

TITLE 7

Licensing and Regulation

Chapter 1	Licensing of Dogs and Regulation of Animals
Chapter 2	Fermented Malt Beverages and Intoxicating Liquor
Chapter 3	Cigarette License
Chapter 4	Regulation of Large Assemblies of Persons
Chapter 5	Regulation and Licensing of Fireworks
Chapter 6	Rummage and Garage Sales
Chapter 7	Transient Merchants
Chapter 8	Street Use Permits
Chapter 9	Tattooing and Body Piercing
Chapter 10	Junk and Automobile Salvage Yards
Chapter 11	Amusement Parks
Chapter 12	Large Livestock Operations
Chapter 13	Helicopter Use
Chapter 14	Licensees to Pay Local Claims; Appellate Procedures

Title 7 ► Chapter 1

Licensing of Dogs and Regulation of Animals

7-1-1	Dog Licenses Required; Definitions
7-1-2	Rabies Vaccination Required for License
7-1-3	Issuance of Dog and Kennel (Multiple Dog) Licenses
7-1-4	Late Fees
7-1-5	Rabies Quarantine
7-1-6	Restrictions on Keeping of Dogs, Cats, Fowl and other Animals
7-1-7	Barking Dogs and Crying Cats
7-1-8	Impoundment of Animals
7-1-9	Keeping of Exotic Animals; Protected Animals, Fowl, Reptiles and Insects
7-1-10	Equestrian Estate Horsekeeping; Keeping of Large Animals
7-1-11	Penalties

Sec. 7-1-1 Dog License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the Village of Bristol to own, harbor or keep any dog more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner.** Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Chapter.
 - (2) **At Large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
 - (3) **Dog.** Any canine, regardless of age or sex.
 - (4) **Neutered.** A dog or cat having nonfunctional reproductive organs.
 - (5) **Animal.** Mammals, reptiles and birds.
 - (6) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

- (7) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
- (8) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (9) **Pet.** An animal kept and treated as a pet.
- (10) **Kennel.** Any premises, including pet shops, where four (4) or more dogs are harbored or kept for any purpose.

State Law Reference: Secs. 174.05 through 174.10, Wis. Stats.

Sec. 7-1-2 Rabies Vaccination Required for License.

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Bristol after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village of Bristol.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this

requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).

- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

Sec. 7-1-3 Issuance of Dog and Kennel (Multiple Dog) Licenses.

(a) **Dog Licenses.**

- (1) It shall be unlawful for any person in the Village of Bristol to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The minimum license tax under this Section shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Treasurer or his/her deputy shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Treasurer or his/her deputy shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Village

of Bristol continues to be unlicensed constitutes a separate offense for which a separate penalty applies.

- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Treasurer or his/her deputy upon application therefor.
- (b) **Multiple Dog/Kennel Licenses.**
- (1) Any person who keeps or harbors multiple dogs may, instead of the license tax for each dog required by this Chapter, apply for a multiple dog (kennel) license [four (4) dogs or more] for the keeping or operating of the kennel. An inspection of the proposed premises by Village officials shall be conducted prior to issuance of a multiple dog/kennel license; the Village, through humane officers, may make periodic inspections of licensed premises. Such person shall pay for the license year a license tax in accordance with the Village Board's current fee schedule for a kennel in Section 1-3-1. Upon payment of the required multiple dog license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Treasurer or his/her deputy may issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept in the kennel or premises. As a pre-condition, the premises shall be properly zoned and a conditional use permit issued, if required, for such group.
 - (2) The owner or keeper of multiple dogs shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a multiple dog tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
 - (3) Any establishment or premises that shall be granted a multiple dog license under this Subsection shall be subject to an annual inspection by a Humane Officer, or other appointed official, who shall file a report with the Village Board. The inspecting officer's fee shall be paid by the applicant and if not paid by October 1, said fee shall be placed on the tax roll as a special charge.

State Law Reference: Sec. 174.053, Wis. Stats.

Sec. 7-1-4 Late Fees.

The Village of Bristol issues dog licenses during Village tax collection periods (approximately December 15–January 31; after March 31st, licenses may only be obtained from the Village Treasurer with a payment of a late fee.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district or neighborhood is quarantined for rabies, all dogs and cats within the Village of Bristol shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk shall promptly post in at least three (3) public places in the Village of Bristol notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) **Quarantine or sacrifice of dog or cat.** A law enforcement, humane or animal control officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees or if the animal poses an imminent threat to public health and safety. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) **Sacrifice of other animals.** A law enforcement, humane or animal control officer 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.
- (d) **Quarantine of Dog or Cat.**
 - (1) **Delivery to isolation facility or quarantine on premises of owner.** A law enforcement, humane or animal control officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) **Health risk to humans.** If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph,

"supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

- (3) **Risk to animal health.**
- a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
 - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) **Sacrifice of a dog or cat exhibiting symptoms of rabies.** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village of Bristol, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for 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 the fee for the laboratory examination.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Bristol to own, harbor or keep any dog, cat, fowl or other animal which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Village of Bristol.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-7)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) 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.
 - (7) In the case of a dog, is unlicensed.
 - (8) Is tied in a manner so as to interfere with the reading of utility meters.
- (b) **Vicious Dogs and Animals.**
 - (1) For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the law enforcement or animal control authorities.
 - (2) No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) **Animals Running at Large.**
 - (1) No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
 - (2) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it. All dogs shall be leashed or under the direct control of their owners in areas within the Village of Bristol not zoned agricultural.
- (d) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

Sec. 7-1-7 Barking Dogs and Crying Cats.

- (a) It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. The law enforcement or humane officer shall determine if a dog or cat is in violation of this Section and shall issue a warning or citation dependent upon the severity and regularity of the offense. A dog or cat is considered to be in violation of this Section when three (3) formal, written complaints are filed with the Village within any one thirty (30) day period.
- (b) No person shall be found to be in violation of this Section unless first notified in writing, at least ten (10) days prior to the issuance of any citation or summons, of the fact of the complaints of noise.

Sec. 7-1-8 Impoundment of Animals.

- (a) **Animal Control Agency.**
 - (1) The Village of Bristol may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
 - (2) The Village of Bristol does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.
- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his/her possession. If within

seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance. Within such times, the owner of any animal which has been impounded or has been taken for violation of the provisions of this Chapter may redeem said animal upon payment of the following fees:

- (1) A charge to recover the actual cost for capturing said animal.
- (2) The usual and customary charge made by the person owning or maintaining the shelter or isolation facility for the board and keep of said animal.
- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the humane officer may sell the animal to any willing buyer.
- (e) **Village Not Liable for Impounding Animals.** The Village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-9 Keeping Of Exotic Animals; Protected Animals, Fowl, Reptiles and Insects.

(a) Intent.

- (1) **Purpose.** It is the purpose and intent of the Village of Bristol in adopting this Section to protect the public safety, health and general welfare from the safety and health risks that the unregulated keeping or harboring of exotic animals can pose to the community and to protect the health and welfare of permitted exotic animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous, and, typically, do not adjust well to a captive environment. This Section shall be liberally construed in favor of the Village's right and authority to protect the public health, safety and welfare.

- (2) **Prohibition.** It shall be unlawful for any person to own, possess, maintain, harbor, bring into the Village of Bristol, have in one's possession, act as a custodian for, or have custody or control on an exotic animal, except in compliance with this Section.

(b) Definitions. The following definitions and terms shall be applicable in this Section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive; the word "may" is nonmandatory and discretionary:

- (1) **Animal.** For purposes of this Section, shall mean exotic animals.
- (2) **Animal Control Officer.** Law enforcement officers, Building Inspector, Village President, animal control officers, humane society employees, or any other person designated by the Village of Bristol to enforce or assist in the enforcement of this Section.

- (3) **Animal Shelter.** Any premises designated or used by the Village for the purpose of impounding and caring for animals found in violation of this Section, or of any other Village ordinance regulating the keeping of and care of animals. Included within this definition are animal shelters whose services are secured by the Village through contract or intergovernmental agreement.
- (4) **At Large.** An animal is at large when:
 - a. It is off the property of the owner and not properly confined or restrained in a manner such that the risk of uncontrolled or accidental contact by the animal with humans or domesticated animals has been minimized; or
 - b. It is on the property of the owner, but is improperly restrained or confined so as to pose a risk of leaving the property and having uncontrolled or accidental contact by with humans or domesticated animals off of the owner's property; or
 - c. It is so improperly, inadequately or negligently restrained or confined on the owner's property so to pose a risk of potentially dangerous contact with humans or domesticated animals which come on to the owner's property.
- (5) **Enclosure or Enclosure Area.** The indoor and/or outdoor area in which an animal is kept confined or restrained, including any structure(s) in which it is kept, confined or restrained.
- (6) **Exotic Animal (including USDA Dangerous Animals).** Any animal, fowl, insect, or reptile that is not normally domesticated in Wisconsin or is inherently wild by nature. Exotic animals include, but are not limited to, any or all of the following orders, families and/or species, whether bred in the wild or in captivity, and also hybrids with domestic species. The animals, fowl, insects, and reptiles listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list nor to limit the generality of each group of animals, fowl, reptiles or insects:
 - a. Non-human primates and prosimians*, including chimpanzees (Pan); monkeys (Cercopithecidae); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus); and baboons (Papio, Mandrillus).
 - b. Canidae*, excluding non-hybrid domesticated dogs, including wolves (Canis lupus); coyotes (Canis latrans); and all foxes and jackals.
 - c. Felidae*, excluding domesticated cats, including cheetahs (Acinonyx jubatus); jaguars (Panthera onca); leopards (Panthera pardus); lions (Panthera leo); lynxes (Lynx); pumas (Felis concolor) which are also known as cougars, mountain lions or panthers; snow leopards (Panthera uncia); tigers (Panthera tigris); and ocelots.
 - d. Ursidae*, including all bears.
 - e. Crocodilians (Crocodilia) thirty (30) inches in length or more, including alligators, caimans, and crocodiles.
 - f. Proboscidea*, including elephants (Elephas and Loxodonta).
 - g. Hyaenidea*, including all hyenas.
 - h. Artiodactyla*, including hippopotami (Hippopotamidae) and giraffes (excluding camels, cattle, swine, sheep and goats).

- i. Procyonidae, including coatis (raccoons excluded).
 - j. Marsupialia, including kangaroos (opossums excluded).
 - k. Perissodactyla*, including rhinoceroses (*Rhinocerotidae*) and tapirs, excluding horses, donkeys and mules.
 - l. Edentata, including anteaters, sloths and armadillos.
 - m. Viverridae, including mongooses, civets and genets.
 - n. Game cocks and other fighting birds.
 - o. Varanidae, including only water monitors and crocodile monitors.
 - p. Any other type of dangerous or carnivorous wild animal, fowl, or reptile.
 - * *Species listed on the United States Department of Agriculture's dangerous species list.*
- (7) **Humane Society.** The Humane Society of Kenosha County or similar organization.
 - (8) **Own/Owner/Owning.** Any person, corporation, partnership, limited liability corporation, organization, association, joint venture, trust, or other legal entity who possesses, harbors, keeps, controls, boards, or has in his/her custody an exotic animal in the Village, and any officer, member, shareholder, director, employee, agent or representative thereof. Any animal is being harbored if it is being fed and/or sheltered by such party.
 - (9) **Section.** The same meaning as "this Ordinance."
 - (10) **Solid Surface.** A surface constructed of cement, concrete, metal, asphalt, fiberglass or similar such hard, impervious surface.
 - (11) **Village.** The Village of Bristol, Kenosha County, Wisconsin.
 - (12) **Village Board.** The Village Board of the Village of Bristol, and authorized committees and subunits thereof.
- (c) **Compliance with Federal Regulations.**
 - (1) **Federal Code Requirements.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Department of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
 - (2) **Regulation of the Importation of Birds.** No person, firm or corporation shall import or cause to be imported into the Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This Subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by American Indian Nations for ceremonial purposes or in the preservation of their tribal customs and heritage.
 - (d) **Exotic Animal Permit Requirement – Application for Permit.**
 - (1) **Sale, Importation, Transfer, Purchase and/or Gifting of an Exotic Animal.** It shall be unlawful for any person to:

- a. Import, transfer, sell, own, or purchase an exotic animal in the Village without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
 - b. Sell, transfer, deliver, or give an exotic animal to any other person in the Village without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
- (2) **Keeping, Harboring, Maintaining or Controlling an Exotic Animal.** It shall be unlawful for any person in the Village to own, keep, maintain, harbor, board, or control an exotic animal without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
- (3) **Exceptions to Exotic Animal Permit Requirement.** The exotic animal permit requirements of this Section shall not apply to:
 - a. Institutions accredited by the American Zoo and Aquarium Association (AZA).
 - b. State licensed humane societies.
 - c. Animal control or law enforcement officers acting in an official capacity.
 - d. State licensed veterinary hospitals or clinics.
 - e. Persons holding a Scientific Collectors Permit issued by the Wisconsin Department of Natural Resources.
 - f. Any person, company or organization presenting a transient or itinerant circus or carnival operating within the Village ten (10) days or less per year and holding all other required Village, county and state permits and/or licenses.
 - g. Wildlife rehabilitators licensed by the Wisconsin Department of Natural Resources who temporarily keep, nurture, rehabilitate, and care for exotic animals which are injured or in need of rehabilitation, with the primary purpose of returning such animals to the wild. No animal may be kept under this exception for a period of more than ninety (90) days. No animal may be kept under this exception that poses a danger to the community or domestic animals.
 - h. State licensed or accredited research or medical institution.
 - i. Any person temporarily transporting an exotic animal through the Village if the transit time is not more than twenty-four (24) hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.
- (4) **Application; Required Application Information.** An applicant for an exotic animal permit shall file an application with the Village Clerk containing the following information:
 - a. **Basic Application Information.** The applicant shall file the following information at the time of application filing:
 - 1. The name, address, and telephone number of the applicant.
 - 2. A description of each exotic animal the applicant possesses, or seeks to possess, including the scientific name, common name, sex, age, color, weight

and any distinguishing marks or coloration that would aid in the identification of the animal.

3. A photograph of each exotic animal.
 4. A description of the exact location and confinement facilities where the exotic animal will be kept.
 5. The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.
 6. The name and address of the veterinarian providing veterinary care to the exotic animal and a certificate of good health for the exotic animal from that veterinarian.
 7. A plan for the prompt and safe recapture of the exotic animal if the exotic animal escapes. Each applicant/permittee shall have a plan for the quick and safe recapture of the exotic animal if the animal escapes, and, if recapture is impossible, then a plan for the destruction of the exotic animal.
 8. In the case of exotic animals included on the United States Department of Agriculture's dangerous animal list, proof of having obtained a minimum of one year's, paid in full liability insurance in an amount not less than Two Million Dollars (\$2,000,000) for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. [Failure to at all times keep such liability insurance in full force and effect during the life of the permit shall immediately terminate the validity of such permit; it is the responsibility of the permittee to immediately notify the Village Clerk, in writing, of any changes in his/her insurance status, validity or carrier]. The Village of Bristol shall be listed as a co-insured solely for the purpose of notice of cancellation of such insurance policy.
 9. Copies of all United States Department of Agriculture, United States Department of Interior, Wisconsin Department of Natural Resources, and any other state or federal permits/ licenses issued to the applicant approving of or governing the applicant's possession of the species for which a Village exotic animal permit is being sought.
 10. Exotic animal permit application fee in the amount per animal prescribed by Sec. 1-3-1.
 11. Any other information required by Village authorities to properly consider the application.
- b. **Certified Information.** The applicant shall certify in writing that:
1. The applicant is eighteen (18) years of age or older.
 2. The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of animals or has not within the last ten (10) years been convicted for possession, sale or use of illegal narcotics or controlled substances.

3. The facility and the conditions in which the exotic animal will be kept are in compliance with this Section and all other applicable state and local regulations.
4. The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.
5. Proof that a licensed veterinarian has spayed or neutered the exotic animal.

(e) **Review of Exotic Animal Permit Application; Issuance; Conditions of Permit Issuance; Renewals.**

- (1) **Consideration of Application.** Upon receipt of the application, application fee and all of the information required by Subsection (d)(4) above, the Village Clerk shall schedule consideration of the application before the Village Board, duly noticing the consideration of the application on the notice/agenda for such meeting in compliance with the Wisconsin Open Meeting Law. All neighboring property owners and residents located within three hundred (300) feet of the applicant's property shall receive written notice of the meeting at which the application is to be considered by the Village Board a minimum of seven (7) days prior to the meeting date.
- (2) **Village Board Action.** Upon consideration of the application, the Village Board may issue an exotic animal permit if the Village Board is satisfied that:
 - a. All of the application and insurance requirements required by Subsections (d)(4) and (e)(4) have been fully satisfied;
 - b. The applicant has provided credentials, satisfactory to the Village Board, establishing that the applicant/owner is properly trained to handle, care for, restrain, and recapture the type of animal for which the permit application is being made;
 - c. The applicant has provided either application information or oral testimony at the application review meeting demonstrating ownership of, and training and proficiency with, tranquilizing and restraint equipment that is species-appropriate, to the satisfaction of the Village Board, and shall demonstrate adequate training and certification in first aid and CPR;
 - d. The exotic animal and the manner in which it will be kept will be fully in compliance with the requirements of this Section and that the animal will be kept in such manner so as not pose a threat to public safety and health;
 - e. The applicant has demonstrated that the animal will be kept in a humane manner consistent with this Section and all other applicable federal and state standards; and
 - f. The site is properly zoned for such use.
- (3) **Validity.**
 - a. A copy of the exotic animal permit shall be displayed, in plain view, on or reasonably near the animal's confinement area.
 - b. An exotic animal permit is not transferable without re-application under this Section.

