

CHAPTER IX (NINE)

LICENSES AND PERMITS

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|------|--|------|----------------------------|
| 9.01 | Licenses Required. | 9.06 | Direct Sellers (Peddlers). |
| 9.02 | General Provisions as to Licenses. | 9.07 | Auction and Auctioneer. |
| 9.03 | Licensing and Regulation of Sale and Consumption of Alcoholic Beverages. | 9.08 | Dogs and Other Animals. |
| 9.04 | Amusement Devices and Operators. | 9.09 | Dance Halls. |
| 9.05 | Billiard, Pool and Bowling Alleys. | 9.10 | Penalty. |

9.01 LICENSES REQUIRED.

A license shall be required for each of the following businesses or activities at the indicated license fee, which shall be for one year unless otherwise indicated.

(1) ALCOHOLIC BEVERAGES.

- (a) Class A Fermented Malt Beverages: \$100.00.
- (b) Class B Fermented Malt Beverages: \$100.00.
- (c) Wholesaler's License: \$25.00.
- (d) Class A Intoxicating Liquor License: \$325.00.
- (e) Class B Intoxicating Liquor License: ~~\$500.00~~ ^{300.00}.
- (f) Pharmacist's License: \$10.00.
- (g) Operator's License: ~~\$10.00~~ ²⁵ per ~~year~~ ^{me} year license. (See amendment)

(2) AMUSEMENT DEVICES. \$15.00 per device; \$1.00 transfer.

(3) AUCTIONS AND AUCTIONEERS. \$5.00 per day plus 20% of gross profits.

(4) BOWLING ALLEYS. \$80.00.

(5) BILLIARD AND POOL TABLES. \$15.00.

(6) DIRECT SELLERS (PEDDLERS). \$25.00 investigation fee.

(7) DOGS.

(a) Neutered Males and Spayed Females: ~~\$2.00~~ ³.

(b) Unneutered Males and Unspayed Females: ~~\$5.00~~ ⁸.

(c) Impoundment Fee. \$20.00 plus \$5.00 per day.

(8) DANCE HALLS.

9.02 GENERAL PROVISIONS AS TO LICENSES.

(1) LICENSES OR PERMITS REQUIRED.

No person shall engage in any trade, profession, business or privilege in the Village for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the Village in the manner provided in this section, unless otherwise specifically provided.

(2) APPLICATION.

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

(3) PAYMENT OF FEE.

The fees required for any license or permit shall be paid at the office of the Village Clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied.

(4) BOND AND INSURANCE.

All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the Village Board. Where policies or insurance are required, such policies shall be approved as to substance and form by the Village Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Village before the license or permit is issued.

(5) APPROVAL OR DENIAL OF LICENSES.

Where the approval of any Village or State officer is required prior to the issuance of any license or permit, such approval shall be presented to the Village before any license or permit is issued.

**VILLAGE OF BLOOMINGTON
ORDINANCE NO. 2024-03**

AN ORDINANCE TO AMEND CHAPTER IX (NINE) ENTITLED "LICENSES AND PERMITS" SECTION 9.01 ENTITLED "LICENSES REQUIRED", TO AMEND SUBSECTION 9.01(1) "ALCOHOLIC BEVERAGES" OF THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE.

NOW, THEREFORE, the Bloomington Village Board of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

Section I: Chapter IX (Nine) entitled "Licenses and Permits" Section 9.01 entitled "Licenses Required" to amend Subsection 9.01(1) of the Village of Bloomington Municipal Code shall be and hereby is amended as follows:

9.01(1) ALCOHOLIC BEVERAGES

- | | |
|--|-----------------------------------|
| (a) Class A Fermented Malt Beverages: | \$100.00 |
| (b) Class B Fermented Malt Beverages: | \$100.00 |
| (c) Wholesaler's License: | \$ 25.00 |
| (d) Class A Intoxicating Liquor License: | \$325.00 |
| (e) Class B Intoxicating Liquor License: | \$300.00 |
| (f) Pharmacist's License: | \$ 10.00 |
| (g) Operator's License: | \$ 25.00 per 1 (one) year license |

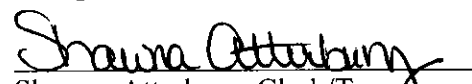
Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved by unanimous vote by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on June 3, 2024.

VILLAGE OF BLOOMINGTON by: ,


Robert McLimans, President

ATTEST: I, Shawna Atterbury, Village Clerk-Treasurer, do hereby certify that the amendment to amend Chapter IX (Nine) entitled "Licenses and Permits," Section 9.01 entitled "Licenses Required," to amend Subsection 9.01(1) of the Village of Bloomington Municipal Code has been approved by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on June 3, 2024.


Shawna Atterbury, Clerk/Treasurer

Date Adopted: June 3, 2024
Effective Date: June 21, 2024

AFFIDAVIT OF PUBLICATION

State of Wisconsin,
Grant County
Emily Koch ss.
of said county, be-
ing duly sworn, deposes and says that she (he) is an
authorized representative of the Grant County Her-
ald Independent, a public weekly newspaper printed
and published in the City of Lancaster, in the County
of Grant, and that the notice (of which the annexed is
a printed copy taken from the paper in which it was
published) was inserted and published in said paper.

June 20, 2024

Signed Emily Koch Title
Editorial Assistant

Subscribed and sworn to before me this

9th day of July 2024 A.D.

Shawna Atterbury
Notary Public, Grant County, Wisconsin

My Commission expires January 14, 2025

Printing Fees:

No. Inches	6.5	Insertions	1	\$	52.00
Certificate (Notary Public)				\$	1.00
TOTAL				\$	53.00

Received payment of _____ this

day of _____

Grant County Herald Independent - By _____

**NOTICE OF VILLAGE OF BLOOMINGTON
ORDINANCE 2024-03**

ORDINANCE 2024-03, AN ORDINANCE TO AMEND CHAPTER IX (NINE) ENTITLED "LICENSES AND PERMITS" SECTION 9.01 ENTITLED "LICENSES REQUIRED", TO AMEND SUBSECTION 9.01(1)(g) OF THE VILLAGE MUNICIPAL CODE was adopted by the Village of Bloomington Board of Trustees on the 3rd day of June 2024. The ordinance shall take effect upon passage and publication as provided by law. The ordinance amends the Alcoholic Beverage Operator's License fee to \$25 per one (1) year license.

The full text of this ordinance may be viewed by contacting the office of the Village Clerk, 608-994-3851, 453 Canal St, Bloomington, WI 53804

Date of Adoption: June 3, 2024

Date of Publication: June 20, 2024

Pub.: 6/20/24 WNXLP
Shawna Atterbury, Clerk/Treasurer

(6) CERTIFICATE.

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

(7) TERMS.

(a) Unless otherwise provided, the license year shall end on June 30 of each year.

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

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

(8) EXHIBITION OF CERTIFICATE.

