

# CHAPTER 8

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### 8.01 DOGS

- (1) Dog Licenses Required. It is unlawful for any person to harbor or permit to remain about his or her premises any dog older than five (5) months for which no license has been issued. The fact that a dog is without a license attached to its collar shall be presumptive evidence that the dog is unlicensed.
- (2) Dogs Shall Not Run at Large. It is unlawful for the owner or keeper of any dog to permit the same to run at large in the Village. A dog shall be deemed to be at large unless under the control of a person by means of a chain, rope or harness of sufficient strength to control the action of such dog, or confined on the premises of the owner or keeper.
- (3) Dogs to be Impounded. The Village Board, Sauk County Police Officer or deputy sheriff shall seize and impound any dog for the keeping of which no license has been issued and for which one is required
- (4) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the Village which is over five (5) months of age and has not received a rabies vaccination. No dog license will be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be to the collar of all licensed dogs at all times.
- (5) LICENSE FEES. The license fee for dogs shall be as follows:
  - (A) Unneutered Male Dog \$10.00
  - (B) Unspayed Female Dog \$10.00
  - (C) Neutered Male Dog \$5.00
  - (D) Spayed Female Dog \$5.00
  - (E) Duplicate Dog License \$2.00
- (6) LATE FEES. The Village Clerk shall assess and collect a Late fee of five dollars (\$5.00) from every owner of a dog five (5) months or older if the owner failed to obtain a license prior to April 1 of each year or within thirty (30) days of acquiring ownership of a licensable dog.
- (7) PENALTIES. If the owner of a dog negligently or otherwise permits the dog to run at large, the owner shall forfeit penalties as defined in Chapter 11.

### 8.02 AMUSEMENT DEVICES

The term "amusement device" as used in this section means any coin operated machine commonly referred to as shooting (electric ray) games, bowling games, ski-ball games, baseball games, shuffle board games and other devices, the operation of which involves a skill feature and which is

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operated by coins and which do not deliver, pay out, or emit coins, tokens, coupons, tickets, receipts, chips or other things with may be redeemed or exchanged for money, merchandise or other things of value and, in the operation of which, the skill of the player is not subject to being thwarted by chance.

- (1) Unregistered Amusement Devices Prohibited. The ownership, possession, custody, operation, use, distribution, sale loan or lease of an unregistered amusement device is unlawful.
- (2) Registration of Amusement Devices. Any person, firm or corporation owning any maintenance of any such amusement device on premises owned or under the control of any such device as herein required. Every amusement device shall be registered with the Village Clerk by the owner or possessor thereof.

**The registration fee for each amusement device operated by a coin shall be fifteen dollars (\$15.00) per year.**

- (3) Such registration fee shall be paid to the Village Clerk at the time of registration. The Village Clerk shall require the registrant to submit an application for each amusement device stating among other things:
  - (A) The name of the owner of the amusement device.
  - (B) Its make and serial number.
  - (C) The place where the amusement device is to be operated.
- (4) If the Village Clerk upon consultation with the Village Board is satisfied that the amusement device is entitled to be registered he or she shall issue to the registrant an appropriate license. Such license shall remain effective until June 30<sup>th</sup> of the following year. Each amusement device must be re-registered on or before July 1 of each year thereafter.

### **8.03 COIN OPERATED MUSIC DEVICES**

- (1) License Required. No person, firm or corporation shall own or operate any coin operated music device of any kind or nature in the Village unless such music device is licensed as hereinafter provided.
- (2) Application. Application for a license to own or operate coin operated music devices in the Village shall be made to the Village Clerk on a form furnished by the Clerk for that purpose. The application form shall contain a statement of:
  - (A) The applicant's name and residence.
  - (B) The type of music device for which a license is desired, together with the full description of such device.
  - (C) The name and address of the owner.
- (3) Expiration of Licenses. The license granted hereunder shall expire on the 30<sup>th</sup> day of June of each year following its date of issue.
- (4) Fee. The fee to be paid for each coin operated music device license granter hereunder shall be:

**The sum of fifteen dollars (\$15.00) per year.**
- (5) The license shall be issued by the Village Clerk upon the presentation to the Clerk of a duly prepared application showing that the applicant is entitled to a license under this section and upon the presentation of a receipt showing payment of said license fee to the Village Treasurer.
- (6) Penalty. Any person, firm, or corporation having in his or her on its possession or control any

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coin operated music device not licensed hereunder is subject to a penalty as defined in Chapter 11.