- c. Permits for each exotic animal shall be valid for one (1) year. The permit year shall commence on January 1 or as soon thereafter as officially issued and expire on December 31 of that year.
 - d. In addition to the application fee under Subsection (d)(4), the fee for an annual exotic animal permit, or renewal thereof, shall be as prescribed in Sec. 1-3-1 for each exotic animal.
- (4) **Permit Renewal; Issuance Criteria.**
- a. Exotic animal permit renewal applications shall be submitted to the Village Clerk on or before November 15 of the permit year.
 - b. Along with each permit renewal application, the applicant shall submit the required renewal fee, a current certificate of good health for the animal(s), update in full all information required for the original permit, and provide proof of the required continued paid-up liability insurance [such proof of insurance shall be no more than thirty (30) days old.]
 - c. The Village Board shall consider renewals in the same manner as with the issuance of original permits.
 - d. The Village Board shall not issue or renew a permit if it determines that:
 - 1. The applicant has been convicted of cruelty to animals within the previous ten (10) years;
 - 2. The applicant has failed to provide, withheld or falsified any required permit application or renewal information; or
 - 3. The applicant is, or has been, unable to comply with the requirements necessary to obtain a permit or has failed to comply with the provisions of this Section at any time during the permit year.
- (5) **Permit Revocation.** The Village Board may revoke a permit for violation of this Section after giving written notice of the reasons for revocation to the permit holder. The Village shall give the permittee notice, by certified mail with receipt requested, of intent to consider revocation of the exotic animal permit. The Village shall give the permittee an opportunity to respond to the notice and address the issues identified at an open, noticed Village Board meeting, after which the Village Board shall make its determination, with the reasons therefor included in the record of the Board's meeting.
- (6) **Permit Transfer.** If an owner can no longer properly care for his/her exotic animal, that person may only transfer his/her exotic animal to another person who has been issued a valid exotic animal permit by the Village Board. An owner/permittee shall notify the Village Clerk of any changes central to the validity of the permit, including the death of the exotic animal.
- (f) **Confinement Standards for Exotic Animals.**
- (1) **Prohibited Confinement.** An exotic animal shall not be tethered, leashed, chained outdoors, or allowed to run at large.
 - (2) **Confinement Standards.**
 - a. All exotic animals governed by this Section shall be confined in a building or secure enclosure that has a floor, a secure roof and sides, constructed and

maintained so as to securely confine the animal and provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of animal debilitation, stress, abnormal behavior patterns, or the professional opinion of a veterinarian, a qualified animal trainer, or experts from the United States Department of Agriculture (USDA), United States Department of Interior, or Wisconsin Department of Natural Resources.

- b. For each exotic animal, the permittee shall comply with the AZA's "Minimum Guidelines" for animal care and maintenance or the USDA's standards for the humane handling, care and treatment of exotic animals [9 CFR Subchapter A (Animal Welfare, Part 3)], whichever is more restrictive. These standards shall provide the basis against which to assess the sufficiency of space or facility for animals for which a permit is sought or held.
 - c. The Village recognizes that exotic animals typically require extra care in the provision of confinement and care due to the climate and conditions of their original place of origin.
- (3) **Minimum Outdoor Area Standards.** The outdoor area of an exotic animal's enclosure shall, at a minimum:
- a. Have two (2) sets of wire enclosures with a minimum of four (4) inches separation between them;
 - b. Have the sides of the wire enclosure extend downward and be buried a minimum of twelve (12) inches below ground;
 - c. Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds damage the roof over the enclosure;
 - d. Have a floor with a minimum six (6) inch perimeter of breaker rock-grade aggregate around the borders of the enclosed area and a minimum five (5) inch uniform depth of Class Five gravel for the floor, or a floor with a minimum four (4) inch uniform depth of concrete or asphalt over the remainder of the enclosure floor;
 - e. Be provided with shelter that allows the exotic animal, if kept outdoors, to remain dry and warm during snow/sleet/rain;
 - f. In the alternative, present to and secure approval from the Village Board for an alternative outdoor confinement system that substantially complies with the safeguards of this Section.
 - g. In addition to the structural requirements of the exotic animal's outdoor enclosure, the permittee shall:
 - 1. Ensure that the outdoor area is maintained in a safe and healthful manner;
 - 2. Keep the outdoor area free of standing water, accumulated waste, and debris;
 - 3. Ensure that sufficient shade, by natural or artificial means, is available when the animal is outdoors; and

4. Maintain the structural soundness of the outdoor structure in good repair to protect the exotic animals from injury and to prevent escape.
- (4) **Minimum Indoor Area Standards.** The indoor area of an exotic animal's enclosure shall:
- a. Be an insulated, moisture-proof and windproof structure of adequate area to accommodate the need of the animal for adequate freedom of movement;
 - b. Contain a solid floor of no less than four (4) inches thick to prevent the animal from escaping;
 - c. Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds blow off the roof over the enclosure;
 - d. Locate the entrance to the building in which the animal is housed facing away from prevailing winds; and
 - e. Have a self-closing door over the human and animal entryway during the winter months to protect the animal from cold temperatures.
 - f. In addition to the structural requirements of the animal's indoor enclosure area, the owner of an animal shall:
 1. Ensure that the indoor enclosure area remains at an ambient temperature that will maintain the good health of the exotic animal;
 2. Provide proper ventilation of the indoor structure by natural or mechanical means to provide fresh air for the animal and to prevent moisture condensation;
 3. Ensure that the animal has natural or artificial lighting and adequate heat and ventilation to properly provide for the health of the animal at all times;
 4. Ensure that the animal has proper bedding in sufficient quantity for insulation against the cold and dampness and that is changed regularly; and
 5. Maintain the indoor enclosure area in good repair to protect the animal from injury and to prevent escape.
- (g) **Notification Signs.** All owners/permittees of an exotic animal(s) shall have continuously posted and displayed at each normal entrance onto the premises where an exotic animal is kept a conspicuous sign, clearly visible, and easily readable by the public, warning that there is an exotic animal on the premises. At least one such sign shall be located within twenty (20) feet of the animal's confinement area using the words "BEWARE OF _____", with the last word to indicate the type of exotic animal that is being confined. In addition, the permittee shall conspicuously display a sign with a warning symbol that adequately informs children of the presence of an exotic animal.
- (h) **Escape and Liability for Escape.**
- (1) **Notification of Escape.**
- a. An owner/permittee shall immediately notify the Village Administrator, local Humane Society, the Village's animal control officer and the County Sheriff's Department of the escape of any exotic animal for which a permit is required

- b. No person may intentionally release an exotic animal. If an exotic animal is released by any party, authorized or unauthorized, the owner/permittee is liable for all expenses associated with efforts to recapture the animal, and may, in addition, be subject to a forfeiture.

(2) **Liability.**

- a. The owner/permittee shall be liable for all costs incurred by any public authority or their agents and resulting from the escape of any animal for which a permit is required, including boarding, placement, veterinarian and legal fees.
- b. Neither the Village or any agent of the Village shall be liable for the loss, death, injury or destruction of any animal for which a permit is required, nor shall the Village be liable for any injury or damage caused by any animal for which a permit is required and issued under this Section.

- (i) **Inspection.** The owner/permittee of an exotic animal, at all reasonable times, shall allow designated inspectors of the Village, humane officers and law enforcement authorities to enter the premises where the animal is kept to ensure compliance with this Section as a condition of permit issuance. Village representatives shall conduct a minimum of three (3) periodic, unannounced inspections of the outdoor and indoor enclosure areas per twelve (12) month period for USDA-designated dangerous exotic animals, and a minimum of one (1) such unannounced inspection per twelve (12) month period for non-dangerous exotic animals, to ensure that said areas are being maintained in the manner required by this Section.

(j) **Restraint and Impoundment.**

(1) **Animals At Large May Be Impounded.**

- a. All exotic animals shall be kept confined or under proper restraint by their owners as provided herein and shall not be permitted to run at large. Unrestrained exotic animals and animals running at large may be taken into custody in accordance with Chapter 173, Wis. Stats., and impounded at any facility deemed appropriate for the protection of the public and with facilities and equipment that permit the facility to adequately care for the animal. Such animals shall be considered to be abandoned.
- b. Law enforcement authorities, designees of the Village Board, humane officers or law enforcement officers, upon receipt of information indicating probable cause of a violation of this Section, may in his/her discretion, and after investigation, seize and impound an animal in emergency situations or where previous written notice has failed to produce compliance and when otherwise authorized by law.

(2) **Failure to Reclaim; Costs.**

- a. If an owner fails to reclaim an exotic animal within seven (7) days of taking the animal into custody, the Village Board shall consider the animal to be unclaimed, as authorized by Section 173.23(1m), Wis. Stats., and shall take such steps as authorized by law. The Village may contact the American Zoo and Aquarium Association for further assistance.

- b. The animal's owner is liable for the costs of capture, care and placement for the exotic animal from the time of confiscation until the time of return to the owner, until the animal is disposed of, or until the time the animal has been relocated to an approved facility, such as a proper wildlife sanctuary.
- c. If an exotic animal is confiscated due to the animal being kept in contravention of this Section, the animal's owner is required to post a security bond or cash deposit with the Village and/or animal control authority in an amount sufficient to guarantee payment of all reasonable costs expected to be incurred in caring and providing for the animal, including, but not limited to, the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The posting of the bond or cash deposit shall not prevent the Village or animal control authority from disposing of the animal as permitted by law at the end of the thirty (30) days.
- d. An exotic animal may be returned to its owner only if, to the satisfaction of the Village Board, the possessor has a valid Village exotic animal permit, has corrected the conditions resulting in the confiscation, and has paid in full the cost of placement and care of the animal while under the care and control of the Village or Humane Society.
- e. If the owner of a confiscated exotic animal cannot be located or if a confiscated animal remains unclaimed, the Village or Humane Society may, at its discretion, contact an approved facility, such as an institution accredited by the American Zoo and Aquarium Association (AZA), allow the animal to be adopted by a party who can satisfy the permit requirements of this Section, or may euthanize the animal as permitted by law.
- f. If an escaped exotic animal cannot be recaptured safely and is posing a threat to public health and safety, authorities may euthanize the animal as permitted by law.

(k) **Animal Care.**

- (1) **Food and Water.** No owner shall fail to provide an exotic animal in his/her care with sufficient food, potable water, or shelter when needed.
- (2) **Humane Treatment.** No person shall ill-treat, beat, torment or otherwise abuse an exotic animal.

(l) **Incidents Causing Injury.**

- (1) **Notification.** All incidents in the Village of Bristol in which an exotic animal injures or is suspected of injuring any person or domesticated animal shall be reported by the permittee to the Village Administrator or Village Clerk within two (2) hours of the incident.
- (2) **Liability.** The owner of an exotic animal shall be responsible for all expenses incurred as a result of an injury inflicted or suffered by an exotic animal, whether expenses are incurred by the family of the victim, the victim, the Village of Bristol or on behalf of the animal involved.

(m) **Sanitation.**

- (1) **Fecal Matter; Odor.** Any person who owns, harbors, keeps, or controls an exotic animal shall be responsible for keeping his/her property properly clean of fecal matter and to keep obnoxious odors under control.
- (2) **Waste Disposal.** Disposal of all animal waste shall be in a manner that is consistent with normal agricultural practices and adequately protects human and animal health.

(n) **Limitation on Exotic Animal Numbers.** No person shall own, harbor or keep in his/her possession on any one parcel of property more than two (2) exotic animals over five (5) months of age at any one time, nor shall any person retain a litter/offspring, or portion thereof, of exotic animals longer than five (5) months following birth.

(o) **Compliance; Enforcement**

(1) **Transition Period.**

- a. As a measure deemed necessary by the Village Board to protect the public safety, health and welfare, this Section shall apply to owners of exotic animals in the Village of Bristol and who possess, harbor, board or keep an exotic animal(s) on the effective date of this Section.
- b. All such existing exotic animal owners shall file with the Village Clerk the location, species, gender and age of each such exotic animal within thirty (30) days of the effective date of this Section.
- c. All such existing exotic animal owners shall comply with this Section, including applying for an exotic animal permit, within ninety (90) days of the effective date of this Section.
- d. An exotic animal permit may be issued by the Village Board under the standards and procedures of this Section. Failure to apply for, and be granted, an exotic animal permit shall result in the animal being removed from its owner by the Village, or its designees, within six (6) months of the effective date of this Section.

- (2) **Enforcement.** The Village Administrator, with the assistance of the Humane Society and other law enforcement authorities, and such veterinarian assistance as may be needed shall be primarily responsible for the enforcement of this Section. The Village Board may appoint additional persons as may be necessary to assist with the enforcement of this Section.

(p) **Wolf/Dog Hybrid Regulation and Confinement.** The provisions of this Subsection address the unique public health and safety concerns involved with the keeping of wolf/dog hybrids:

- (1) **Definitions.** A "wolf/dog hybrid" is defined as any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote jackal or dingo or resulting from the mating of any wolf/dog hybrid and another wolf/dog hybrid or a domesticated dog. As used herein:
 - a. **Canine Animal.** Includes all members of the family *canidae* except foxes.
 - b. **Domesticated Dog.** *Canis familiaris*.
 - c. **Wolf.** Includes both *canis lupus* and *canis niger*.

- d. *Coyote. Canis latrans.*
 - e. *Jackal. Canis Aurens.*
 - f. *Dingo. Canis dingo.*
- (2) **Prohibition on Unregistered Animals.** No person shall harbor, keep or maintain within the Village of Bristol any wolf/dog hybrid which has not been registered pursuant to Subsection (p)(11) below on or before January 30, 2011. This prohibition shall not apply to animals being transported through the limits of the Village of Bristol within a one (1) hour period of time. A pup born to a female wolf/dog hybrid so registered shall be removed from the Village of Bristol before it has reached the age of five (5) months. Wolf/dog hybrids permitted in the Village of Bristol shall be confined as set forth in this Subsection.
- (3) **Removal; Impoundment.** Whenever any person is charged with harboring, keeping or maintaining a wolf/dog hybrid in the Village of Bristol which has not been registered on or before January 30, 2011, that person shall remove said animal from the Village of Bristol until a trial on the citation. If said animal has not been so removed within forty-eight (48) hours of the service of the citation, the said animal may be impounded as directed by the Village Board until the trial on the citation. In that case, the owner of any such animal shall pay all expenses incurred due to such impoundment, including but not limited to the cost of shelter, food, handling and veterinary care. If it is determined by plea or trial that said animal is a wolf/dog hybrid not registered pursuant to Subsection (p)(11) on or before January 30, 2011, it shall be removed from and not returned to the Village of Bristol.
- (4) **Confinement Requirements.** The owner of any wolf/dog hybrid permitted to be kept in the Village of Bristol, and the owner of any property on which such wolf/dog hybrid is kept, shall see that the animal is at all times confined according to the minimum requirements of this Subsection. A wolf/dog hybrid may be kept only in enclosures that meet the following minimum requirements:
- a. The first enclosure shall be constructed of not less than nine- (9-) gauge galvanized chain link fencing, with mesh openings not greater than two (2) inches, which shall be securely anchored by stainless steel or copper rings, placed at intervals not greater than six (6) inches apart, to a poured concrete base as described herein. Such enclosure shall be not less than five hundred (500) square feet in area, plus two hundred fifty (250) square feet for each additional canine animal kept therein. Such enclosure shall be the location in which any wolf/dog hybrid is primarily kept.
 - b. The first enclosure shall extend to a height of not less than eight (8) feet, and shall be surrounded from ground level to a height of not less than four (4) feet by one-quarter (1/4) inch galvanized mesh screening.
 - c. The first enclosure shall have a full top, which shall also be constructed of not less than nine- (9-) gauge chain link fencing with mesh openings not greater than

- two (2) inches, and which shall be securely anchored to the sides of the enclosure. The entire base of the first enclosure shall be a poured concrete slab floor at least four (4) inches thick.
- d. The second enclosure shall consist of a securely anchored fence at least eight (8) feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than eight (8) feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than six (6) feet from any part of the first enclosure. Said fence shall be a "vision barrier" fence, no more than five percent (5%) open for through vision, except, however, that the portion of said fence facing the dwelling of the owner of said animals or of the property on which they are kept shall be constructed of not less than nine- (9-) gauge chain link fencing, to provide for observation of said animals. If any portion of said fence is made of wood, the finished or painted side thereof shall face outward from the first enclosure.
 - e. Both enclosures shall be kept locked with case hardened locks at all times when an animal is unattended by an adult. The first (innermost) enclosure shall have double entrance gates or doors situated and constructed in such a fashion as to prevent an animal from escaping past an open gate or door. The gates or doors providing access to the first (innermost) enclosure shall be spring-loaded, so as to shut on their own accord behind anyone entering that enclosure.
 - f. Within the first enclosure, shelter shall be provided adequate to protect the animals confined against weather extremes. The first enclosure shall be regularly cleaned to remove excreta and other waste materials, dirt and trash, in a manner adequate to minimize health hazards and avoid offensive odors.
 - g. The above described enclosures shall be located in the rear yard of any property on which a wolf/dog hybrid is kept, as defined in the applicable Zoning Code.
- (5) **Transportation and Muzzling of Animals.** A wolf/dog hybrid may be transported only if confined in a secure, locked container, covered with one-fourth (1/4) inch galvanized fine mesh screen. This paragraph shall not prohibit the walking of such animals, provided they are muzzled and restrained by a leather lead, at least one (1) inch in diameter and not exceeding three (3) feet in length, attached to a metal choker-type collar, under the control of an adult. The muzzle must be made in a manner that will not cause injury to the wolf/dog hybrid or unduly interfere with its vision or respiration, but will prevent it from biting any person or animal.
- (6) **Right of Inspection.** To insure compliance with this Subsection, any person possessing any registration papers, certificate, advertisement or other written evidence relating to the bloodlines or ownership of a canine animal found within the Village of Bristol shall produce the same for inspection on demand of any law enforcement, conservation or public health officer or court.
- (7) **Limitation on Numbers.** No person shall own, harbor or keep in his/her possession on any one parcel of property more than two (2) wolf/dog hybrids over five (5)

