

## CHAPTER 4 LICENSES AND PERMITS

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### 4.01 General Procedures

Unless otherwise specifically provided by the laws of the State of Wisconsin or ordinances of the Town of Sheboygan Falls the following provisions shall apply to the issuance, transfer and revocation of all licenses and permits issued under the provisions of this code:

(1) Town Clerk to Furnish Forms: All applications for licenses or permits shall be made upon regular forms approved by the Town Board and furnished by the Town Clerk to the applicant.

(2) Fees to be Paid in Advance: The amount of the license or permit fees shall be first paid to the Town Clerk and his receipt thereafter shall be attached to the application.

(3) Application to be Signed; When Notarized: The application shall be signed by the applicant and, where required, shall be sworn to before a notary public, or other public officer, authorized to administer oaths, and filed with the Town Clerk.

(4) Consideration and Hearing: The Town Clerk shall present such application to the Town Board at its next regular meeting held after filing thereof, except where some town officer, board or commission is first required to examine or report upon such application, in which case the Town Clerk shall refer the application for report to such officer, board or commission and shall present the application report thereon to the Town Board as soon as reasonably possible thereafter. Opportunity shall be given, where necessary, by the Town Board to any person to be heard for against the granting of any license or permit.

(5) Issuance: The Town Clerk shall issue such license or permit only after its issuance has been authorized by the Town Board or proper officer.

(6) Issuance by Administrative Authority: Where administrative authority to issue and license or permit is delegated to any town officer, board or commission under the terms of this code, such officer, board or commission shall grant such license or permit where proper application has been made in accordance with the provisions of this code unless the granting of same appears to be contrary to the health, safety, moral or general welfare of the public, in which case the reason for denial shall be reduced to writing and delivered or mailed to the applicant; such applicant may at any time within thirty (30) days thereafter request the Town Board or any respected appeal board to review such determination or any failure to make the same.

(7) Conditions of Issuance:

(a) All obligations to Town to be paid. Before any license or permit shall be issued under the provisions of this code, the Town Clerk shall check all town records to determine whether or not any applicant is in arrears for taxes or any other obligation to any department of the Town. If the Town Clerk shall find any applicant to be in arrears for taxes or any other obligation, the issuing officer or department shall withhold any and all licenses and permits for which an application has been made until such taxes and obligations have been paid in full.

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

(8) Replacement of Lost or Destroyed License or Permit: Whenever any license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employees, a duplicate in lieu thereof may be issued by the Town Clerk upon satisfying himself of the facts, for a fee as set forth in Section 11.05.

(9) Revocation of License or Permit: Any license or permit issued by the Town Board or any officer or department of the town may be revoked by the Town Board at any regular or special meeting by a majority vote in favor of such revocation, provided that no license or permit shall be revoked until the holder thereof has been given an opportunity to be heard by the Town Board. The Town Board shall summon and notify such licensee to appear before it at the time specified in the summons and notice, which shall not be less than three (3) days after the date of the service thereof, to show cause why his license should not be revoked. Notice of such hearing shall be give to said permit or license holder either personally or by registered mail by the Town Clerk in the

time and manner as directed by the Town Board. Any license or permit issued by the Town Board, any town officer or department shall be and remain the property of the town and upon revocation thereof, the same shall be returned to the Clerk's office, and if not so returned, after demand, the town reserves the right to institute suit against the holder or anyone having possession of such license or permit for the return of same. Any person failing to return any such license or permit after revocation thereof and demand having been made as herein provided, shall be deemed to have violated the provisions of Chapter 11.04.

(10) Rebate of Fee: No rebate or refund of any license fee or any part thereof shall be made for any reason.

(11) Duties of Licensee:

(a) General Standards of Conduct. Every licensee under this ordinance shall:

(1) Comply with Governing Law. Ascertain and at all times comply with all laws and regulations applicable to such licensed business.

(2) Operate Properly. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, moral or welfare.

(3) Cease Business. Refrain from operating the licensed businesses on premises after expiration of his license and during the period his license is revoked or suspended.

(4) Display License. Every licensee shall post and maintain such license upon the licensed premises, vehicles, or machines in a place where it may be seen at all times.

(5) Inoperative License. No person shall allow any license or permit to remain posted, or displayed or used after the period for which it was issued has expired; or when it has been suspended or revoked, or for any other reason become ineffective.

