

## CHAPTER 12

### LICENSES AND PERMITS

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12.01 LICENSES AND PERMIT FEES. A license shall be required for the sale of each of the following or the conduct of the business or activity at the indicated license fee. The license fees shall be for a period of one year unless otherwise indicated. The application for license under this Chapter shall be filed with the Village Clerk not less than 15 days prior to review and action by the Village Board. [Ord. 627 09/2012]

12.02 ISSUANCE AND REVOCATION OF LICENSES. Unless otherwise specifically provided by the laws of the state or ordinances of the Village, the following provisions shall apply to the issuance, transfer and revocation of all licenses and permits issued under the provisions of this Code.

(1) CLERK-TREASURER TO FURNISH FORMS. All applications for licenses or permits shall be made upon regular forms approved by the Village Board and furnished by the Village Clerk-Treasurer to the applicant.

(2) FEES TO BE PAID IN ADVANCE. The amount of the license or permit fee shall be first paid to the Village Clerk-Treasurer and his receipt therefore shall be attached to the application.

(3) APPLICATION TO BE SIGNED: WHEN NOTARIZED. The application shall be signed by the applicant and, where required, shall be sworn to before a Notary Public, or other public officer authorized to administer oaths, and filed with the Village Clerk-Treasurer.

(4) CONSIDERATION AND HEARING. The Village Clerk-Treasurer shall present such application to the Village Board at its next meeting held after the filing thereof, except when some Village officer, board or commission is first required to examine or report upon such application, in which case the Clerk-Treasurer shall refer the application for report to such officer, board or commission and shall present the application and report thereon to the Village Board as soon as reasonably possible thereafter. Opportunity shall be given by the Village Board to any person to be heard for or against the granting of

any license or permit.

(5) **ISSUANCE.** The Village Clerk-Treasurer shall issue such license or permit only after its issuance has been authorized by the Village Board or proper officer.

(6) **ISSUANCE BY ADMINISTRATIVE AUTHORITIES.** When administrative authority to issue any license or permit is delegated to any Village officer, board or commission under the terms of this Code, such officer, board or commission shall grant such license or permit when proper application has been made in accordance with the provisions of this code unless the granting of the same appears to be contrary to the health, safety, morals or general welfare of the public, in which case the reasons for denial shall be reduced to writing and delivered or mailed to the applicant; such applicant may at any time within 30 days thereafter request the Village Board to review such determination or any failure to make the same, which action shall be taken by the Village Board within 8 days after written request therefore has been filed with the Village Clerk-Treasurer.

(7) **CONDITIONS OF LICENSE.**

(a) License Restrictions.

(1) Delinquent taxes, assessments, etc.

(a) **Premises.** No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims for the Village are delinquent and unpaid.

(b) **Persons.** No initial or renewal alcohol license shall be granted to any person:

(1) Delinquent in payment of any taxes, assessments or other claims owed to the Village.

(2) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

(3) Delinquent in payment to the State of any state taxes owed

[Ord. 305]

(b) Consent to Inspection of Premises. As a condition of the granting of any license or permit, the licensee or permittee shall agree in writing that during the period of such license or permit, the Chief of Police, police officers or other duly authorized officials of the Village may at all reasonable hours enter into and upon the licensed premises for the purpose of inspecting such premises to ascertain if all Village ordinances and State laws are being obeyed, and such person shall also consent to the removal from said licensed premises without warrant, of all things and articles there had in violation of Village ordinances or State laws and to the introduction and receipt of such things and articles in any prosecution or proceeding for violation of any provision of Village ordinances or State law.

(8) TRANSFER OF LICENSE OR PERMIT. Licenses or permits may be transferable from one person to another and may be transferred from one location to another by approval of the Village Board. A fee as established from time to time by resolution of the Village Board shall be charged for any such transfer. [Ord. 475]

(9) REPLACEMENT OF LOST OR DESTROYED LICENSE OR PERMIT. Whenever any license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employees, a duplicate in lieu thereof may be issued by the Village Clerk-Treasurer upon satisfying himself of the facts, upon payment of a fee from time to time established by the Village Board pursuant to Resolution. [Ord. 559 10/05]

(10) REVOCATION OF LICENSES OR PERMITS. Except as otherwise provided in this chapter, any license or permit issued by the Village Board or any officer or department of the Village may be revoked by the Village Board at any regular or special meeting by a majority vote in favor of such revocation, provided that no license or permit shall be revoked until the holder thereof has been given an opportunity to be heard by the Village Board. Notice of such hearing shall be given to such permit or license holder either personally or by registered mail by the Village Clerk-Treasurer in the time and manner as directed by the Village Board. Any license or permit issued by the Village Board, any Village officer or department shall be and remain the property of the Village and upon revocation thereof, the same shall be returned, after demand, the Village reserves the right to institute suit against the holder or anyone having possession of such license or permit for the return of the same. Any person failing to return any such license or permit after revocation thereof and demand having been made as herein

provided, shall be deemed to have violated the provisions of this chapter and shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code. Whenever any license or permit shall be revoked, no refund of any unearned portion of the fee paid therefore shall be made.

12.04 PUBLIC DANCES. (1) No person shall hold, conduct or be present at a public dance within the Village except such as may be held under license from the Village Board.

(2) DEFINITIONS. (a) "Public Dance" means any dance to which admission may be had by the public, generally although not exclusively, upon payment of an admission fee, including all dances held in a street or upon Village property. [Ord. 247]

(b) "Public Dance Hall" means any room, place, or space where public dances are regularly and customarily held and sponsored by the same owner, tenant or affiliated owners or tenants. [Ord. 254]

(c) "Special Event Public Dance" means any public dance, other than one held at a public dance hall, for which permission has been granted by the Village Board of the Village of Ellsworth.

(3) LICENSE APPLICATION. Application for a license shall be made in writing on a petition signed by an owner or tenant of the public dance hall for which a license is sought, or signed by a representative of the organization or body sponsoring the proposed special event public dance, and filed with the Village Clerk-Treasurer. [Ord. 254]

(4) FEE. The license fee charged for public dances shall be as set forth in Section 12.01. [Ord. 475]

(5) All public dances shall be conducted in an orderly manner, and no disorderly, riotous, and indecent conduct shall be allowed at any time on any licensed premises.

(6) No public dance shall be held on Sunday between the hours of 2:00 a.m. and 1:00 p.m. The Village Board may, however, from time to time, grant permission to one duly licensed under this section to conduct a public dance on a Sunday during the Pierce County Fair or during other special events or occasions, each such permission to be in the discretion of the Village Board. [Ord. 254]

12.05 ANIMAL CONTROL. (1) LICENSE REQUIRED. No person shall own, harbor or keep a dog more than 6 months of age

without complying with the provisions of Secs. 174.05 through 174.07, Wis. Stats., relating to the listing, licensing and tagging of dogs. [Ord. 523 8/02]

(a) The dog license tax, payable hereunder, for the current year and for each succeeding year, shall be in such amount as is from time to time established by resolution of the Village Board. [Ord. 475]

(2) DEFINITIONS. The following terms shall mean: (a) Amphibian. A class of vertebrates between fish and reptiles, i.e., frogs, toads, and salamanders. [Ord. 660 3/2017]

(b) Owner. The term "owner" shall mean any person, group of persons or corporation owning, keeping, harboring, having charge or control of, or permitting any animal to habitually be or remain on or be lodged or fed within such persons' residence, yard, or premises for a period of five (5) days or longer. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.

(c) Own. The term "own" unless otherwise specified shall be deemed to mean keep, harbor, have, control, charge or custody of an animal for a period of five (5) days or longer. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.

(d) Dog. The term "dog" shall apply to canine animals, male or female, altered or unaltered.

(e) Stray. Any unlicensed animal, the owner of which is unknown, which is at large.

(f) At large. An animal is "at large" when it is off the property of its owners and not under restraint.

(g) Restraint. An animal is under "restraint" within the meaning of this ordinance if it is controlled by a leash or by a competent person and immediately obedient to that person's command or within a vehicle being driven or parked on the streets or roads or within the property limits of its owner.

(h) Nuisance Dog. Any dog which by frequent and habitual howling, yelping, barking, or other, shall cause serious annoyance or disturbance to persons or to a neighborhood or habitually pursues any bicycle or vehicle upon any public

street or highway. The provision of this ordinance shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals.

(i) Dangerous Animal or Dog. (1) Any animal or dog which constitutes a physical threat to human beings or to domestic animals by virtue of a known history to endanger life or cause serious injury by an unprovoked assault so as to cause serious injury and has, on two separate occasions, off the owner's property and without reasonable cause, caused serious injury to a person or domestic animal as defined by Wis. Stat. §174.001(2q). [Ord. 559 10/05, Ord. 617 09/11, Ord. 626 09/12]

(2) A dog trained, owned or harbored for the purpose, primarily or in part, of dog fighting.

(3) A dog shall not be deemed dangerous if:

(a) It bites, attacks, or menaces anyone assaulting the owner.

(b) It bites, attacks, or menaces a trespasser on the property of the owner.

(c) It bites, attacks, or menaces any person or other animal who has tormented or abused it.

(d) It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person.

(e) It is protecting or defending its young or other animal.

(j) Abused Animal. Any animal which is:

(1) Mistreated, beaten, tormented or teased.

(2) Deprived of sufficient and wholesome water, food, or shelter

(3) Kept under unhealthy conditions.

(4) Trained for fighting other animals.

(k) Guard dog. Any dog which has been trained to attack persons independently or upon command.

(l) Proper Enclosure. A fence or structure of suitable height, forming or causing an enclosure suitable to prevent the entry of any young children. Such enclosure shall be locked and shall be designed with secure sides to prevent an animal from escaping from the enclosure.

(m) Individual Dog Owner. The term "individual dog owner" means a place where no more than three (3) dogs over five (5) months of age are kept on the premises occupied for residential purposes.

(n) Private Dog Kennel. The term "private kennel" means a place where more than three (3) but less than eleven (11) dogs over the age of five (5) months are kept and where the business of selling, boarding, breeding, grooming or training dogs is conducted, and where the keeping of such animals is incidental to the occupancy of the premises for residential purposes, and is not the primary source of income of the occupant or owner of the property.

(o) Commercial Dog Kennel. The term "commercial dog kennel" means a place where over ten (10) dogs over the age of five (5) months are kept by a corporate or individual owner, lessor, breeder of dogs who trains, grooms, boards, breeds and/or sells animals for resale, individually or in litter lots for any purposes other than guides for the blind or public service dogs. A place where the business may be the primary source of income of the occupant or owner of the property.