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

(9) TRANSFER.

Unless otherwise provided, no license or permit shall be transferable or assignable.

(10) DETERMINATIONS OF THE VILLAGE BOARD.

All determinations made by the Village Board shall be subject to the provisions of Chapter 15 of this Code.

(11) INSPECTION.

Village officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

(12) REVOCATION AND SUSPENSION OF LICENSES.

(a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the Village Board. No license shall be revoked except upon written verified complaint filed with the Village Board by the President, a member of the Village Board, the Chief of Police or a resident of the Village. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Village Board. The licensee shall be given notice of such hearing, which shall not be more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Village President or presiding officer of the Board to compel the attendance of witnesses.

(c) After hearing the evidence, the Board may revoke such license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Chapter 15 of this Code, provided the licensee shall not be entitled to a further hearing unless granted by the Village Board.

(d) The Police Department shall repossess any license revoked hereunder.

(e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Village Board.

9.03 LICENSING AND REGULATION OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

(1) STATE STATUTES ADOPTED.

The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcoholic beverages, including provisions relating to minors and persons under the legal drinking age, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.

(a) When Required. Except as provided by section 125.06, Wis. Stats., no person shall within the Village of Bloomington, serve, sell, manufacture, rectify, brew or engage in any other

activity for which this chapter or Chapter 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See §125.04(1), Wis. Stats.

(b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcoholic beverages are stored, sold or offered for sale. See §125.04(9), Wis. Stats.

(3) CLASSES OF LICENSES AND FEES.

The following classes and denominations of licenses may be issued by the Village Clerk under the authority of the Village Board upon compliance with law and payment of the fee specified in section 9.02, which when so issued shall permit the holder to sell, deal or traffic in alcoholic beverages as provided in the referenced State Statute. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Class "A" Fermented Malt Beverage Retailer's License. See §125.25, Wis. Stats.

(b) Class "B" Fermented Malt Beverage Retailer's License. See §125.26, Wis. Stats.

1. Six Months. A class "B" license may be issued at any time for 6 months in any calendar year, for 3/4 of the applicable license fee. Such license shall not be renewable during the calendar year in which issued. See §125.26(5), Wis. Stats.

2. Picnic. See §125.26(6), Wis. Stats.

(c) Wholesaler's Fermented Malt Beverage License. See §125.28, Wis. Stats.

(d) Retail "Class A" Liquor License. See §125.51(2), Wis. Stats.

(e) Retail "Class B" Liquor License. A retail "Class B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed 4 liters at any one time to be consumed off the licensed premises. See §125.51(3), Wis. Stats.

1. A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.

2. The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued. See §125.51(g), Wis. Stats.

(f) Pharmacist's License. See §125.57, Wis. Stats.

(g) Operator's License. See §125.17, Wis. Stats.

1. Operator's licenses may be granted to individuals by the Village Board for the purposes of complying with §§125.32(2) and 125.68(2), Wis. Stats.

2. Operator's licenses may be issued only on written application on forms provided by the Village Clerk.

(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 Wisconsin Department of Revenue, or governing body in the case of an operator's license, and filed with the Village Clerk at least 15 days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. The application shall be signed and sworn to by the applicant as provided by §887.01, Wis. Stats.

(c) Publication. Prior to issuance of a license under this section, the Village Clerk shall publish notice of the application in the general newspaper with the largest circulation in the Village.

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

(5) LICENSE RESTRICTIONS.

(a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under §§125.04 and 125.33(3)(b), Wis. Stats.

Ordinance 9.03 (License) 1. (g) 1.

**ORDINANCE AMENDING EXISTING VILLAGE ORDINANCE SECTION 9.03 License (g) 1.
Procedure upon application of Operator license**

THE VILLAGE BOARD OF THE VILLAGE OF BLOOMINGTON, GRANT COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION:

Section 9.03 License 1. (g) 1. of the Village of Bloomington Ordinances is hereby amended to read as follows:

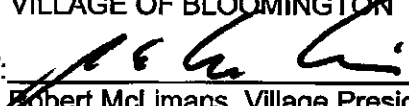
- A. The Clerk-Treasurer may issue a license known as an "operator's license," which shall be granted pursuant to the Village's discretion and upon application in writing filed with the Village Clerk-Treasurer. Licenses shall be granted only to persons 18 years of age and over and must have a certificate of Wisconsin Responsible Serving of Alcohol. An operator's license shall be operative only within the limits of the Village of Bloomington.
- B. Licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the expiration date of said license.
- C. All fees to be collected at the time of application.
- D. A list of issued Operator licenses to be provided to the Village Board at subsequent Village Board meetings.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed, specifically 9.03 License 1. (1) (g) 1.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Bloomington, Grant County, Wisconsin this XX day of, 2021.

VILLAGE OF BLOOMINGTON

BY: 
Robert McLimans, Village President

ATTEST:


Mary A. Culligan, Village Clerk Treasurer

Date Introduced: 8-2-2021

Date Adopted: 8-2-2021

Date Posted: 8-3-2021

Date Published: 8-3-2021

(9) REGULATION OF LICENSED PREMISES AND LICENSEE.

(a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(b) Employment of Underage Person. No licensee shall employ any underage person to serve, sell, dispense or give away any alcoholic beverage in violation of Chapter 125, Wis. Stats.

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

(d) 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.

(e) Dancing Regulated. No dancing shall be permitted upon the premises by patrons or entertainers unless a floor space of at least 900 sq. ft. is provided for the same.

(10) CLOSING HOURS.

(a) No premises for which an alcoholic beverage license has been issued shall remain open for the sale of alcoholic beverages:

(1) If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.

(2) If a retail "Class A" license, between 9 p.m. and 9 a.m. on all weekdays and from 9 p.m. on Saturday until 9 a.m. on Sunday and from midnight until 8 a.m. on Monday.

(3) If a retail Class "B" or "Class B" license, between 1 a.m. and 8 a.m. on any weekday and 1 a.m. Sunday to noon Sunday and from midnight to 8 a.m. on Monday, with the following exceptions: On January 1, when the closing hours shall be between 3 a.m. and 8 a.m. On that day of each year when the standard of time is advanced under §175.095, Wis. Stats., the closing hours shall be between 2 a.m. and 8 a.m. No package, container or bottle sales may be made after midnight.

(b) Restrictions on Sunday sale shall not apply to premises licensed under a Retail Class "B" license when New Year's Day shall fall on a Sunday. Licensed premises may remain open on New Year's Day when the same falls on a Sunday from 8 a.m. to 1 a.m. of the following Monday.

(c) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(11) REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by §125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

(b) Effect of Revocation. See sub. (5)(h) of this section.

(12) NONRENEWAL OF LICENSES.

Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.

(13) VIOLATIONS BY AGENTS AND EMPLOYEES.

A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

9.04 AMUSEMENT DEVICES AND OPERATORS.

(1) DEFINITIONS.