(12) Authority of Inspectors. All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises.

(a) Those for which a license is required.

(b) Those for which a license was issued and which, at the time of inspection, are operating under such license.

(c) Those for which the license has been revoked or suspended.

(1) Reports by Inspectors. Persons inspecting licensees, their businesses, or premises as herein authorizes shall report all violations of this

code or of state laws to the Town Board and shall submit such other reports as the Town Board shall order.

(2) Provisional Order. When an inspector has reported the violation of this code or of state laws, the Town Board shall issue to the affected person a provisional order to comply.

(i) Nature of Notice. The provisional order, and all other notices issued in compliance with this ordinance, shall be in writing, shall be personally served and shall apprise the person affected of his specific violations. In the absence of the person affected or his agent or employee, a copy of such notice shall be affixed to some structure on the premises. Depositing such notice in the United States mail shall constitute service thereof.

(ii) Period of Compliance. The provisional order shall require compliance within ten (10) days of personal service on the affected person.

(iii) Hearing. Upon written application by the person affected before the expiration of the ten day period for compliance, the Town Board shall order a hearing. Notice of such hearing shall be given the affected person in the manner prescribed herein.

(13) Correction Order: When an Inspector has reported a violation of this code or of state laws, the Town Board shall issue to the affected person a correctional order to comply.

(a) Nature of Notice. The correctional order, and all other notices issued in compliance with this ordinance, shall be in writing, shall be personally served and shall apprise the person affected of his specific violations. In the absence of the person affected or his agent or employee, a copy of such notice shall be affixed to some structure on the premises. Depositing such notice in the United States mail shall constitute service thereof.

(b) Period of Compliance. The correctional order shall require compliance within ten (10) days of personal service on the affected person.

(c) Hearing. Upon written application by the person affected before the expiration of the ten day period for compliance, the Town Board shall order a hearing. Notice of such hearing shall be given the affected person in the manner prescribed herein.

#### 4.02 Junk and Junked Motor Vehicle Dealers.

(1) License Required: No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Sheboygan Falls, Sheboygan County,

Wisconsin, without first obtaining a license as herein provided:

(a) Keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale or dealing in any old, used, or second-hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal (ferrous and nonferrous) furniture, used motor vehicles or the parts thereof, or other articles which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classes as junk.

(b) Keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, any scrap metal (ferrous or nonferrous) where same is processed by either being cut, dismantled, or compressed in bales, which besides is more commonly knows as metal processing.

(c) Keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale used motor vehicles for use of their parts or as scrap. One carrying on any of the aforesaid businesses shall be refereed to herein as a "Junk Dealer".

(2) Application: Application for a license to engage in the business of a junk dealer shall be filed with the Building Inspector upon a form provided by the town, and shall be signed by the applicant or applicants. Said application shall state:

(a) The names and residences of the applicants, if an individual, partnership, or firm, or the names of the principal officers and their residence, if the application is an association or corporation.

(b) The length of time such applicant or applicants if an individual, partnership, or firm, or the manager or person in charge, if the applicants is a firm or corporation, has or have resided in the Town of Sheboygan Falls, his or their places of previous employment, whether marries or single, whether he or they or any of them have been convicted of a felony or misdemeanor and if so, what offense, when and in what court.

(c) Whether the applicant or applicants or officers or manager of the applicant have been employed by a junk dealer.

(d) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.

(e) The exact legal description and street address of the premises used, or to be used as a junk yard, and zoning thereof.

(3) Notarization: Every applicant for a license to engage in the business of junk dealer shall be executed and acknowledged before a notary public or other officer authorized to administer oaths in the county of Sheboygan.

(4) Approval of Application:

(a) Before the application is forwarded to the Town Board, the Building Inspector shall examine and check the description of the application with the premises used or to be used as a junk yard, and shall sign a statement attached to the application as to the correctness of the description. The applicant, if required by the Building Inspector or the Town Board, shall also submit the application to the Plumbing Inspector, Fire Chief, and Health Officer who shall inspect the premises and sign the statements attached to the application, stating whether the premises comply with all ordinances, laws, rules and regulations.