(p) Wild Animal. Any animal other than domesticated household pets such as dogs, cats, mice, gerbils, hamsters, turtles, and non-poisonous snakes and lizards, and other than farm livestock (cattle, horses, mules, goats, swine) and poultry. Wild animals includes fur-bearing animals, game, game animals and game birds described in Chapter 29, Wis. Statutes.

(q) Exotic Animal. Any animal not native to Wisconsin or to the United States and is imported from another country. Exotic animals includes but is not limited to tigers, lions, pandas, llamas, ostriches, and peacocks.

(r) Village. The term "Village" as used in this ordinance shall mean the Village of Ellsworth, Pierce County, Wisconsin.

(s) Animal Shelter. Any premises designated by the action of the Village Board for the purposes of impounding and caring for all animals found in violation of this ordinance.

[Ord 672 3/2019]

(t) Humane Officer. The Humane Officer shall be certified as required under §173.05, Stats., and shall be the person or persons appointed by the Village Board under §1.02(12) to enforce this Ordinance and shall include any agent who may be appointed or designated from time to time by the Humane Officer or Village Board to enforce this Ordinance. This Ordinance may also be enforced by the Chief of Police or the Village Health Officer. The Humane Officer shall be paid such fee or salary for services as is established from time to time by resolution of the Village Board. [Ord. 521 05/02, 547 02/05]

(3) RESTRAINT. The owner shall keep his/her dog under restraint at all times. No dog shall be at large. The owner of any dog which is at large shall be liable for the penalty provided in §12.05 (16) (b). [Ord. 462]

(4) LICENSING OF DOGS. (a) Vaccination by a veterinarian against rabies is required of all dogs within thirty days after a dog reaches five (5) months of age. Revaccination is required when the certificate of vaccination expires. A certificate of current vaccination must be presented when obtaining a dog license. An owner who fails to have a dog vaccinated against rabies as required by statute or ordinance may be required to forfeit not less than \$50 nor more than \$100, as described in Wis. Stats. 95.21 [Ord. 609 12/2010, Ord.610 03/2011]

(b) No person shall own any dog within the Village limits unless such dog is licensed, except as provided under "Exceptions." Written application shall be made to such person or persons as designated by the Village and shall include all pertinent documentation as required for such license.

(1) Exceptions. (a) Hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this ordinance, except where such duties are expressly stated.

(b) The licensing requirement of this ordinance shall not apply to any dog belonging to a non-resident and kept within the Village for less than thirty (30) days, provided that all such dogs shall at all times be kept under restraint.

(c) Any dog owned, kept or harbored by an

individual or corporation holding either a Private or Commercial Kennel license need not be individually licensed.

(d) Every dog specially trained to lead blind or deaf persons or to provide support for mobility impaired person is exempt from the dog license fee and every person owning such a dog shall receive annually a free dog license.

(e) Any dog owned by a person that is kept only for education or scientific purposes.

(c) There shall be three (3) types of dog licenses issued:

1. Individual Dog
2. Private Dog Kennel
3. Commercial Dog Kennel.

(5) TYPES OF LICENSES AND FEES. (a) Individual Dog. Written application shall be made on a form to be furnished by the Village. As a condition for the issuance of said license, the owner shall submit a current certificate of rabies vaccination for the dog/dogs. At the time of application a numbered durable tag/tags shall be issued to the owner.

(1) License Fee.

(a) The fee shall be as is established pursuant to Section 12.05 (1) (a). The individual annual license fee for each dog over the age of five (5) months that is "whole" or unspayed or unneutered. [Ord. 475]

(b) The fee shall be established pursuant to Section 12.05 (1) (a). The individual annual license fee for each dog over the age of five (5) months that is either spayed or neutered. Written documented proof of spay or neuter must be presented at the time of license issue.

(c) Delinquent license fees shall be collected in the manner specified in Sec. 74.11, Wis. Stats., et. seq., for collecting personal property taxes. There shall be assessed against the owner a late fee as is established from time to time by

resolution of the Village Board for any license not obtained by April 1. [Ord. 475, ord.609 12/2010, Ord. 610 03/2011]

(3) Deceased Transfer Fee. If a dog dies within the license year and another is secured to replace the dog so dying, the annual license for the deceased dog may be transferred (free of charge) to the replacement dog for the remainder of the licensing year.

(4) Change of Ownership. Where the owner of a dog no longer owns the dog because of death, sale, transfer or otherwise, and there is no license transfer, the owner shall complete and file with the Village Clerk an 'Affidavit of Death or Disposal of Dog' in such form as required by the Village Clerk. If there is a change of ownership of a dog, the new owner must, within thirty (30) days notify the Village Treasurer and have the license transferred to his/her name. [Ord. 619 01/12]

(5) Miscellaneous. (a) Any person who secures a dog five (5) months of age or older shall be allowed thirty (30) days to obtain a license. Any dog owner upon becoming a resident of the Village shall be allowed thirty (30) days to obtain a dog license.

(b) Upon complying with the provisions of this ordinance, there shall be issued to the owner a durable tag, stamped with a number and the year for which issued.

(c) Every owner is required to keep a valid tag securely fastened to the dog's collar or harness which must be worn by the dog at all times except when the dog for which the license is issued is indoors or on the premises of the owner or covered by an Exception.

(b) Private Dog Kennel. (1) Any place with more than 3 and less than 11 dogs over the age of 5 months shall be required to have a Private Kennel license. A Private Dog Kennel license shall not be issued unless the application for such license is accompanied by the written approval thereof by the occupants of all privately owned real estate abutting the premises on which such kennel is to be located or unless the

applicants kennel is 300 feet or more from any adjacent owner's property line. Approval of abutting property owners is necessary only for the initial licensing. The Village Board of the Village of Ellsworth may grant a Private Dog Kennel license only upon issuance of a Conditional Use Permit under sec. 46.04. [Ord. 508]

(2) The fee for a Private Dog Kennel shall be paid annually in an amount established from time to time by resolution of the Village Board. [Ord. 475]

(c) Commercial Dog Kennel. (1) Any place with more than 10 dogs over 5 months old shall be required to have a Commercial Kennel license. A Commercial Dog Kennel license shall not be issued when located less than 700 feet from any lot line shared with premises devoted to residential uses, by persons other than that of the owner of such kennels, his family, agents, employees, or tenants.

(2) The Village Board of the Village of Ellsworth may grant a Commercial Dog Kennel license only upon issuance of a Conditional Use Permit under sec. 46.04. [Ord. 508]

(3) The fee for a Commercial Dog Kennel license shall be paid annually in an amount as is established by resolution of the Village Board. [Ord. 475]

(d) Provisions of Dog Kennel Licenses. (1) All dog kennel licenses shall be issued for one (1) year beginning on January 1. Application for licenses may be made sixty (60) days prior to the start of the licensing year and thereafter during the licensing year.

(2) A dog kennel license may be revoked by reason of any violation of the ordinance or by reason of the violation of any health or nuisance ordinances, order, law or regulation as may be determined by the Village Board.

(3) Before revoking a dog kennel license, the licensee shall be given notice of the meeting at which such a revocation shall be considered and a copy of the complaint. If the licensee is present at such meeting, he/she shall be first given an opportunity to be heard. Notice of such meeting shall be given to the licensee in writing, mailed to the address of the licensee as set forth in the licensee application for the

dog kennel at least ten (10) working days prior to the date of the meeting.

(4) All dog kennels shall be kept in a clean and healthful condition and at all reasonable times shall be open to inspection by the Village Board, any health officer, animal control officer, Chief of Police or other person or person charged with the enforcement of this ordinance or any health or sanitary regulation order, rule or statute of the Village of Ellsworth or Pierce County or the State of Wisconsin.

(5) All dog kennels shall be insulated to serve as noise abatement. All dogs shall be confined to indoors at night in individual pens. During daylight hours, dogs may be let out into individual fenced areas known as "runs".

(6) Dogs in cages shall be monitored as necessary to keep the cage free of urine and fecal matter and excreta.

(7) Shelter from sunlight shall be provided for dogs kept outside. When sunlight is likely to cause heat exhaustion to an animal tied or caged outside, and particularly during the months of May through September, inclusive, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(8) The minimum space for dogs kept in pens (not cages), excluding the shelter space (the cage or house) shall be as follows:

<u># of dogs</u>	<u>small to 25 pounds</u>	<u>medium 25-50 pounds</u>	<u>large over 50 pound</u>
1	21 sq ft	60 sq ft	80 sq ft
2	32 sq ft	80 sq ft	96 sq ft
3	45 sq ft	96 sq ft	140 sq ft

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns. Space available

to the mammal, reptile, or bird shall be useable, maintained in a safe and healthful manner and be free of standing water, accumulated waste and debris.

(9) Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(10) Dog houses. Every person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide such dog, as a minimum, with shelter and bedding as described in the following:

(a) Such shelter shall include an insulated, moisture proof and windproof structure of suitable size to accommodate the dog's postural adjustments yet small enough to allow retention of body heat, made of durable material, with a solid floor raised at least 2" from the ground with the entrance facing away from prevailing winds during the appropriate season.

(b) Structural strength. The housing facility shall be structurally sound and maintained in good repair to protect animals from injury.

(c) During the winter season the following shall apply: The entryway shall be protected by a self-closing door, an off-set outer door or a flexible flap made of windproof material. The shelter shall be shaded during the hot months. Bedding, such as cedar shavings, straw or other non-absorbent material, shall be provided in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry.

(d) If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or objects which will prevent the animals from entering the shelter.

(e) If dogs are tethered, the chain, rope

or appliance shall be equipped with a swivel to prevent tangling.

(f) Free access to porches, garages or port-a-doors with special areas within shall be considered satisfactory shelter.

(g) Proper drink shall mean clean, rust and algae free, drinkable water available at all times.

(h) All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal and be positioned or affixed to prevent spills.

(11) The following shall be the minimum standards for dogs kept indoors:

(a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide fresh air and prevent moisture condensation.

(c) Heat and light. Natural or artificial lighting and heat shall be supplied to provide for the health of the animal at all times.

(d) Lighting of primary enclosures shall be designed to protect animals from excessive illumination. The duration of illumination shall be appropriate for the species involved.

(e) Holding areas shall be constructed to allow a free flow of fresh air.

(12) Cage confinement of dogs and cats is restrictive and stressful and shall only be used for temporary confinement. Dogs and cats should not be caged except upon veterinary advice, transport and/or other professionally accepted practices. Dogs kept in cages for these reasons shall be removed from them and exercised a minimum of twice a day--once in the morning

and once in the afternoon--for a minimum of half an hour each time or once a day for a minimum of two hours. This allows the animal to eliminate outside the cage.