- months of age at any one time, nor shall any person retain a litter or portion of a litter of wolf/dog hybrids longer than five (5) months.
- (8) **Veterinary Exception.** The foregoing provisions of this Subsection shall not apply to doctors of veterinary medicine in temporary possession of wolf/dog hybrids in the ordinary course of their practice.
- (9) **Abandonment or Negligent Release.** No person shall willfully or negligently release or abandon a wolf/dog hybrid as defined herein within the Village of Bristol.
- (10) **Nonconforming Enclosures.** As to any person keeping wolf/dog hybrids in existing enclosures in the Village of Bristol on the date of passage of this Section, Subsection (p)(4) shall take effect on January 30, 2011; for all other persons, said Subsection shall take effect and be in force from and after passage and publication as provided by law. The remaining provisions of this Subsection shall take effect and be in force from and after passage and publication as provided by law.
- (11) **Wolf/Dog Hybrid Registration.** All owners of any wolf/dog hybrid in the Village of Bristol shall, on or before January 30, 2011, and annually thereafter on or before January 30th of each year, register such animal and provide a current color photograph of such animal with the Village Clerk's office and pay an annual registration fee as prescribed in Sec. 1-3-1. At the time of registration, each owner of any wolf/dog hybrid kept within the Village limits shall provide to the Village Clerk proof of liability insurance in the amount of at least One Million Dollars (\$1,000,000.00) for any acts of property damage, personal injury or other liability incurred by virtue of any injury or damage inflicted by such wolf/dog hybrid. Such insurance shall name the Village of Bristol as co-insured solely for the purpose of notice of cancellation of such insurance policy.
- (12) **Warning Sign.** The owner or keeper of a wolf/dog hybrid shall display on the premises on which such animal is kept signs warning that there is a wolf/dog hybrid on the property as provided herein. Such signs shall be visible and capable of being read within at least twenty (20) feet of their placement, but shall not be more than two (2) square feet in area, and shall state in bold, capital letters, on a white background, the following: "WARNING — WOLF/DOG HYBRIDS PRESENT". One such sign shall be placed in the front yard of any property on which any wolf/dog hybrid is kept, and additional such signs shall be placed on all gates or doors providing access through the second (outermost) enclosure required above.
- (q) **Penalties.** The following penalties shall apply to all violatons of this Section, including Subsection (p) governing wolf/dog hybrids:
- (1) **Forfeiture.** Any person who fails to comply with the provisions of this Section shall, upon adjudication of the violation, be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) per violation, plus the costs of prosecution and any assessments and expenses related to enforcement authorized elsewhere in this Section. Each day of violation shall

constitute a separate offense. This penalty is in addition to any other remedies for non-compliance set forth elsewhere in this Section.

- (2) **Interference With Enforcement.** It is unlawful for a permittee/owner or any other person harboring, keeping, boarding or maintaining an exotic animal to fail to comply with the provisions of this Section, and/or for any person on the permittee's premises to interfere with the enforcement or administration of this Section.

Sec. 7-1-10 Equestrian Estate Horsekeeping; Keeping of Large Animals.

(a) Intent and Purpose.

- (1) This Section shall be applicable for parcels in the Village of Bristol zoned R-1 by the Kenosha County Zoning Ordinance at the time of Code of Ordinances adoption, and as subsequently zoned by its Village Zoning Code requirement, which are a minimum of five (5) acres in size and adjacent to parcels zoned R-1, Agriculture or Conservancy.
- (2) The Village Board of the Village of Bristol is initially utilizing the Kenosha County Zoning Ordinance post-incorporation until a new Village Zoning Code is adopted. The Kenosha County Zoning Ordinance is a guide for land use within the Village of Bristol, and §12.16-1 of said zoning ordinance provides that "Restriction of the number and type of animals and pets permitted within a particular district shall be the responsibility of the local town boards."
- (3) The keeping of large animals on small tracts of land has given rise to a number of complaints by abutting owners.
- (4) The intent and purpose of this Section is to regulate the keeping of horses and large animals for the owner's enjoyment on large residential parcels, balancing that use with the rights of neighbors to enjoy their property..

- (b) **Keeping Horses, Large Animals or Fowl on Non-Agricultural Parcels Restricted.** No person shall keep, harbor, feed or breed any of the hereinafter defined large animals or fowl in any business, manufacturing, or residentially zoned district. [Note: References to horse keeping standards in this Section shall also pertain to other large animals identified in this Section]. Except that, subject to the following limitation, large animals may be kept on any parcel of land meeting the definition in Subsection (a)(1) above:

- (1) **Horses.** No more than two (2) horses for each five (5) acres, with one (1) additional horse permitted for each acre over five (5) acres.
- (2) **Dairy Cows or Steers.** No more than two (2) dairy cows or steers for each five (5) acres, with one (1) additional cow/steer permitted for each acre over five (5) acres.
- (3) **Sheep, Goats, Swine.** Not more than two (2), or combination of five (5), sheep, goats, or swine for each five (5) acres, with one (1) additional such animal permitted for each acre over five (5) acres.

- (4) **Fowl.** Not more than one (1) flock of twenty (20) or combination of twenty (20) chicken, geese, ducks, turkeys, pheasants or peacocks.
- (c) **Public Nuisances.** The owner shall do all things necessary to prevent the keeping of said animals or fowl from becoming a public nuisance. No building permit for an animal or fowl shelter shall be granted unless the Building Inspector shall visit the premises and determine that the construction of such shelter is located on the owner's premises, with sufficient setback from property lines, which may be greater than those set forth in the Kenosha County Zoning Ordinance or Village Zoning Code, to prevent such shelter from becoming a nuisance to neighbors.
- (d) **Exception.** This Section shall not apply to any lands in a district zoned agricultural.

Cross-Reference: Section 7-12-1, Large Livestock Operations

Section 7-1-10, Keeping of Large Animals - Lands Not Abutting Farms

Sec. 7-1-11 Penalties.

- (a) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4, 7-1-5, 7-1-10 or 7-1-11 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- (2) An owner who refuses to comply with an order issued under Section 7-1-7 to deliver an animal to an animal control or public safety officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (b) Any person who violates Section 7-1-6 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

Title 7 ► Chapter 2

Fermented Malt Beverages and Intoxicating Liquor

Article A Fermented Malt Beverages and Intoxicating Liquor

7-2-1	State Statutes Adopted
7-2-2	Definitions
7-2-3	License Required
7-2-4	Classes of Licenses
7-2-5	License Fees
7-2-6	Application for License
7-2-7	Qualifications of Applicants and Premises
7-2-8	Investigation
7-2-9	Approval of Application
7-2-10	Granting or Denial of License
7-2-11	Transfer and Lapse of License
7-2-12	Numbering of License
7-2-13	Posting Licenses; Defacement
7-2-14	Conditions of License
7-2-15	Closing Hours
7-2-16	Restrictions on Temporary Fermented Malt Beverage or Wine Licenses
7-2-17	Revocation and Suspension of Licenses; Non-Renewal
7-2-18	Non-Alcohol Events for Underage Persons on Licensed Premises
7-2-19	Outdoor Commercial License for Class "B" Licenses
7-2-20	Cabaret Licenses
7-2-21 through	
7-2-29	Reserved for Future Use

Article B Operator's License

7-2-30	Operator's License Required
7-2-31	Procedure Upon Application

7-2-32	Duration
7-2-33	Operator's License Fee
7-2-34	Issuance or Denial of Operator's Licenses
7-2-35	Training Course
7-2-36	Display of License
7-2-37	Revocation of Operator's License
7-2-38 through	
7-2-39	Reserved for Future Use

Article C Penalties

7-2-40	Penalties
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Article A: Fermented Malt Beverages and Intoxicating Liquor

Sec. 7-2-1 State Statutes Adopted.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.

State Law Reference: Ch. 125, Wis. Stats.

Sec. 7-2-2 Definitions.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

Sec. 7-2-3 License Required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his/her possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

Sec. 7-2-4 Classes of Licenses.

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the Village Clerk under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

- (b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Village Clerk under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) **Reserve "Class B" Licenses.** A Reserve "Class B" license means a license that is not granted or issued by the Village on December 1, 1997, and that is counted under Sec. 125.51(4)(br), Wis. Stats., which, if granted or issued, authorized the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorized the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (d) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (e) **Class "B" Fermented Malt Beverage Retailer's License.**
 - (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
 - (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (f) **Temporary Class "B" Fermented Malt Beverage License.**
 - (1) **License.** As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses 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 authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Village Board.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

(g) **Temporary "Class B" Wine License.**

- (1) **License.** Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses 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 authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.
- (h) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Village Clerk under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (i) **Retail "Class C" Licenses.**
- (1) In this Subsection, "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 Sec. 125.04(5), Wis. Stats., 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 if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or 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.

Cross Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

There shall be the following classes of licenses which, when issued by the Village Clerk under the authority of the Village Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- (b) **Class "B" Fermented Malt Beverage License.**
- (1) The annual fee for this license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
 - (2) A Class "B" fermented malt beverages license may also be issued to bona fide clubs, 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 authorizing the sale of fermented malt beverages at a particular picnic or similar gathering and at a meeting of the post. The fee for the license shall be as prescribed by the Village's Fee Schedule in Sec. 1-3-1.
- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be per event in accordance with the Village Board's current fee schedule in Sec. 1-3-1.
- (d) **Temporary "Class C" Wine License.** The fee for this license shall be per event in accordance with the Village Board's current fee schedule in Sec. 1-3-1. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1.
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1.
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (h) **Reserve "Class B" Licenses.** A Reserve "Class B" license means a license that is not granted or issued by the Village on December 1, 1997, and that is counted under Sec. 125.51(4)(br), Wis. Stats., which, if granted or issued, authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

Sec. 7-2-6 Application for License.

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department

of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Clerk not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The Village Clerk shall publish each application for a Class "A", Class "B", "Class A" or "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in a newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.** Retail intoxicating liquor licenses issued by the Village Board shall be limited in number to the quota prescribed by state law.

Sec. 7-2-7 Qualifications of Applicants and Premises.

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A", "Class B" or "Class B" Reserve intoxicating liquor license shall be granted only to persons, or their agents, who are citizens of the United States and who have been residents of the State of Wisconsin and Kenosha County continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he/she has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the

- agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
- (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
 - (g) **Separate License Required for Each Place of Sale.** A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
 - (h) **Residential Areas.** No "Class B" fermented malt beverage license may be issued for any premises where forty percent (40%) or more of the property fronting on both sides of the same street in the same block whereon the premises is located is used for residence purposes if a written objection is filed with the Village Clerk signed by owners of more than eighty percent (80%) of such residence property.
 - (i) **Off-Street Parking Facilities.** No "Class B" intoxicating liquor license shall be issued for any premises unless said premises provides off-street parking stalls equal in number to fifty percent (50%) of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this Subsection.
 - (j) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

- (k) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
 - (2) A restaurant whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.
 - (4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
 - (5) A combination novelty store and tavern.
 - (6) A bowling alley or recreation premises.
 - (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

Sec. 7-2-8 Investigation.

The Village Clerk shall notify an appropriate law enforcement agency, the Building Inspector, and the Fire Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Clerk in writing, who shall forward to the Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

Sec. 7-2-9 Approval of Application.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village of Bristol are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Village of Bristol.

- (c) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-10 Granting or Denial of License.

- (a) In the event the application is for a "Class A" or a "Class B" intoxicating liquor or fermented malt beverage license at a site not previously licensed under this Chapter, the Village Clerk shall schedule public hearings before the Village Board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of three hundred (300) feet of the proposed site of the dates of the hearings. The notice shall be given at least ten (10) days before the hearing and may be given by mail.
- (b) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village of Bristol. The full license fee shall be charged for the whole or fraction of any year.
- (c) If the Village Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. Such written notice shall

be mailed or served upon the applicant at least ten (10) days prior to the Village Board meeting at which the application is to be reconsidered.

Sec. 7-2-11 Transfer and Lapse of License.

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the Village Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Village Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village of Bristol.

Sec. 7-2-12 Numbering of License.

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. The Village Clerk shall affix to the license his/her affidavit as provided by Sec. 125.04(4), Wis. Stats.

Sec. 7-2-13 Posting Licenses; Defacement.

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

Sec. 7-2-14 Conditions of License.

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto.

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village of Bristol at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B" or Class "B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B" or "Class C" license unless he/she possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet 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 maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection 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 three hundred (300) feet thereof by any school building, hospital building or church building.

- (g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) **Credit Prohibited.** No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (i) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (j) **Improper Exhibitions.** It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
 - (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - (3) Exposes any portion of the female breast at or below the areola thereof; or
 - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.
- (k) **Indoor Pyrotechnic Displays Prohibited.** No indoor pyrotechnic display or fireworks display of any kind is allowed in the licensed premises, nor any unlicensed property attached to the licensed premises.

Annotation: See *Colonnade Catering Corp. v. United States*, 397 U.S. 72, 90 S. Ct. 774 (1970); and *State v. Erickson*, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

Sec. 7-2-15 Closing Hours.

Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:

(a) **Class "B" Licenses.**

- (1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
 - (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
- (b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

Sec. 7-2-16 Restrictions on Temporary Fermented Malt Beverage or Wine Licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Village-owned property or privately-owned property within the Village of Bristol, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Village Board in accordance with the Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on Village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control

ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.

- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Bristol. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross Reference: Section 11-4-1.

Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

(a) **Procedure.**

- (1) The Village of Bristol shall follow the procedure outlined in Ch. 125.12, Wis. Stats., when taking suspension/revocation action against any alcohol beverage license issued by the Village Board.
- (2) If the action is initiated by a citizen or a board member, the Village Board may take immediate action and upon notice hold a hearing under Sec. 125.12, Wis. Stats.
- (3) If the action is resulting from the arrest of a license holder, or agent thereof, and upon conviction in circuit court, the Village Board shall hold a hearing under Sec. 125.12, Wis. Stats., for all second and subsequent convictions.

(b) **Penalties.**

- (1) All actions being affirmed by the Village Board, or any conviction under Ch. 125, Wis. Stats., in Circuit Court against an Alcohol Beverage License holder, shall be considered as a violation under this Section.
- (2) Violations shall be counted from date of said violation and shall accrue for a period of thirty-six (36) months.

- (3) All actions where the complaint is found true by the Village Board shall result in the following penalties:
 - a. First action approved by the Board shall result in a minimum ten (10) day to a maximum nineteen (19) day suspension.
 - b. Second action approved by the Board shall result in a minimum twenty (20) day to a maximum twenty-nine (29) day suspension.
 - c. Third action approved by the Board shall result in a minimum thirty (30) day to a maximum forty (40) day suspension.
 - d. Fourth action approved by the Board shall result in a twelve (12) month revocation.
- (c) **Continuing Business License Requirements.**
 - (1) It shall be a condition of maintaining and keeping a license in the Village of Bristol, that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business or intending to resume doing business under conditions of this Chapter, as defined as follows, is declared to be against public policy, and thus lacking in usefulness.
 - (2) Any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Bristol Village Board by amendments or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such law restrictions and regulations, his/her license may be revoked in accordance with this Chapter. In the event of revocation of any license or any violations of any provisions of this Chapter, or by the court for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
 - (3) "Business continuation" of a license is hereby defined to mean as follows: Should a license issued under this Chapter not be used within sixty (60) days after its issuance and/or adoption of this Chapter, such situation may be grounds for cancellation of the license in accordance with the provisions of this Section. In addition, all persons issued a license to sell alcohol beverages in the Village for which a quota exists limiting the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eight (180) days, in which event this Subsection shall not apply.
 - (4) Holders of such licenses are required to possess the following: A premise (facility) from which to conduct business, sanitary permit, building permits, Conditional Use Permits (CUPs) when required in accordance with the applicable Zoning Code and/or Kenosha Shoreland Protection Ordinance, and meeting of any other requirements under the provisions of Village of Bristol and Kenosha County Ordinances. Further, holders of such licenses must possess necessary federal I.D. numbers, State of Wisconsin sales tax numbers, and shall meet and continue to meet

on an ongoing basis all other state and federal requirements. Approval by the Village of Bristol Village Board must also be obtained.