(b) The premises and all structures thereon shall be so situated and constructed that the business of junk dealers may be carried on in a sanitary manner, shall contain no fire hazard and shall be arranged so that thorough inspection may be made at any time by the building, plumbing, fire, police and health authorities. Upon proper execution of the application and the payment of the required license fee to the Town Clerk, the application shall be filed with said Clerk. The Clerk shall forward the application to the Town Board at a regular or special meeting called for the purpose. A majority vote if the members present shall authorize the issuance or denial of a license. No such permits shall be issued by the Clerk until favorable action upon the application thereof is first had by the Town Board.

(c) No building shall be used for the business of junk dealing unless it shall be of fireproof construction or constructed on non-combustible materials except that this subsection shall not apply to buildings which are being used on or before July 14, 1946, in the business of junk dealing.

(5) Issuing of Licenses:

(a) All licenses shall be numbered in the order in which they are issued, and shall state clearly the location of the junk business, the date of issuance and the expiration of the license, and the name and address of the licensee.

(b) No license as a junk dealer shall be granted to any person, firm or corporation, who shall have been convicted within one (1) year prior to the date of the application of a violation of this section; nor to any person who has within one (1) year prior to the date of application been convicted of a felony.

(6) Fees: Each junk dealer shall pay an annual license fee of \$50.00. All licenses shall be issued as of July 1<sup>st</sup>, and shall continue in force until June 30<sup>th</sup> next succeeding the day of issuance thereof, unless sooner revoked as provided by law.

(7) Posting of License: Every holder of a junk dealer's license shall at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person shall post such license or permit it to be posted upon any premises other than those mentioned in the application, or knowingly deface or destroy the license.

(8) Licenses Lost or Destroyed: Whenever a license shall be lost or destroyed, without fault on the part of the holder or his agent or employee, a duplicate license shall be issued by the Town Clerk upon the filing of an affidavit setting forth the circumstances of the loss or destruction and upon payment of the sum of \$5.00.

(9) Change of Location: Every junk dealer's license shall designate the place of business in or from which the junk dealer who has received such license shall be authorized to carry on such business. No license shall remove his place of business from the place designated in the license until written permit has been secured from the town and the same shall have been endorsed upon the license. All licenses affected by such change shall be altered to contain the new address.

(10) Health Regulations: The health officer may formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall be designed to protect the health of the community. No junk dealer shall violate any such rule or regulation.

(11) Information to Peace Officer: Each licensed junk dealer shall furnish to any peace officer of the Town of Sheboygan Falls, County of Sheboygan, or State of Wisconsin, such information as he may require to ascertain the names of the seller or sellers of any junk or articles which have been purchased by the junk dealer.

(12) Regulation Concerning Premises:

(a) The contents of the premises of every junk dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer shall be subject to inspection by the town or other proper authorities at any time.

(b) All paper that is stored shall be baled and all rags kept shall be baled or bagged and both shall be kept within a building on the premises.

(c) The wrecking or storage yard shall be fenced by a painted tight board fence or other structure at least seven (7) feet high, constructed so that no dust or other materials may pass through. Said enclosure shall be maintained in good

condition at all times and no articles or materials shall be piled so as to protrude above the enclosure.

(d) No premises shall be used for carrying on the business of a junk dealer unless said premises are located more than three hundred (300) feet from any residential building, school building or other public building.

(13) Revocation:

(a) Upon complaint being made in writing by any town official or resident of the Town of Sheboygan Falls that any licensee has violated any of the provisions of this ordinance, such complaint shall be turned over to the Town Board who shall summon such licensee to appear before it at the time specified in the summons, which shall not be less than three (3) days after the date of service thereof, to show cause why his license should not be revoked. The Town Board shall proceed to hear the matter and a majority vote of the members present shall determine whether such junk dealer's license shall be revoked or not.

(b) Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been revoked within a period of three (3) years from the date of such revocation. Notice of such revocation and the reason or reasons therefore in writing shall be served by the Town Clerk upon the person, firm, partnership, association, or corporation named in the application by mailing the same to the address given in the application and upon filing a copy same in the office of the Town Clerk.

(14) Penalty: Any person, firm, or corporation, who by himself, or itself, or by his or its clerk, agent, or employee, shall conduct the business of junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its, or their license revoked, shall continue as a junk dealer, shall be subject to a penalty as provided in Sec. 11.04(1) of this code. A separate violation shall be deemed committed on each day on which a violation of any of the provisions of this section occurs or continues. In addition to the penalties imposed, the license of the person, firm, association, partnership, or corporation violating the same shall be cancelled or revoked.