(13) Application for dog kennel licenses shall be made to the Village Treasurer on a form approved by the Village Treasurer. No license shall be issued until there has been an inspection of the premises for which license is sought. The inspection shall be conducted by the Village Board, its agents or the Animal Warden. From time to time during the term of the license the Village Board, its agents or the Animal Warden may give reasonable notice to the owner (licensee) that there shall be an inspection of the premises and animals kept there. Thereupon, the owner shall cooperate in all manner with the Village Board, its agents or the Animal Warden in allowing an inspection of the premises.

(6) IMPOUNDMENT AND REDEMPTION OF ANIMALS.

(a) Any dog found to be unlicensed, running at large, or otherwise in violation of this section may be taken and impounded in the designated animal shelter and there confined in a humane manner for a period of not more than seven (7) days. If not claimed prior thereto by its owner it shall thereafter become the property of the animal shelter and may be disposed of in a humane manner or sold to an individual desiring to purchase the dog as a pet (after signing an agreement to spay or neuter). If a dog is destroyed pursuant to this ordinance, the license for such dog shall expire.

(b) Immediately upon the impounding of a dog wearing a current license, tattoo, or other identification, the designated animal shelter shall make reasonable efforts to notify the owner of such dog of the impoundment and of the conditions whereby the owner may regain custody of the dog. Any verbal notices shall be confirmed in writing.

(c) Notwithstanding anything contained herein to the contrary, if a critically injured animal is at large pursuant to this ordinance, it may be destroyed, but only after reasonable efforts have been made to contact its owner.

(d) Any animal impounded hereunder being held for suspected disease (except rabies) may be reclaimed by the owner within seven (7) days upon payment of the owner to the animal

shelter any applicable forfeitures in addition to the costs for keeping such an animal during the impoundment, providing that the licensing requirements of this ordinance are complied with.

(e) Impoundment and Redemption Fines and Forfeitures.

(1) When impoundment is not at the Village of Ellsworth Pound in the Village of Ellsworth the impoundment fee shall be in such amount as is invoiced to and paid by the Village to the animal shelter or pound holding said animal. [Ord. 609 12/2010]

(2) When impoundment is at the Village of Ellsworth pound in the Village of Ellsworth the impoundment fee shall be in such amount as is established by resolution of the Village Board per day for each day or fraction of a day the dog is impounded. [Ord. 475, 547 2/05]

(3) In addition to the fees set forth hereinabove, the owner shall be liable for all other actual costs of impoundment (e.g., vet fees) and apprehension of the animal.

(f) Quarantine. (1) Any animal that has bitten a person shall immediately be impounded for at least ten (10) days and kept apart from other animals, under the supervision of a veterinarian or at the Village designated animal shelter, until it is determined whether such animal had or has a disease which might have been transmitted by such bite.

(2) Any animal which has been bitten by a rabid or suspected rabid animal shall be impounded and kept in the same manner for a period of six (6) months, unless the animal has been vaccinated for rabies within the previous year, then the impoundment period shall be sixty (60) days. The owner of an animal which has been bitten by a rabid animal shall notify the Village Board in the event of the animal's illness or death during quarantine.

(3) The owner shall pay all costs of quarantine.

(4) See Wisconsin Statutes Chapter 95.21 for additional rabies control guidelines.

(7)RECORDS. (a) It shall be the duty of the Village Treasurer to keep, or cause to be kept, accurate and detailed records of the licensing of dogs in the Village of Ellsworth.

(b) It shall be the duty of the Village Treasurer to serve as the municipal listing and collecting official pursuant to Sections 174.06(2) and 174.065(1), Stats., and to keep, or cause to be kept, accurate and detailed records of the licensing of dogs in the Village. [Ord. 487, 523 8/02]

(c) It shall be the duty of the animal shelter to keep accurate and detailed records of the impoundment and disposition of all animals taken into its custody, including the breed, age, color, date of pickup, and date, place and manner of disposition.

(d) It shall be the duty of the animal shelter to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. A copy of the report shall be given to the Police Department.

(8) INVESTIGATION. (a) For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Village Board shall fully cooperate and assist the animal shelter which has held or does hold the animal in custody, the Department of Agriculture, and authorized state health officials in identifying and locating animals which pose a risk and/or danger to the public and/or are in need of humane treatment. To such extent as is permitted by State statute, the Village Board or its agent, any law enforcement officer, or the humane society is empowered to enter upon the premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal and/or license for such animal.[Ord. 609 12/2010]

(b) It is further provided that the Village Board shall fully cooperate and assist the Department of Agriculture, authorized health officials and designated humane societies in identifying and locating animals which are being kept in reportedly cruel and/or inhumane manner. To such extent as is permitted by State statute, including but not limited to Sec. 951.15, WI Stats., the Village Board or its agent, any law enforcement officer, or the humane society is empowered to enter upon the premises where any animal is kept in a reportedly cruel and/or inhumane manner and demand to examine such animal and to take possession of such animal when it requires humane treatment.

(c) The Village Board shall cooperate and assist any law enforcement officer in the discharge of his duties with

respect to animal control.

(d) The Humane Officer, and any other appointee of the Humane Officer or Village Board, including the Chief of Police and the Village Health Officer, may investigate violations of §12.05 in the manner and under the authority provided by §173.09 and §173.10, Stats. (see minutes of 3/7/2005 Board Meeting) [Ord.547 2/05]

(9) INTERFERENCE. (a) No person shall interfere with, hinder or molest the Village Board or the animal shelter which has held or does hold the animal in custody in the performance of the duties of his/her/its office or seek to release any animal in the custody of the Village Board or the animal shelter which has held or does hold the animal in custody except as herein provided. [Ord. 609 12/2010]

(b) Any such action shall constitute a violation of this ordinance.

(10) ORGANIZED ANIMAL FIGHTING PROHIBITED. (a) No dog fighting, cock fighting, bull baiting, bear baiting or other setting of or other fighting of one animal against another shall be permitted in the Village of Ellsworth.

(11) ABANDONMENT OR ABUSE OF ANIMALS. It shall be unlawful for anyone to knowingly abandon or abuse any animal. Each person who does abandon or abuse knowingly or willingly permits this abandonment or abuse or aids in the abandonment or abuse of any animal shall be in violation of this ordinance and shall be subject to the penalties as herein provided.

(12) ADDITIONAL REQUIREMENTS FOR PRECAUTIONS TO BE TAKEN BY OWNERS OF DANGEROUS ANIMALS. (a) Whenever a dangerous dog is outside of its enclosure as provided in 12.05 (2)(1) (Proper Enclosure), but it is on the owners property, it must be attended by its owner and restrained by a secure collar and leash of sufficient strength to prevent escape.

(b) No dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, or building, outside of its own enclosure as provided for in 12.05 (2)(1) (Proper Enclosure).

(c) In addition to the requirements in 12.05 (2)(1) (Proper Enclosure) for owners of dangerous dogs who maintain the dog out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common

fencing with the area or perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; the sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be securely locked at all times.

(d) Except when being transported in and securely confined within a vehicle, no dangerous dog shall be permitted off the property of its owner except when it is attended by its owner or designated custodian and is restrained by a secure collar and leash (not to exceed six (6) feet in length). Both collar and leash must be of sufficient strength to prevent escape and muzzled by any means sufficient to prevent biting other persons or domestic animals.

(e) Whenever a dangerous dog has caused serious injury to a person or domestic animal on two separate occasions off the owner's property, without reasonable cause, and the owner of the dog was notified or knew prior to the second injury that the dog caused the first injury, the dog shall be permanently removed from the Village or humanely euthanized. Such removal shall take place within 72 hours of the second bite inflicted by the dog and the keeper or owner thereof shall submit proof of such removal or euthanization to the Village Clerk or Police Department, and shall surrender the license and license tags for the dog, within said 72-hour period. [Ord. 617 09/11, 626 09/12]

(13) ENFORCEMENT OF RESTRICTION ON DANGEROUS DOGS. (a) In the event that the Village Board or Police Dept. has received information that a dangerous dog is being harbored in violation of this ordinance, it may:

(1) Notify the owner or keeper of the violation and order the violation immediately corrected.

(2) If the violation cannot be immediately corrected and the dog is posing an imminent serious threat to human beings or other domestic animals, the dog may be seized and impounded at the owner's expense. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing.

(3) If the owner or keeper of the dangerous dog fails to either provide proof that the dog will now be kept restrained or confined in compliance with the provisions of this ordinance, or fails to reclaim it from the designated Village

shelter after impoundment and if it cannot be adopted by someone providing proof that it will be kept restrained or confined as specified in this ordinance, it will be humanely euthanized.

(4) Where the owner or keeper of a dangerous dog fails to provide timely proof of compliance with Sec. 12.05(12) (e) with respect to a dog which has twice bitten a person or separate persons, then the Village Board, Humane Officer or Chief of Police, or the Chief's designee, shall cause to be issued to the dog's owner or keeper such citations as are deemed appropriate and shall take action to abate the nuisance as provided under Sec. 12.05(16). Where abatement is necessary because of failure to comply with Sec. 12.05(12) (e), abatement shall require immediate seizure and impoundment of the dangerous dog until it can be humanely euthanized. [Ord.617 09/2011]

(5) Where a dangerous dog has on two separate occasions caused serious injury to a person or domestic animal off the owner's property without reasonable cause, the Village Board or Chief of Police or their appointees or their designees may commence a civil action to obtain a judgment from the Court ordering an officer to kill the dog in a proper and humane manner. [Ord. 626 09/12]

(14) WARNING SIGNS, GUARD DOGS AND DANGEROUS DOGS. (a) All owners, keepers, or harborers of any guard or officially determined dangerous dog shall display in a prominent place on their premises and at each entrance or exit to the area where such a dog is confined, a sign easily readable by the public using the words: "BEWARE OF DOG".

(15) DUTIES OF ALL ANIMAL OWNERS. (a) It shall be the duty of every owner of any animal or anyone having any animal in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior, regardless whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(b) It shall be the duty of every owner of any animal, or anyone having any animal in their possession or custody, to ensure that the animal is kept under restraint and

that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian.

(c) It shall be the duty of the owner of any animal or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor, or custodian.

(d) Failure to keep any animal confined or under restraint as provided for in this Section shall be unlawful and shall be punishable as herein provided.

(e) No person shall keep or harbor any nuisance dog, nor shall any person keep or harbor any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall cause serious annoyance or disturbance to persons or to a neighborhood.

(f) No person shall keep or harbor any dog which habitually pursues any vehicle upon any public street, alley or highway.

(g) Fecal matter. (1) Any person owning, keeping or harboring any dog or companion animal will be responsible to keep his/her property clean of all fecal matter from said animal(s). All animal waste shall be removed so as to keep the surrounding area free from obnoxious odors.