- (5) Exceptions to these requirements to continue to possess a necessary license would be any act of God which may damage or destroy the facility for which the license has been issued to operate the business from. In such cases, the holder of the license will be allowed a maximum of one (1) year to repair damages or rebuild the damaged or destroyed facility and again resume operating the business from the premises for which the license issued was intended. The holder of a license of a damaged or destroyed business shall also be required to meet with the Village Board at that Board's discretion to discuss the situation and progress. Again, the Board reserves the right to revoke such license if, in its opinion, progress toward repair or rebuilding is not progressing in a timely manner. In such cases, the holder of the license has the express right to request a hearing, and any other appeal avenues which may be available to the license holder.
- (6) In the event any licensed party violates this Chapter, disciplinary action may be taken by the Village Board, including reprimand, suspension of the license for a specified number of days [maximum of ninety (90) days], or revocation of the license. Any license that has been revoked shall not be reinstated within the following six (6) months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will specify the reason for the hearing, and the subsequent decision of the Board, will be sent by first class mail to the last known address of the licensee, or personally served, at the option of the Village President.
- (7) In the event disciplinary action is taken against a licensee, the state procedure mandated under present Sec. 125.12, Wis. Stats., or its successor, will be followed. At present, said procedure requires personal service of the hearing notice (summons and complaint), and a hearing within three to ten (3-10) days thereafter.
- (8) As specified by law, there shall be no refund of any license fee paid to a party whose license is revoked.
- (9) In lieu of a hearing, the Village Board may accept surrender of the license, and the Village Board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
- (10) Evidence and testimony at the hearing shall be done in open session. Pursuant to Sec. 19.85(1)(a), Wis. Stats., the Village Board may go into closed session to deliberate with regard to its decision, where that possibility and option have been properly and legally listed on the hearing notice posted and/or published. The Village Clerk shall see that the hearing notice is posted and/or published, in format acceptable to the Village President.

Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the Village Office at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Village Clerk during normal working hours. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Village in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (b) During the period of any non-alcohol event a notice card prescribed by the Village shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Village to a requesting licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

Sec. 7-2-19 Outdoor Commercial License for Class "B" Licenses.

- (a) **Intent.** The intent of this Section is to regulate and provide for the safety of the general public and also comply with state laws on serving of fermented malt beverages.
- (b) **Scope.** This Section regulates outdoor commercial Class "B" licenses serving alcoholic beverages.
- (c) **Payment of Fee.** A fee per Sec. 1-3-1, per Section 125.26(4), Wis. Stats., will be required for any license and shall be paid at the office of Village Clerk before the granting of a license under this Section. No fee paid shall be refunded unless the license is denied. The outdoor commercial license shall be in addition to the base Class "B" license.

(d) **Application; Determination.**

- (1) Unless otherwise provided, application for a license shall be made to the Village Clerk. The applicant shall furnish a site plan as to the locations of the proposed activity and other such facts as may be required for or be applicable to the granting of such license.
- (2) Approval of the Village Board is required prior to the issuance of any license. No outdoor commercial license shall be issued for any premises or to any person which would come under Secs. 125.10 through 125.13, Wis. Stats., for authority to approve, deny or regulate licenses.
- (3) Unless otherwise provided by action of the Village Board, the license year shall end on June 30th of each year.
- (4) Unless otherwise provided by action of the Village Board, no license fee under this Section shall be prorated.
- (5) No license fee shall be refunded if a license is surrendered or revoked for cause.
- (6) As a condition of license issuance, the Village Board may impose limitations on the size of the outdoor area that is licensed.

(e) **Suspension or Revocation of License.** Except as otherwise provided by action of the Village Board, any outdoor license granted under this Section may be suspended or revoked by the Village Board for cause after giving the licensee an opportunity to be heard, as prescribed elsewhere in this Chapter.

(f) **Safety Regulations Regarding Outdoor Licenses.**

- (1) **Inspection of Premises.** The Village Clerk shall notify the State Sanitarian, Kenosha County Sheriff's Department, the local Fire Department, if applicable, and the Village Building Inspector of all license applications. These officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. No license provided for in this Section shall be issued without the approval of the Village Board.
- (2) **Search of Licensed Premises.** It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by the Kenosha County Sheriff's Department and/or Village of Bristol authorized officials without warrant, and the application for the license hereunder shall be deemed to consent to this provision. Any refusal to permit such inspection or refusal to cooperate with any lawful police investigation shall automatically operate as a revocation of any license hereunder and shall be deemed a violation of this Section. (Please note the provisions of Sec. 125.12, Wis. Stats.).
- (3) **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary and safe manner and conform to the sanitary, safety and health requirements of the Wisconsin Department of Commerce pertaining to buildings and plumbing, and to the rules and regulations of the Wisconsin Department

- of Health applicable to restaurants [Sec. 125.68(5), Wis. Stats.] and to all such ordinances adopted by the Bristol Village Board and Kenosha County.
- (4) **Posting of License.** Every license required by this Section shall be framed and posted and at all times displayed as provided in Sec. 125.04(10), Wis. Stats. License certificates shall show the name of the licensee, date of issue, activity licensed and the terms of the license issued. License certificates shall be signed by the Village Clerk. The Village Clerk shall keep a record of all licenses issued.
 - (5) **Gambling and Disorderly Conduct Prohibited.** Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling (except as permitted by state law) shall be allowed at any time on such premises. Any Kenosha County Sheriff's Department personnel or duly authorized Village of Bristol official may order any disorderly premises closed until 8:00 a.m. the following day when, in reasonable view of the Sheriff's Department or authorized Village personnel the licensee or person in charge failed to maintain peace and order or the Department otherwise believes that the public peace and safety is served by such closing by reason of threat to bodily security, property or peaceful repose of any member of the general public.
 - (6) **Employment of Underage Person.** No licensee shall employ any underage person who does not have a valid operators license to serve, sell, dispense or give away any alcohol beverage.
 - (7) **Permitted Cups and Cans Only.** Intoxicants will be sold outdoors only in foam or plastic cups or original cans. The use of glass bottles or containers is prohibited.
 - (8) **Lighting.** Glare from outdoor lighting associated with the premises licensed by the outdoor commercial license shall not excessively intrude upon neighboring properties.
- (g) **Outdoor Sports Activity Standards.** In addition to other provisions in this Section, the following standards shall apply to any outdoor sports activity regulated under this Section:
- (1) Approval of an application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically licensed.
 - (2) If the estimated number of participants and spectators shall bring the number of persons on the property above the number for which licensed premises' restroom facilities are rated adequate, the Licensee shall provide a number of portable temporary restrooms sufficient to serve the estimated number of persons.
 - (3) The Village Board shall not grant approval to any applicant whose property on which the activity or event is proposed is adjacent to any property zoned residential or on which a residential use exists as a nonconforming use, or within fifty (50) feet of any property zoned residential or on which a residential use exists as a nonconforming use. Fencing may be required.
 - (4) The applicant shall provide parking adequate for the proposed activity or event, whether on-site or through agreements with property owners shown to the Village Board's satisfaction to permit their property to be used for parking for the proposed activity or event.

- (5) The applicant shall show the Village Board plans adequate to provide reasonable access to participants and spectators for the event, and to limit access for all other persons.
 - (6) The Licensee shall clean up all garbage and debris relating to the activity or event at least once per twenty-four (24) hours during the activity or event.
 - (7) The Licensee shall not permit the noise level of the sports activity or event to exceed seventy-five (75) dB, measured at any border of the Licensee's real property. Amplified music or sound is not permitted.
 - (8) Outdoor volleyball courts, horseshoe pits, or other athletic areas licensed as premises shall cease operation after 11:00 p.m. of each day in such outdoor areas. In addition, no amplified sound shall be permitted in the outdoor premises.
- (h) **Standards on Issuance of Beer Garden Permits.** In addition to other requirements in this Section, the following shall apply to beer gardens:
- (1) No permit shall be issued for a beer garden if any part of the beer garden is within fifty (50) feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises or located on a commercially-zoned parcel.
 - (2) No permit shall be issued for a beer garden if the beer garden area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises.
 - (3) Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden.
 - (4) No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the beer garden.
 - (5) There shall be a licensed operator with the beer garden at all times the beer garden is in operation.
- (i) **Fencing.**
- (1) A Class "B" fermented malt beverage and/or intoxicating liquor licensee whose premises are expanded to outdoor areas such as patios, volleyball pits, outdoor sports areas, beer gardens and the like shall be required to install fencing around the perimeter of the outside premises. Such fencing may consist of wire mesh in combination with vegetation, solid vegetation, wood, plastic, or other similar material or a wall which will provide for an enclosed area on the outside of the licensed premises. Such barrier shall be a minimum of six (6) feet in height.
 - (2) Prior to installation of such fencing or wall, a diagram of the proposed barrier shall be presented to the Village to ensure that the proposed barrier will adequately protect neighbors, limit noise, and prevent or limit access by underage individuals and provide visibility to law enforcement to ensure the premises is complying with alcohol beverage requirements.
 - (3) That in lieu of the fencing or barrier required above, the Village may authorize the use of security personnel to patrol such outdoor premises on a full time basis during such times that the outdoor premises are open for business.

Sec. 7-2-20 Cabaret Licenses.

(a) License Requirement; Scope of License.

(1) Requirement for Cabaret License.

- a. No holder of a Class "B" alcohol or fermented malt beverage license shall within the Village of Bristol provide for his/her patrons, unless he/she first shall have obtained a cabaret license, regular or probationary, from the Village Clerk, any of the following:
 1. The music of one (1) or more musician(s) and dancing privileges.
 2. Specifically feature or advertise dancing on the premises using mechanical devices to produce music.
 3. Furnish entertainment by, or performance of, any act, stunt or dance by performers under his/her auspices, whether such performers or dancers are compensated or not.
- b. This Section shall not apply to holders of Temporary Class "B" retailer licenses to sell fermented malt beverages at appropriate gatherings.
- c. Nothing in this Section shall prohibit the use of coin-operated mechanical devices to produce music provided a license holder does not specifically feature or advertise dancing in his/her premises in conjunction with the use of such coin-operated mechanical devices for the production of music. However, nothing contained herein shall eliminate the requirements of licensing such coin-operated amusement device under Village ordinances.

(2) Requirement Criteria. A regular or probationary cabaret license, as defined herein and upon approval of the Village Board for the issuance thereof, shall be issued such license for one (1) or more of the following specific uses, subject to compliance with further conditions set forth by the Village Board:

- a. A disc jockey utilizing mechanical devices to reproduce music.
- b. An unaccompanied individual musician.
- c. Two (2) or more musicians.
- d. Non-musical entertainers, including, but not limited to, dancers, actors, comedians and magicians.

(b) Probationary Cabaret License.

(1) Application.

- a. The application for such cabaret license shall be filed with the Village Clerk and directed by the Village Clerk to the Village Board and shall be accompanied by the application fee prescribed in Section 1-3-1. Upon request, the application fee shall be returned on due demand less any costs of publication as herein set forth.
- b. The application shall contain the name of the applicant and the location of the place to be licensed.

(2) Notice; Hearing. Whenever such application is received by the Village Clerk, the Clerk shall publish a Class I notice, as defined by Section 985.07, Wis. Stats., of such

application in a newspaper circulated in the Village of Bristol and forward such application to the Sheriff of Kenosha County, along with a request that the Sheriff determine whether the place to be licensed will comply with applicable state and local laws, ordinances and regulations. Thereafter, the Village Board shall then hold a public hearing upon due notice on the cabaret license application, such notice of hearing to be contained in the Village Clerk's published notice.

- (3) **Determination.** After such public hearing and after due deliberation in open session, the Village Board shall vote on the application. Upon the favorable voting for granting of the license, the probationary license shall thereupon be issued by the Village Clerk. In the event the application is denied, such denial shall be based upon specific findings of fact.
 - (4) **Validity.** Each probationary cabaret license granted under this Section shall be for a period of six (6) months and each probationary license shall be subject to revocation as hereinafter provided.
 - (5) **Written Agreement; Conditions.** Probationary cabaret licenses may be granted based upon the written agreement of the applicant to comply with conditions set forth by the Village Board. Conditions may only be imposed where findings of fact have been made and which address the safety, health and/or welfare of the general population, including noise, crowd disturbances and parking.
 - (6) **Miscellaneous Provisions.**
 - a. The Village Clerk shall be responsible for drafting and issuing all probationary licenses.
 - b. All probationary cabaret licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Village Board. All such licenses shall be posted at the licensed premises in plain view.
- (c) **Regular Cabaret License.**
- (1) **Pre-Conditions for Consideration; Notice; Hearing.**
 - a. After an applicant has held a probationary cabaret license for a continuous period of six (6) months, the Village Board shall consider the issuance of a regular cabaret license.
 - b. Whenever such an application for a regular cabaret license is received by the Village Clerk, the Village Clerk shall follow the notice and hearing requirements found in Subsection (b)(2). The fee shall be as prescribed in Section 1-3-1.
 - c. The Village Board or designee shall request of the Kenosha County Sheriff to report on whether any complaints have been received by the Sheriff's Department concerning the holder of the probationary cabaret license during the term of said license. No application for a regular license shall be taken earlier than sixty (60) days prior to the expiration of the probationary license.
 - (2) **Determination.** The Village Board shall either adopt, modify, or reject the application for a regular cabaret license. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Village Clerk. If such application is

denied, the Village Board shall specify what findings were made in support of the denial.

- (3) **Validity.** Each regular cabaret license granted under this Section shall expire on June 30th of each year and each license shall be subject to revocation as hereinafter provided.

(4) **Miscellaneous Provisions.**

- a. The Village Clerk shall be responsible for drafting and issuing all such regular cabaret licenses.
- b. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Village Board. All such licenses shall be posted at the licensed premises in plain view.

(d) **Regular License Renewals.**

- (1) **Renewal Application.** Any holder of a regular cabaret license granted under this Section who wishes to renew that license shall submit his/her application for renewal at least sixty (60) days before the present license expires. Such licenses may be renewed pursuant to the provisions of Subsection (b)(2) as it applies to notice being given by the Village Clerk and hearing requirements and pursuant to the provisions of Subsection (c) as it applies to action by the Village Board.
- (2) **Fee.** All such renewal applications for renewal shall be accompanied by a fee as prescribed in Section 1-3-1. If such renewal is denied, the renewal application fee shall be returned upon due demand less any costs of publication.

(e) **Cabaret License Regulations.** Every licensee, either personally or through his/her agent or employee, shall comply with the following regulations:

- (1) **Inappropriate Conduct.** No licensee shall permit any person upon the licensed premises to perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals; or
 - c. The displaying of the pubic hair, anus, vulva or genitals.
- (2) **Inappropriate Representations.** No licensee shall show or permit the showing of films, still pictures, electronic reproductions (including television or cable television) or other visual reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals;
 - c. Scenes wherein a person displays the pubic hair, anus, vulva or genitals; or
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

- (3) **Performers' Standards.** No licensee shall furnish entertainment by, or permit the performance of, any act, depiction, stunt or dance by dancers, performers or entertainers, whether compensated or not, unless such dancers, performers or entertainers shall meet the following apparel standards when performing:

 - a. That portion of every costume to be worn by female dancers, performers or entertainers by the provisions of this Subsection, and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be the non-transparent material.
 - b. At a minimum, the top portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall encircle the body at the breast or chest area. Across the breast or chest areas, such portion of the costume shall consist of a band of material at least two (2) inches in width, and shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast (or its counterpoint of the female impersonator) completely covered at all times.
 - c. At a minimum, the lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs and mons pubis (or the counterpart of a female impersonator) and the cleavage of the buttocks at all times. Under no circumstances shall any animal fur piece or other device simulating the hair surrounding the mons pubis area that is worn in the area of the genitals and/or mons pubis constitute compliance with the costume requirements of this Section.
 - d. At a minimum, the lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so as to completely cover the sex organ and the cleavage of the buttocks at all times.
- (4) **Limitations on Dancing Performances.** No licensee shall permit dancing within six (6) feet of a bar over which patrons are directly served.
- (5) **Patron Participation Prohibited.** No licensee shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices of the management.
- (6) **Solicitation Prohibited.** Pursuant to Section 944.36, Wis. Stats., no licensee shall permit the solicitation by any entertainer, employee or musician of customers on the premises of the licensed establishment in which he or she is currently performing.
- (7) **Conduct on Premises.** Good order shall be maintained at all times. A lack of "good order" shall include, but not be limited to, persistent loud noises to the annoyance or detriment of the surrounding property owners and patrons, urinating in public, using profane language or engaging in profane conduct, or fighting.

- (8) **Compliance With Other Regulations.** The licensee shall comply with all state statutes and regulations and all Kenosha County and Village of Bristol ordinances.
- (9) **Compliance with Law Enforcement Officers.** The licensee shall obey all reasonable orders or directions of any law enforcement officers.
- (f) **License Revocation.**
 - (1) **Hearing.**
 - a. A recorded hearing shall be held for the purpose of revoking a license under this Chapter. This hearing shall be preceded by written notice to the holder of such license at least ten (10) days prior to said hearing. All hearings for revocation shall be heard before the Village Board, which hearings shall afford the holder of such license an opportunity to present the holder of such license an opportunity to present evidence on his/her behalf, to cross-examine witnesses sworn under oath, and all such other due process rights to which the applicant is entitled.
 - b. The Village Board, prior to revoking any such license, shall make specific findings of fact to support revocation of the license.
 - c. In lieu of revoking said license, conditions set by the Village Board to address specific nuisances, problems, dangers or hazards may be imposed.
 - (2) **Conviction of Other Violations.**
 - a. Conviction for the violation of any provision of State of Wisconsin and/or local alcohol beverage regulations, zoning codes, and/or building or sanitary codes, or this Chapter pertaining to cabaret licenses, shall be sufficient for the Village Board to revoke such license(s).
 - b. In the event such license is revoked, the fee paid for such license shall be forfeited and not refunded to the holder.
 - c. The revocation procedure outlined herein shall be exclusive notwithstanding the general revocation procedures that may be found elsewhere in this Village of Bristol Code of Ordinances.

Sec. 7-2-21 through Sec. 7-2-29 Reserved for Future Use.

Article B: Operator's License

Sec. 7-2-30 Operator's License Required.

- (a) **Operator's Licenses; Class "A", Class "B" or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B" or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B" or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
 - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

Sec. 7-2-31 Procedure Upon Application.