#### 4.03 Intoxicating Liquor and Fermented Malt Beverages<sup>1</sup>

(1) State Code Adopted: The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing, and transfer of intoxicating beverages, including the penalty provisions therein, are adopted and made a part of this

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<sup>1</sup> Section 4.03 repealed and recreated May 4, 2009 by Ordinance 1 2009/2010. Amended July 7, 2014 by Ordinance 1 2014/2015, .Amended February 2, 2018 by Ordinance 3 2017/2018



Code. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure statewide regulation of licensing and sale of alcohol beverages.

(2) Definitions:

(a) "Intoxicating liquor" means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, and by whatever name, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages."

(b) "Beer" means any fermented malt beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops containing 0.5% or more alcohol by volume, and includes wine coolers with a fermented malt base.

(c) "Underage person" means a person who has not attained the legal drinking age.

(3) License Required: No person, except as provided by Chapter 125, Wisconsin Statutes, shall, within the Town of Sheboygan Falls, serve, sell, manufacture, rectify, brew or engage in any other activity for which this ordinance or Chapter 125, Wisconsin Statutes, requires a license, permit, or other authorization without holding the appropriate license, permit, or other authorization as provided in this ordinance. Except for licensed public warehouses, a wholesaler, manufacturer, rectifier, brewer and retailer shall have a separate permit or license covering each location or premises from which deliveries and sales of alcoholic beverages are made or at which alcohol beverages are stored.

(4) License Application: Application for a retail license shall be made in writing on the form prescribed in Wis. Stat. § 125.04(3) and filed with the Town Clerk, together with the cost of publication. Application for an operator's license shall be made in writing on the form prescribed by the Town of Sheboygan Falls and filed with the Town Clerk.

(5) Classes of Licenses: The following classes of license may be issued by the Town Clerk under the authority of the Town Board after payment of the fee(s) hereinafter specified, which, when so issued, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Chapter 125, Wisconsin Statutes.

(a) Retail Licenses: Each of the following licenses may be issued to any person qualified under Wis. Stat. § 125.04(5), except a person acting as an agent for or in the employ of another. Each license must particularly describe the premises for which it is issued and is not transferable, except as provided in Wis. Stat. § 125.04(12) (2005-2006).

1. Class A Liquor License: A "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.

2. Class B Liquor License: A "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container.

3. Class A Beer License: A Class "A" license authorizes retail sales of beer for consumption off the premises where sold and in original packages, containers, and bottles.

4. Class B Beer License: A Class "B" license authorizes retail sales of beer to be consumed, either on the premises where sold, or off the premises.

5. Temporary Class B Beer License: A temporary Class "B" license may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans organizations. The temporary Class "B" license authorizes the sale of beer at a particular picnic or similar gathering.

6. Provisional Retail License: A provisional retail license may be issued to persons who have applied for a "Class A", Class "B", "Class A", "Class B", or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes. A provisional retail license expires 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B", or "Class C" license is issued to the holder, whichever is sooner. Wis. Stat. § 125.185."

7. Class "C" Wine License:<sup>2</sup> A "Class C" license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold. A Class "C" license may be issued to a person qualified under Wis Stat. 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which a barroom in which wine is the only intoxicating alcohol liquor sold. A Class "C" license may not be issued to a foreign corporation, a foreign liability company, or a person acting as agent for or in the employ of another. On its application a Class "C" license shall particularly describe the premises for which it is issued.

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<sup>2</sup> Section 4.03(5)(a)(7) created February 5, 2018 by Ordinance 3 2017/2018

(b) Wholesaler's Licenses: A wholesaler's license authorizes wholesale sales of beer in original packages or containers to retailers or other wholesalers.

1. A wholesaler's license may not be issued to an entity that has an interest, directly or indirectly, in any retail license issued under subparagraph (a), above.

2. Each license must particularly describe the premises for which it is issued and is not transferable, except as provided in Wis. Stat. § 125.04(12) (2005-06).

(6) Operator's Licenses :

(a) General Requirements: Any person eighteen (18) years or older who is serving intoxicating beverages in an establishment with a Class A or B license must obtain an operator's license, except as provided by Wis. Stat. §125.32(2) and § 125.68(2).