(a) Amusement Device. Includes any instrument, board, machine, article or other device used and operated for the playing of games of skill, miniature games of hockey, bowling, baseball, basketball and shuffleboard, or similar games in which the element of chance is not involved and for which a consideration either in coin or other thing of value is required for the playing thereof, whether or not a coin slot is affixed to the device, but shall not be deemed to include any gambling device.

(b) Location.

1. No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300' from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.

2. This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300' thereof by any school, hospital or church building.

(c) Violators of Liquor or Beer Laws or Ordinances.

No retail Class A or 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 law or the provisions of this section or whose license has been revoked under §125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

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

(e) License Quota. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in §125.51(4), Wis. Stats.

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

(g) Age Requirement. No license hereunder shall be granted to any person who has not attained the legal drinking age.

(h) Effect of Revocation of License. Twelve months shall elapse before another license shall be granted to the person whose license was revoked.

(i) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the Village.

(j) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcoholic beverages in any dwelling house, flat or residential apartment.

(6) 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 otherwise provided by law. The Village Clerk shall affix his or her affidavit as required by §125.04(4), Wis. Stats.

(7) TRANSFER OF LICENSES.

(a) As to Person. No license shall be transferable as to licensee except as provided by §125.04(12), Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in §125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be \$10.00.

(8) POSTING AND CARE OF LICENSES.

Every license or permit required under this section shall be framed and posted and at all times displayed as provided in §125.04(10), Wis. 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.

(b) Operator. Any person, firm, or corporation owning and operating one or more amusement devices set up for use in the Village.

(c) Gambling Devices. Any instrument, device or thing used or usable for gambling or playing any game of chance for money or any other thing of value.

(d) Slot Machine. Any instrument or device which is operated by the insertion of any coin or token, and which may entitle the operator to any money, tokens, merchandise or other thing of value as a prize or reward for any result of such operation over which the operator has no control. It shall be immaterial that any such instrument or device may also vend merchandise.

(2) REGISTRATION OF AMUSEMENT DEVICES.

Any person owning or providing any amusement device, or maintaining or permitting the maintaining of such amusement device on premises owned or under the control of any such person, shall register such amusement device as herein required. Every amusement device shall be registered with the Village Clerk by the owner or possessor thereof. The registration fee shall be \$15.00 for each amusement device. Such registration fee shall be paid to the Village Clerk at the time of registration. The Village Clerk shall require the registrant to submit such information as may be necessary to identify the amusement device so registered, and shall issue to the registrant an appropriate registration symbol so designed as to permit its secure attachment to the amusement device to be registered. Each amusement device shall be registered on each successive first day of July. Nothing herein contained shall be construed to authorize the registration of any slot machine or gambling device.

(3) SEIZURE.

(a) The Village President, Chief of Police or any police officer of this Village may seize or cause to be seized any amusement device upon which is not affixed a registration symbol as herein required.

(b) "Possessor" as herein used shall mean the physical present of a prohibited device in any premises under the management or control of the person charged as possessor. In the prosecution of any offense thereof, the absence of the required symbol shall be presumptive evidence that the device is in fact possessed in violation of this section.

(4) TRANSFER OF REGISTRATION.

Any person desiring to transfer such registration symbol from one amusement device to another shall make application to the Village Clerk, and the Village Clerk shall register such transfer upon the payment of \$1.00. No person shall counterfeit a registration symbol or transfer a registration symbol from one amusement device to another without having previously registered the transfer with the Village Clerk.

9.05 BILLIARD, POOL AND BOWLING ALLEYS.

(1) LICENSE REQUIRED; FEE.

No person shall keep for profit within the Village any billiard table, pool table, shooting gallery or bowling alley without first having obtained a license therefor as hereinafter provided. Every person desiring a license under this section shall file a written application therefor with the Village Clerk, stating the name of the applicant, the place for which such license is desired and the number of tables and alleys to be used under such license. No such license shall be issued or delivered until the applicant shall produce and file a receipt with the Village Clerk showing the payment of the license fee in Section 9.01 hereof for each billiard or pool table, shooting gallery or bowling alley. Upon change of ownership in any licensed location, the Board may transfer such license to the new owner. Licenses for keeping any of the above described tables or bowling alleys shall be granted only by the Village Board. Licenses shall be signed by the Village Clerk, shall name the licensee and shall specify the particular place where such license shall be issued on the first day of July in each year, and shall continue in force from the date of issuance until the succeeding 30th day of June unless sooner revoked for a violation of this section.

(2) HOURS REGULATED.

The premises on which any billiard table, pool table or bowling alley is located shall remain closed between 1 a.m. and 8 a.m.

(3) CURTAINS AND BLINDS.

No person licensed under this section shall, by the use of curtains, blinds, screens or in any other manner, permit the obstruction of a full and complete view of the interior of the premises from the outside.

(4) REVOCATION OF LICENSE.

The Board may revoke the license of any owner of any billiard table, pool table or bowling alley, whenever it determines that such owner is not keeping an orderly and well regulated room wherein his table or alleys are kept, or that the licensee is permitting any person under the age of 18 years to play any game thereon in violation of this section, or is permitting the sale or drinking of any alcoholic beverage therein, or is allowing any State or federal law or ordinance of this Village to be violated therein.

9.06 DIRECT SELLERS (PEDDLERS).

(1) REGISTRATION REQUIRED.

No direct seller shall engage in direct sales within the Village without being registered for that purpose as provided in this section.

(2) DEFINITIONS.

For the purposes of this section, the following words and phrases shall be defined as:

(a) Direct Seller. Any individual who, for himself 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 such 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. A direct seller who, for at least one year prior to the consideration of the application of this section to such merchant, has continuously operated an established place of business in the Village, or has continuously resided in the Village and now does business from his residence.

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

(d) Charitable Organization. Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

(e) Clerk. The Village Clerk.

(3) EXEMPTIONS.

The following shall be exempt from all provisions of this section:

(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 such person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Wis. Stats. Any charitable organization not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.

(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 is conducting business or proof that such person has conducted such business in the Village for at least one year prior to the date complaint was made.

(4) REGISTRATION.

(a) Applicants for registration shall 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 shall 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 business;

(8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business;

(9) Place where applicant can be contacted for at least seven (7) days after leaving the 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 (5) years; the nature of the offense and the place of conviction.

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

(1) A driver's license or some other proof of identity as may be 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 State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, the fee required by §9.01 shall be paid to the Clerk to cover the cost of processing such registration, and the applicant shall sign a statement appointing the Clerk his 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, if the applicant cannot, after reasonable effort, be served personally. Upon payment of the fee and the signing of the statement, the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. (5)(b) below.

(5) INVESTIGATION.

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

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of sub. (4)(b) above.

(6) APPEAL.

Any person denied registration may appeal the denial through the appeal procedure provided by Chapter 15 of this Code.

