

MUNICIPAL CODE OF THE VILLAGE OF CASCO

CHAPTER 14

LICENSES AND PERMITS

- 14.01 Intoxicating Liquor and Fermented Malt Beverages
- 14.02 Regulating Transient Merchants
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14.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, 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. No person, except as provided by §125.06, Wis. Stats., shall, within the Village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 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 which is in direct connection or communication to each other where intoxicating liquor or fermented malt 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 Clerk-Treasurer under the authority of the Village Board after payment of the fee herein specified which, when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in §§125.17, 125.25, 125.26, 125.28 and 125.51, Wis. Stats. 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.
\$100 per year. (See §125.25, Wis. Stats.) (subject to change)

(b) Class B Fermented Malt Beverage Retailer's License.
\$100 per year. (subject to change)

1. Six Months. A license may be issued at any time for 6 months in any calendar year, for which 1/2 of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
2. Picnic. \$10 per event.

(c) Wholesaler's Fermented Malt Beverage License. \$25 per year or fraction thereof.

(d) Retail Class A Liquor License. \$75 per year (subject to change).

(e) Retail Class B Liquor License. \$125 per year (subject to change). A retail Class B liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises.

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
2. Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued.

(g) Operator's. \$10 per year; \$20 for the 2 year license

1. Operator's licenses may be granted to individuals by the Village Board for the purpose 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 Clerk-Treasurer.
3. Operator's licenses shall be valid for one year and shall expire on June 30 of each year.

(h) Retail "Class C" (Wine) Liquor License.

1. In this subsection (h), the term "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
2. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
3. A "Class C" license may be issued to a person qualified under §125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom if the Village's statutory quota prohibits the Village from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or to a person acting as agent for or in the employ of another.
4. A "Class C" license shall particularly describe the premises for which it is issued.
5. The annual fee for this license shall be \$100 (subject to change).

(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, or governing body for the operator's licenses, and filed with the Clerk-Treasurer. 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. Applications shall be signed and sworn to by the applicant as approved by §887.01, Wis. Stats.

(c) List of Licensees. (Am. MSC '90) By July 15 of each year, the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each person holding a license issued under this section, except a picnic, manager's or operator's license.

(5) LICENSE RESTRICTIONS.

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

(b) Location.

1. No retail "Class A" or "Class B" licenses 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 Intoxicating Liquor or Fermented Malt Beverage 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 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 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 building 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.

(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. (Arn. MSC '88) No corporation organized under the laws of this state, any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of §125.04(6), Wis. stats.

(g) Age Requirement. (Arn. MSC '89) No license here- under, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's license may be issued only to applicants who have attained the age of 18.

(h) Effect of Revocation of License. Whenever any license has been revoked, at least 6 months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 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 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 alcohol 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. The Clerk-Treasurer shall affix his 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(2), Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred 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.

(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.

(9) REGULATION OF LICENSED PREMISES AND LICENSEES.

(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 Minors. (Am. MSC '88) No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.

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

(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.

(10) CLOSING HOURS. (Am. 11/13/12(1))

The statutory provisions in §125.32(3), Wis. Stats., describing and defining the closing hours of premises for which an alcohol beverage license has been issued are adopted and by reference made a part of this chapter as if fully set forth herein. Any further amendments, revisions or modifications of §125.32(3), Wis. Stats., are intended to be made a part of this chapter.

(11) REVOCATION AND SUSPENSION OF LICENSES. (Am. MSC ' 83)

(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 par. (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.

(14) PROHIBITED CONDUCT ON PREMISES. (Cr. 6/4/96)

(a) Conduct Prohibited. No person or corporation possessing a license issued under 11.01 of the Code, personally or through an agent or employee, shall knowingly permit or engage in the following conduct on licensed premises, and no entertainer or employer shall engage in the following conduct on said licensed premises:

1. The performance of acts or simulated acts or sexual intercourse , masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
2. The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, vulva, or genitals;
3. The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva, or genitals;

4. The showing of films or slides depicting any of the acts which are prohibited by the regulations stated above.

(b) Certain Performances and Costumes Prohibited. No licensee, either personally or through his or her agent or employee, shall furnish entertainment or permit the performance of any act, stunt, dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or through his or her agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises.

1. That portion of every costume to be worn by dancers, performers or entertainers covered by the provisions of this subsection and which relates to the sex organs and buttocks shall be of nontransparent material.
2. The top portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall be so conformed, fabricated, and affixed to the body so as to keep the area of the breast at or below the areola thereof completely covered at all times.

(15) STATE STATUTES ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to the below statutes in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this section, as if fully set forth. Acts required to be performed or prohibited by such statutes are required or prohibited by this section. (Cr. 3/5/96; Am. 05/14/2019)

- (a) Possession of Tobacco or Nicotine Product Wis. Stat. §254.92
- (b) Negligent Handling of Burning Materials Wis. Stat. §941.10
- (c) Abuse of Hazardous Substance Wis. Stat. §941.316
- (d) Trespass to Land Wis. Stat. §943.13
- (e) Trespass to Dwelling Wis. Stat. §943.14
- (f) Trespass to Construction Site Wis. Stat. §943.15
- (g) Unlawful Use of Telephone Wis. Stat. §947.012
- (h) Unlawful Computerized Communication Wis. Stat. §947.0125

(i) Possession of Marijuana

No person may possess or attempt to possess 25 grams or less of marijuana, as defined in Wis. Stat. §961.01(14), subject to the exceptions in Wis. Stat. 961.41(3g) (intro.).

(j) Possession of Synthetic Marijuana

No person may possess or attempt to possess a controlled substance specified in Wis. Stat. §961.14(4) (tb) to (ty).