1. Operator's licenses may be issued only on written applications on forms provided by the Town Clerk.

2. Operator's licenses shall be valid for one (1) year and shall expire on June 30 of each year.

3. Operators' licenses may only be issued to those who meet the qualifications of Wis. Stat. § 125.04.

(b) Provisional Operators' License: A provisional operator's license may be issued to any individual who has submitted an initial application for an operator's license under this section, is enrolled in a responsible beverage server training course, and who has met all the other requirements of this section. This license shall be valid for a period of sixty (60) days, or until the regular operator's license is issued.

(c) Temporary Operators' License: A temporary operator's license may be issued to operators employed by or donating their services to nonprofit organizations, except that no person may hold more than one (1) temporary license per year. Temporary licenses are valid for any period up to fourteen (14) days.

(7) License Fees: The fees for all retail and operators' licenses are included in the Town of Sheboygan Falls Intoxicating Beverage License Fee Schedule on file with the Town Clerk. The Town Board shall have authority to amend the fee schedule related to intoxicating beverage licenses from time to time by Town Board resolution.

(8) Closing Hours: Establishments with a Class A or Class B license either are prohibited from selling alcohol or cannot be open for business as follows:

(a) Class A Liquor License: no premises dealing in alcohol under a Class A Liquor License shall sell intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

(b) Class A Beer License: no premises dealing in alcohol under a Class A Beer License shall sell beer between the hours of midnight and 8:00 a.m.

(c) Class B Liquor or Beer License: no premises shall be open for the sale of intoxicating beverages between the hours of 2:00 a.m. to 6:00 a.m., on Monday through Friday. On Saturday and Sunday, no premises shall remain open between the hours of 2:30 a.m. to 6:00 a.m.; on January 1 there are no closing hours. Off premises sales (carry outs) of beer are allowed only between the hours of 6:00 a.m. and midnight.

(9) Revocation:<sup>3</sup> The following situations may be grounds for cancellation, suspension, revocation or non-renewal of licenses in accordance with the provisions of this section and the laws of the State of Wisconsin:

- 1.) A license must be used at least 36 total days in a 365-day period unless otherwise provided under Special Conditions on said license, or
- 2.) When, at the request of the owner of the licensed premises, any licensee's usage of said premises is discontinued for 60 days or the remainder of a license period, whichever is less, or
- 3.) Any licensed premises, for a period of 120 days, is being used for a purpose other than for the purpose of serving alcohol beverages, unless otherwise approved through special conditions.

(10) Penalties: Any person violating any provision of this section or who provides false or inaccurate information on a written application may be denied the license for which they are applying for and shall be subject to a penalty of not more than \$500.00, except that where Wis. Stat. Chapter 125 provides a lower maximum penalty, said maximum penalty shall prevail.

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<sup>3</sup> Section 4.03(9) repealed & recreated July 2, 2018 by Ordinance 2 2018/2019

**TOWN OF SHEBOYGAN FALLS INTOXICATING  
BEVERAGE LICENSE FEE SCHEDULE**

(amended February 5, 2018 by resolution 3 2017/2018 )

**Retail Licenses**

Class A Liquor	\$150.00
Class A Beer	\$100.00
Class B Liquor	\$200.00
Class B Beer	\$100.00
Class B Combination (Beer and Liquor)	\$200.00
Class C Wine	\$100.00
Temporary Class B Beer	\$10.00
Provisional License	\$15.00

**Operator's Licenses**

Operator's License	\$25.00
Operator's License Renewal	\$20.00
Temporary Operator's License (not more than 14 days)	\$50.00
Provisional Operator's License (not more than 60 days)	\$15.00

Cost of publication of retail licenses \$20.00

**4.04 Regulation and Licensing of Dogs**

(1) License Required: Any owner of a dog residing in the Town of Sheboygan Falls, whose dog is more than five (5) months of age as of January 1<sup>st</sup> of any year, shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license thereof as provided by in Section 174.05 of the Wisconsin Statutes.

(2) License Fee: Each owner shall pay to the Town Treasurer annually a license fee as set forth in Section 11.05.

(3) Issuance of License: Upon payment to the Town Treasurer of the above named sum and submission of current rabies certificate, the Treasurer shall issue to each owner a license to keep such dog for a period of not less than one (1) year, and the owner, upon procuring such license, shall place upon each dog a collar which is to be attached to the dog tag furnished by the Town Treasurer.