- (a) The Village Clerk may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village of Bristol.
- (b) At the Village's option, all applications are subject to an investigation by law enforcement authorities and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. These authorities may conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any

community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the authorities may recommend, in writing, to the Village Clerk approval or denial of the application. If the authorities recommend denial, the authorities shall provide, in writing, the reasons for such recommendation.

Sec. 7-2-32 Duration.

Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June.

Sec. 7-2-33 Operator's License Fee.

The annual fee for an operator's license or provisional license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1 for the term or part thereof, plus actual records check costs. The fee for a provisional license shall be in accordance with the Village Board's current fee schedule in Sec. 1-3-1.

Sec. 7-2-34 Issuance or Denial of Operator's Licenses.

- (a) After he/she approves the granting of an operator's license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b)
 - (1) If the application is denied by the Village Clerk, the Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Village Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - (2) If, upon reconsideration, the Village Board denies the application, the Village Clerk shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c)
 - (1) Consideration for the granting or denial of a license will be based on:
 - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;

- b. The financial responsibility of the applicant;
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village of Bristol, the Village reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-35 Training Course.

- (a) Except as provided in Subsection (b) below, the Village Clerk may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:
- (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Village Clerk may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Village Clerk may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

Sec. 7-2-36 Display of License.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his/her possession, or carry a license card.

Sec. 7-2-37 Revocation of Operator's License.

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.

Article C: Penalties

Sec. 7-2-40 Penalties.

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the Village of Bristol, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the Village of Bristol, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Village of Bristol.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Title 7 ► Chapter 3

Cigarette License

7-3-1 Cigarette License

Sec. 7-3-1 Cigarette License.

- (a) **License Required.** No person, firm or corporation in the Village of Bristol shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the Village Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk a license fee in accordance with the Village Board's current fee schedule.
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

Title 7 ► Chapter 4

Regulation of Large Assemblies of Persons

- 7-4-1 Permits for Large Public Gatherings
- 7-4-2 Prohibited Resale of Complimentary Tickets

Sec. 7-4-1 Permits for Large Public Gatherings.

(a) **Intent.**

- (1) It is the purpose of the Village Board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the Village of Bristol, in order that the health, safety and welfare of all persons in the Village, residents and visitors alike, may be protected.
- (2) The purpose and intent of this Section is to establish site approval for locations in the Village of Bristol used temporarily for large gatherings, as defined in Subsection (b) below, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent of this Section should be the subject of a Public Gathering Permit issued only after public hearing and a determination by the Village Board that there will be compliance with the standards set forth in this Section.

- (b) **Scope.** This Section shall apply to all public and private gatherings, rallies, assemblies or festivals at which attendance is greater than one thousand (1,000) persons for an event. The requirement for a Public Gathering Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena or other similar permanently established structure designed for assemblies or to church picnic events which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

- (c) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Person.** Any individual, partnership, corporation, firm, organization, company, association, society or group.
- (2) **Assembly.** A company of persons gathered together at any location at any single time for any purpose, and may be considered a large public gathering if it falls within the definition in Subsection (b) above.
- (3) **Public Gathering.** Shall be as defined in Subsection (b) above.

- (d) **Permit Required.** No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give away tickets to an actual or reasonably anticipated large gathering, whether on public or private property, unless a Public Gathering Permit to hold the assembly has first been issued by the Village Board. A permit to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- (e) **Application for Permit.**
 - (1) **Applicant.** Applications for a Public Gathering Permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public or private gathering, rally, assembly or festival as defined in this Section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, organization, society or group or, if there be no officers, by all members of such association, organization, society or group.
 - (2) **Filing Period.** An application for a Public Gathering Permit shall be filed with the Village Clerk not less than forty-five (45) days nor more than one hundred twenty (120) days before the date on which it is proposed to conduct the event.
- (f) **Required Application Information.** The application for a Public Gathering Permit shall contain and disclose all of the following information:
 - (1) The name, residence and mailing address of all persons required to sign the application by Subsection (e)(1) above and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of such corporations.
 - (2) The name and mailing address of the promoter and/or sponsor of the gathering.
 - (3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the owner of record of all such property. This description shall be by plat of survey to a scale of one (1) inch equals one hundred (100) feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, existing or proposed wells, buildings, fences, woods, streams, lakes or water courses, as well as the vertical contour interval two (2) feet above the ordinary highwater level.
 - (4) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of two hundred fifty (250) or more persons.
 - (5) The nature or purpose of the assembly.

- (6) The total number of days and/or hours during which the assembly is to last.
 - (7) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight.
 - (8) The maximum number of tickets to be sold, if any.
 - (9) The plans of the applicant to limit the maximum number of people permitted to assemble.
 - (10) The plans for fencing the location of the assembly and the gates contained in such fence.
 - (11) The plans for supplying potable water including the source, amount available and location of outlets.
 - (12) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
 - (13) The plans for holding, collection and disposing of solid waste material.
 - (14) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.
 - (15) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
 - (16) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
 - (17) The plans for camping facilities, if any, including facilities available and their location.
 - (18) The plans for security including the number of guards, their deployment, command arrangements, and their names, addresses, credentials and hours of availability.
 - (19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
 - (20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
 - (21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
 - (22) The application shall include the bond required in Subsection (g) and the permit fee.
- (g) **Bond.** The Village Board shall have authority to require the applicant and site owners to file a cash bond or establish an escrow account in an amount to be determined by the Village Board, but not exceeding One Hundred Thousand Dollars (\$100,000.00), conditioned on complete compliance by the applicant and site owner with all provisions of this Section, the terms and conditions of the Public Gathering Permit, including cleaning

- up the site, and the payment of any damages, administrative and law enforcement costs, fines, forfeitures or penalties imposed by reason of violation thereof. Such bond or escrow account information shall be filed with the Village Clerk prior to the issuance of a permit.
- (h) **Charge for Increased Costs.** Where the Village Board determines that the cost of municipal services incident to the staging of the usage will be significantly increased because of the usage, the Village Board may require the permittee to make an additional payment into the general fund of the Village in an amount equal to the increased costs.
- (i) **Hearing; Determination.** Prior to considering an application for a Public Gathering Permit, the Village Board may conduct a public hearing on the matter. Written notice of such hearing shall be mailed to the applicant and all property owners adjacent to the site of the proposed assembly. The Village Board shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.
- (j) **Standards.** A Public Gathering Permit shall not be issued unless it is determined, based on evidence produced at the hearing or submitted with application materials, that the following standards are or will be met; the applicant may be required to file with the Village Clerk copies of properly executed contracts establishing the ability to fully provide the services required under this Section:
- (1) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots and required yards shall be provided for each one hundred (100) persons attending.
 - (2) Every site proposed for a Public Gathering Permit shall be on generally well-drained ground and shall not be on ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
 - (3) Due to the physical characteristics of the site, the Village Board may require that the applicant shall provide proof that he/she will furnish, at his/her own expense, a minimum of two (2) days before the assembly commences, a snow-fence type fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.
 - (4) The applicant shall provide proof that he/she has contracted for local EMS services to provide emergency ambulance and EMT services, at the applicant's expense, for events at which over one thousand (1,000) persons will be in attendance.
 - (5) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of

- at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- (6) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences, a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.
 - (7) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences, security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every five hundred (500) people. If it is determined by the Village President that additional police protection shall be required, he/she may contact the County Sheriff's Department; and all costs for the additional protection required shall be deducted from the posted cash bond.
 - (8) The applicant shall provide proof that he/she will furnish, at his/her own expense before the assembly commences, fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and ordinances of the county and Village of Bristol, and sufficient emergency personnel to efficiently operate the required equipment.
 - (9) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one (1) gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.
 - (10) The applicant shall provide enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every one hundred (100) females and at least one (1) toilet for every two hundred (200) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
 - (11) The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and a plan for collection of all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.

- (12) If the assembly is to continue overnight, camping facilities shall be provided in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the Village and county, sufficient to provide camping accommodations for the maximum number of people to be assembled.
- (k) **Reasons for Denial.** Applicants may be denied for any of the following non-exclusive reasons:
 - (1) It is for a use which would involve a violation of federal or state law or any Village of Bristol or Kenosha County ordinance.
 - (2) The granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) The application does not contain the information or does not properly satisfy the conditions required by this Section.
 - (4) The application is made less than the required days in advance of the proposed assembly.
 - (5) The policing of the assembly will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the community.
 - (6) The assembly will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
 - (7) The assembly will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The assembly use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (l) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Temporary Fermented Malt Beverage license shall be obtained and applicable Village ordinances shall be fully complied with. Said license must be possessed by the person who filed for the license and shall be presented to any law enforcement officer upon request.
- (m) **Recommendations of Governmental Agencies.** The Village Clerk may submit a copy of the application to the County Sheriff's Department and other governmental agencies for their recommendations.
- (n) **Permit Revocation.** Any law enforcement officer, the Village President, or the Village Board may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify

the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- (o) **Fees.** The following fees shall be applicable under this Section:
- (1) **Gatherings of 1,000 to 2,500.** A fee in accordance with the Village Board's current fee schedule in Sec. 1-3-1.
 - (2) **Gatherings of 2,500 to 5,000.** A fee in accordance with the Village Board's current fee schedule in Sec. 1-3-1.
 - (3) **Gatherings of Over 5,000.** A fee in accordance with the Village Board's current fee schedule.

Sec. 7-4-2 Prohibited Resale of Complimentary Tickets.

- (a) **Purpose.** Local businesses and organizations, at their expense or as recognition for services rendered, may provide complimentary tickets to special events as a business promotion or courtesy to their patrons and/or members. Abuses have occurred where such complimentary tickets have been offered or sold on a for-profit basis to other parties, typically on or near the grounds, facilities or parking areas, of the event itself.
- (b) **Prohibition.** Selling, or attempting to sell, complimentary tickets to third parties for events, fairs, festivals, etc. for which there is an admission charged is prohibited on the grounds or parking areas, or within five hundred (500) feet of the entrance to such events, fairs, festivals, etc.

Title 7 ► Chapter 5

Regulation and Licensing of Fireworks

7-5-1 Regulation and Licensing of Fireworks

7-5-2 Prohibition on Sale of Fireworks

Sec. 7-5-1 Regulation of Fireworks.

- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
 - (2) A firearm cartridge or shotgun shell.
 - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (6) A toy snake which contains no mercury.
 - (7) A model rocket engine.
 - (8) Tobacco and a tobacco product.
 - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length which does not contain magnesium, chlorate or perchlorate.
 - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - (11) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter (1/4) grain of explosive mixture.
 - (12) A device this is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - (13) A cylindrical fountain that consists of one (1) or more tubes and that is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

- (14) A cone fountain that is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
- (1) To a person holding a permit under Subsection (c)(3);
 - (2) To a municipality; or
 - (3) For a purpose specified under Subsection (c)(2)b-f.
- (c) **Use.**
- (1) **Permit Required.** No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village President. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.
 - (2) **Permit Exceptions.** Subparagraph (c)(1) above does not apply to:
 - a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
 - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
 - (3) **Who May Obtain Permit.** A permit under this Subsection may be issued only to the following:
 - a. A civic organization.
 - (4) **Crop Protection Signs.** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
 - (5) **Bond.** The Village President, or designee, when issuing a permit under this Subsection, shall require an indemnity bond with good and sufficient sureties or policy of liability insurance 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. The bond or policy shall be taken in the name of the Village of Bristol, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or

policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the Village Clerk.

- (6) **Required Information for Permit.** A permit under this Subsection shall specify all of the following:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. The kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions prescribed by ordinance.
- (7) **Copy of Permit.** A copy of a permit under this Subsection shall be given to the applicable Fire Chief at least two (2) weeks before the date of authorized use.
- (8) **Minors Prohibited.** A permit under this Subsection may not be issued to a minor.
- (d) **Storage and Handling.** No wholesaler, dealer or jobber may, in compliance with applicable zoning and state, county and location regulations, store or handle fireworks on the premises unless the premises are fully in compliance with NFPA regulations.
- (e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

Sec. 7-5-2 Prohibition on Sale of Fireworks.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Fireworks.** Shall be as defined in Sec. 167.10(1), Wis. Stats.
 - (2) **Sale or Sell.** As used herein, shall mean the wholesale or retail sale of fireworks.
 - (3) **Temporary.** A period of time not to exceed twelve (12) hours in duration.
- (b) **Prohibitions.** The sale of fireworks or the possession of fireworks with intent to sell within the Village of Bristol is hereby prohibited.
- (c) **Exemptions.** This Section shall not prohibit the temporary possession of fireworks within the Village of Bristol where such possession is solely for the purpose of transporting such fireworks to a jurisdiction in which the possession or sale of fireworks is authorized by permit or ordinance.
- (d) **Penalties.** Pursuant to Sec. 167.10(9)(b), Wis. Stats., any individual or entity convicted of violating this Section shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000.00). Each day upon which any such violation occurs shall be treated as a separate offense. In addition, the Village Board of the Village of Bristol may petition the Circuit Court of Kenosha County for an order enjoining any individual or entity from violating this Section. Any fireworks possessed within the Village of Bristol with the intent to sell such fireworks shall be subject to seizure and forfeiture as provided in Sec. 167.10(8), Wis. Stats.

Title 7 ► Chapter 6

Rummage and Garage Sales

7-6-1 Regulation of Rummage and Garage Sales

Sec. 7-6-1 Regulation of Rummage and Garage Sales.

- (a) **Purpose.** It is the intent of this Chapter to provide a method of regulation for rummage and garage sales in residentially-zoned areas in the Village of Bristol to prevent such sales activity from becoming a commercial activity in non-commercial zoned districts. The Village of Bristol sponsors Bristol Garage Sale Days to assist in promoting the community and to generate sales activity.
- (b) **Definitions.** As used in this Section, the following definitions shall apply:
 - (1) **Charitable Organization.** A charitable organization is defined as any religious, benevolent, philanthropic, patriotic or eleemosynary non-profit organization.
 - (2) **Clerk.** The Village Clerk, or his/her designee, of the Village of Bristol, Kenosha County, Wisconsin.
 - (3) **Person.** Any individual, firm, organization, association or corporation.
 - (4) **Rummage or Garage Sale.** An occasional sale of used household goods, furnishings, wares, clothing, lawn or hand tools, and miscellaneous items of a household nature on a residentially-zoned premises. In the case of garage sales, such household and personal goods/possessions offered for sale shall be from the residence where the sale is being held, or, in the case of a group garage sale, from the residences of the participating households.
 - (5) **Sponsor or Owner.** Any person(s) who owns the premises or goods sold at a rummage or garage sale, or any person(s) responsible for conducting such sale.
- (c) **Limitations on Rummage/Garage Sales.**
 - (1) **Number/Duration.**
 - a. No person shall hold or sponsor more than four (4) rummage or garage sales during any twelve (12) month period.
 - b. No sale shall last for a period of more than three (3) consecutive days.
 - (2) **Resale Limitation.**
 - a. All items or articles offered at such sale holding a rummage or garage sale shall not have been acquired specifically for the purpose of holding a rummage or

garage sale, except that any church or charitable organization, as defined herein, shall be exempt from the requirement that goods and items were not obtained for sale purposes. Such organization shall make application and declare that all articles or items offered for sale were acquired by the organization, or by donation, for the specific purpose of holding a rummage or garage sale for the exclusive benefit of the religious or charitable organization.

- b. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (d) **Exemptions.** This Section shall not apply to bona fide commercial establishments that are properly zoned for business activities, or to agricultural liquidations, or to estate sales under a judicial or quasi-judicial order or proceeding.
- (e) **Signage.**
 - (1) **Placement.**
 - a. Rummage and garage sale signs may not have an area more than six (6) square feet with a maximum of two (2) faces. Such signs shall identify the location of the sale and shall be located outside of a Village right-of-way.
 - b. No more than two (2) garage or rummage sale signs shall be located at the sale site and no more than two (2) advertising signs may be located off the site, except that three (3) signs are permitted on corner lots.
 - c. No rummage or garage sale sign may be located on utility poles, traffic control devices or on the property or the adjoining right-of-way of property the owner of which has not given explicit permission for its location.
 - d. No rummage or garage sale sign shall be displayed more than twenty-four (24) hours before the sale date. The sponsor of a rummage or garage sale shall be responsible for removal of said sign advertising the sale within twenty-four (24) hours after the last day of the rummage or garage sale.
 - (2) **Village Removal.** If signs are not removed within twenty-four (24) hours after the last day of the rummage or garage sale, the Village of Bristol shall cause the signs to be removed and the cost of removal shall be paid by the applicant and be in addition to any forfeitures and penalties for violation of this Section.

Title 7 ► Chapter 7

Transient Merchants

7-7-1	Registration Required
7-7-2	Definitions
7-7-3	Exemptions
7-7-4	Registration
7-7-5	Investigation
7-7-6	Appeal
7-7-7	Regulation of Transient Merchants
7-7-8	Revocation of Registration
7-7-9	Special Event Vending Permit

Sec. 7-7-1 Registration Required.

It shall be unlawful for any transient merchant to engage in direct sales within the Village of Bristol without being registered for that purpose as provided herein.

State Law Reference: Sec. 66.0423, Wis. Stats.

Sec. 7-7-2 Definitions.

In this Chapter the following definitions shall be applicable:

- (a) **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. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. 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.

- (b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business in the Village of Bristol or school district of which the Village is a part; or
 - (2) Has continuously resided in the Village and now does business from his/her residence.
- (c) **Merchandise.** Shall include 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 merchandise by a donor or prospective customer.
- (d) **Charitable Organization.** Shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Clerk.** The Village of Bristol Clerk or Deputy Clerk.
- (f) **Person.** All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

Sec. 7-7-3 Exemptions.