(2) Disposition of all animal waste, including urine, fecal matter and excreta shall be in a manner that is consistent with the maintenance of human and animal health. Animal waste shall be disposed of in a manner that does not pollute or contaminate ground water or soil. Acceptable methods for disposing of animal waste include flushing down an indoor toilet where the property is connected to a municipal sewer utility, disposing in a holding tank, composting with suitable quantities of leaves, grass and other organic debris (fecal matter to be less than 20% of gross weight of composted material) or spreading over land after being first treated with lime, provided any crop grown is for non-human use and the spreading is at least 100 yards from the nearest domicile. Disposition of animal waste in an on-site landfill, burying the waste, burning or incineration of the waste or in a private septic system shall not constitute

a permitted disposition; except, however, an incinerator approved by the Department of Natural Resources may be used to burn and incinerate waste provided all necessary state and local agency licenses have been obtained.

(3) Any fecal matter deposited by any dog, cat, horse or other animal on any street, alley, sidewalk or other public or private property within the Village of Ellsworth shall be immediately removed by the owner or person in charge of the animal. This section shall not apply if the fecal matter is deposited on the animal owner's own property; except, however, such owner shall be responsible to keep his/her property clear of all fecal matter as provided in Subsection (1) above. [Ord. 609 12/2010]

(4) Any individual accompanying any dog, cat, horse or other animal in the Village of Ellsworth which is not on the property of the animal's owner, shall carry a plastic bag or other receptacle to enable such individual to immediately remove any feces deposited by such animal away from the animal owner's property. Any such individual shall, upon demand by a Village police officer, produce such bag or receptacle for inspection.

(5) It shall constitute an exception to the requirements of this ordinance when any dog, cat, horse or other animal is a participant in a parade approved or sponsored by the Village of Ellsworth as a local civic event. [Ord. 476, 575 6/07]

(h) No wild animals or exotic animals may be kept within the Village of Ellsworth except under such conditions as shall be fixed by the Village Board provided that wild animals and exotic animals may be kept for exhibition purposes by circuses, zoos, or educational institutions, in accordance with such regulations as shall be established by the Village Board.

(16) ENFORCEMENT AND PENALTIES. (a) Unlicensed dog: \$50.00 forfeiture penalty together with costs of prosecution plus cost of license. [Ord. 547 3/05]

(b) Any person who violates any other provision of this ordinance may be subject to a forfeiture penalty

of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution.

(c) Abatement. The Humane Officer or Chief of Police, or their appointees or their designees, shall have the power to abate violations of §12.05 in accordance with §173.11, Stats. The Village President or Chief of Police may modify or withdraw abatement orders issued hereunder, or under §173.11, Stats. [Ord.547 3/05]

(17) SEVERABILITY AND CONFLICT. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions. [Ord. 441]

12.06 ALCOHOL BEVERAGES. (1) STATE STATUTES ADOPTED. The provisions of Chapter 125, Wis. Stats., relating to the sale of, possession of and licensing for sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions for the penalty to be imposed for violations of said Chapter, are hereby adopted and made a part of this Section by reference. A violation of any such provisions shall be subject to the penalty provisions of Sec. 25.04, unless otherwise provided herein. [Ord. 327]

(2) LICENSES. (a) When Required. No person except as provided by Secs. 125.04, 125.17, 125.25, 125.26, 125.27, 125.28, 125.31, 125.32, 125.51, and 125.68, 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 intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license as provided in this section, nor without complying with all the provisions of this section, and all statutes, ordinances and regulations of the state and Village applicable thereto. [Ord. 523 8/02]

(b) Separate License Required for Each Place of Sale. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosure which are in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale and no license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in dwelling house, flat or residential apartment.

(c) Quota on "Class A" Licenses for Sale of Intoxicating Liquors. There shall be no quota limitation on issuance of "Class A" licenses for sale of intoxicating liquors in the Village of Ellsworth. Issuance of such licenses shall be in the sound discretion of the Village Board. [Ord. 633 06/2013]

(d) "Class B" License, Sale in Original Container. A retail "Class B" license for the sale of intoxicating liquor authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine may be sold for consumption off the premises in any quantity.

(e) License Limit on "Class B" Liquor Licenses. No more than one retail "Class B" intoxicating liquor license shall be granted to and issued for each 500 inhabitants or fraction thereof in the Village, such population to be determined by the last preceding national census or official estimate thereof by the Bureau of Census of the United States government.

(f) Delinquent Taxes, Assessments, Forfeitures. (1) PREMISES. No initial or renewal alcohol beverages license shall be granted for any premises for which taxes, assessments or other claims for the Village are delinquent and unpaid.

(2) PERSONS. No initial or renewal alcohol license shall be granted to any person:

(a) Delinquent in payment of any taxes assessments or other claims owed to the Village.

(b) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

(c) Delinquent in payment to the State of any State taxes owed.

(3) FEES. The following fees for issuance of a license under this section shall be established from time to time by resolution of the Village Board [Ord.643 05/15]:

(a) Class "A" Retail License -

(Fermented Malt Beverages)

- (b) "Class A" Retail Licenses -  
(Intoxicating Liquors)
- (c) "Class B" Retail Licenses -  
(Fermented Malt Beverages)  
(Intoxicating Liquors)
- (d) Wholesaler's License -
- (e) Operator's License -  
Temporary Operator's License  
Provisional License
- (f) "Reserve Class B" Retail License -  
(Fermented Malt Beverages)  
(Intoxicating Liquor)
- (g) "Class C" Retailer's License -  
(Wine)
- (h) Class "B" Picnic or Special Events Licenses

[Ord. 396; Ord. 468; Ord. 475, Ord. 585 06/2009 Ord. 592 06/2009, Ord. 662 9/2017]

(4) LICENSE APPLICATION. (a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Village Clerk-Treasurer. In addition to information required on the forms prescribed by the State Department of Revenue, the Chief of Police or the Health and Welfare Committee may require such further information as may be deemed necessary to make an appropriate review of the license application, including date of birth and place of past residence. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms joined by connecting entrances or not separated by a solid wall. [Ord. 271]

(b) Application. Applications, except those for a manager's or operator's license, shall be signed and sworn to by the applicant. [Ord. 559 10/05]

(c) Duplicate. Upon approval, a copy of each application shall be forwarded by the Village Clerk-Treasurer to the State Department of Revenue.

(d) Examination and Report. (1) Upon receipt of a license application to sell or deal in intoxicating liquor or fermented beverages, including an application for operator's license, the Village Clerk-Treasurer shall refer same within three (3) days to the Chief of Police. Applications for Operator's Licenses and Temporary Operator's Licenses shall be reviewed and acted upon by the Village Board. All such Applications must be filed with the Village Clerk-Treasurer at least 15 days prior to the Board Meeting at which the License Application shall be considered. Applications for Provisional Licenses shall be made to the Village Clerk-Treasurer and issued in accordance the standards set forth in this Section 12.06 and in accordance with and subject to the provisions of Wis.Stat.§125.17(5) .[Ord. 662 09/2017]

(2)The Chief of Police shall conduct an investigation of the applicant to determine whether the applicant is a suitable candidate for issuance of the license requested. The Chief of Police shall submit his report to the Village Clerk-Treasurer within seven (7) days of receipt of the License Application from the Village Clerk-Treasurer. The applicant shall execute a release of information, if requested by the Chief of Police, permitting the Chief of Police to obtain information and records from local, State and Federal law enforcement or government agencies concerning the applicant and to obtain information from any person the Chief, or his designee, chooses to contact or interview concerning relevant background of the applicant [Ord.470, Ord. 537 04/2004, Ord. 662 09/2017]

(3)The Village Board shall refuse to issue or renew an alcohol-related license for any of the following reasons:

(a) The applicant has a felony conviction or is an habitual Offender pursuant to Sec. 125.04(5) (b), Stats., where the offense(s) is substantially related to the alcoholic beverage licensing activity. [Ord. 610 03/2011,Ord 662 09/2017]

(b) The applicant has been convicted within the 5 year period preceding the date of the application of a non-alcohol related misdemeanor offense which is substantially related to the licensed activity with respect to which a license is requested. Examples of such substantially similar activity include the following: gambling, drug offenses under Wis. Stat.§961.41, disorderly conduct upon a

licensed premises, or battery upon a licensed premises. [Ord.560 11/05, Ord. 610 03/2011, Ord 662 09/2017]

(c) The applicant fails to provide complete, accurate and truthful information on any license application. In such instance no reapplication for a license shall be allowed until a period of 60 days has elapsed from the date of the previous application. In such instance no reapplication for a license shall be allowed until a period of 60 days has elapsed from the date of the previous application. [Ord. 606 9/2010 Ord 609 12/2010,Ord 662 9/2017]

(4)The Village Board shall refuse to issue or renew an alcohol-related license to a person with two or more convictions within the preceding 2 year period of the following violations, or similar violations which are substantially related to the activity with respect to which licensure is sought [Ord. 610 03/2011,Ord 662 9/2017]:

- (a) Loitering on licensed premises.
- (b) Possession of false identification.
- (c) Underage consumption/possession of alcohol.
- (d) Furnishing or sale of alcohol to minors.
- (e) Any other offense related to the illegal sale of alcohol beverages.
- (f) Conviction of any substance abuse violation  
Conviction of a first-time operating under the influence of a controlled substance. [Ord. 560 11/05]
- (g) Sale of alcohol beverages to an intoxicated person.
- (h) Sale of alcohol beverages or keeping a licensed premise open after closing hours.
- (i) Sale of alcohol beverages with-out a license.
- (j) Conviction of any crime or ordinance involving cooperation with law enforcement officials, including, but not limited to, any offence of making false alarms, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, perjury, false swearing,

assault by a prisoner, escape from custody, bail jumping or bomb scares.

(k) Conviction of any crime or ordinance involving dishonesty, theft or misappropriation of funds, including, but not limited to, burglary, entry into a locked vehicle, theft, fraud on hotel or restaurant keeper, fraud upon or theft from landlord, issuance of a worthless check, receiving or transferring stolen property, loan-sharking, robbery, forgery or retail theft.

(1) The applicant has been convicted within the 5 year period preceding the date of the application of any disorderly conduct or battery where alcohol has been involved. [Ord. 537 04/04 Ord. 560 11/2005, Ord 662 9/2017]

(5) The phrase "alcohol-related license" includes any license related to alcohol beverages or fermented malt beverages, and any reference to "alcohol beverages, and any reference to "alcohol beverages" or "alcoholic beverages" shall be deemed to include "fermented malt beverages". [Ord. 537 04/04, Ord 662 9/2017]

(6) In the event the Village Board denies a License Application the Applicant shall be notified in writing of the reasons for the denial. The Action of the Village Board in denying a License of the Village Board in denying a License Application or failing to renew same, may be reviewed upon application by the Applicant to the Circuit Court for Pierce County in accordance with Wis.Stat. §123.12 (2) (d) . [Ord. 662 9/2017]

(e) Responsible Beverage Server Training Course.