### 8.04 ALCOHOL BEVERAGE LICENSES.

- (1) CONFORMITY. It shall be unlawful for any person, firm, association or corporation to sell, keep for sale, give away, deal in, traffic in, or permit to be sold or kept for sale, given away, dealt in or trafficked in to consumers within the Village any alcoholic beverages except in strict conformance with this section.
- (2) PENALTY. The provisions of the Wisconsin Statutes or any successor section thereto, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes are hereby incorporated by reference. A violation of any such provision shall constitute a violation of this Code.
- (3) APPLICATION. The application for such licenses shall be in writing on forms furnished by the Wisconsin Department of Revenue, and shall contain the following information verified under oath by the applicant:
  - (A) Address of the building for which the license is desired.
  - (B) A statement that the applicant is a citizen of the United States, or a domestic corporation.
  - (C) A statement that the applicant or registered agent has resided continuously in the State of Wisconsin for not less than one (1) year prior to the date of such application, except that a Class B license or permit may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of application.
  - (D) A statement as to whether the applicant has ever been convicted of a felony or a violation of any Federal or State act, or ordinance of the Village of Rock Springs or other jurisdiction regulating or prohibiting the sale of intoxicating or non-intoxicating liquor, and if so, the number and dates of such convictions and the penalty imposed.
  - (E) A statement as to whether the applicant holds or has applied for any other Class A or Class B licenses for any other location within the State and if so, the number of such licenses held or applied for by such applicant.
  - (F) A statement as to whether any other business other than the sale of fermented malt beverages, intoxicating liquor and soft drinks as herein defined is to be conducted on the premises sought to be licensed, and if so a description of the nature of such business, but such information shall not be required in an application for an operator's license.
  - (G) A statement that the applicant is not acting as agent for or in the employ of another.
  - (H) If the application be for a Class B license a statement as to whether any brewer, bottler, wholesaler, or corporation, a majority of whose stock is owned by any brewer, bottler or wholesaler, has or intends to supply, furnish, lease, give, pay for or take any chattel mortgage on any furniture, fixture, fitting, or equipment to be used in or about the premises covered by the application.
  - (I) If the application be made for a Class B license, a statement as to whether any brewer, bottler or wholesaler is financially interested in, directly or indirectly, the license for which application is made.
  - (J) The name, residence, age of the applicant, if an individual, or the name of the principal officers, their residence, ages, if the applicant is an association or corporation, together with the state of incorporation. It shall also contain the name(s) of one or more persons whom such corporation or association shall designate as manager or person in charge, with the address(es) of same.
- (4) CLASSES OF LICENSES AND FEES.
  - (A) Retail Class A. The fee shall be one hundred dollars (\$150.00) and shall permit the holder to deal in and sell intoxicating liquor to be consumed on the premises and in the original package or container in quantities of not more than one (1) quart at any one time and

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be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off the premises. The fee for such license shall be prorated on a monthly basis for any license issued after July 1 of any license year.

- (B) Retail Class A Beer. The fee shall be one hundred dollars (\$100.00)
  - (C) Retail Class B Liquor. The fee shall be three hundred dollars (\$300.00).
  - (D) Retail Class B Beer. The fee shall be one hundred dollars (\$100.00).
  - (E) Operator's License. The fee shall be five dollars (\$25.00).
  - (F) Transfer of Licenses. No license issued pursuant to this ordinance may be transferred from place to place (except that a license may temporarily be used at the Village of Rock Springs Community Center upon approval of the Village Board) or from person to person except pursuant to the rules set forth in Wis. Stat. § 25.04(12). Any application for transfer pursuant to said statute shall be accompanied by payment of a fee of (\$10.00).
- (5) **ISSUANCE OF LICENSE.** Opportunity shall be given by the Village Board to any person to be heard for or against the issuance of any license. Upon approval of the application by the Village Board, the Village Clerk shall, upon payment of the license fee herein provided, issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid and the name of the licensee. All licenses shall remain in force until the 30<sup>th</sup> day of June next following the issuance thereof unless sooner revoked or suspended.
- (6) **LICENSEING REQUIREMENTS.** In addition to the requirements set forth in Subsec. (2) hereof, all license applicants and licensees shall strictly comply with the following provisions:
- (A) **Conformity to Statutes and Ordinances.** No license shall be issued or renewed unless the premises conforms to the sanitary, safety and health requirements of the rules and regulations of the State Department of Health and Social Services applicable to restaurants as well as conform to all ordinances and regulations adopted by the Village.
  - (B) **Village Claims.** No license shall be issued or renewed for operation on any premises upon which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
  - (C) **No License shall be issued or renewed for operation if delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.**
  - (D) **No license shall be issued or renewed for operation if delinquent in payment to the State of taxes owed.**
- (8) **ADDITIONAL VILLAGE REGULATIONS.**
- (A) **View of Interior to be Unobstructed.** No holder of a retail Class A or B license hereunder shall permit the interior of the premises to be obstructed provided that partitions, etc., not exceeding 48" in height may be permitted within the interior, and provided further this section shall not apply to a licensed premises where the principal business conducted is that of a restaurant or hotel.
  - (B) **Windows and Doors.** Windows and doors of any licensed premises shall not be obstructed by screens, blinds, paints or other articles, provided articles not higher than 48" from the sidewalk level shall be permitted, provided further this section does not apply to a licensed premises where the principal business conducted is that of a hotel or restaurant.
  - (C) **Posting.** Every license issued pursuant to this section shall be posted in a conspicuous place, while in force, in the room or place where alcoholic beverages are kept for sale. It shall be unlawful for any person to post such license, or to be permitted to post same upon premises other than those designated in the application, or knowingly to deface or destroy such license, or to remove such license without the permission of the licensee. Whenever a license shall be lost or destroyed without fault on the part of the holder or his or her employee or agent, a duplicate in lieu thereof under the original application shall