(7) REGISTRATION 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 p.m. and 9 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 visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such 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 100' radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he 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 name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he 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 the 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 §423.203, Wis. Stats., the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§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 shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreements, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) RECORDS.

The Chief of Police shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

9.07 AUCTION AND AUCTIONEER.

(1) DEFINITIONS.

Sales at auction or to the highest bidder, within the meaning of this section, shall include all sales by auction whether the property is put up to the highest bidder in fact or whether it is sold by what is usually called "dutch auction," or by bidding down the seller thereof, or by adding to the quantity of property first offered for sale at a fixed price, or in any other way if made to evade the provisions hereof.

(2) EXCEPTIONS.

The following goods, wares and merchandise shall not be subject to the provisions of this section:

- (a) Household furniture which has been used as such.

(b) Goods, wares and merchandise sold by virtue of any chattel mortgage or by any rule, order or judgment of any court, or of some law of the State or the United States respecting the collection of some tax or duty.

(c) Property or effects included in any general assignment for the benefit of creditors or property sold by or on behalf of an executor or administrator.

(d) Farm property sold by or on behalf of a resident farmer who has paid the taxes lawfully levied on his property.

(e) Property of any resident merchant who shall have paid the property tax lawfully levied on his stock in trade, sold by or on his behalf for the purpose of closing up his business.

(3) LICENSE: FEES.

No person within the Village shall sell at auction without first having obtained a license from the Village Clerk, except for selling goods, wares, merchandise or other property exempted under sub. (2) of this section. Any person desiring a license under this section shall make written application to the Village Clerk therefor. He shall also execute a bond in the amount of \$250.00 to the Village for the faithful compliance by him of the terms of this section and shall pay to the Village Clerk the license fee in \$9.01. Upon approval of such application and bond by the Village Clerk and upon payment of such fee, an auctioneer's license shall be issued to such person.

(4) ADDITIONAL FEE.

In addition to the license fee, every person who shall sell or offer for sale at auction any goods, wares, merchandise or other property, shall pay 20% of the gross receipts accruing from such payments except upon goods, wares, merchandise and other property exempt by sub. (2) of this section. Such percent of the gross sales shall be paid to the Village Clerk at or before 10 a.m. on the day following such sales, legal holidays included, and at the time of payment the auctioneer or owner shall file with the Village Clerk an itemized report verified by affidavit stating the description and number of articles sold and the sale price of each article.

(5) OWNER AND AUCTIONEER JOINTLY AND SEPARATELY LIABLE.

The obligation to comply with sub. (4) of this section shall devolve upon the owner of the goods offered for sale and the auctioneer jointly and separately; and each shall be liable for failure to comply with any of the provisions.

9.08 DOGS AND OTHER ANIMALS.

(1) DEFINITIONS.

(a) Owner. Any person owning, harboring or keeping any animal, livestock or fowl. The occupants of any premises on which any animal, livestock or fowl remains or to which it customarily returns daily for a period of 10 days are presumed to be harboring or keeping any animal, livestock or fowl within the meaning of this section.

(b) Officer. Any police officer and any Village employee, officer or agent appointed by the Village President and designated as Humane Officer. The Humane Officer shall be under the supervision of the Chief of Police. Any police officer or Humane Officer shall capture, disable, impound, kill or otherwise dispose of any animal, livestock or fowl prohibited under this section. Such animals shall be kept or disposed of in accord with Chapter 174, Wis. Stats., where applicable.

(2) STATE LICENSE STATUTES ADOPTED.

The provisions of Chapter 174, Wis. Stats., pertaining to the licensing of dogs, are made a part of this section by reference.

(3) RESTRICTIONS.

No person shall own, harbor or keep any dog, cat or other animal, livestock or fowl, or allow such to enter or remain within the Village, which:

(a) Habitually pursues any vehicles, bicycle or pedestrian upon any public street, alley, highway or sidewalk in the Village.

(b) While within the Village, assaults or attacks any person, or habitually defaces, injures or damages the property of any person, or discharges excrement upon any public or private property other than the property of the owner or keeper, unless such owner or keeper immediately thereafter removes and cleans up such animal's excrement.

(c) Runs at large within the limits of this Village. Any such animal shall be deemed to be running at large when it is on or within any of the public streets, alleys, parks or other public grounds of the Village, or any other premises in the Village other than on or within the premises or vehicle of its owner, his servant, agent or a member of his family of suitable age and discretion.

(d) Habitually barks or howls to annoyance of any 3 or more adult persons residing within the Village, or which disturbs the peace by loud noises at any time of the day or night.

(e) While within the Village, and when required by Wisconsin Statute or Village ordinance, is not licensed and to which the proper license tag is not attached.

(4) SANITATION REQUIRED.

Any such animal, livestock or fowl, or any animal described under sub. (3), is hereby declared a nuisance. No person shall cause or allow any stable, pen, dog run or other place where any animal, livestock or fowl is or may be kept by such person in the Village to become unclean or unwholesome.

(5) CRUELTY PROHIBITED.

No person shall cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be in violation of this section.

(6) ANIMALS INFECTED WITH RABIES.

(a) Any police, health or humane officer of the Village may kill or impound any animal which he believes, from the appearance or conduct of such animal, to be infected with rabies.

(b) Any person who shall suspect that any animal is infected with rabies shall immediately report his or her suspicion to the police or health authorities, describing the animal and giving the name of the owner, if known. Any such animal shall, upon demand of any police, health or humane officer of the Village, be delivered to such officer. If, upon examination by the health authorities, the animal shall prove in fact to be infected with rabies, the animal may be killed by any such officer.

(c) No person knowingly shall harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies; and no person shall fail to report to the police or health authorities of the Village the existence of an animal which he knows, or ought to know, is infected with rabies.

(7) QUARANTINE FOR RABIES.

During the time that this Village, or any part thereof, shall be quarantined for rabies pursuant to the provisions of §95.21, Wis. Stats., or any other lawful provision, all dogs within the district so quarantined shall be kept securely confined or tied, or leashed or muzzled. Any dog not so kept is declared to be a public nuisance and shall be impounded by any police officer or other person. Upon the impounding of such dog, notice thereof shall be given. Possession of such dog may be obtained and such dog may be killed and report thereof made in the manner provided in subs. (6) and (7).

(8) ANIMALS BITING PERSONS.

Every owner or keeper of an animal and every other person who knows that an animal has bitten any person shall immediately, in writing, report such fact to a police officer, health officer or humane officer of the Village, and such owner or keeper shall immediately confine the animal for a period of at least 14 days thereafter, and shall not release such animal except with the written approval of the Health Officer. Any such animal shall be surrendered to the police, humane officer or health officer upon demand.

(9) COSTS FOR IMPOUNDING ANIMALS.