(1) No operator's license shall be issued to any person who has not reached the age of 18 years. All applicants for an operator's license must complete a responsible beverage server training course as provided in Sec. 125.17 (6), Stats. No license may be issued unless the applicant has successfully completed such course or unless the applicant fulfills one of the following requirements: Where the applicant is renewing an

operator's license, where the applicant has held a Class A or Class B license or permit or manager's or operator's license within the past two years, or where, within the past two years, the applicant has completed such training course. An applicant may be issued a provisional (temporary) license where the applicant has not completed a responsible beverage server training course, and said provisional license shall be issued for a period of 60 days. Upon filing by the applicant with the Village Clerk proof of completion of a responsible beverage server training course, by the applicant, the Village clerk shall issue an operator's license to the applicant. If an applicant who has been issued a provisional operator's license has failed to successfully complete a responsible beverage server training course within sixty (60) days of the issuance thereof, said license shall expire and be void. All licenses shall expire on June 30 in the year of expiration.

(2) Before the Village Clerk shall issue any provisional license the Clerk shall first refer the license application to the Chief of Police as provided in Section 12.06 (4) (d) (1), and the Chief of Police shall conduct the investigation specified in Section 12.06 (4) (d) (2). The criteria to be used by the Chief of Police in determining whether to issue a license shall be the same as those set forth in Sec.12.06(2) (g) (4) (d) (2). If the Village Clerk receives a directive from the Chief of Police to issue the license, the license shall be issued. No operator's license shall be issued until the applicant has completed the Responsible Beverage Server Training Course. [Ord. 396, 417, 434, 443, 537 04/04]

(f) Fee. The fee for the license shall accompany the application. [Ord. 643 05/15, Ord 672 3/2019]

(5) LICENSE RESTRICTIONS. In addition to the "any other" restriction contained in Chapter 125, the following shall apply:

(a) Violation of Liquor or Beer Law or Ordinance. No retail "Class B" license shall be issued to any person who has been convicted of a violation of any Federal or State liquor or fermented malt beverage laws or of the provisions of this section during a period of one year prior to said application. A conviction of a member of a partnership or of the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(b) Class "B" Licensed Premises to be on Street Level. Retail Class "B" licenses shall be issued only for that portion of a premises located on the street level. This restriction shall not apply to a bona fide club,

society or lodge in existence not less than 6 months prior to application nor prohibit any hotel holding a State permit from supplying beverages in original containers to bona fide patrons in rooms rented by such patrons.

(c) Health and Sanitation Requirements. No retail Class "B" license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to building and plumbing and the rules and regulations of the State Department of Health applicable to restaurants and to all such ordinances and regulations adopted by the Village.

(d) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.

(6) LICENSES; EXPIRATION. (a) Fee Charged. Licenses for Class "A" or Class "B" retail sales, when issued for a period less than one year, shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Form and Expiration of Licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee, and, unless sooner revoked, shall expire on June 30 thereafter except as provided otherwise in this section.

(7) POSTING LICENSES. Every license issued under this section shall be posted and at all times displayed as provided in Section 125.04 (10) Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(8) REGULATION OF LICENSED PREMISES AND LICENSES. (a) Gambling and Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any licensed premises.

(b) Closing Hours. The closing hours for licensed premises shall be as follows:

- (1) No premises for which a Class "B" license or permit has been issued may remain open

between the hours of 2:00 a.m. and 6:00 a.m.; except on Saturday and Sunday no premises may remain open between the hours of 2:30 a.m. and 6:00 a.m., and on January 1 premises operating under such a license are not required to close. See Sections 125.32(3) and 125.68(4), Wisconsin Statutes. [Ord. 443]

(2) No holder of a "Class A" retail fermented malt beverage or intoxicating liquors license shall sell or offer for sale any such beverage between 12:00 midnight and 6:00 a.m. [Ord. 473, 619]

(c) 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.

(d) Underage Persons. (1) Any underage person who does any of the following is guilty of a violation:

(a) Procures or attempts to procure alcohol beverages.

(b) Knowingly possesses or consumes alcohol intoxicating liquor.

(c) Enters or is on licensed premises in violation of Section 125.07, Stats.

(d) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(2) Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverages is guilty of a violation.

(3) No underage person shall intentionally carry an official identification card not legally issued to him or her, or an official identification card obtained under false pretenses, or an official identification card which has been altered or duplicated to convey false information. For purposes of this section a license issued by the Department of Transportation shall be deemed an official

identification card in addition to the card referred to in Section 125.08, Stats.

(4) No underage person shall make, alter or duplicate an official identification card.

(5) No underage person shall present false information to an issuing officer in applying for an official identification card.

(6) No person shall misrepresent or misstate his or her age or the age of any other person or misrepresent his or her age through the presentation of any document purporting to show such person to be of legal age to purchase fermented malt beverages or intoxicating liquor.

(7) The penalty for violation hereunder shall be a forfeiture and suspension of operating privileges as set forth in Section 125.07

(4)(c), and Section 343.30 (6)(b), Stats.

(9) CONSUMPTION ON PUBLIC STREETS AND SIDEWALKS

PROHIBITED. (a) No person shall consume, carry, transport or have in his possession any intoxicating liquor or fermented malt beverage on public sidewalks or streets in the Village unless such intoxicating liquor or fermented malt beverage is in an unopened, sealed container.

(b) No person shall sell intoxicating liquors or fermented malt beverages when he knows that the intention of the buyer is to consume such intoxicating liquors or fermented malt beverages on the public sidewalks or streets of the Village or to allow any person or persons to leave any licensed establishment with opened, unsealed containers of intoxicating liquor or fermented malt beverages.

(c) The provisions of this section may be waived from time to time by resolution of the Village Board as it shall deem advisable for specific occasions and events conducted on the streets or sidewalks of the Village. [Ord. 211]

(10) TRANSFER OF LICENSES. Licenses may be transferred as provided in Sec. 125.04 (12).

(11) TAVERN KEEPER SHALL REQUIRE PROOF OF AGE. (a) Any person in premises operating under a "Class A" or "Class

B" retail license for the sale of fermented malt beverages or in premises operating under a "Retail Class A" or a "Retail Class B" license for the sale of intoxicating liquor shall upon demand of the person in charge of such premises or of any law enforcement officer show an identification card or other form of identification, Sec. 125.085, Wis. Stats., or be regarded as a person underage. [Ord. 523 8/02]

(b) Every retail "Class A" and retail "Class B" license shall cause a book to be kept and such licensee or his employee, or both, shall require any person who has shown documentary proof of age which substantiates his age to allow the legal purchase of fermented malt beverages or intoxicating liquor, to sign such book if the age of such person is in question. The book shall show the date of purchase, the identification used in making the purchase, the address of the purchaser and his signature.

(c) The establishment of the following facts by a person making a sale of fermented malt beverages or intoxicating liquors to a person not of legal age shall constitute prima facie evidence of innocence and a defense to any prosecution therefore:

(1) That the purchaser falsely represented in writing and supported with other documentary proof that he was of legal age to purchase fermented malt beverages.

(2) That the appearance of such purchaser was such that any ordinary and prudent person would believe him to be of legal age to purchase fermented malt beverages.

(3) That the sale was made in good faith and in reliance upon the written representation and appearance of the purchase in the belief that the purchaser was of legal age to purchase fermented malt beverages. [Ord. 185, 218]

(12) POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED. The provisions of Sec. 125.09 (2), Wis. Stats., are adopted in their entirety, prohibiting a person from possessing or consuming alcohol beverages on school premises, in a motor vehicle if a pupil attending the school is in the motor vehicle, or while participating in a school-sponsored activity. In addition to the penalties provided in Sec. 25.04, the provisions of Sec. 938.344 and 125.07 (4) (c) and (d) provide applicable penalties for underage persons. [Ord. 523 8/02]

(13) SALES TO INTOXICATED PERSONS PROHIBITED. No person, licensee or permittee may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated, nor deal or traffic in same with a person who is intoxicated. [Ord. 238]

(14) BARTENDER ON DUTY. No licensed premises may be open for business unless there is upon the premises a licensee, agent, person who has an operator's license or member of the licensee's immediate family as provided in Section 125.32 (2) and 124.68 (2), Wis. Stats.[Ord. 523 8/02]

(15) UNDERAGE. (a) Selling, Furnishing to Underage Person. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. [Ord. 238]

(b) Underage person prohibited on licensed premises. An underage person not accompanied by his or her 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, except as provided in Sec. 125.07 (3) (a), Wis. Stats.

(c) Licensee or Permittee, Furnishing Alcohol Beverages. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(16) PRESENCE IN NONALCOHOLIC BAR PERMITTED. An underage person may enter or remain on "Class A" or "Class B" licensed premises on a date specified by the license or permittee during times when no alcohol beverages are consumed, sold or given away. During those times the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subsection. [Ord. 443]

(17) REVOCATION AND SUSPENSION OF LICENSES. (a) The provisions of Sec. 125.12, Wis. Stats., shall govern the revocation, suspension and refusal to issue or renew licenses under this section.

(b) A violation of this section by a duly authorized

agent or employee of a license or permit holder shall constitute a violation by the license or permit holder. [Ord. 337]

(18) IMPROPER EXHIBITIONS. (a) It shall be unlawful for any person to perform, or for any licensee or manager or agent of the license to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

(1) Expose his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(2) Expose any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(3) Exposes any portion of the female breast at or below the areola thereof; or

(4) To engage in or simulate sexual intercourse and/or any sexual contact including the touching of any portion of the female breast or the male and/or female genitals.

(b) 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. [Ord. 445]

(19) PROVISIONAL RETAIL LICENSES. (a) The Village Clerk may issue a provisional retail license to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" License. Any such license so issued shall authorize only the activities authorized by the type of retail license for which application has been made.

(b) The fee for a provisional retail license shall be as established from time to time by the Village Board but shall not exceed the maximum amount provided by law. The provisional license may be issued only where an application has been made for one of the licenses enumerated in subsec. (a) and where it appears the application for said retail license is in proper form and it appears to the Village Clerk it is likely same shall be approved by the Village Board.

(c) A provisional retail license issued under this Section shall expire 60 days following its issuance or at such time as the retail license for which application was made

has been issued to the holder, whichever is sooner. The Village Clerk may revoke the provisional retail license if he or she discovers the holder made a false statement on the application.