(4) Definitions:

(a) "Owner" shall mean any person owning, harboring, or keeping a dog or a parent of a minor child having ownership of a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten (10) 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 control of some person, either by leash or otherwise; but a dog within a motor vehicle of its owner or on a motor vehicle of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(c) "Leash" means a cord, thong, or chain not more than ten (10) feet in length, by which a dog is controlled by the person accompanying it.

(5) Restriction of Keeping of Dogs: It shall be unlawful for any person within the Town of Sheboygan Falls to own, harbor, or keep any dog which:

- (a) Habitually pursues any vehicle upon any public street, alley or highway on the Town.
- (b) Assaults or attacks any person.
- (c) Is at large within the limits of the Town.
- (d) Habitually barks or howls to the annoyance of any person or persons.
- (e) Kills, wounds, or worries any domestic animals.
- (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.

(6) Duty of the Owner in Case of Dog Bites: 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 fourteen (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 Town police officer upon deemed for examination.

(7) Impounding of 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 Town may kill any dog which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, 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 \$3.00 to the Town Treasurer, plus \$4.00 a day for each day or fraction thereof the dog has been impounded. Dogs impounded for a period of seven (7) days shall be destroyed by or under the direction of the Health Officer, in accordance with Section 174.1(2), Wisconsin Statutes.

(8) Penalty: The penalty for violation of this section shall be a penalty provided in Section 11.04(1) of this code.

#### 4.05 Regulation of Fireworks<sup>4</sup>

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<sup>4</sup> Section 4.05 created May 5, 2008 by Ordinance 1 2007/2008.

(1) State Statue Adopted. The definitions, restrictions, requirements, and other provisions of Wis. Stat. 167.10, as amended, are adopted herein and shall apply to the regulation of fireworks in the Town, except as specifically set forth herein.

(2) Permit Procedure. Subject to the terms of this section, the Town Chair may issue a permit for the possession and use of fireworks within the Town pursuant to Wis. Stat. 167.10(3).

(a) Application. Those seeking a fireworks permit shall submit to the Town Clerk, at least 15 days in advance of the date set for use, an application containing the following:

1. Name, address and telephone number
2. Kind and quantity of fireworks to be used
3. Date and time of use
4. Location of use
5. Expected number in attendance to view to display
6. A copy of the applicant's homeowner's insurance declaration page as proof of adequate insurance coverage for the property to be used for the discharge of fireworks, for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit, naming the Town of Sheboygan Falls as an additional insured.

(b) Fee. Applicants shall pay the permit fee indicated in the Town's fee schedule, Section 11.05; applications are not complete and will not be considered until such fee is paid.

(c) Issuance. Within ten (10) days of the Town's receipt of an application, the Town Chair shall either approve or deny the application.

(d) Validity. A fireworks permit is not valid unless it includes proof that a copy was received by the Sheboygan County Sheriff's Department at least two (2) days prior to the time of first authorized use.

(e) Revocation. The Town of Sheboygan Falls Fire Chief may suspend or revoke a fireworks permit if in the Chief's sole discretion dry, windy, or other conditions would cause the use of fireworks to endanger persons or property.

(3) Permit Terms and Conditions. Permit shall include:

(a) All of the terms specified by Wis. Stats. 167.10(3)(f);

(b) The following safety requirements:

1. Barriers must be used during preparation, firing and cleanup to restrain spectators and to only allow access to the launch area by authorized persons in charge of the display;

2. The launch area must be at least 200 feet from the nearest spectator, public road, boat or building, and 50 feet from above ground power lines, cables, trees or other overhead objects;
3. All fireworks that fire a projectile set to go into the air must be directed as nearly vertical as possible;
4. Any fireworks that remain unfired shall be immediately disposed of or removed promptly and safely;
5. The operator shall make a thorough search for unfired fireworks and dispose of them promptly and safely.

(c) A condition that fireworks not be used between 12:00 midnight and 8:00am.

(d) Additional terms and conditions which the Town Chair determines will promote public health, safety and welfare.

(4) Penalties. Any person who violates the terms of this section shall be subject to the penalties in section 11.04 of this code. Each day a violation occurs constitutes a separate offense.