The possession of any animal, livestock or fowl impounded or seized may be obtained by paying to the Village Clerk \$10.00 plus \$5.00 for each day or fraction thereof during the period of such impoundment. No dog shall be released until the owner thereof shall have exhibited to the person in charge of such place of impoundment or pound a receipt from the Village Clerk showing that a license for such dog has been issued for the current year if such dog is more than 6 months of age. No animal, livestock or fowl shall be released until the owner or keeper thereof shall have exhibited to the Village Clerk showing that the applicable costs have been paid. After any animal, livestock or fowl has been impounded for a period of 6 days, it shall be disposed of under the direction of the Chief of Police.

Adopted into the Village
of Bloomington. Sept. 8, 2015

9.08.B

**ORDINANCE NO. 40, Chapter 88
(Amended June 16, 2015)**

**AN ORDINANCE TO AMEND CHAPTER 88 ENTITLED "ANIMALS" OF THE GRANT
COUNTY CODE.**

NOW, THEREFORE, the Board of Supervisors of Grant County, Wisconsin, do
ordain as follows:

Section I: Chapter 88 of the Grant County Code shall be and hereby is
amended as follows:

Article I: Vicious Dogs or Other Animals

§ 88-1. Definitions

§ 88-2. Prohibited Conduct.

§ 88-3. Seizure and quarantine; rabies determinations; release or destroy.

§ 88-3.5. Sacrifice of Other Animals

§ 88-5. Violations and penalties.

1. Intent. The Board of Supervisors, Grant County, adopts the following with the
intent to regulate more animals than dogs to ensure safety of Grant County
Residents.

Chapter 88. ANIMALS

Article I. Vicious Dogs or Other Animals

§ 88-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

VICIOUS DOG

- A. Any dog that inflicts a bite or scratch to a human being or injures, kills or
physically attacks a human being on either public or private property; or
- B. Any dog that has a propensity, tendency or disposition, known to the
owner thereof, to attack in a manner which may cause death or injury to
another human being or which may otherwise endanger the safety of any
human being; or
- C. Any dog that causes injury or death to a pet dog, pet cat, or livestock.

VICIOUS ANIMALS

- A. Any animal that inflicts a bite or scratch to a human being or injures, kills
or physically attacks a human being on either public or private property; or

9-22 1/2 1.

- B. Any animal that has a propensity, tendency or disposition, known to the owner thereof, to attack in a manner which may cause death or injury to another human being or which may otherwise endanger the safety of any human being; or
- C. Any animal that causes injury or death to a pet dog, pet cat, or livestock.

LIVESTOCK

Cattle, horses, swine, sheep, goats, farm-raised deer, poultry, llamas, or alpaca.

OTHER ANIMALS

Other animals shall be, but are not limited to, skunks, raccoon, cats, ferrets, wolves or any other dog or animal not deemed vicious under § 88-1.

§ 88-2. Prohibited conduct.

No person shall keep, possess, harbor, feed, or maintain a vicious dog or other vicious animal in Grant County. It shall be considered a violation of this article to own, keep, possess, harbor, feed or maintain a vicious dog or other vicious animal in Grant County.

§ 88-3. Seizure and quarantine; rabies determinations; release or destroy.

Any humane officer or law enforcement officer employed by the Grant County Sheriff's Department or the Director of the Grant County Health Department is hereby authorized to order any dog or animal in Grant County to be seized and quarantined if the humane officer, law enforcement officer or the Health Department Director has reason to believe that the dog or other animal bit or scratched a person, is infected with rabies or has been in contact with a rabid animal. The dog or other animal shall then be impounded and quarantined pursuant to the procedures and time requirements set forth in Wisconsin Statutes § 95.21. The humane officer or law enforcement officer shall notify the owner of the dog or other animal in writing, if known, of the procedure by which the owner can recover the dog or other animal, including the procedure under Wisconsin Statutes § 173.22 and the procedure to be followed if the animal is not returned to the owner. An owner or person possessing the dog or other animal must cooperate with any quarantine order and, if ordered by a humane officer, law enforcement officer, or Health Department Director, the owner or person possessing the dog or other animal must deliver the dog or other animal to an isolation facility designated by the humane officer, law enforcement officer or the Health Department Director no later than 24 hours after the order is issued as required by Wisconsin Statutes § 95.21. If after conclusion of the quarantine period set forth in Wisconsin Statutes § 95.21, the veterinarian determines that the dog or other animal does not have rabies, the dog or other animal can be released unless Grant County notifies the veterinarian that the County will be applying for a court order to destroy the dog or other animal. If the other animal does not have a specified quarantine period under Wisconsin Statutes § 95.21, then refer to the Grant County Ordinance § 88-3.5. If a humane officer or law enforcement officer of the Grant

County Sheriff's Department or the Director of the Health Department notifies the veterinarian that the County will be applying for a court order to destroy the dog or other animal, the dog or other animal will not be released to its owner or anyone else, and the dog or other animal will continue to be held beyond the quarantine period contained in Wisconsin Statutes § 95.21 until a court order is issued. If the dog or other animal is released to its owner by the veterinarian before Grant County can direct the veterinarian to hold the dog or other animal pending application for a court order or if the veterinarian releases the dog or other animal to its owner despite being notified that Grant County will be applying for a court order to destroy the dog or other animal, a law enforcement officer or humane officer can seize the dog or other animal and take the dog or other animal to a veterinarian to be held pending a court order. If the veterinarian determines during the quarantine period that the dog or other animal has symptoms of rabies, the dog or other animal shall be euthanized by the veterinarian in a humane way without a court order in accordance with the procedures set forth in Wisconsin Statutes § 95.21. A dog or other animal that is found to be free of rabies after the quarantine period and for which Grant County will not be applying to a court to obtain a court order to destroy the dog or other animal can be released to its owner after the owner has the dog or other animal vaccinated or provides proof of vaccination as required by Wisconsin statutes; the owner provides proof of a valid dog license; all charges for the custody, care, vaccination and treatment of the dog or other animal are paid by the owner; and the owner claims the dog or other animal and provides reasonable evidence of ownership.

§ 88-3.5. Sacrifice of other animals.

A humane officer or law enforcement officer of the Grant County Sheriff's Department or the Director of the Health Department may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies and have the animal tested, if deemed necessary. Except as provided in Wisconsin Statutes § 95.36, if an animal of a species raised primarily to produce food for human consumption is killed under this paragraph, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under Wisconsin Statutes § 95.31(3). If the decision is made by an employee or director of the Grant County Health Department, the indemnity shall be paid from the appropriation under Wisconsin Statutes § 20.115(2)(b). If the decision is made by humane officer or law enforcement officer of the Grant County Sheriff's Department or the Director of the Health Department, the indemnity shall be paid from the dog license fund.

§ 88-4. Dogs or other vicious animal causing serious physical injury or death; killing of dog or other vicious animal.