(d) No person may hold more than one provisional retail license for each type of license for which application has been made by the holder per year. [Ord. 509]

(20) WINE SAMPLING. (a) The holders of "Class A" licenses may provide wine taste samples of not more than 3 fluid ounces each, free of charge, to customers and visitors for consumption on the premises. No "Class A" licensee may provide more than 2 wine taste samples per day to any one person. Samples may be given only between the hours of 10:00 a.m. and 6:00 p.m.

(b) No wine taste samples may be provided to any underage person.

(c) No Class A" licensee may provide as taste samples under this Section wine which the "Class A" licensee did not purchase from a wholesaler. [Ord. 513]

(21) "CLASS B" PREMISE EXTENSION PERMIT. (1) Definition. As used in this paragraph "premise extension" shall mean an open, unroofed area where beer and other alcohol beverages are served and consumed, and provided such area is connected to a premises to which a "Class B" fermented malt beverage and intoxicating liquor retail license has been issued.

(2) Permit Required. No person shall keep, maintain, conduct or operate any premise extension without first obtaining a permit.

(3) License Fee. The license fee for a premise extension permit shall be that amount as is determined from time to time by resolution of the Village Board.

(4) Application. The application for a premise extension shall be made to the Village Clerk and shall be submitted to the Village Board for issuance and approval as the Board, in its discretion, deems appropriate. No premise extension shall be permitted within 100' of land zoned for residential purposes. The permit shall be posted conspicuously in the premise extension at all times that it shall be in use.

(5) Restrictions. No premise extension shall be permitted, maintained or operated, except in conformity with the following regulations:

(a) The premise extension area shall be particularly described, adjacent to and operated as a part of a premises license to sell alcohol beverages for consumption on the premises. The premises for which the premise extension permits are issued must be owned by the licensee.

(b) If any part of the premise extension is not blocked by a building, there shall be maintained or constructed a fence not less than 6 feet high with maximum spacing in openings of two inches or double fencing of not less than four (4) feet high with six (6) feet between the fencing, surrounding the premise extension area. The fencing shall contain the required fire exit or exits. Each gate or exit shall be not less than four (4) feet high for double fencing and six (6) feet high for single fencing, shall swing free to egress, shall be equipped with proper hardware and shall swing free and clear of public sidewalks. The premise extension fence shall comply with all Village ordinances regarding vision clearance and distances from corners.

(c) All electrical wiring shall comply with national, State and Village electrical codes.

(d) The premise extension shall be maintained to comply with all fire code provisions.

(e) The noise emanating from any premise extension shall not violate any of the regulations of this Municipal Code pertaining to noise.

(f) If the permit allows any food to be served in the premise extension, the permittee or his/her agent must comply with Ch.50, Wis. Stats.

(g) Restroom facilities must be provided to adequately accommodate the maximum capacity of persons in both the licensed premises and the premise extension.

(h) Only alcohol beverages to be consumed on the premises and not in their original containers may be carried into the premise extension area.

(i) The licensee or his/her agent shall be responsible for preventing violations of this paragraph and for supervising the outdoor area at all times.

(j) Any necessary security for the premise extension, including any security as a condition of the permit,

shall be the sole responsibility of the licensee.

(k) The licensee shall maintain adequate liability insurance for the premise extension area and proof of such insurance shall be furnished to the Village before a permit is issued.

(l) The licensee is responsible for all clean-up and removal of debris and rubbish from the premise extension and any adjoining area which has suffered a spillover of debris and rubbish.

(6) Time Period. The date and hours during which a premise extension permit shall be valid will be determined by the Village Board. [Ord. 555 06/05]

(22) ABANDONMENT OR NONUSE. If a license or permit issued under this chapter is not used within one hundred eighty (180) days after its issuance, or its usage is discontinued for a period of one hundred eighty (180) days or more, such nonuse shall be grounds for denial, suspension, revocation, or non-renewal of the license or permit in accordance with the provisions of this chapter and the laws of the State of Wisconsin. Except with respect to operators licenses and Class "B" picnic or special events licenses, a license or permit is not "used" under this subsection where the applicant is not selling alcohol beverages at retail or wholesale on a regular basis at or from a licensed premises which is open for such sales on a regular and routine basis. [Ord. 643 5/15]

(25) PENALTY. In addition to the penalties provided in Sec. 25.04 of this Municipal Code, any person, partnership or corporation who violates any of the provisions of Sec. 12.06 shall be subject to liquor license suspension, revocation or non-renewal as provided in Sec. 12.06 (17). A separate offense shall be deemed committed on each day on which a violation occurs or continues to occur. [Ord. 445]

12.08 MOBILE HOMES AND MOBILE HOME PARKS. (1)  
DEFINITIONS. Whenever used in this section, unless a different meaning appears from the context:

(a) "Mobile Home" is that which is, or as originally constructed, was designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances; and includes any double-wide or modular unit. [Ord. 267]

(b) "Unit" means a mobile home unit.

(c) "Nondependent unit" means a mobile home that has bath or shower and toilet facilities.

(d) "Mobile home park" means any park, court, camp, site, plot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than 2 mobile homes and shall include all buildings used or intended for use as part of the equipment thereof whether or not a change is made for the use of the mobile home park and its facilities. "Mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

(e) "Space" means a plot of ground in a mobile home park of not less than 4,000 square feet of space, with a minimum width of 42 feet, designed for the location of only one automobile and/or one mobile home.

(f) "Person" includes an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or their agent, heir, or assign.

(g) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.

(h) "Park" means mobile home park.

(2) LOCATION OUTSIDE PARKS. (a) Prohibited. Except as provided in this section, no person shall park any mobile home on any street, alley, or highway, or other public place, or on any tract of land owned by any person, within the village, except in a licensed mobile home park, or except as provided in the Village of Ellsworth Zoning Ordinance or Zoning Code with respect to parking unoccupied mobile homes in accessory garage buildings or rear yards. [Ord. 267]

(b) Emergency or Temporary Stopping. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(c) Special Permit for Location Outside of Mobile Home Park. (1) The Village Board may issue special written permits allowing the location of a mobile home outside of a

mobile home park. Any permit so issued shall particularly describe the premises upon which the mobile home may be parked. The person to whom such permit is granted shall be subject to the parking permit fee provided in this section. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued, and only after application having first been made by the mobile home owner or occupant. Any such permit so issued shall be for a period not to exceed one year, and shall be issued only after a public hearing, notice of said hearing having been first published at least once in the official Village newspaper prior to such hearing. A permit granted hereunder may be renewed only once by any owner or occupant of a mobile home. No permit allowing the location of a mobile home on any particular premises may be renewed more than once, regardless whether occupancy or ownership of the premises or mobile home has changed. Not more than two (2) mobile homes shall be granted permits to locate on any one premises outside a mobile home park. [Ord. 247]

(a) Notwithstanding the language in the publicly owned lands or tax exempt lands, where the principal use is associated with a purpose other use of same as a dwelling or residence, upon approval by the Village Board. A permit so issued shall be for an initial term of one year. Thereafter, said permit may be renewed for additional five year periods upon application to the Village Board. Such permits may be renewed more than once. [Ord. 365]

(2) Application for the permit shall be made to the Village Clerk-Treasurer and shall be accompanied by an inspection fee as established from time to time by resolution of the Village Board and shall state the name and permanent address of the occupants of the mobile home, the license number of their mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether the occupants are nonresident tourists, whether any occupant is employed in this state, the location of the premises, the name of the owner and the occupant of any dwelling on the premises and the owner's and/or occupant's permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use;

and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the mobile home; and a statement of permission from the owner for their use. [Ord. 475]

(3) All occupants of any mobile home located outside of a mobile home park shall register with the Village Clerk-Treasurer as provided in sub. (9). All provisions of this section governing the location, use and sanitation of mobile homes located in a licensed mobile home park shall so far as they are applicable, apply to any mobile home located outside of such mobile home park. [Ord. 160]

(d) Certain Lands Annexed, Exception. (1) With respect to those premises described in subparagraph (2) herein, mobile homes may be located on same without the special permit required by Sec. 12.08 (2)(c)(1) and (2). Mobile homes can be replaced, moved or altered on said premises.

(2) The premises to which this permit exception applies are: Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 of Block 1, Campbell's Addition to the Town of Ellsworth; Block 3 and Block 4, Campbell's Addition to the Town of Ellsworth; also, those premises described in Volume 82 of records, page 137, as doc. no. 252355, Pierce County Register of Deeds; also one mobile home may be located upon that part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 20, Township 26 North, Range 17 West, commencing 49.5 feet South of the Northwest corner of said forty, thence North 87 degrees East 490 feet to a point due South 49.5 feet from the Southwest corner of Block 4, Campbell's Addition to the Village of Ellsworth, thence South 180 feet to the point of beginning, thence North 87 degrees East 220 feet, thence South 180 feet, thence South 87 degrees West 220 feet, thence North 180 feet to the point of beginning; also Lot 2 of that Certified Survey Map recorded in Vol. 2 of C.S.M., pg. 66, being a part of the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>) of the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>)

of Section Twenty (20), Township Twenty Six  
(26) North, Range Seventeen (17) West. [Ord. 308,  
390, 438, 472]

(e) Where a mobile home is already located outside of a mobile home park as of December 5, 1983, then same may be replaced with a mobile home which otherwise complies with the Zoning Ordinance, including lot size and set-back requirements and further provided express permission is so granted by the Village Board. The requirements of this Subsection shall not apply to those lots described in Sec. 12.08 (2) (d) (2). [Ord. 377]

(3) MOBILE HOME PARK; LICENSE, APPLICATION AND  
ISSUANCE.

(a) No person shall establish, operate, or maintain, or permit to be established, operated, or maintained upon any property owned, leased, or controlled by him, a mobile home park within the Village without having first secured a license for each such park from the Village Board pursuant to this section. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this section for additional periods of one year.

(b) The application for such license or the renewal thereof shall be filed with the Village Clerk-Treasurer and shall be accompanied by a fee as is established from time to time by resolution of the Village Board for each 50 spaces or fraction thereof within the mobile park. The application shall be accompanied by a bond which shall guarantee the collection by the licensee of the monthly parking permit fee and the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of the Village and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the license violating the provisions of this section. A fee of \$10.00 shall be paid for each transfer of a license. [Ord.408; Ord. 475]

(c) The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk-Treasurer and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the mobile home park and make the application), and such a legal description of the premises, upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by

two copies of the park plan showing the following, either existing or as proposed: 1. The extent and area used for park purposes; 2. Roadways and driveways; 3. Location of units for mobile homes; 4. Location and number of sanitary conveniences, if any, including toilets, washrooms, laundries and utility rooms to be used by occupants of units; 5. Method and plan of sewage disposal; 6. Method and plan of garbage removal; 7. Plan for water supply; 8. Plan for electrical lighting of units; 9. Location of all sewer and water pipes and connections.