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be issued by the Village Clerk if the Clerk is satisfied to the facts required herein, upon payment of a fee of five dollars (\$5.00).

- (D) Credit Restrictions. No licensee shall sell or offer to sell any alcoholic beverage to any person on credit except credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with other purchases as well. It is unlawful for such licensee to sell alcoholic beverages to any person on a pass book or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange for alcoholic beverages.
- (E) Gambling Prohibited. It is unlawful to permit gambling or devices used for gambling upon any premises licensed under this Section.
- (F) The Village Clerk may issue a Provisional License in accordance with Wis. Stat. § 125.17(5). The provisional operator license shall expire 30 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
  - (i) Operator Licenses shall be operative only within the limits of the Village.
  - (ii) All applicants are subject to an investigation by the Village Board and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Village Board shall conduct an investigation of the applicant, including but not limited to, requesting information from this State, surrounding municipalities and/or other communities where the applicant has previously resided concerning the applicant's conviction. Based upon such investigation, the Village Board may approve or deny the application.
  - (iii) Operator Licenses shall be issued and numbered in the Order that they are granted and shall give the applicant's name, address and the date of the expiration of such license.
  - (iv) If the application for an Operator License is denied by the Village Clerk, the Village Clerk shall in writing inform the applicant of the denial, the reason(s) therefore and of the opportunity to request a reconsideration of the application by the village Board. Such notice must be sent by mail to or served upon the applicant at least 10 days prior to the Village Boards reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license shall be granted.
  - (v) If a licensee is convicted of an offense substantially related to the license activity, the Village Board may act to revoke or suspend the license.
  - (vi) Licensee, manger or other operator required to be on premises. There shall be upon premises operated under a retail Class A, Class B or Class C License at all times that the premises are open for business the licensee or some person who is responsible for acts of all persons serving, in any manner, any alcoholic beverages to customers. No person other than the licensee shall serve alcoholic beverages in any place operated under a Retail Class A, Class B or Class C license unless he/she possesses a manager or operator's license unless he/she under the immediate supervision of the licensee or a person holding a manager or operator's license who shall be at the time of such service.
  - (vii) Consent to Inspection of Premises. Any holder of any license issued hereunder shall be deemed to have given consent to entry and inspection at any time by any Village Official without any warrant. Any refusal by the license holder or holder of a manager's or operator's license to permit such inspection shall be deemed a violation of this section.
  - (viii) Presence on premises After Hours Under Retail Class B License. The licensee, manager and one employee shall be permitted to check our receipts, check the licensed premises for security and do minor cleaning until 2:30 AM Monday through Friday, and 3:00 AM Saturday and Sunday except that on New Year's Day the premises may be open as provided in Wis. Stat. § 125. Under no circumstances shall the consumption of intoxicating liquor be permitted after 2:00

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AM Monday through Friday, or 2:30 AM on Saturday or Sunday, except for New Year's Day. Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning between the hours of 2:30 AM and 6:00 AM. The premises shall be well lighted during the clean up. Prior approval must be requested and granted by the Village Board or his or her designee for any variation of the above for exigent circumstances.