Grant County may file a lawsuit to obtain a court order requiring the Grant County Sheriff's Department to kill a vicious dog or other vicious animal or authorizing Grant County to hire a veterinarian to euthanize a vicious dog or other vicious animal who has caused serious physical injury or death to a person, livestock, pet dog, or pet cat in Grant County. The term "serious physical injury" is defined as including but not limited to any physical injury which requires sutures to treat the injury, where the injury results in the victim sustaining a disfigurement, or where the injury results in the victim

sustaining a broken bone. Grant County is not required to prove that the dog or other vicious animal has seriously injured two or more individuals, livestock, pet dogs or pet cats as the article imposes strict liability upon dog or other vicious animal owners where the injury caused by the dog or other vicious animal is a serious physical injury or where the dog or other vicious animal attack results in the death of an individual, livestock, pet dog or pet cat. In addition, if a vicious dog or other vicious animal has on two separate occasions bitten a person without causing serious physical injury, Grant County can file a lawsuit to obtain a court order requiring the Grant County Sheriff's Department to kill the vicious dog or other vicious animal or authorizing Grant County to hire a veterinarian to euthanize the vicious dog or other vicious animal. Once a court order to kill the dog or other vicious animal has been obtained, the vicious dog or other vicious animal which is owned, possessed, harbored, kept or maintained in Grant County in violation of this article may be killed in a humane manner by a Grant County Sheriff's Department officer or Grant County can have the dog or other vicious animal euthanized by a veterinarian at the expense of the owner. The Grant County Corporation Counsel is authorized to file any lawsuit needed to obtain a court order to kill a vicious dog or other vicious animal. This article does not preclude the killing of a dog or other vicious animal without a court order to kill a vicious dog or other vicious animal. This article does not preclude the killing of a dog other vicious animal without a court order by a law enforcement officer or veterinarian in a humane manner where a veterinarian determines that a dog or other vicious animal in quarantine is exhibiting the symptoms of rabies; which destruction of the dog or other vicious animal without a court order is allowed by Wisconsin Statutes § 95.21. This article also does not preclude the killing of a dog or other vicious animal in a humane manner as a last resort or with an owner's consent without a court order by a law enforcement officer where a quarantine cannot be imposed because the dog or other vicious animal cannot be captured as allowed by Wisconsin Statutes § 95.21. In addition, this article does not preclude the killing of a dog or other vicious animal in a humane manner by a law enforcement officer without a court order pursuant to an order of a law enforcement officer, humane officer, or the Health Department Director where the owner or person possessing the dog or other vicious animal refuses to deliver the dog or other vicious animal to an isolation facility after being served with an order to deliver the dog other vicious animal to an isolation facility by a law enforcement officer, humane officer, or Health Department Director as allowed in Wisconsin Statutes § 95.21.

§ 88-5. Violations and penalties.

- A. Any person violating or noncompliant with § 88-2 or an order under § 88-3 or § 88-3.5 of this article can be issued a citation by any humane officer or law enforcement officer employed by the Grant County Sheriff's Department or by the Director of the Grant County Health Department. The citation shall set forth the name and address of the violator; the factual allegations describing the violation; the date, time and place of the offense; the section of the article violated; the date and time at which the violator may appear in court; a designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so; and a statement setting forth the information required

in Wisconsin Statutes § 66.0113(b)7 and 8. The Grant County Corporation Counsel is authorized to handle any citation action filed for violation of this article.

- B. The Corporation Counsel can also file a lawsuit against a violator of this article. Any person found violating § 88-2 of this article shall be ordered to pay a forfeiture of \$100 plus statutory court costs for the first offense and \$200 plus statutory court costs for subsequent offenses. The cash deposit which can be posted for violating § 88-2 of this article is \$100 plus statutory court costs for a first violation and \$200 plus statutory court costs for a subsequent violation. Cash deposits can be paid by a violator to the Grant County Clerk of Circuit Court who shall issue receipts for cash deposits paid by violators. Statutory court costs include but are not limited to the penalty assessments, the jail assessments, court costs, the court support services surcharge, the justice information surcharge, and the crime laboratories and drug enforcement assessments. A citation can be issued to a violator even if Grant County has filed or will be filing a lawsuit to have the dog destroyed. Grant County is not required to prove that the dog has bitten or injured two or more persons, livestock, pet dogs or pet cats as this article imposes a strict liability upon dog owners or anyone harboring, possessing, keeping, or maintaining a vicious dog.

Section II: This ordinance shall take effect upon its passage and publication or posting as required by law. All other sections of Chapter 88 of the Grant County Code not specifically amended under this ordinance shall remain in full effect as drafted.

Adopted and approved this 28th day of April, 2015, by the Board of Health.

/s/ Dwight Nelson, Chair

/s/ John Beinborn, Vice Chair

/s/ Gary Ranum, Secretary

/s/ Carol Beals

/s/ Daniel Timmerman

Meena Maski, MD

Matt Andrews, DDS

/s/ Mary Kay Logemann, RN, BSN

Adopted and approved this 16th day of June, 2015, by the Grant County Board Supervisors.

BOARD OF SUPERVISORS BY:

/s/ Robert C. Keeney, County Chair

ATTEST: I, Linda K. Gebhard, Grant County Clerk, do certify that the Amendment to Chapter 88 of the Grant County Ordinances has been approved by the Grant County Board of Supervisors at a meeting held on June 16, 2015.

/s/ Linda K. Gebhard, County Clerk

**VILLAGE OF BLOOMINGTON
ORDINANCE NO. 2024-02**

AN ORDINANCE TO AMEND CHAPTER IX (NINE) ENTITLED "LICENSES AND PERMITS" TO AMEND SECTION 9.08 ENTITLED "DOGS AND OTHER ANIMALS", OF THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE.

NOW, THEREFORE, the Village Board of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

Section I: Chapter IX (Nine) entitled "Licenses and Permits", to amend Section 9.08 entitled "Dogs and Other Animals" of the Village of Bloomington Municipal Code shall be and hereby is amended as follows:

9.08 DOGS AND OTHER ANIMALS

(1) DEFINITIONS.

- (a) Owner. Any person owning, harboring or keeping any animal, livestock or fowl. The occupants of any premises on which any animal, livestock or fowl remains or to which it customarily returns daily for a period of 10 days are presumed to be harboring or keeping any animal, livestock or fowl within the meaning of this section.
- (b) Officer. Any police officer and any Village employee, officer or agent appointed by the Village President and designated as Humane Officer. The Humane Officer shall be under the supervision of the Chief of Police. Any police officer or Humane Officer shall capture, disable, impound, kill or otherwise dispose of any animal, livestock or fowl prohibited under this section. Such animals shall be kept or disposed of in accord with Chapter 174, Wis. Stats., where applicable.
- (c) At Large. "At Large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(2) LICENSE REQUIRED.