(4) INSPECTION AND ENFORCEMENT. No mobile home park license (or permit for location outside of a licensed mobile home park) shall be issued until the Village Clerk-Treasurer shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector or their authorized agents of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulation, ordinances, and laws applicable thereto. These officials shall furnish to the Village Board in writing the information derived from such investigation, and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a re-inspection of the premises. For the purpose of making inspections and securing enforcement such officials or their authorized agents may enter on any premises on which a mobile home is located, or about to be located, to inspect the same and all accommodations connected therewith, at any reasonable time.

(5) LOCATION OF MOBILE HOME PARK. (a) No mobile home or mobile home park shall be located in any fire district.

(b) No occupied mobile home within the Village shall be located between the recognized set-back line for the zoning district in which such mobile home is located and the street or highway nor less than 10 feet from any building or other mobile home or from the boundary line of the premises on which located, and shall be at least 20 feet back from the curb or curb line of the street on which located.

(6) MOBILE HOME PARK PLAN. (a) Every mobile home or mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that the drainage from any barnyard, outdoor toilet, or other source of filth can be deposited in its location.

(b) Mobile home spaces shall be clearly defined

and shall consist of a minimum of 4,000 square feet and a width of not less than 42 feet. The park shall be so arranged that all spaces shall face or abut on a driveway of not less than 30 feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night, and shall not be obstructed.

(c) The park shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.

(d) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 amperes capacity, and a heavy duty outlet receptacle, electrical outlets shall be weatherproof and all power lines within the park shall be underground.

(e) No mobile home unit shall be parked in a park outside the designated space.

(f) No mobile home park shall contain mobile homes which do not have bathroom or shower, and toilet facilities.

(7) WATER SUPPLY. (a) An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, shall be furnished for drinking and domestic purposes in all parks.

(b) Individual water service connections shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide 20 pounds pressure per square inch and capable of furnishing a minimum of 125 gallons per day per space.

(c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.

(8) WASTE AND GARBAGE DISPOSAL. (a) All liquid waste from showers, toilets, laundries, faucets, lavatories, etc. shall be discharged into a sewer system extended from and

connected with the public sewer system.

(b) Every space shall be provided with sewer connections which shall comply with the state plumbing code. The sewer connection shall be provided with suitable fittings so that watertight connection can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

(c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed, and their use is unlawful.

(d) Each faucet shall be equipped with facilities for drainage of waste and excess water.

(e) Every mobile home unit shall be provided with a substantial fly-tight, water-tight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

(9) MANAGEMENT. (a) In every mobile home park there shall be located in the office of the attendant or person in charge of such mobile home park a copy of the mobile home park license and of this section shall be posted therein and the mobile home park register shall at all times be kept in said office.

(b) The attendant or person in charge, together with the licensee shall:

(1) Keep a register of all guests, to be open at all times to inspection by state and federal officers and the mobile home committee, which shall show for all guests:

(a) Names and addresses.

(b) Number of children school age.

(c) State of legal residence.

(d) Dates of entrance and departure.

(e) License numbers of all mobile homes and towing or other vehicles.

(2) Maintain the park in a clean, orderly and

sanitary condition at all times.

(3) Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his attention.

(4) Report to the Health Officer all cases of persons or animals affected or suspected of being affected with any communicable diseases.

(5) Maintain in convenient places, approved by the Fire Chief, hand fire extinguishers in the ratio of one to each 8 units.

(6) Collect the monthly parking permit fee provided for in sub. (11). A book shall be kept showing the names of the persons paying such charges and the amount paid.

(7) Prohibit the lighting of open fires on the premises.

(10) **APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.** All plumbing, electrical, building, and other work on or at any park licensed under this section shall be in accordance with the ordinances of the Village and the requirements of the State plumbing, electrical, and building codes and the regulations of the State Department of Health. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

(11) **MONTHLY PARKING FEE.** (a) There is imposed on each owner of a nonexempt, occupied mobile home in the Village a monthly parking permit fee determined in accordance with Sec. 66.0435(3), Wis. Stats., which is hereby adopted by reference and made part of this section as if fully set forth herein. The licensee shall collect the proper amount from each mobile homeowner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Village Clerk-Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with this section and such regulations as the Clerk-Treasurer may reasonably promulgate. [Ord. 523 8/02]

(b) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk-Treasurer and the Village Assessor on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Village Clerk-Treasurer in accordance with Sec. 66.0435 (3) (c) and (e), Wis. Stats. [Ord. 523 8/02]

(c) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Village Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the Village clerk-Treasurer a cash deposit in an amount as is established from time to time by resolution of the Village Board to guarantee payment of such fees when due to the Village Clerk-Treasurer. The licensee of a mobile home park shall collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the Village Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Village Clerk-Treasurer shall apply such cash deposit to reduce any monthly parking permit fees for which such owner is liable and refund the balance, if any to such owner. [Ord. 475]

(12) REVOCATION AND SUSPENSION. The Village Board may revoke any license or permit issued pursuant to this section in accordance with Sec. 66.0435, Wis. Stats. [Ord. 523 8/02]

(13) LIMITATION ON NUMBER OF MOBILE HOMES. Notwithstanding any other provision of this section, the number of mobile homes in the Village shall be limited to 20% of the number of single family or two family homes assessable as real estate at the end of the preceding calendar year. [Ord. 267, 292]

(14) PENALTIES FOR VIOLATION OF ORDINANCE. Any person who shall violate any provision of this section upon conviction thereof be subject to a penalty as provided in Sec. 25.04 of this Code, provided the forfeiture for violation of sub.(11) (c) shall not exceed \$25.00. Each day of violation shall constitute a separate offense. [Ord. 186]

12.10 DIRECT SELLERS. (1) Registration Required. It shall be unlawful for any direct seller to engage in direct sales within the Village of Ellsworth without being registered for that purpose as provided herein.

(2) Definitions. In this ordinance:

(a) "Direct seller" means any individual who, for

him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

(b) "Permanent merchant" means a direct seller who, for at least one year prior to the consideration of the application of 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/her residence.

(c) "Goods" shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.

(d) "Charitable organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

(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 of 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 Sec. 440.41, 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 from which he/she is conducting business, or proof that such person has conducted such business in this village for at least one year prior to the date complaint was made.

(4) Registration. (a) Applicants for registration must complete 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, 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, town, 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;

(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 proof of identity as may be reasonably required;

(2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;

(3) A certificate from a State or Local Health Officer, or the Pierce County Department of Public Health 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. [Ord. 616 08/2011]

(c) At the time the registration is returned, a fee as is established from time to time by resolution of the Village Board per person per month shall be paid to the clerk to cover the cost of processing said registration which shall be valid for a period of one month. The applicant shall sign a statement appointing the clerk his/her agent to accept service of process in any civil

action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. 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 one month from the date of entry. [Ord. 367., Ord. 475 06/1998, Ord. 616 08/2011, Ord 621 05/2012]

(5) Investigation. (a) Upon receipt of each application, the clerk shall refer it immediately to the Chief of Police who shall 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: 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. [Ord. 621 05/2012]

(6) Appeal. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board, or if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Wis. Stats., as amended.

(7) Regulation of Direct Sellers. (a) Prohibited Practices.

(1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(2) A direct seller shall not misrepresent or make false, deceptive or misleading

statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his/ ion 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 purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

(3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred 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 or the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.

(2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Sec. 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 Secs. 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.

(c) The direct seller shall carry upon his or her person the permit required under this ordinance when he or she is engaged in direct sales governed by this ordinance. [Ord. 367]

(8) Records. The Chief of Police shall report to the clerk all convictions for violation of the ordinance and the clerk shall note any such violation on the record of the registrant convicted.

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

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

(10) Penalty. Any person convicted of violating any provisions of this ordinance shall forfeit not less than twenty-five 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. [Ord.225, 317]

12.11 STORAGE TANKS. (1) The Village of Ellsworth Volunteer Fire Department, as local Program Operators under Chpt. COMM 10, Wis. Adm. Code, may conduct safety inspections of petroleum or chemical storage tanks located within the Village of Ellsworth. [Ord. 523 8/02]

(2) Any removal of a chemical or petroleum storage tank in the Village of Ellsworth shall be done pursuant to permit issued by the Local Program Operator. Application shall be on form available through the Ellsworth Volunteer Fire Department.

(3) The Local Program Operator shall be paid a permit fee for the following tank removals as is established from time to time by resolution of the Village Board:

Up to 1,100 gallon capacity

1,101 to 4,000 gallon capacity

4.001 and greater gallon [Ord. 475]

(a) The fee shall be doubled where the removal is initiated prior to issuance of a permit. [Ord. 432, 443]

12.12 PUBLIC WORKS CONSTRUCTION, WATER AND SEWER CONNECTION PERMITS, STREET OPENING PERMITS. (1) PERMIT REQUIRED. (a) A public work construction permit shall be required for any of the following activities on public property: sidewalk construction, removal or replacement; curb and gutter construction, removal or replacement (including curb cuts for driveway); street or alley paving; street lighting; storm sewers; bridges and culverts; pedestrian ways; erosion control; street grading, paving or other modification of a street or alley; storm drainage improvements on public property, or on private property where same have an impact on public property; earth moving, landscaping and other disturbance of the soil as may or will result in increased surface or subsurface drainage or runoff from the site (whether on public or private property), or as may or will alter preexisting surface or subsurface drainage or runoff patterns from the site to public or private property; and all other improvements to public property.

(b) Such permits shall be required with respect to all construction including residential construction. [Ord. 483]

(c) A permit shall be required for all of the activities listed above except for public improvement projects undertaken by the Village or by developers in an approved subdivision as part of the development agreement or approved development plan.

(2) WATER AND SEWER CONNECTION PERMITS. (a) Purpose. The purpose of water and sewer connection permits are to ensure that connections to public utilities are made in accordance with all applicable rules and regulations and that the costs incurred by the Village in these activities are reimbursed in full.

(b) Permit Required. All new connections to the public water and sewer systems, including mains and laterals, shall require a permit. Replacement or changes to services requested by property owners where the Village performs any services or provides materials shall also require a permit, however the permit fee may be waived on these occasions.