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

- (a) **Regular Delivery Routes.** Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) **Wholesalers.** Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) **Agricultural Products.** Any person selling Wisconsin agricultural products which the person has grown;
- (d) **Deliveries by Permanent Merchants.** 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) **Requested Home Visits.** Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) **Prior Sales Transactions.** 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) **Services Not Offering Merchandise.** Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) **Auctions; Sales Authorized by Statute.** 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) **Charitable Organizations; Limited Exemptions.** Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Village Clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) **Alleged Transient Merchants.** Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk that such person is a transient merchant, provided that there is submitted to the Village Clerk proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village or school district for at least one (1) year prior to the date complaint was made.
- (k) **Persons Licensed by Examining Boards.** Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) **Village Authorized Events.** This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board.
- (m) **Resident Minors.** Minors under eighteen (18) years of age who are residents of the Public School District(s) of which the Village of Bristol is a part.
- (n) **Solicitors.** Persons not engaged in commercial activity and are soliciting support for political, religious, or similar non-commercial programs or organizations.

Sec. 7-7-4 Registration.

- (a) **Registration Required.** It shall be unlawful for any transient merchant to engage in sales within the Village of Bristol without being registered for that purpose as provided herein.
- (b) **Registration Information.** Applicants for registration must complete and return to the Village Clerk a registration form furnished by the Clerk which shall require the following information:
 - (1) Full name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes;
 - (3) Date of birth and Social Security number, driver's license number and issuing state and expiration date;
 - (4) 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;
 - (5) Temporary address and telephone number from which business will be conducted, if any;
 - (6) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;

- (7) Proposed method of delivery of merchandise, if applicable;
 - (8) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (9) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (10) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
 - (11) 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.
- (c) **Identification and Certification.** Applicants shall present to the Village 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 ninety (90) days prior to the date the application for license is made.
- (d) **Registration Fee.**
- (1) At the time of filing applications, a fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form.
 - (2) The applicant shall sign a statement appointing the Village Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon payment of said fees and the signing of said statement, the Village Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Sec. 7-7-5(b) below.
- (e) **Bond.** Every applicant who is not a resident of Kenosha County or who represents a firm whose principal place of business is located outside of the State shall file with the Village Clerk a surety bond in the amount of Five Hundred Dollars (\$500.00), conditioned that the applicant will comply with all provisions of the ordinances of the Village and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be

accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.

- (f) **Solicitors.** Solicitors of funds or donations for charitable or other organizations shall be exempt from registration.

Sec. 7-7-5 Investigation.

- (a) Upon receipt of each application, the Village Clerk may refer it immediately to an appropriate member of the Village Board or Village-designated law enforcement agencies for an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The Village Clerk shall refuse to register the applicant and issue a permit 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 Section 7-7-4(b) above.

Sec. 7-7-6 Appeal.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of Sections 68.07 through 68.16, Wis. Stats.

Sec. 7-7-7 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 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said 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 one hundred (100) foot radius of the source.
 - (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) **Disclosure Requirements.**
- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
 - (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 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/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 7-7-8 Revocation of Registration.

- (a) Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation

in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

- (b) Written notice of the hearing shall be served personally or pursuant to Section 7-7-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Sec. 7-7-9 Special Event Vending Permit.

- (a) **Permit Required.** There shall be a per day charge as prescribed in Section 1-3-1 for a special event vending permit. The Village Board will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.
- (b) **Exclusive Vending Rights During Special Events.**
 - (1) During a special event the Village Board may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Village Board for the special event.
 - (2) To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Village Board may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Village Board shall take precedence.
 - (3) For each such specific day during which certain or all vending permits have been declared to be not valid, the Village Board may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Village Board at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Village Board as to any specific day during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.

- (4) No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.

Title 7 ► Chapter 8

Street Use Permits

7-8-1 Street Use Permits

Sec. 7-8-1 Street Use Permits.

- (a) **Purpose.** The streets in possession of the Village of Bristol are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk and shall be filed with the Village Clerk. A fee as prescribed by Section 1-3-1 shall be paid at the time of application. The application shall set forth the following information regarding the proposed street use:
 - (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

- (d) **Denial of Street Use Permit.** An application for a Street Use Permit may be denied if:
 - (1) The proposed street use is primarily for private or commercial gain.
 - (2) The proposed street use would violate any federal or state law or any Ordinance of the Village of Bristol.
 - (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
 - (4) The application for a Street Use Permit does not contain the information required above.
 - (5) The application requests a period for the use of the street in excess of five (5) days.
 - (6) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (e) **Insurance.** The applicant for a Street Use Permit shall be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. Such letter/form of indemnification shall be signed by all responsible parties. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Bristol. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (f) **Special Community Event Exception.** The requirements of Subsections (d) and (g) are not applicable to certain community events recognized by the Village Board as falling within this exception. Open consumption and/or sales of alcoholic beverages may be allowed for these limited community events.
- (g) **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth, or school, organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the Village of Bristol, hereby consent to the _____ recreational or business use of this street between the hours of _____ and _____ on _____, the _____ day of _____, 20____, for the purpose of _____ and do hereby consent to the Village of Bristol to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Bristol shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than twelve (12) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate _____ as the responsible person or persons who shall apply for an application for a Street Use Permit.

- (h) **Cleanup Requirements.** The holder of any permit issued under this Section shall return the street to the condition that existed prior to the use, by the time the permit expires. The Village will make such restoration in the event that the permit holder for the cost incurred by the Village in performing this work. Failure to make timely payment within a reasonable time after receiving the statement for cleaning work shall constitute grounds for refusal to grant the permit holder any other permit in the future.
- (i) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Village President, Village Administrator, or a law enforcement officer if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Bristol. The Village President, Village Administrator, or a law enforcement officer has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

Title 7 ► Chapter 9

Tattooing and Body Piercing

7-9-1	Applicability
7-9-2	Definitions
7-9-3	Administration
7-9-4	Tattooing, Body Piercing — Permit Required
7-9-5	Health and Sanitary Requirements
7-9-6	Temporary Facility or Temporary Combined Facility
7-9-7	Record Retention
7-9-8	Appeals
7-9-9	Regulations, Rules and Laws Adopted by Reference

Sec. 7-9-1 Applicability.

The provisions of this Chapter shall apply to tattoo and body piercing facilities, tattoo artists and body piercers, and the practice of tattooing and body piercing.

Sec. 7-9-2 Definitions.

The following definitions shall be applicable in this Chapter, unless otherwise specifically indicated:

- (a) **Health Authorities.** County or state agencies/officials having regulatory and inspection responsibilities and authority regarding health matters associated with tattooing and body piercing practices and facilities. Village-designated inspectors, law enforcement authorities, or the Building Inspector may perform some of these functions if so directed by the health authorities.
- (b) **Sterilize.** Submission to the steam pressure (autoclave) method with at least fifteen (15) pounds of pressure per square inch at two hundred fifty (250) degrees Fahrenheit for at least thirty (30) minutes, such that all forms of microbial life, including spores, viruses, bacteria and fungi, are destroyed.
- (c) **Tattoo Artist.** Any person engaged in the practice of tattooing.
- (d) **Tattoo Facility.** The location where tattooing is practiced.

- (e) **Tattooing.** Means and includes any method of placing or removing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of a person with ink or color by the aid of needles or instruments.
- (f) **Temporary Facility.** A single building, structure, area or location where a tattoo artist or body piercer performs tattooing or body piercing for a maximum of seven (7) days per event.
- (g) **Body Piercer.** A person who performs body piercing on another person at that person's request.
- (h) **Body Piercing.** Perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
- (i) **Body Piercing Facility.** The premises where a body piercer performs body piercing.
- (j) **Temporary Combined Facility.** A single building, structure, area, or location where both tattooing and body piercing are performed for a maximum of seven (7) days per event.

Sec. 7-9-3 Administration.

The provisions of this Chapter shall be administered by or under the direction of the Village Clerk in consultation with health authorities and law enforcement authorities, who in person or by duly authorized representative, shall have the right to enter, at reasonable hours, upon premises affected by this Chapter, to inspect the premises, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce the provisions of this Chapter.

Sec. 7-9-4 Tattooing, Body Piercing — Permit Required.

- (a) **Permit Required.** No person shall engage in the practice of tattooing or body piercing or shall carry on the business of operating a tattoo or body piercing facility or a combined tattoo and body piercing facility within the Village of Bristol unless he/she has a valid permit issued by the Village Clerk for each and every such place of business.
- (b) **Application.** Application for permits shall be made in writing to the Village Clerk, stating the name and address of the applicant and the name and address of the proposed tattoo or body piercing facility or a combined tattoo and body piercing facility, together with such other information as may be required.
- (c) **Fee.** An annual fee shall accompany the permit application as follows:
 - (1) Tattoo or body piercing facility permit: Per Section 1-3-1.
 - (2) Tattoo artist permit: Per Section 1-3-1.
 - (3) Temporary facility or temporary combined facility permit: Per Section 1-3-1.
 - (4) Body piercer permit: Per Section 1-3-1.

- (5) Combined tattoo and body piercing facility permit: Per Section 1-3-1.
- (6) Inspection of new facility: Per Section 1-3-1.
- (d) **Permit.** Permits shall be posted in a conspicuous place in the tattoo or body piercing facility. Permits are not transferable and, except for temporary tattoo or body piercing facility permits, shall expire on June 30 following their issuance.
 - (1) ***Tattoo or Body Piercing Facility Permit.*** A separate permit is required for each tattoo or body piercing facility. A permit shall not be transferable to a location other than the one for which it was issued. Such permits shall expire on June 30 following their issuance, unless they are issued between April 1 and June 30, in which case they shall expire on June 30 of the following year.
 - (2) ***Tattoo Artist or Body Piercer Permit.*** A separate permit is required for each tattoo artist or body piercer engaged in the practice of tattooing or body piercing. Such permits shall expire on June 30 following their issuance, unless they are issued between April 1 and June 30, in which case they shall expire on June 30 of the following year.
 - (3) ***Temporary facility or temporary combined facility permit.*** A separate permit is required for each temporary facility or temporary combined facility. Such permit is not transferrable to a location other than the one for which it was issued and shall expire seven days after the date it was issued.
- (e) **Permit Suspension and Revocation.** Such permit may be temporarily suspended by Village-designated authorities, law enforcement authorities, the Building Inspector or health authorities for violations that present an immediate health hazard or may be revoked after repeated violations of this Chapter. Any person affected by such suspension or revocation shall have the right to appeal pursuant to Section 7-9-8.

Sec. 7-9-5 Health and Sanitary Requirements.

- (a) **Premises.**
 - (1) Floor surfaces in the room in which the tattoo or body piercing is administered shall be impervious, smooth and washable. Carpeting is not allowed.
 - (2) A handwashing facility supplied with hot and cold water under pressure, soap, and single-service towels shall be conveniently located in the tattoo or body piercing area, in addition to what is provided in the toilet room.
 - (3) Approved waste containers with non-absorbent, durable plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the client. Any infectious waste shall be disposed of as required by Ch. NR 526, Wis. Adm. Code.
 - (4) Adequate cabinets with washable surfaces shall be provided for exclusive storage of instruments, dyes, pigments, stencils, and other equipment used in the practice of tattooing or body piercing.

- (5) All tattoo or body piercing facilities shall be maintained in a clean, sanitary condition and in good repair.
 - (6) The tattoo or body piercing facility application area where the procedure is performed shall be adequately lighted to a minimum of fifty (50) foot candles.
 - (7) Tattooing or body piercing shall be performed by a tattoo artist or body piercer in a tattoo or body piercing facility completely separated from any living quarters by a solid permanent partition. A solid door leading to the living quarters is permitted, provided it remains closed during business hours. A direct outside entrance to the tattoo or body piercing facility shall be provided.
- (b) **Equipment.**
- (1) **Autoclaves.** All tattoo or body piercing facilities shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit:
 - a. As an alternative to requiring a pressure gauge, spore strips or suspensions shall be used at least weekly and results recorded for performance checks of the autoclave.
 - b. A record must be maintained for each sterilization cycle, including date, sterilizing temperature, length of time at sterilizing temperature, and what was autoclaved.
 - c. A minimum of one time sterile indicator tape shall be included with each load sterilized and the results recorded and the autoclave shall be spore tested at least monthly. Spore kill effectiveness testing shall be conducted by an independent laboratory.
 - d. The autoclave shall be of sufficient size and shall be operated in accordance with manufacturer's recommendations and in a manner to prevent crowding of the chamber.
 - e. The autoclave chamber temperature shall be checked at least weekly with a maximum registering thermometer and results recorded.
 - (2) **Sterilized Instruments.** All instruments used in the practice of tattooing or body piercing shall be sterilized before use:
 - a. All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needles, or brush able to enter the smallest opening of the instrument. The cleaning of instruments shall be done with detergent and hot water or other methods approved by health authorities.
 - b. All instruments used in the tattoo or body piercing procedure shall be stored in a clean, dry manner after sterilization and handled in a way that will prevent recontamination.
 - (3) **Needles.** Needles shall be disposable, sterile, single-patron use.
 - (4) **Stencils.**
 - a. Plastic stencils shall be thoroughly cleaned with soap and water and sanitized after each use. They are to be sanitized by immersion for thirty (30) minutes in

a chlorine disinfectant solution prepared by mixing one (1) tablespoon of household bleach containing five percent (5%) chlorine with one (1) pint of water and allowed to air dry.

- b. Prior to use, each pre-cleaned and sanitized plastic stencil shall be rinsed in a seventy percent (70%) isopropyl alcohol solution and allowed to air dry.
- c. Paper stencils shall only be used once. New paper stencils shall be used for every individual.

(5) **Dyes and Inks.**

- a. The licensee shall submit in writing to the health authorities the source of all dyes and inks used in administering tattoos.
- b. Non-toxic dyes or inks shall be taken only from effectively covered squeeze bottle containers that are easy to clean and disinfect.
- c. Immediately before applying a tattoo; the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. The disposable cups shall be stored and handled in a manner to prevent them from becoming contaminated. Upon completion of the tattoo, the cups and dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.

(c) **Skin Preparation.**

(1) **Aseptic Technique.** Aseptic technique must be utilized in the practice of tattooing or body piercing:

- a. Each tattoo artist or body piercer is required to scrub his/her hands with liquid soap (i.e., tincture of green soap) and water thoroughly before commencing tattooing or body piercing on the client.
- b. If the client's skin is to be shaved, the skin shall be washed with a cleansing antiseptic/antimicrobial skin cleaner before shaving. A safety razor shall be used. A new blade shall be used for each client. The blade shall be discarded after each use. Reusable blade holders shall be sterilized after each use. If disposable blade holders are used, they may be used on one client only and then must be discarded.
- c. The skin area to be tattooed or body pierced shall first be cleansed with soap and water and then prepared with antiseptic such as seventy percent (70%) alcohol (and allowed to air dry) or other method approved by the health authorities.
- d. Single-use gauze pads or towels shall be used in the skin cleaning and preparation.
- e. Petroleum jelly applied on the tattoo area shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.

(2) **Antibacterial Ointments.** After the tattooing or body piercing is completed, only antibacterial ointments shall be applied on the tattoo or body piercing, and if a dressing is to be used, it must be a sterile, non-sticking dressing.

- (3) **Instructions.** Persons tattooed or body pierced shall be provided with printed instructions regarding tattoo or body pierce care during the healing process.
- (d) **General Supplies.**
 - (1) All tattoo or body piercing facilities shall have clean, laundered towels, washcloths or disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing or body piercing.
 - (2) A clean towel and washcloth shall be used for each client.
 - (3) Clean towels and washcloths shall be stored in a closed, dustproof container.
 - (4) Soiled towels and washcloths shall be stored in an approved covered container.
 - (5) All tattoo artists or body piercers shall wear clean, washable garments.
 - (6) The operating table, chair, and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned and disinfected.
- (e) **Tattoo Artist and Body Piercer Requirements.**
 - (1) The tattoo artist or body piercer shall be free of infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing.
 - (2) Tattoo artists or body piercers with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing or body piercing. The tattoo artist or body piercer shall wear single-use disposable latex or vinyl gloves during tattooing or body piercing.
 - (3) Smoking or consumption of food or drink shall not be allowed in the immediate vicinity where the tattoo or body piercing procedure is being performed.
 - (4) The tattoo artist or body piercer shall wash his/her hands thoroughly with liquid soap and water before any skin preparation, tattooing, or body piercing and after removing gloves. The hands shall be dried with individual single-service towels.
 - (5) No person shall be present in the immediate vicinity of the area in which tattoos or body piercing are administered unless authorized by the tattoo artist or body piercer.
 - (6) No animals, except guide dogs, are allowed in the tattoo or body piercing facility.
 - (7) The work areas, such as counter tops, must be cleaned and wiped with a disinfectant between clients.
 - (8) Physical examination of tattoo artists or body piercers may be required. Health authorities shall have the power to require any tattoo artist or body piercer to submit to a practicing physician for a physical examination whenever the tattoo artist or body piercer is reasonably suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing. The expense of the physical examination shall be the responsibility of the tattoo artist or body piercer. All medical records shall remain confidential, except as otherwise provided by law. Failure to obtain the required physical examination shall result in suspension or revocation of the tattoo artist or body piercing permit.
- (f) **Clients.**
 - (1) Inquiry shall be made and no tattooing or body piercing shall be performed on any person who is suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding six (6) months.

- (2) Tattooing or body piercing shall not be performed on any person in an area with an evident skin infection or other skin disease or condition, including, but not limited to, rashes, pimples, boils or infections.

Sec. 7-9-6 Temporary Facility or Temporary Combined Facility.