- (a) The provisions of Chapter 174, Wis. Stats., pertaining to the licensing of dogs, are made a part of this section by reference.
- (b) The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license fee and obtain a license. (Wis Stats §174.05)

- (c) The minimum dog license fee is \$5 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$10 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1 of the license year. (Wis Stats §174.05) License fees for the Village of Bloomington shall be reviewed and established by the Village Board annually and, therefore, the fees listed in this subsection may be subject to change.
- (d) Upon payment of the fees set forth above and upon proof of current rabies vaccination for the dog the license is intended, the Village shall issue a dog license to the owner for a period of one year, or until the next succeeding December 31, whichever shall be less. The Owner shall also be given a tag indicating payment for said license, and the tag shall be affixed to the collar or harness of such dog.
- (e) Unlicensed Dogs. No unlicensed dog shall run at large, and any person may seize or impound such dog found at large. The fact that a dog is without a proper license tag attached to its collar or harness shall be presumptive evidence that is unlicensed. Any law officer, health officer, or other employee of the Village appointed with such authority, may enter upon the premises of the owner or keeper of any unlicensed dog to seize it, and if after request therefor, the owner, keeper or immediate member of the owner's or keeper's family of suitable age and discretion shall refuse to deliver the unlicensed dog to the officer or appointed official and the officer or official cannot with reasonable effort catch the unlicensed dog, the officer may tranquilize or kill it. The words "unlicensed dog" means a dog not licensed pursuant to the provisions of Chapter 174, Wis. Stats.
- (f) Penalties for unlicensed dogs. In the Village of Bloomington, the owner of a dog not licensed as required by law, shall be subject to the following penalties (per animal):
 - a. 1st offense – verbal warning
 - b. 2nd offense – written warning
 - c. 3rd offense – \$50 forfeiture plus court costs
 - d. 4th offense – \$100 forfeiture plus court costs
 - e. 5th offense – \$200 forfeiture plus court costs

Upon the issuance of each warning or citation, the officer will inform the owner of the dog the amount of time allowed to correct the violation before the next level of offense is issued. Any fines must be paid in the office of the Village Clerk during regular business hours. Penalty fees shall be reviewed and established by the Village Board annually and, therefore, the fines listed in this subsection may be subject to change. If the owner of the dog refuses to obtain license for dog, the animal may be seized as per the terms of the Unlicensed Dogs above (9.08(2)(e)).

(3) RESTRICTIONS

- (a) No person(s) shall harbor more than five (5) dogs over five (5) months of age per residence within the Village of Bloomington. Any person(s) in any residence who wish to have more than five (5) dogs over five (5) months of age will present to the Village Board a written request for a special license. Issuance or denial of the special license request shall be at the discretion of the Village Board. If approved, the license will be valid for a period of one year, or until the next succeeding December 31, whichever shall be less. Payment of application fees, as determined by the Village Board, will be required. Any person(s) who harbor more than five (5) dogs over five (5) months of age per residence within the Village of Bloomington may be subject to abatement proceedings.

(4) ANIMAL BEHAVIOR

- (a) The provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are hereby adopted and by this reference are incorporated herein as if set out in full.
- (b) No person shall own, harbor, or keep any dog, cat or other animal, livestock or fowl, or allow such to enter or remain within the Village which:
 - 1. Habitually pursues any vehicle, bicycle or pedestrian upon any public street, alley, highway or sidewalk in the Village.
 - 2. While within the Village, assaults, attacks, or inflicts a bite to a human being or injures, kills, or physically attacks a domesticated animal on either public or private property, or has a propensity, tendency or disposition to attack a human being or a domesticated animal, in a manner which may cause death or injury or otherwise endanger the safety of a human being or domesticated animal. The provisions of this subsection paragraph shall not be applicable under circumstances where the bite, injury or attack was sustained by a person committing or attempting to commit a criminal violation upon a premise occupied by the owner of the animal, was abusing the animal, who was committing an unjustified physical attack or assault upon the owner or keeper of the animal, or law enforcement canines in performance of their duties.
 - 3. Runs at large within the limits of the Village. Any such animal shall be deemed to be running at large when it is on or within any of the public streets, alleys, parks or other public grounds of the village, or any other premises in the Village other than on or within the premises or vehicle of its owner or keeper, or a member of the owner's or keeper's family of suitable age and discretion.

4. Habitually barks, howls, yelps, growls, or meows or in any manner creates a continuous or intermittent noise or disturbance such as to offend the peace and quiet of three (3) or more persons of ordinary sensibility in the neighborhood or passing the premises on the sidewalk or street or which disturbs the peace by loud noises at any time of the day or night.
5. Damages public park facilities or any other public facilities or interferes with park users.
6. While within the Village, habitually defaces, injures or damages the property of any person, or discharges excrement upon any public or private property other than the property of the owner or keeper, unless such owner or keeper immediately thereafter removes and cleans up such animal's excrement.
7. Is known to be infected with rabies or to have been bitten by an animal known to have been infected with rabies;
8. Any dog or other animal owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting.

(5) SANITATION REQUIRED

Any such animal, livestock or fowl, or any animal described under sub. (4), is hereby declared a nuisance. No person shall cause or allow any stable, pen, dog run or other place where any animal, livestock or fowl is or may be kept by such person in the Village to become unclean or unwholesome.

(6) CRUELTY PROHIBITED

- (a) No person shall cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be in violation of this section.
- (b) The provisions of Chapter 951, Wis. Stats., pertaining to Cruelty to Animals, are made a part of this section by reference.

(7) ANIMALS INFECTED WITH RABIES

- (a) The provisions of Wis. Stats. 95.21, Rabies Control Program, are hereby adopted and by this reference are incorporated herein as if set out in full.
- (b) The provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are hereby adopted and by this reference are incorporated herein as if set out in full.

- (c) Any police, health or humane officer of the Village may kill or impound any animal which the officer believes, from the appearance or conduct of such animal, to be infected with rabies.
- (d) Any person who shall suspect that any animal is infected with rabies shall immediately report their suspicions to the police or health authorities, describing the animal and giving the name of the owner, if known. Any such animal shall, upon demand of any police, health or humane officer of the Village, be delivered to such officer. If upon examination by licensed veterinarian or health authority, the animal shall prove in fact to be infected with rabies, the animal may be killed by any such officer or a veterinarian.
- (e) It shall be unlawful for any person knowingly to harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies, or fail to report to the police or health authorities of the Village the existence of an animal known to be infected with rabies.

(8) QUARANTINE FOR RABIES

- (a) The provisions of Wis. Stats. 95.21, Rabies Control Program as pertains to the quarantine or sacrifice of an animal, and the provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are hereby adopted and by this reference are incorporated herein as if set out in full.
- (b) During the time that this Village, or any part thereof, shall be quarantined for rabies pursuant to the provisions of Wis. Stats. 95.21, or any other lawful provision, all dogs within the district so quarantined shall be kept securely confined or tied, or leashed or muzzled. Any dog not so kept is declared to be a public nuisance and shall be impounded by any police officer or other person. Upon the impounding of such dog, notice thereof shall be given. Possession of such dog may be obtained and such dog may be killed and report thereof made in the manner provided.

