:

- (a) Unneutered Male Dog. Per fee schedule
- (b) Unspayed Female Dog. Per fee schedule
- (c) Neutered Male Dog. Per fee schedule
- (d) Spayed Female Dog. Per fee schedule
- (e) Replacement License. Per fee schedule

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

(4) **CHANGE OF OWNERSHIP.** If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee per fee schedule.

(5) **TRANSFER PROHIBITED.** No person shall use for any animal a license receipt or license tag issued for another animal.

(6) **KENNEL LICENSE OPTION.** The owners of kennels may opt to pay a kennel license fee per fee schedule in lieu of the fees provided in sub. (2) above and the Town Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential area.

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

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

(a) **Owner.** Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 19 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) **At Large.** A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.

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

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

(a) Habitually pursues vehicles upon any street, alley or highway.

(b) Molests passersby or assaults or attacks any person without provocation.

(c) Is at large within the limits of the Town.

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

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

(10) **DOGS RUNNING AT LARGE AND UNTAGGED DOGS.**

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

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

(c) **Dogs Subject to Impoundment.** The Town Humane Officer or any peace officer shall attempt to capture and restrain any dog running at large and any untagged dog.

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(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit \$50 for the first offense and \$100 for subsequent offenses.

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

(12) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (a) Quarantine or Sacrifice of Animal. The County Health Officer may order a dog or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

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

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

(14) IMPOUNDING AND DISPOSITION OF DOGS. (a) Impounding of Dogs. The Town Humane Officer or any peace officer or other person restraining a dog running at large shall notify the Rhinelander Animal Shelter or take such animal to the Humane Society. The police officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

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

1. Gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
3. Pays the dog's boarding fee.

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

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

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

(a) Failure to obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

12.10 PENALTY. Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 20.04 of this Code. No license shall be suspended, revoked or nonrenewed for a single violation of serving an underage person in a one year period and no more than one citation may be issued for a single violation.