The requirements contained in this Chapter shall apply to temporary facilities and temporary combined facilities, except where superseded by the following:

(a) **Permit.**

- (1) No temporary facility or temporary combined facility may be operated before being granted a permit by the Village Clerk.
- (2) No permit may be issued without prior inspection.
- (3) The permit issued by the Village Clerk shall be conspicuously displayed in the temporary facility or temporary combined facility.
- (4) A tattoo artist or body piercer operating a temporary facility or combined temporary facility, found to be an habitual violator of this Chapter by the Village Clerk, may be denied a permit to operate or may have the permit revoked.

(b) **Premises.**

- (1) Floors shall be maintained in a sanitary condition. Dirt floors shall be covered by an approved material which will provide protection from dust.
- (2) a. When water is available under pressure, handwashing facilities with approved liquid waste disposal shall be reasonably accessible to the tattoo artist or body piercer.
b. When water is not available under pressure, a minimum of two (2) basins or a two (2) compartment basin shall be provided.
- (3) Water in sufficient quantity shall be hauled and stored in containers that are easily cleanable, provided with tight-fitting covers, and maintained in a clean and sanitary condition.
- (4) Liquid soap and single-service towels for handwashing and drying hands shall be provided.

- (c) **Equipment.** If an approved autoclave/sterilizer is not provided, only pre-sterilized instruments that are prewrapped with time sterile indicator tape attached and stored in a clean, dry manner may be used in the practice of tattooing or body piercing.

Sec. 7-9-7 Record Retention.

Records shall be kept by each permittee of all tattoos and body piercings administered, including the name of the client, date, general identification of the tattoo or body piercing, and tattoo

artist's or body piercer's name. Records shall be kept on the premises of the tattoo or body piercing facility where tattoos or body piercings are administered. These records shall be available for inspection for a period of two (2) years after the date the tattoo or body piercing is completed.

Sec. 7-9-8 Appeals.

Appeals from orders or permit denials under this Chapter shall be in conformance with the procedures for conducting appeals enumerated in Sec. 68, Wis. Stats., codified in Title 4 of this Code of Ordinances. An appeal does not eliminate the Village's right to seek court intervention in the form of injunctive or other relief.

Sec. 7-9-9 Regulations, Rules and Laws Adopted by Reference.

The applicable regulations, rules and laws set forth in Secs. 252.23, 252.24 and 252.245, Wis. Stats., and HFS 173, Wis. Adm. Code, are incorporated in this Chapter by reference and they shall be construed, read and interpreted as though fully set forth herein. The express provisions of this Chapter shall control where more restrictive.

State Law Reference: Secs. 252.23, 252.24 and 252.245, Wis. Stats.; HFS 173 and NR 526, Wis. Adm. Code.

Title 7 ► Chapter 10

Junk and Salvage Yards

7-10-1 Junk and Salvage Yards

Sec. 7-10-1 Junk and Salvage Yards.

(a) **License Required.**

(1) **Licensing Requirements.** No person shall maintain nor operate a junk yard, automobile salvage yard, or any similar yard or area where scrap or salvage metal, vehicles, wood, rags, or paper are kept or stored for shipment or processing in the Village of Bristol without first obtaining a license as herein provided. For purposes of this Chapter, all such operations shall be referred to as "junk yards". Issuance of a license under this Chapter shall not exempt a party from complying with the requirements of Section 10-5-8.

(2) **Application.** An application for each such license shall be filed in writing with the Village Clerk, which application shall disclose:

- a. The name and address of the applicant;
- b. The citizenship and age of the applicant if a natural person; the citizenship and age of each partner or member applicant if a partnership or firm; or the citizenship and age of each officer and director of the applicant if a corporation.
- c. The state of incorporation of a corporate or limited liability corporation applicant and if such state be other than Wisconsin, a statement that the applicant is duly authorized to do business in Wisconsin.
- d. The name under which such junk yard will be maintained and operated; a detailed description of its location and an explanation of the method of operation that will be used if a license is issued;
- e. Name and address of the registered agent authorized to receive civil process; or
- f. The application shall be subscribed and sworn to by the applicant if a natural person; by a general partner if the applicant is a partnership, or by the principal officer if the applicant is a corporation.

(b) **License Term and Fee.** All licenses issued under Subsection (a) shall be issued by the Village Board and shall be effective from the date of issue through the next succeeding 30th day of June, unless sooner revoked as provided in this Section. Applications for renewal licenses shall be filed in the same manner as for an original license. The fee for

each license or renewal shall be as prescribed in Section 1-3-1, which sum shall accompany the application. No license shall be transferable, either as to location or holder thereof.

- (c) **License Conditions.** No license shall be issued unless the applicant, if a natural person, or if a firm, then all partners and members thereof, or if a corporation, then all officers and directors thereof, is an adult citizen of the United States and of good moral character, and, if the applicant is a corporation, unless it is authorized to do business in Wisconsin, and unless the applicant agrees to maintain and operate such junk yard under the conditions specified in this Section, which agreement shall be deemed made by the applicant by acceptance of such license. The Village Board shall not issue such license unless it approved the location and improvements and proposed method of operation of such junk yard as set forth in the application and approval.
- (d) **License Denial.** The Village Board may deny such license if, upon examination, the Village Board is of the opinion that granting such license would be detrimental to the public safety, health or welfare of the Village of Bristol, or if it is likely that such junk yard would be detrimental to the scenic beauty of surrounding property.
- (e) **Operation Standards.** Every junk yard, including all premises associated with, shall be maintained and operated so as to meet the following conditions:
 - (1) **Appearance.** No such junk yard shall be operated or maintained in such a manner that because of its unsightly appearance it may be classed as a public nuisance.
 - (2) **Screening.** No such yard shall be operated or maintained unless it is completely enclosed on all sides by a tight fence of attractive appearance and design, and of sufficient height to screen from public view the contents of such junk yard. The design of such fencing/screening shall require prior approval by the Village Board.
 - (3) **Inspection.** The premises of all such yards shall be subject to inspection by Village of Bristol officials at any time.
 - (4) **Highway Setback.** No such junk yard shall be maintained and operated within seven hundred and fifty (750) feet of the center line of a state trunk or federal highway, provided, however, that a junk yard in existence at the time of original passage of this Chapter, but not in full compliance with this setback requirement, may be granted a license on special permission of the Village Board.
 - (5) **Expansion.** The premises to be occupied for such purpose by such licensee shall at no time be increased in area beyond the boundaries of the original area plat required to be submitted under this Chapter without specific authority of the Village Board. Requests for area increases shall be submitted in writing to the Village Board and require Board approval.
 - (6) **Compliance With State Regulations.** All junk yards, except those in existence as of the date of the original adoption of this Chapter, shall comply with the provisions of Section 84.31, Wis. Stats., with regard to the establishment, operation and maintenance of junk yards in areas adjacent to interstate and primary highways within this state as defined therein.

(f) **License Revocation.**

- (1) **Revocation Reasons.** The Village Board may, at any time, revoke any license issued under the provisions of this Chapter, after due hearing as hereinafter provided, for any or all of the following reasons:
 - a. A false statement made in the application.
 - b. Failure of the licensee to maintain such junk yard, buildings, fencing and improvements and operate the same as set forth in the application.
 - c. Violation of any of the conditions or this Chapter by the licensee, his/her agents, servants, employees, customers or invitees.
 - d. Failure of the licensee to maintain the qualifications required by this Chapter.
- (2) **Hearing; Determination.**
 - a. Notice of hearing to revoke a license shall be given to the licensee five (5) days before the date of hearing by delivering a copy of such notice to the licensee personally or by mailing (certified) a copy of such notice to the licensee or authorized agent at his/her address stated in his/her application for a license.
 - b. Upon revocation of a license, no refund of license fee shall be made, and the Village Board may refuse to grant another license to such licensee for such length of time as it deems advisable.
 - c. Said hearing shall be conducted by the Village President and the Village Board must establish that the alleged violation(s) occurred. Thereafter, the licensee shall be allotted an opportunity to establish any evidence to the contrary.
 - d. Upon the closing of the hearing, it shall be the duty of the Village Board to decide by a majority vote of those Board members in attendance whether or not to revoke such license. The Village Board may decide not to revoke but hold the decision in abeyance pending the licensee performing certain duties to bring such junk yard into compliance.
 - e. In the event the Village Board allows the licensee a reasonable time to bring such junk yard into compliance with the requirements of this Chapter, and the licensee does so to the satisfaction of the Village Board, the revocation shall be denied. In the event the licensee fails to comply with the condition(s) set by the Village Board, then said Village Board may render a decision in accordance with the evidence submitted at the hearing. Minutes of all such hearings shall be kept by the Village Clerk as public records.

Title 7 ► Chapter 11

Amusement Parks

7-11-1 Amusement Parks

Sec. 7-11-1 Amusement Parks.

- (a) **Definitions.** As used in this Chapter, the following definitions shall apply:
- (1) **Amusement Park.** Any tract or parcel of land privately owned, opened to the public and operated in conjunction with any machine devices, vehicles, buildings, structures, structures, equipment or facility for entertainment, pleasure or recreation and excluding and excepting from this Chapter those activities sponsored by a church, non-profit organization, or a Village-sponsored activity having a duration of less than five (5) consecutive days in any one (1) calendar year.
 - (2) **Amusement Devices.** Pool tables of all types, pinball machines, mechanical, electronic or video games, games of chance or skill, and related machines designed to provide amusement, entertainment or recreational activities.
 - (3) **Amusement Establishment.** Any place or location, other than the above defined "amusement park", wherein three (3) or more amusement devices as herein defined, are kept for the purpose of providing amusement, entertainment or recreation, and will be applicable to all establishments, whether or not they are organized and kept and maintained for profit.
 - (4) **Board.** Village Board of the Village of Bristol, Kenosha County, Wisconsin.
 - (5) **Law Enforcement Officer/Official.** Law enforcement officers having jurisdiction within the Village of Bristol.
 - (6) **Person.** Any individual, association, corporation, limited liability corporation, trust, or partnership.
- (b) **Amusement Park License Required.** No person shall maintain or operate an amusement park in the Village of Bristol without first obtaining a license as set forth in this Chapter:
- (1) **Application for License.** An application for an amusement park license shall be filed in writing with the Village Clerk and shall disclose the following:
 - a. The name and location under which such amusement park will be maintained and operated and the name and address of the owner(s);

1. If a partnership, the name and addresses of owners and all general partners.
 2. If a corporation, the names and addresses of all officers and directors thereof, and which is properly licensed to do business in Wisconsin.
 - b. The name and address of the registered agent if the applicant is a corporation and if not a corporation, the name and address of the person who shall have full authorization to act for the applicant for service of process and for all other matters relating to the operation of an amusement park.
 - c. A drawing showing a layout of the entire premises, and all buildings and improvements, walkways, lighting locations, and driveways and on-premises off-street parking facilities.
 - d. A detailed statement of plans for security of the premises and a full description of all fire and emergency medical protection procedures.
 - e. A description and location of the various business enterprises to be operated on the premises (i.e. restaurants, concession stands, novelty or gift shops, etc.).
 - f. The time of year and the hours in which the amusement park proposes to be open to the public.
- (2) **Filing of Application; Issuance.**
- a. The application and the license fee shall be filed with the Village Clerk, who shall note on the application the date received. The Village Clerk shall then transmit copies of the application to the Village Board, Village Administrator, Building Inspector, Fire Chief and pertinent law enforcement officials for review and recommendation to the Village Board.
 - b. The license fee for the initial application and for annual renewals of said license shall be as prescribed in Section 1-3-1.
 - c. The Village Board shall, within sixty (60) days after receipt of the application and receiving recommendations from the officials named above, act on said application and either grant or deny the license application. In the event that the license shall be denied, the Village Board shall so state the reasons for such denial and advise the applicant. All licenses issued hereunder shall be effective from July 1st to June 30th of the ensuing year and there shall be no proration of the annual fee.
- (3) **General Operating Conditions.** Any amusement park shall be maintained and operated subject to the following conditions:
- a. Said premises shall be closed to and vacated by the public between 12:30 a.m. and 9:00 a.m. of each day.
 - b. All operations shall be conducted in such a manner as to not disturb the peaceable use and occupancy of the surrounding area. By way of illustration and not limitation, all applicable Village of Bristol ordinances such as prohibitions against public nuisances, unnecessary noise or disorderly conduct shall apply to the operations of any amusement park.

- c. All roadways and passageways within the amusement park shall be paved or treated for dust control to eliminate the spread of dust and dirt in the area, and all parking shall be on the premises. No parking shall be permitted on the public street or highway.
- d. Traffic control for vehicles entering or leaving shall be the responsibility of the licensee.
- e. The applicant shall provide and keep in full force a general liability insurance policy in standard form, protecting the applicant/licensee against any and all liability occasioned by accident or disaster, of damage to persons or property. The policy amount shall be not less than One Million (\$1,000,000.00) Dollars with respect to accident or disaster, or each occasion. The applicant shall provide the Village of Bristol with a certificate of insurance in the form and coverage acceptable to the Village. Failure to fully maintain this required insurance coverage during the term of the license shall result in license revocation.
- f. The premises shall be subject to inspection by members of the Village Board, Building Inspector, Fire Chief, and/or law enforcement officials at all reasonable times and upon a complaint being filed with the Village of Bristol.
- g. Gambling, as defined and limited in Chapter 945, Wis. Stats., is prohibited on licensed premises.
- h. No alcoholic beverages shall be allowed or permitted to be consumed or brought into a licensed premises, unless the licensee shall also hold an alcohol beverage license issued by the Village of Bristol, and which licensee shall be subject to hours of operation and restrictions for underage persons as set forth in the Village of Bristol Code of Ordinances.
- i. No amusement establishment shall have on the premises material harmful to minors as set forth in Section 944.24, Wis. Stats.

(c) **License Requirements for Amusement Establishments and Devices.**

(1) ***Licensing Procedures.***

- a. No person, firm or corporation shall operate or maintain an amusement establishment upon which there is located three (3), or a combination of three (3) amusement devices, without first obtaining a license, to be issued by the Village Clerk upon approval of the Village Board.
- b. The annual fee for such license shall be as prescribed in Section 1-3-1, plus an additional fee for each amusement device over three (3) located on the premises.
- c. The licensee shall advise the Village Clerk, and pay the additional fee, for any increase in the number of devices over the number for which the annual fee has been paid.
- d. Licenses granted under this Section are not transferable to any other person or location without prior application and approval by the Village Board in the same manner as set forth in this Section for the initial license. There shall be no proration or refund of license fees and all licenses shall become effective July 1st

and expire on June 30th of each year. Applications for renewal of licenses shall be filed with the Village Clerk on or before the 1st day of June of each year.

- e. This Subsection shall not be applicable to any person who has been issued a valid amusement park license.
- f. Applications for amusement devices shall be addressed to the Village Clerk and shall contain the following information:
 - 1. Name and address of the applicant.
 - 2. If the application is in the name of a partnership, the name, address and age of each general partner, or if the applicant is an association, the name, address and age of each associate. In the event the applicant is a corporation, the same information shall be required as to each officer of the corporation and the registered agent of the corporation. It shall be the obligation of the applicant to keep the Village Clerk informed of any changes in management or ownership of the establishment.
 - 3. The trade name under which the establishment will be maintained and operated, a detailed description of its location and a sketch showing all areas and all buildings and improvements, and the name and address of the supervisor of the establishment as hereinafter set forth, establishment.
 - 4. Such other relevant information as the Village Clerk may require. The Village Clerk shall refer the application to the Village Board and Village Administrator, who shall request the Building Inspector, Fire Inspector and law enforcement officials to inspect the applicant's premises, within fifteen (15) days after receiving the application, and each shall report in writing to the Village Board as to whether or not the premises shall meet all requirements of this Chapter. The Village Board shall make such other and further investigation as it may deem necessary to be fully informed prior to considering issuance of a license under this Chapter.

(2) **Premises Regulations.**

- a. The premises, or establishment to be occupied as an amusement establishment, shall be located only in a commercially zoned district, and on the first or ground level floor of the establishment, and shall have windows which permit a view from the street. There shall be at least two (2) accessible and marked exits to the outside, which shall be located for easy access of patrons and frequenters. In addition thereto, during the hours of operation, no entrance or exit shall be locked. Amusement establishments shall have separate washrooms and toilets for each sex, which shall be immediately accessible and shall be maintained in a clean and healthful manner.
- b. The maximum number of patrons or frequenters permitted shall be determined by the Building Inspector, based on Wisconsin Department of Commerce standards, which capacity limits/numbers shall be posted in each room of the establishment.

It shall be the responsibility of the licensee or its agent, if a corporation, to regulate ingress and egress of persons into the establishment to comply with the maximum permitted number as posted on the premises.