- (ix) Open Container Restriction. No licensee, manager or operator shall permit any patron to leave the licensed premises with an open container containing any intoxicating beverages or fermented malt beverages except for specially sanctioned events/activities.
- (x) Health Rules. Each premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Board of Health of Sauk County is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this section and infractions thereof may be punished as a violation of this section.
- (xi) Employment of Minors. No retail Class B licensee shall employ any person under eighteen (18) years of age but this provision shall not apply to hotels, restaurants, or combination grocery stores and taverns where forty nine percent (49%) or less of the gross revenue is derived from the sale of intoxicating liquors, not to bona fide clubs.
- (xii) Penalty Provision. Any licensee who personally or through his or her managers, operators, agents or employees violates any of the provisions of this section shall be subject to a penalty as provided in Chapter 11 of this Code. In addition, the licensee's license or licenses shall be subject to revocation, suspension or nonrenewable.

### **8.06 CABLE FRANCHISE** (See Section on Special Services)

### **8.07 GAS FRANCHISE**

- (1) There is hereby granted Alliant Energy Company, a public utility corporation duly organized and existing under and by virtue of the law of the State of Wisconsin, with its principal office in Madison, Wisconsin, a franchise, license and permit to supply, in public service, gas to the Village of Rock Springs and its inhabitants.
- (2) The gas will primarily be natural gas as received from the pipeline company, but may from time to time contain varying proportions of manufactured gas. The characteristics of the gas received from the pipeline company may vary or be changed from time to time within the limits permitted under regulation of the Federal Power Commission, and the characteristics of the gas delivered to the customer may vary or be changed from time to time within the limits permitted under regulation of the Public Service Commission of Wisconsin.
- (3) There is hereby granted to Alliant Energy Company for the purpose of enabling the Company to furnish gas service to the Village of Rock Springs, and its inhabitants, the right and authority to place, lay, maintain and repair gas mains and gas laterals, and other necessary and property appurtenance, in the streets, alleys and public ways and grounds in the Village of Rock Springs.
- (4) A condition of the franchise, license and permit is that the Alliant Energy Company shall not damage highway improvements without restoring the damaged portions to a condition of repair equal to that existing prior to such damage.
- (5) This ordinance shall confer no right, privilege or authority upon the Alliant Energy Company, its

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successors or assigns, unless such Company installs such gas service in the Village of Rock Springs within a period of five (5) years in accordance with the rules filed with the Public Service Commission of Wisconsin.

### **8.08 CIGARETTES AND CIGARETTE VENDING MACHINES**

- (1) License Required. No person shall sell cigarettes, place cigarette vending machines for public use in the Village without first obtaining a license from the Village Clerk.
- (2) The cost of such annual license shall be:

(A) Cigarette vending machine	\$15.00
(B) Cigarettes without machine	\$ 5.00

### **8.09 Private Well Permits** (See Public Health Chapter 10)

### **8.10 Building Permits** (See Construction Chapter 9)

### **8.11 Keeping of Chickens**

- (1) Allowed. Residents of the Village may own, keep or harbor up to five (5) chickens on property they own or occupy subject to the conditions of sub secs. (2), (3) and (4).
- (2) Use Conditions.
  - (a) Roosters are not permitted.
  - (b) The slaughtering of chickens is prohibited.
- (3) Construction and Location Conditions.
  - (a) The lot upon which the chickens are raised shall have a minimum width of fifty feet and contain only a single family dwelling. (Residential Zoned Property Only)
  - (b) If chickens are raised on rented property, the owner must consent in writing.
  - (c) Chickens shall be sheltered in a covered coop with not less than two nor more than four square feet per chicken.
  - (d) The coop shall be constructed of sturdy, predator proof material and provide adequate shelter for the chickens.
  - (e) The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and maintained.
  - (f) The coop may be constructed as part of a yard shed or garage but may not be placed on top of a structure.
  - (g) Chicken coops shall not be located closer than ten (10) feet to any lot line and may not be located any closer to a neighboring residence than to the residence located upon the coop's parcel.
- (4) Nuisance. The keeping of chickens on a property shall not cause or create a public nuisance, including without limitation, unreasonable noise or noxious odors.
- (5) License.
  - (a) No person shall keep chickens without a license issued by the Village Clerk. The license must be renewed annually. The clerk will collect a \$50 license fee as determined by the Village Board.
  - (b) The village may revoke a license for failure to comply with the terms of this ordinance.