

CHAPTER 12  
LICENSES AND PERMITS

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12.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

- (1) State Statutes Adopted. The provisions of Chapter 125 and Sec. 66.0433 relating to the sale of intoxicating liquor and fermented malt beverages, except sections 125.03, 125.045, 125.075, 125.105, 125.11, 125.115, 125.145, 125.16, 125.19, 125.27, 125.275, 125.30, 125.51(5), 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.60, 125.61, 125.62, 125.63, and 125.65, exclusive of any provisions thereof, relating to the penalty to be imposed or the punishment for violation of such Statutes, are hereby adopted and made a part of this chapter by reference. A violation of any such provision shall constitute a violation of this section.
  
- (2) License Fees. The following fees (plus publishing fees assigned to applicant as appropriate) shall be charged for licenses issued by the Village Board (Municipal Clerk for Temporary Class B "Picnic License) for the sale of intoxicating liquors and fermented malt beverages, and for Operator's (Bartender's) Licenses:
  - (a) Class "A" Beer - \$100 per year
  - (b) Class "B" Beer - \$100 per year
  - (c) Temporary Class "B" Beer/Wine "Picnic" - \$10 per occasion
  - (d) "Class A" Liquor - \$400 per year
  - (e) "Class B" Liquor - \$400 per year
  - (f) Operator's License - \$24 per 2 years (Prorated if application made after the start date of the license period – Minimum of \$5) plus \$7 Record Check Fee
  - (g) Wholesaler's License - \$25.00 per year
  - (h) Cigarette/Tobacco License - \$25.00 per year (Amended 05/17/2017)

- (i) "Class C" Wine License - \$100 per year
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- (3) License Application. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by 125.04(3), Wis. Stats., and shall be filed with the Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under 125.26(6) and 125.51(4m), Wis. Stats. shall be filed with the Clerk not less than 3 days prior to the granting of the license. No License shall be issued until the fee and cost of publication, as provided by 125.04(3)(g)(6), Wis. Stats. has been paid.
  - (4) License Investigation. The Clerk shall notify the Chief of Police, Health Officer and Chief of the Fire Department of each application, who 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 law applicable thereto, including those governing sanitation in restaurants. These officials shall each furnish to the Village Board in writing the information derived from such investigation, accompanied by a statement as to whether the applicant and premises met the requirements of the Department for which the officer is certifying. No license shall be renewed without a re-inspection of the premises and report as originally required.
  - (5) Operator's License. All applications shall be filed with the office of the Clerk on or before May 31 of every other year, provided, however, that nothing shall prevent the Village Board from granting any licenses which are applied for at any other time for a fraction of the two (2) year license period as set forth in 12.01(2)(f) above. The fee for an operator's license which is applied for after May in each two year period thereafter shall be prorated pursuant to 12.01(2)(f). The Clerk may issue a provisional operator's license subject to the following conditions.
    - (a) A provisional license may be issued only to a person who has applied for regular beverage operator's license as provided by this chapter.
    - (b) A provisional license may not be issued to any person who has been denied a regular operator's license by the Village Board.
    - (c) A provisional license shall expire 60 days after its date of issuance, or when a regular operator's license is granted by the Village Board and is issued to the holder, whichever is sooner.

- (d) The fee for a provisional beverage operator's license shall be \$12.00.
  - (e) The Clerk may revoke the provisional operator's license if it is discovered that the holder of the license made a false statement on the application for the same.
  - (f) On issuance of the provisional operator's license the Clerk shall make a background check on the license holder.
  - (g) The Clerk may revoke the provisional operator's license when it is determined that that person's criminal or civil conviction record substantially relates to the duties and circumstances of a beverage operator's position.
  - (h) Any person whose provisional license is revoked by the Clerk shall have the right to appeal that revocation to the Village Board. Such appeal must be made in writing and presented to the Clerk after the date of revocation. Such appeal will then be heard by the Village Board at its next regularly scheduled meeting.
  - (i) No person shall be issued more than 3 provisional operator's licenses in any 2 year period.
- (5) Licenses Required. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.
- (6) Qualifications for Licenses and Permits.
- (a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section may be issued only to persons who:
    - (1) Do not have an arrest or conviction record, subject to 111.321, 111.322 and 111.335. Wis. Stats.

(2) Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of application.

(3) Have attained the legal drinking age.

(b) Criminal offenders. No license or permit related to alcohol beverages may, subject to 111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been pardoned.

(c) Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under 125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of Par. (a) 1 and 3 and (b) above, except that par. (a) 2. does not apply to agents.

(7) Licenses Conditions and Restrictions. In addition to the conditions and restrictions imposed by State law on the granting of Class "A" and Class "B" fermented malt beverages licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a) Consent to inspections of 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 any police officer of the Village without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

(b) Violation by agents or employees. A violation of this section by a duly authorized agent or employee of the licensee shall constitute a violation of the licensee.