(9) ANIMALS BITING PERSONS.

- (a) The provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals are hereby adopted and by this reference are incorporated herein as if set out in full.
- (b) Every owner or keeper of a dog or other animal and every other person who knows that an animal has bitten any person shall immediately in writing report such fact to a police officer, health officer, or humane officer of the Village, and such owner or keeper shall immediately confine the animal for at least 14 days thereafter, and shall not release such animal except with the written approval of the health officer. Any such animal shall be surrendered to the police, health officer or humane officer upon demand.

(10) RECOVERY OF IMPOUNDED ANIMAL.

- (a) Any dog or animal which has been seized, impounded or quarantined may be obtained by payment of the following fees. Payment of all fees shall be paid to the Village Clerk and upon display of such receipt to the officer in charge, the animal shall be released.
 - 1. A license fee if not already paid.
 - 2. \$10.00 fee plus \$5.00 for each day or fraction thereof during the period of such impoundment.
 - 3. The payment of any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and a fee for the laboratory examination.
- (b) No dog or animal shall be released until the owner thereof shall have exhibited to the person in charge of such place of impoundment or pound a receipt from the Village Clerk showing that a license for such dog has been issued for the current year if such dog is more than six (6) months of age. No animal, livestock or fowl shall be released until the owner or keeper thereof shall have exhibited to the Village Clerk showing that the applicable costs have been paid.
- (c) In the event the owner of the animal is found but refuses to accept the return of the animal, the pickup and impoundment fees, plus the costs of destroying the animal, will be collected as a debt to the owner. Upon written notice of the charges, such costs shall be assessed against the owner's real estate as a special charge.

(11) OWNER'S LIABILITY

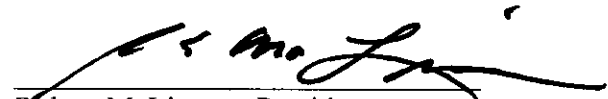
- (a) The provisions of Chapter 174, Wis. Stats. pertaining to the owner's liability for damage caused by dogs, and the provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are made a part of this section by reference.
- (b) The owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property. (Wis. Stats 174.02(1))

(signatures on following page)

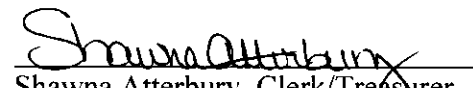
Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this date of February 5, 2024, by the Village Board of the Village of Bloomington, Grant County, Wisconsin.

VILLAGE OF BLOOMINGTON by:


Robert McLimans, President

ATTEST: I, Shawna Atterbury, Village Clerk-Treasurer, do hereby certify that the amendment to Chapter IX (Nine) entitled "Licenses and Permits", to amend Section 9.08 entitled "Dogs and Other Animals" of the Village of Bloomington Municipal Code has been approved by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on February 5, 2024.


Shawna Atterbury, Clerk/Treasurer

Date Adopted: February 5, 2024

Effective Date: March 1, 2024

NOTICE OF VILLAGE OF BLOOMINGTON ORDINANCES 2024-01 AND 2024-02.

ORDINANCE 2024-01, AN ORDINANCE TO AMEND CHAPTER IV (FOUR) ENTITLED "TRAFFIC CODE" SECTION 4.07 ENTITLED "PARKING", TO AMEND SUBSECTION 4.07(6) OF THE VILLAGE MUNICIPAL CODE was adopted by the Village of Bloomington Board of Trustees on the 2nd day of January 2024. The ordinance shall take effect upon passage and publication as provided by law. The ordinance adds that in the event any vehicle is found parked contrary to any provisions of this section, then any police officer of the Village of Bloomington is authorized and directed to take actions including: issue a citation to the driver of the vehicle, take such vehicle into official custody, and/or suspend the vehicle's registration if the citation is not paid, or contested, within 30 days of the issued date.

ORDINANCE 2024-02, AN ORDINANCE TO AMEND CHAPTER IX (NINE) ENTITLED "LICENSES AND PERMITS" TO AMEND SECTION 9.08 ENTITLED "DOGS AND OTHER ANIMALS", OF THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE was adopted by the Village of Bloomington Board of Trustees on the 5th day of February 2024. The ordinance shall take effect upon passage and publication as provided by law. The ordinance adds 9.08(2)(f) "Penalties for unlicensed dogs" and 9.08(3)(a) "Restrictions – No person(s) shall harbor more than five (5) dogs over five (5) months of age per residence within the Village of Bloomington."

Copies of the full text of these ordinances may be viewed by contacting the office of the Village Clerk, 608-994-3851, 453 Canal St, Bloomington, WI 53804

Date of Adoption: January 2nd & February 5th 2024

Date of Publication: February 21, 2024

Shawna Atterbury, Clerk/Treasurer

Pub.: 2/29/24 WNAXLP

9.09 DANCE HALLS.

(1) No person shall hold, conduct or have a public dance within the Village of Bloomington except such as may be held within a public dance hall or pavilion or on premises duly licensed to be used as such under this section. "Public dance" as used in this section means any dance at which admission can be held by the public generally upon payment of an admission fee or by the purchase, possession or presentation of a ticket or token, or in which charge is made for the caring of clothing or other property, or any other admission with or without payment of a fee, or a dance operated for profit. "Public dance hall" as used herein means any room, place or space at which a public dance may be held, or any hall or academy in which classes in dancing are held and instruction in dancing given for hire. Neither "public dance hall" nor "public dance" shall apply to a dance conducted in a church or parochial school hall or public school or fraternal or patriotic organization hall or to such place when conducted under the auspices of the proper church authorities or by any college or academy conducted for educational purposes, nor to any dance conducted under the auspices of the Parent-Teachers' Association in conformity to law and the rules of the proper school authorities, nor to the place at which the same may be held.

(2) Application for license for a public dance hall may be made by petition signed by the owners or tenants of the premises for which a license is sought, directed to the Village of Bloomington, and accompanied by a license fee of \$10.00. The license shall expire on June 30 following the date of issuance.

(3) All such dances shall be under the supervision of the police and other proper authorities of the Village of Bloomington. All licensees shall preserve orderly places.

(4) All dances in the Village of Bloomington shall cease at 1:00 a.m. and no music of any kind shall be permitted in any such dance hall, tavern or restaurant after 1:00 a.m. The provisions of this section shall apply to any place where dancing has been permitted. Restaurants may be permitted to be open but no music of any kind shall be allowed after 1:00 a.m.

9.10 PENALTY.

Except as otherwise specifically provided in this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in section 15.04 of this Municipal Code. Such penalty may be in addition to the revocation, suspension or nonrenewal of any license or permit issued under the provisions of this chapter.