- (3) **Supervision of Premises.** The licensee shall appoint a registered agent or registered manager, who shall be responsible for all activities at all times when the establishment is open to the public, and the licensee shall be responsible for all acts or omissions of the supervisor. It shall be the obligation of the licensee to inform the Village Clerk of the name, address and age of each registered agent, manager and/or supervisor.
- (4) **Operations Regulations.**
- a. Gambling, as defined and limited in Chapter 945, Wis. Stats., is prohibited.
 - b. No alcoholic beverages shall be allowed or permitted to be consumed or brought into a premises licensed under this Section, unless the licensee shall also hold an alcohol beverage license issued by the Village of Bristol, and which licensee shall be subject to the hours of operation and restrictions for underage persons as set forth in the Village of Bristol Code of Ordinances.
 - c. No amusement establishment shall have on the premises material harmful to minors as set forth in Section 944.24, Wis. Stats.
- (d) **Revocation of License.** A verified complaint filed with the Village Clerk alleging that the licensee has violated the provisions of this Chapter or any other ordinance, law or regulation which bears upon the manner in which the premises is operated shall be referred to the Village Board, which shall review the same, and if the Village Board shall find that the complaint states reasonable cause, the Village Board will forward a copy of the complaint to the licensee or registered agent or manager as defined herein, and shall schedule a public hearing on the complaint in not less than ten (10) days. Notice may be by personal service or certified mail. The Village Board shall then hear all relevant evidence from the complainant, and from the licensee and any interested person. The parties may be represented by counsel, examine and cross-examine witnesses, and a record of the proceedings shall be made by the Village Clerk as a public record. At the conclusion of the hearing, the Village Board shall take the matter under advisement and shall, within thirty (30) days, issue a determination which shall dismiss the complaint, suspend the license for a definite period of time, or revoke the license issued under this Chapter.

Title 7 ► Chapter 12

Large Livestock Operations

7-12-1 Licensing of Large Livestock Operations

Sec. 7-12-1 Licensing of Large Livestock Operations.

- (a) **Authority.** This Chapter is adopted pursuant to the powers granted under the Wisconsin Constitution and the Wisconsin Statutes, including, but not limited to, Sections 92.15 and 93.90, Wis. Stats. Further, this Chapter is adopted pursuant to the police powers granted to the Village Board under the Wisconsin Statutes, for the protection of public health and safety.
- (b) **Purpose and Findings.** The purpose of this Chapter is to comply with requirements of Section 93.90, Wis. Stats., and ATCP 51, Wis. Adm. Code, and to establish standards and authority to protect the public health and safety of the people of the Village of Bristol. This Chapter sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in the Village of Bristol.
- (c) **License Required.**
 - (1) **Generally.** A license issued by the Village of Bristol is required for new or expanded livestock facilities that will have five hundred (500) or more animal units.
 - (2) **Licenses for Existing Livestock Facilities.**
 - a. A license is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed the following:
 - 1. The applicable size threshold for a license.
 - 2. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty percent (20%) higher than the number kept on May 1, 2006, or on the effective date of the license requirement, whichever date is later.
 - b. A license is not required for a livestock facility that existed before May 1, 2006, or before the effective date of the license requirements in this Chapter, except as provided in Subsection (c)(2)a above.
 - c. A license is not required for a livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in

Subsection (c)(2)a above. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

- (d) **Licensing Administration.** The Village of Bristol creates the position of Livestock Siting Administrator, who shall have the primary responsibility of administering this Chapter and related matters thereto. The Livestock Facility Siting Administrator shall be appointed by the Village Board and shall serve at the pleasure of said Board.
- (e) **Licensing Standards.** The standards for issuing a license are as follows:
 - (1) **State Standards Adopted.** The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this Chapter, except as may be noted in this Subsection of this Chapter, are incorporated by reference in this Chapter, without reproducing them in full.
 - (2) **Property Line Setbacks.**
 - a. Except as provided for waste storage structures, livestock structures shall be located a minimum of one hundred (100) feet from a property line if the livestock facility will have fewer than one thousand (1,000) animal units, and two hundred (200) feet from a property line if the livestock facility will have one thousand (1,000) or more animal units.
 - b. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the original effective date of this setback requirement, except that a structure may not be expanded closer to a property line.
 - (3) **Public Road Right-of-Way Setbacks.**
 - a. Except as provided for waste storage structures, livestock structures shall be located a minimum of one hundred (100) feet from a public road right-of-way if the livestock facility will have fewer than one thousand (1,000) animal units, and one hundred fifty feet (150) feet from a public right-of-way if the livestock facility will have one thousand (1,000) or more animal units.
 - b. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the original effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
 - (4) **Waste Storage Structure.**
 - a. A new waste storage structure shall not be located within three hundred and fifty (350) feet of a property line, or within three hundred and fifty (350) feet of the nearest point of any public road right-of-way.

- b. A single new waste storage structure may be constructed closer to the property line or public road right-of-way if a new structure is:
 - 1. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
 - 2. No larger than the existing structure.
 - 3. No further than fifty (50) feet from the existing structure.
 - 4. No closer to the road or property line than the existing structure.
 - c. This setback requirement does not apply to existing waste storage structures, except that an existing structure within three hundred and fifty (350) feet of a property line or road right-of-way may not expand toward that property line or road right-of-way.
- (f) **License Application.**
- (1) **Application Form; Worksheets.** A livestock operator shall complete the application form and worksheets prescribed by ATCP 51, Wis. Adm. Code, including any authorized local modifications. The application form and worksheets demonstrate compliance with the standards in ATCP 51, Wis. Adm. Code, and this Chapter.
 - (2) **Filling of Application.** The operator shall file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. [Note: One (1) copy must be filed after a final decision on the application with DATCP. If approved, one (1) duplicate copy marked "approved" must be given back to the applicant. The applicant may wish to record the approved application with the County Register of Deeds.]
- (g) **License Application Fee.** A non-refundable application fee as prescribed in Section 1-3-1 payable to the Village of Bristol shall accompany an application for the purpose of offsetting the Village's costs to review and process the application.
- (h) **Application Procedures.**
- (1) **Notification of Application Completeness.** Pursuant to ATCP 51.30(5), Wis. Adm. Code, within forty-five (45) days after the Village receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the Village shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
 - (2) **Notice to Adjacent Landowners.** Pursuant to ATCP 51.30(6), Wis. Adm. Code, within fourteen (14) days after the Village notifies an applicant that the application is complete, the Village shall notify adjacent landowners of the application. The political subdivision shall use the approved notice form in ATCP 51, Wis. Adm. Code, and mail, by first class mail, a written notice to each adjacent landowner.
 - (3) **Public Hearing Notice.** Upon a determination of completeness, the Village Clerk shall give notice of a public hearing to receive information from the applicant and

receive public input on the application. Public notice shall be a Class 2 notice, the last of which is at least a week before the date of the public hearing. The public hearing may be continued, but a final decision shall be made within the time limits prescribed in Subsection (h)(4) below.

(4) **Application Decision Timeline; Extensions.**

- a. Pursuant to ATCP 51.32, Wis. Adm. Code, the Village shall grant or deny an application within ninety (90) days after the Village gives notice that the application is complete under Subsection (h)(2) above. The Village may extend this time limit for good cause, including any of the following:
 1. The Village needs additional information to act on the application.
 2. The applicant materially modifies the application or agrees to an extension.
- b. The Village shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Village will act on the application.

(i) **Criteria for License Issuance.**

- (1) **Issuance Criteria.** A license shall be issued if the application for the proposed livestock facility:
 - a. Complies with this Chapter; and
 - b. Is complete; and
 - c. Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Chapter, specifically Subsection (e) above. [Note: Under state law, if the application and worksheets prescribed by ATCP 51, Wis. Adm. Code, are properly completed, there is a rebuttable presumption that the applicant has met the application requirements.]
- (2) **Denial Criteria.** A license shall be denied if any of the following apply:
 - a. The application, on its face, fails to meet the standards for approval in Subsection (i)(1) above; or
 - b. The Village finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Chapter; or
 - c. Other grounds exist authorized by Section 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.

(j) **Record of Decisions.**

- (1) **Written Decisions.** The Village Board shall issue its decision in writing. The decision shall be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51, Wis. Adm. Code.
- (2) **Duplicate Approval Documents.** If the Village Board approves the application, the Village shall provide the applicant with a duplicate copy of the approved application,

marked "approved". The duplicate copy shall include worksheets, maps and other documents (other than engineering specifications) included in the application.

- (3) **Additional Post-Approval Actions.** The Village Clerk, as required by ATCP 51.36, Wis. Adm. Code, within thirty (30) days of the Village's decision on the application, shall do all of the following:

- a. Give the Wisconsin Department of Agriculture, Trade and Consumer Protection written notice of the Village's decision.
- b. File with the Wisconsin Department of Agriculture, Trade and Consumer Protection a copy of the final application granted or denied, if the Village has granted or denied an application under this Chapter. The copy shall include all of the worksheets, maps and other attachments included with the application, except that it is not required to include the engineering design specifications.
- c. If the Village has withdrawn a local approval under this Chapter, file with the Wisconsin Department of Agriculture, Trade and Consumer Protection a copy of the Village's final notice or order withdrawing the local approval. [Note: The information required in this Subsection shall be submitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Resource Management Division, Bureau of Land and Water Resources, P.O. Box 8911, Madison, WI 53708-8911].

(k) **Transferability of License.**

- (1) **Transfer Criteria.** A license and the privileges granted by this license run with the land approved under the license and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the County Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.
- (2) **Filing Requirements.** The Village requires that upon a change of ownership of the livestock facility, the new owner of the facility shall file information with the Village Clerk providing pertinent information, including, but not limited to, such information as the name and address of the new owner and date of transfer of ownership.

(l) **Expiration of License.** A license remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the license, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Village may treat a license as lapsed and withdraw the license if the license holder fails to do all of the following within two (2) years after issuance of the license:

- (1) Begin populating the new or expanded livestock facility.
- (2) Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

(m) **License Terms and Modifications.** A license and the privileges granted by a license issued under this Chapter is conditioned on the livestock operator's compliance with the standards in this Chapter, and with commitments made in the application for a license. The

operator may make reasonable changes that maintain compliance with the standards in this Chapter, and the Village shall not withhold authorization for those changes. A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license as provided in Subsection (l)

(n) **Compliance Monitoring.** The Village shall monitor compliance with this Chapter as follows:

- (1) **Inspection.** Upon notice to the livestock facility owner request the right of the Village Livestock Facility Siting Administrator under Subsection (e) to personally view the licensed premises at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
- (2) **Inspection Warrant.** If the livestock facility owner refuses the Village Livestock Facility Siting Administrator the right to view the licensed premises, the Administrator may request the assistance of the Sheriff and his/her deputies to obtain an inspection warrant from the circuit court to inspect the licensed premises for the purpose of protection of the public health and safety under Section 66.0119, Wis. Stats.
- (3) **Written Notice of Non-Compliance.** If a licensed premises is found not to be in compliance with the commitments made in the approved application, the Livestock Facility Siting Administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and license be complied with in a reasonable amount of time stated in this written notice.
- (4) **Enforcement Options.** If non-compliance of the license conditions as described in the written notice given by the Administrator continue past the stated reasonable time to comply, the Administrator may take further action as provided in this Chapter, including but not limited to issuance of a citation or seeking of injunctive relief.
- (5) **Hearing.** If the livestock facility owner disputes that the conditions of the license have not been complied with, the livestock facility owner may request a hearing, in writing, within five (5) days to determine if the conditions of the license have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

(o) **Penalties.**

- (1) **Penalties Enumerated.** Any person who violates any of the provisions of this Chapter, or who fails, neglects or refuses to comply with the provisions of this Chapter, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:
 - a. Under conviction by a court of law, pay a forfeiture as prescribed in Section 1-1-6, plus the applicable surcharges, assessments and costs for each violation.
 - b. Each day a violation exists or continues shall be considered to separate offense under this Chapter.

- c. In addition, the Village Board may seek injunctive relief from a court of record to enjoin further violations.
- d. In addition, the Village Board may suspend or revoke the local approval of a license under this Chapter after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.
- (2) **Enforcement Considerations.**
 - a. The Village and its officials shall exercise sound judgment in deciding whether to suspend or revoke a license. The Village and its officials shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.
 - b. In addition to any other penalty imposed by this Chapter, the cost of abatement of any public nuisance on the licensed premises by the Village may be collected under this Chapter or Section 823.06, Wis. Stats., against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Section 66.0627, Wis. Stats., unless paid earlier.
- (p) **Appeals.**
 - (1) **Appeals Generally.** In addition to other appeal rights provided by law, Section 93.90(5), Wis. Stats., provides that any "aggrieved person" may request review by the Livestock Facility Siting Review Board of any decision by the Village in connection with a permit application. An "aggrieved person" may challenge the decision on the grounds that the Village incorrectly applied the standards under this Chapter or violated Section 93.30, Wis. Stats.
 - (2) **Aggrieved Person Definition.** For purposes of this Subsection, as defined in Section 93.90(5), Wis. Stats., "aggrieved person" means a person who applied to the Village for approval of a livestock siting or expansion, a person who lives within two (2) miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within two (2) miles of a livestock facility that is proposed to be sited or expanded.
 - (3) **Review Request.** An aggrieved person may request review of any decision of the Livestock Facility Siting Administrator or any action or decision of the Village Board.
 - (4) **Appeals Timeline.** Any appeal brought under this Subsection shall be requested within thirty (30) days of the Village's approval or disapproval or within thirty (30) days after the decision on appeal before the Village Board.
 - (5) **Appeal to State Board.** Any appeal to the State Livestock Facility Siting Review Board shall comply with Section 93.90, Wis. Stats., and administrative rules of said Board.
- (q) **Definitions.** For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the

plural number includes the singular number. The word "shall" is mandatory and not permissive. The word "person" includes individuals, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied":

- (1) **Adjacent Property Owner.** The owner of property located within three hundred (300) feet of a subject property under this Code.
- (2) **Animal Unit.** As defined in Ch. NR 243.03(3), Wis. Adm. Code.
- (3) **Complete Application for Local Approval – Livestock Facilities Conditional Use.** An application that contains everything required under ATCP 51.30(1)-(4), Wis. Adm. Code.
- (4) **Expanded Livestock Facility.** The entire livestock facility that is created by the expansion after May 1, 2006, and includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
- (5) **Expansion.** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.
- (6) **Expansion of Livestock Facility.** An increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve (12) month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities for at least ninety (90) days in any twelve (12) month period.
- (7) **Livestock.** Domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products, and includes cattle, swine, poultry, sheep and goats. The term "livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (8) **Livestock Facility.** A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve (12) month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this Chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (9) **Livestock Structure.** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter

- grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (10) **Manure Pit.** A structure or earthen pond located outside of a barn or shelter and used for containment of manure and other wastes from livestock and poultry.
 - (11) **New Livestock Facility.** A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.
 - (12) **Operator.** A person who applies for or holds a local approval for a livestock facility.
 - (13) **Person.** An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
 - (14) **Populate (Animals).** To add animal units for which a permit or other local approval is required.
 - (15) **Property Line.** A line that separates parcels of land owned by different persons.
 - (16) **Related Livestock Facilities.** Livestock facilities that are owned or managed by the same person, and related to each other in at least one (1) of the following ways:
 - a. They are located on the same tax parcel or adjacent tax parcels of land. (Note: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities).
 - b. They use one (1) or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same landscaping acreage.
 - (17) **Separate Species Facility.** A livestock facility that meets all of the following criteria:
 - a. It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (Note: See also definition for "related livestock facility"):
 - 1. Cattle.
 - 2. Swine.
 - 3. Poultry.
 - 4. Sheep.
 - 5. Goats.
 - b. It has no more than five hundred (500) animal units.
 - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
 - d. It meets one (1) of the following criteria:
 - 1. Its livestock housing and manure storage structures, if any, are located at least seven hundred and fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.

2. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.
- (18) **Waste.** Manure, milking center waste, and other organic waste generated by a livestock facility.
- (19) **Waste Storage Facility.** One (1) or more waste storage structures, and includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.
- (20) **Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. Pursuant to the purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, "waste storage facility" does not include any of the following:
 - a. A structure used to collect and store waste under a livestock housing facility.
 - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- (21) **WPDES Permit.** A Wisconsin pollutant discharge elimination permit issued by the Wisconsin Department of Natural Resources under NR 243, Wis. Adm. Code.

Title 7 ► Chapter 13

Licensees to Pay Local Claims; Appellate Procedures

- 7-13-1** Licensees Required to Pay Local Taxes, Assessments and Claims; Appellate Procedures
- 7-13-2** Duty of Village Clerk Regard to Licenses

Sec. 7-13-1 Licensees Required to Pay Local Taxes, Assessments and Claims.

- (a) **Payment of Claims.** The Village shall not issue or renew any license to transact any business within the Village of Bristol:
- (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessments or other claims owed the Village;
 - b. Of any forfeiture resulting from a violation of any Village Ordinance; or
 - c. Of having a pertinent Code violation(s).
- (b) **Exemption.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearings.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time, and Village ordinances.
 - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the

7-13-1

Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Appeals.** Where an individual, business or corporation wishes to appeal the Village Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Village Clerk that the matter be referred to the Village Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

Sec. 7-13-2 Duty of Village Clerk with Regard to Licenses.

The Village Clerk shall be charged with the administration of all ordinances relating to licenses unless otherwise provided by the Village Board.

Title 7 ► Chapter 14

Licensees to Pay Local Claims; Appellate Procedures

7-14-1 Licensees Required to Pay Local Taxes, Assessments and Claims; Appellate Procedures

7-14-2 Duty of Village Clerk Regard to Licenses

Sec. 7-14-1 Licensees Required to Pay Local Taxes, Assessments and Claims.

- (a) **Payment of Claims.** The Village shall not issue or renew any license to transact any business within the Village of Bristol:
 - (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessments or other claims owed the Village;
 - b. Of any forfeiture resulting from a violation of any Village Ordinance; or
 - c. Of having a pertinent Code violation(s).
- (b) **Exemption.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearings.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
 - (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time, and Village ordinances.
 - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the

7-14-1

Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Appeals.** Where an individual, business or corporation wishes to appeal the Village Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Village Clerk that the matter be referred to the Village Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

Sec. 7-14-2 Duty of Village Clerk with Regard to Licenses.

The Village Clerk shall be charged with the administration of all ordinances relating to licenses unless otherwise provided by the Village Board.