(c) Sales to underage persons prohibited. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(d) Commencement of operations. Within 90 days after the issuance of a "Class A" retail liquor license or a "Class B" intoxication liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with

adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, for a good cause shown, extend such 90 day period.

(e) Cessation of operations. If any licensee shall suspend or cease doing business for 90 consecutive days or more, his "Class A" retail liquor license or his "Class B" intoxicating liquor license or his Class "B" fermented malt beverage license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, for a good cause shown, extend such 90 day period. Further, once a "Class B" intoxicating liquor license is revoked, no such license shall be issued in its stead if the effect of such reissuance increases the ratio of one for each 500 population.

(f) Transfer of License. No license shall be transferable from person to person except as provided by 125.04(12)(b), Wis. Stats., or from place to place, except as provided in 125.04(12)(a), Wis. Stats.

(g) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed to conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the Village.

(h) Clear view of premises required. Except as otherwise provided in this subsection, all windows in the front of any licensed premises shall be of clear glass, unobstructed by any signs, advertising material or venetian blinds, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk at all times.

(i) Village taxes and claims. No license shall be granted for operation on any premises upon which personal property taxes or assessments or other financial claims of the Village are delinquent and unpaid.

(j) Disorderly conduct and gambling prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(k) Wearing apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the

licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

(1) The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the mons pubis genitals and buttocks at all times.

(2) The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.

(l) Posting of licenses required. Licenses or permits issued under this section shall be posted and displayed as provided in 125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his/her license or permit as therein required shall be presumed to be operating without a license.

(m) Dancing Regulated. No dancing shall be permitted upon premises licensed under this section by patrons or entertainers unless the premises is licensed under this Chapter.

(8) Closing Hours.

(a) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), the closing hours shall be between 3:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close.

(b) Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(c) Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12 midnight and 6 a.m. (Amended 2 -15-2012)

- (d) "Class A" Liquor and Wine premises may remain open for regular business but may not sell intoxicating liquor or wine between the hours of 9:00PM and 6:00AM. (Amended 2-15-2012)
- (9) Presence on premises after closing hours restricted.
  - (a) No person who is not an employee of the person, corporation or entity that holds a license to sell intoxicating liquors or fermented malt beverages shall remain on the licensed premises after closing hours.
  - (b) Any person on any premises licensed to sell intoxicating liquors or fermented malt beverages after closing hours as established by Chapter 12 of the Municipal Code of the Village of Ferryville must be an employee of the person or corporation.
- (10) Underage person: consumption and possession of alcohol beverages.
  - (a) Restrictions. Pursuant to S. 125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.
  - (b) Selling or serving alcohol beverages. Pursuant to 125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.
- (11) Revocation and suspension of licenses.
  - (a) Procedure. Except as hereinafter provided, the provisions of 125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Village President or Chief of Police or by the Village Board upon its own motion.
  - (b) Repossession of license or permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Clerk shall notify the licensee or permittee and shall take physical possession of the license or permit and file it in the office of the Clerk.

12.02 Mobile Homes (MH) – Recreational Mobile Homes (RMH) – Motor homes (MTH) – Travel Trailers (TT)

- (1) Restriction. From and after the effective date of this ordinance, no Mobile Home, Recreational Mobile Home, Motor Home or Travel Trailer regardless of whether placed on a foundation or other permanent base, shall be located, used or occupied as a residence by any person at any place in the Village of Ferryville except as provided herein.
  
- (2) Present Mobile Homes and Travel Trailer Exceptions. Regardless of compliance with licensing/permits or provisions of previous ordinances, present users of mobile homes and travel trailers shall be entitled to permanent location, use, occupancy, replacement, and sale to a new owner, by all such users as follows:
  - (a) that use is for residential purposes only,
  
  - (b) that this exclusion is specifically limited to the specific location in the Village limits where a present mobile home is located on property parcels 126-0058-0000, 126-0046-0000, 126-0133-0000, 126-0108-0000, 126-0111-0000.  
(amended 12/19/12)
  
  - (c) that this exclusion is specifically limited to the specific location in the Village limits where a present travel trailer is located on property parcels 126-0090-0000, 126-0150-0000, 126-0109-0000. (amended 12/19/12)
  
  - (d) that this exclusion applies to all mobile homes located on property parcels included in “The Ferryville Boat Ramp Area Floodway District” as defined and regulated by Ordinance Chapter 11A.
  
  - (e) that the exclusion is conditioned upon compliance with all regulations established by this or amendatory ordinances of the Village of Ferryville and the laws of the State of Wisconsin or administrative rules of its agencies.
  