(3) STREET OPENING PERMIT. (a) Purpose. The purpose of the street opening permit is to protect the integrity of public streets by ensuring the openings are kept to a minimum, that the street is restored in a proper manner and that costs incurred by the Village opening the street and the cost of the street restoration, are paid for by the permittee. [Ord. 443]

(b) Permit Required. A street opening permit shall be required of all openings into paved public rights of way. Openings in boulevards, graveled street or alleys or other unpaved surfaces shall not require a permit.

(c) Specification for Street Opening in the Village of Ellsworth. If the street to be opened has an asphalt or concrete surface, the edge of the opening shall be cut with a saw, jack hammer or any other tool or machine that will produce a clean straight edge. Size at the opening shall be estimated according to the type of material and depth of the ditch. Back fill shall be compacted to the satisfaction of the Public Works Director. Back fill surface of the opening shall be left in condition satisfactory to the Public Works Director or direction of the public works.

(4) FEES. The application for a public works construction permit shall be obtained from the Village Clerk. A fee as is established from time to time by resolution of the Village Board is required for the following permits:

Public Works Construction Permit (excluding street opening permit, water connection permit and sewer connection permit) No Charge

Street Opening Permit  
Water Connection Permit  
Sewer Connection Permit

With respect to water connection and sewer connection permits, there shall be a further and additional charge for each multifamily unit over and above the initial unit. [Ord. 475]

(5) PERFORMANCE BOND. (a) Any applicant for permit under this Section shall provide the Village a performance bond, letter of credit or other surety, as deemed satisfactory by the Village, as required under Sec. 45.03 (1) (b) and said bond shall be released in the manner provided in said Sec. 45.03 (1).

(b) The requirement of a performance bond hereunder shall not apply to single family or two family (duplex, twin home) units except where the cost of any activity regulated under this Section is estimated by the Public Works Director to exceed that sum from time to time established by the Village Board.

(6) APPLICATION. An applicant shall complete a Public Works Construction Application and return same to the Village with a site plan, of the work involved and the appropriate fee. Incomplete applications will not be accepted or processed.

(7) APPROVAL. The application, along with a service order (a separate service order for water and sewer) shall be provided to the Director of Public Works for review and approval, and he may approve, disapprove or approve same with conditions. If approved the Director of Public Works shall issue the permit card (both water and sewer may be included on the same card) which shall be displayed on site during the construction activities. [Ord. 387, 443, 483, Ord. 610 03/2011]

12.13 TAXICABS AND DRIVERS. (1) DEFINITION. A "taxicab" is a motor vehicle for which public patronage is solicited, excepting such vehicles as operate on established routes and are regulated by the State Public Service Commission, are rented to be driven by the person so renting or his agent, or are operated solely as funeral cars.

(2) LICENSE REQUIRED. No person shall transport passengers for hire within the Village nor shall any person solicit passengers to be transported for hire without first having obtained a license therefore as herein provided. In the interest of public convenience, the general prosperity, public health and safety, no license shall be issued unless

the applicant agrees in writing at the time of submission of the application to provide full service. "Full service" is transport available to and returning from destinations within the Village and from destinations outside the corporate limits to which the licensee has first transported or agreed to transport the passenger.

(3) APPLICATION. Application for a license to convey passengers for hire, commonly known as taxi service, shall be made in writing to the Village Clerk on blanks furnished by the Clerk and shall give the address from which the business is to be conducted and shall be signed by the owner of the business. If the owner is a partnership, the form shall state the name of the company, the names and addresses of the partners and the application shall be signed by one of the partners. If the owner is a corporation, the names and addresses of the principal officers must be given and the application shall be signed by one of the duly elected officers of the corporation. The application must also state the make, model and year of manufacture, the engine number, factory number and capacity for passengers and the State certificate of title number and license number for the current year of each motor vehicle to be used in such business. No license shall be issued until the applicant presents a policy or certificate of liability insurance herein required to the Village Clerk.

(4) FEES. Fees for a taxicab license shall be in an amount as is established from time to time by resolution of the Village Board. The Board may establish a lesser fee for each additional vehicle operated by the same business. [Ord. 475]

(5) LICENSES NOT TRANSFERABLE. No license issued under this section shall be transferable from the owner described in the original license to another person.

(6) ISSUANCE. Upon filing with the Village Clerk proof of payment of all fees, the policies or certificates of insurance and a certificate of inspection as provided herein, the Clerk shall issue a license for the operation of such vehicle or vehicles and each license granted shall be given a number and shall give the number and an adequate description of the taxicab licensed thereunder and such license shall be carried in the taxicab for which it has been issued.

(7) INSPECTION. No license shall be issued for any vehicle until it has been inspected and found in compliance with the Motor Vehicle Equipment Code Chpt. 347, Wis. Stats.; clean; of good appearance; and well painted. The applicant shall present to the Clerk a certificate signed by a competent and experienced mechanic showing the taxicab is

in good mechanical condition, it is safe for transportation of passengers and it is in neat and clean condition. Such similar certificate may be required from time to time during the license period. In lieu of such certificate the Clerk may accept the report of the Chief of Police relative thereof.

(8) **INSURANCE.** (a) Required. No license shall be issued for any vehicle under this section until the applicant deposits a policy or certificate of liability insurance covering each vehicle for which a license is sought with the Village Clerk. Such policy of insurance shall be issued by an insurance company licensed to do business in the State and shall contain the factory number, makers number and the number of the State license for each vehicle covered by the policy (which license number when changed by the issuance of a new State license shall be indicated by a rider thereto), and such policy shall indemnify the applicant in the amount of one million dollars (\$1,000,000) for bodily injury and property damage. [Ord. 620 2/2012]

(b) Form Approval and Expiration Notice. The policy shall contain a provision that the same may not be cancelled before the expiration of its term except upon 30 days written notice to the Village. Further, the licensee shall assure that the insurance carrier provides the Village copies of all insurance expiration and cancellation notices and copies of all notification of reinstatement of insurance coverage.

(c) Automatic Revocation of License. The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically revoke and terminate all licenses issued for any vehicle covered by such policy unless another policy complying with this section is provided and in effect at the time of such cancellation or termination.

(d) Responsibility of Licensee and Surety. In any event, the licensee and the surety will be held responsible for and shall save the Village, its employees and agents harmless from all liability for injury and damages occasioned by the taxi operation, or which may result therefrom, or which may result in any way from the negligence or carelessness of the licensee, his agents, employees or workers; or by reason of obstacles, encountered in the service delivery; and they shall indemnify the Village, its employees and agents for and save it harmless from all claims and liabilities, actions and causes of action, and liens for materials furnished or labor performed in service delivery, and from all costs, charges and expenses incurred in defending such suits or actions, and from and against all claims and liabilities for injury or damages to persons or property

emanating from defective or careless work methods or accidents.

(e) Workers Compensation Insurance. Workers compensation coverage shall be provided for all employees of the licensee, and proof thereof filed with the Village Clerk.

(9) TAXICAB DRIVER'S LICENSE REQUIRED. Every person driving a taxicab must be licensed as such and each applicant for a driver's license shall fulfill the following requirements:

(a) Be at least 17 years old.

(b) Complete the application form provided by the Village Clerk supplying all information required.

(c) Fees for a taxi cab driver's license shall be in an amount as is established from time to time by resolution of the Village Board. [Ord. 621 05/2012]

(10) RATES. Each applicant shall file with the Village Clerk-Treasurer, before a taxicab license is issued or renewed, a schedule of proposed maximum rates to be charged by him during the licensed period for which the application is made. The schedule of proposed maximum rates, or a compromise schedule thereof, shall be approved by the Village Board before granting the license. Such schedule shall be posted in a conspicuous place in the taxicab in full view of passengers riding therein. Nothing herein shall prevent a taxicab licensee from petitioning the Village Board for review of such rates during the licensed period, and the Village Board may likewise consider such petition and make new rates effective at any time. No taxicab licensee shall charge rates in excess of maximum rates approved by the Village Board.

(11) REVOCATION AND SUSPENSION OF LICENSE. Any license issued hereunder may be suspended or revoked where the licensee's operator's license (driver's license) has been suspended or revoked or where the licensee has been found guilty of an offense relating to the operation of a motor vehicle. [Ord. 453]

12.14 STREET USE PERMITS. (1) PURPOSE. The streets in possession of the Village are primarily for the use of the public in the ordinary way. The Village Board may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Section is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.

(2) APPLICATION. A written application shall be submitted no less than 60 (sixty) days prior to the event for which a street use permit is sought. It shall be submitted by the persons, groups or organizations desiring same, shall be made on a form provided by the Village Clerk-Treasurer, and shall be filed with the Village Clerk-Treasurer. The application shall set forth the following information regarding the proposed street use;

(a) The name, address and telephone number of the applicant or applicants.

(b) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.

(c) The name, address and telephone number of the person or persons who will be responsible for the proposed use of the street during the period of such street use and/or closure.

(d) The date and duration of time for which the requested use of the street is proposed to occur.

(e) An accurate description of that portion of the street proposed to be used.

(f) The approximate number of persons for whom use of the proposed street area is requested or anticipated.

(g) The proposed use, described in detail, for which the street use permit is requested.

(3) REPRESENTATIVE AT MEETING. The person or representative of the group or organization making application for a street use permit shall be present when the Village Board gives consideration to granting of said street use permit to provide any additional information which is reasonably necessary to make a determination whether a permit should be granted.

(4) DENIAL OF STREET USE PERMIT. (a) An application for a street use permit shall be denied if:

(1) The proposed street use is primarily for private or commercial gain.

(2) The proposed street use would violate any federal or state law or any ordinance of the Village.

(3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.

(4) The application for a street use permit does not contain the information required above.

(5) The application requests a period for the use of the street in excess of five days.

(6) The proposed use could equally be held in a public park or other location.

(b) In addition to the above, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public will not adequately be protected and maintained if the permit is granted.

(5) INSURANCE. The applicant for a street use permit will be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant will be required to furnish a certificate of comprehensive general liability insurance with the Village of Ellsworth in an amount not less than \$1,000,000.00 (One Million Dollars), or such larger amount as the Village may deem appropriate and necessary. The applicant may be required to furnish a performance bond prior to being granted the permit.

(6) TERMINATION OF STREET USE PERMIT. A street use permit for an event in progress may be terminated by the Village President (or his/her designee) or a law enforcement officer if the health, safety and welfare of the public appear to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permit or provisions of the Municipal Code of the Village of Ellsworth. The Village President (or his/her designee) or a law enforcement officer has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit. [Ord. 632 04/2013]

12.50 PENALTY. Any person who shall violate any provision of this chapter or who shall fail to obtain a license or permit as required hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code, provided that the forfeiture for violation of Sec. 12.08 (11) (b) shall be \$10.00.  
[Ord. 317, 443]