(k) Possession of Drug Paraphernalia

Possession - Wis. Stat. §961.573(1) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of the Wisconsin Uniform Controlled Substances Act.

Delivery - Wis. Stat. §961.574(1) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of the Wisconsin Uniform Controlled Substances Act.

(1) PENALTY. The penalty for violation for any provision of this section shall be a penalty as provided in §4.04 of this Code.

14.02 REGULATING TRANSIENT MERCHANTS

(1) REGISTRATION REQUIRED. No transient merchant shall engage in sales within the Village without being registered for that purpose as provided herein.

(2) DEFINITIONS.

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

Clerk. The Village Clerk.

Merchandise. Includes personal property of any kind and shall include merchandise, goods or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

Permanent Merchant. Any person who for at least one year prior to the consideration of the application of this section to the merchant:

1. Has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or
2. Has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his residence.

Transient Merchant. Any individual who engages in the retail sale of merchandise at any place in this State temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this State.

(3) EXEMPTIONS. The following shall be exempt from all provisions of this section:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods on established routes.

(b) Any person selling merchandise at wholesale to dealers in such merchandise.

(c) Any person selling agricultural products which the person has grown.

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business.

(e) Any person who has an established place of business where the merchandise being sold is offered for

sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by the 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 merchandise.

(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 the organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and 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 has conducted business in the market area for at least one year prior to the date the complaint was made.

(k) Any individual licensed by an examining board as defined in §15.01(7), Wis. Stats.

(l) This section does not apply to transient merchants while doing business at special events authorized by the Village Board.

(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 transient merchant 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 merchandise and any services offered.
6. Proposed methods of delivery of merchandise, if applicable.
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
8. Most recent cities, villages, towns, not to exceed 3, where applicant conducted his business.
9. Place where applicant can be contacted for at least 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 5 years and 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 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 license is made.

(c) At the time the registration is returned, a fee of \$5 shall be paid to the Clerk to cover the cost of processing the registration.

(d) 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 in the event the applicant cannot after reasonable effort be served personally.

(e) Upon payment of the fee and the signing of the statement, the Clerk shall register the applicant as a transient merchant and date the entry. The registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in par. (5)(b).

(5) INVESTIGATION.

(a) Upon receipt of each application, the Clerk may refer it immediately to the 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 most recent cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 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 par. (4)(b) above.

(6) APPEAL. Any person refused or 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 §§68.07 through 68.16, Wis. Stats.

(7) REGULATION OF TRANSIENT MERCHANTS.

(a) Prohibited Practices.

1. A transient merchant 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 transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will 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 merchandise.
3. No transient merchant 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 transient merchant 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 transient merchant 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 transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of merchandise or services he offers to sell.
2. If any sale of merchandise is made by a transient merchant or any offer for the later delivery of merchandise 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 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 transient merchant takes a sales order for the later delivery of merchandise, he shall at the time the order is taken provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) RECORDS. The Public Works 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) 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 statements in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales; violated any provision of this section; or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be served personally or pursuant to par. (4)(c) above 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.

14.03 CIGARETTES.

(1) LICENSE REQUIRED. No person shall in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away or keep for sale any cigarettes or cigarette papers or wrappers without first obtaining a license therefor from the Village Clerk in the manner provided in §134.65, Wis. Stats. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside of Wisconsin.

(2) FEE. The fee for such cigarette license shall be \$25.00 (subject to change) and the Treasurer's receipt therefor must be presented to the Clerk before he shall issue any license hereunder.

(3) FORM OF LICENSE; EXPIRATION; TRANSFER. All cigarette licenses shall be signed by the Village Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30 next succeeding the date of issue. Upon payment of a fee of \$25 a license issued hereunder may be transferred from the licensee to another owner, but no license shall be transferable as to the location of the licensed premises.

(4) PENALTY. The penalty for violation of any provision of this section shall be as provided in §4.04 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues. If any person shall be convicted of a second or subsequent violation of the provisions of this section and the court in its judgment shall determine that he was personally guilty of a failure to exercise due care to prevent violation, his license privileges shall terminate immediately, and he shall not be entitled to another license or act as an agent or servant of another licensee for 5 years thereafter.

14.04 REGULATION AND LICENSING OF DOGS.

(1) LICENSE REQUIRED. No person in the Village shall own, harbor or keep any dog more than 6 months of age without complying with the provisions of §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.

(2) DEFINITIONS. In this section, unless the context or subject matter otherwise requires:

(a) Owner means any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 20 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) At large means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(3) RESTRICTIONS ON KEEPING OF DOGS. No person within the Village shall own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway in the Village.

(b) Assaults or attacks any person.

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

(d) Habitually barks or howls to the annoyance of any person or persons.

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

(f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(g) No person shall permit any cat or dog owned by him/her to defecate upon any property not owned by such person without the consent of such other property owner or upon any public property, without immediately removing the feces left by the cat or dog.

(4) DUTY OF OWNER IN CASES OF DOG BITE. Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Health Officer and shall keep such dog confined for not less than 14 days or for such period of time as the Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer or any Village Trustee or President upon demand for examination.

(5) IMPOUNDING OR KILLING OF DOGS. In addition to any penalty hereinafter provided for a violation of this section, any person may impound any dog and any police officer of the County may kill any dog which habitually pursues any vehicle upon any street, alley or highway of the Village; habitually barks or howls; kills, wounds or worries any domestic animal; or is infected with rabies. Possession of dogs impounded under this section may be obtained by paying a fee of \$3 to the Village Treasurer plus \$2 a day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of 7 days shall be destroyed by or under the direction of the Health Officer/authorized person, in accordance with §174.10(2), Wis. Stats. This will be billed as a special charge.

(6) PENALTY. The penalty for violation of any provision of this section shall be a penalty as provided in §4.04 of this Code.