- (3) Other Exceptions. The following uses of a mobile home or RV shall also be permitted unless prohibited by a covenant or law of the State of Wisconsin.
  - (a) The use of a MH, RMH, MTH or TT as emergency living quarters when a residence has been destroyed as to make it unlivable provided that such use cannot in any event exceed six months.



(b) The parking of one RMH, MTH or TT in the yard of a residential premise provided that no living quarters shall be maintained and no business is practiced in or from the unit while so parked.

c) The use of a MH, RMH, MTH or TT as a “lunch wagon” or by a contractor, builder, or other similar situations for operational purposes or storing supplies, provided that no living quarters are maintained, may be granted by the Village Board upon request of the property owner.

#### 12.03 REGULATION AND LICENSING OF DOGS AND KENNELS

- (1) License required. All dogs must be licensed annually with a tag purchased from the Village Clerk or Crawford County Clerk.
- (2) No individual, household unit, corporation, firm or partnership shall operate a kennel within the Village limits of the Village of Ferryville
- (3) Definitions. In this Section, unless the context or subject matter otherwise requires, Kennel shall mean any business enterprise which regularly engages in raising, training, buying, selling or boarding of any species of animal for hire or profit.
- (4) Restrictions on keeping of dogs. It shall be unlawful for any person within the Village of Ferryville to own, harbor or keep any dog which:
  - (a) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (b) Assault or attacks any person.
  - (c) Is at large within the limits of the Village.
  - (d) Habitually barks or howls to the annoyance of any person or persons.
  - (e) Kills, wounds, or threatens any domestic animal.
  - (f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (5) Duty of owner in cases of dog bite. Every owner or person harboring or keeping a dog

who knows that such dog has bitten any person shall immediately report such fact to the Health Officer and shall keep such dog confined for not less than 14 day or for such period of time as the Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer or any Village Police Officer upon demand for examination.

#### 12.04 OPEN BURNING

##### (1) Open Burning

- (a) All open burning in the village of Ferryville will require a Burn Permit.
  - (1) Annual burning permits are free and may be obtained online at [www.wi.gov/wisburn](http://www.wi.gov/wisburn), or by calling 1-888-947-2876 or from a fire warden (Ferryville Cheese LLC, 159 Main Street)
  - (b) Before burn, call DNR Permit Hotline – 1-888-947-2876 or visit [www.dnr.wi.gov/wisburn](http://www.dnr.wi.gov/wisburn), to obtain the current burning restrictions in the area where you wish to burn.
  - (c) Burning hours – 6PM to Midnight No burning permitted on Sunday.
  - (d) Exceptions.
    - (1) Outdoor cooking over a fire, or a campfire, contained in a device or structure designed for such use is permissible;
    - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with prior written approval of the Fire chief or his/her designee may be permitted;
    - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief or his/her designee may be permitted;
    - (4) Open burning at the public brush drop off site carried out by Village employees, with the permission of the Fire Chief or his/her designated representative;
    - (5) Open burning of trees and brush for major construction sites with the permission of the Public Works Department and the Fire chief or his/her

designated representative;

- (6) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasional approval as in Subsections(2 ) and( 3) above;
- (7) Whenever approval and special permit are granted by the Fire Chief or his/her designee under Subsection(d) (2), (3) and (6) of this Section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- (8) Chief may prohibit. The Fire Chief or his/her designee is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (9) Burning on Streets. No materials may be burned upon any street, curb, gutter, or sidewalk.
- (10) Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his/her fire.
- (11) Fuel. Fuel for open burning shall consist only of dry material.
- (12) Material.
  - (a) Prohibited Material for open burning include rubbish, garbage, any material made of or coated with paint, rubber, plastic, leather, or petroleum based materials and may not contain any flammable or combustible liquids, or wood treated with preservatives , shingles, foam, furniture, wire, metal, aluminum, or any recyclable material. Refer to Chapter 16 – Recycling Ordinance.
  - (b) Allowed Material includes brush, leaves, needles, grass, clean wood, unrecyclable paper or unrecyclable cardboard.
- (13) Burning Supervision. Open burning that is allowed shall be constantly attended and supervised by a competent person until such fire is

extinguished; this person shall have readily available for use fire extinguishing equipment deemed necessary by the Fire Chief or his/her designer.

- (14) Inspection. Application for a permit constitutes consent that the Fire Chief or the Chief's designee may enter and inspect the property where the open burning site is located.
- (15) Penalty. Any person who violates any provision of this ordinance, or burns material not permitted herein, or fails to comply with any provisions of the burn permit shall be required to forfeit not less than \$ 100.00 cost for the first offense, \$ 350.00 cost for the second offense occurring within a twelve (12) month period of time, together with the costs of prosecution, and default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, not exceeding 60 days.

#### 12.05 Penalty

- (1) Any individual, household unit, corporation, firm or partnership violating this ordinance shall be subject to penalties as set forth in Section 13.04 of this municipal code the Village of Ferryville.