

## CHAPTER 12

### LICENSES AND PERMITS

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**12.01 GENERAL PROVISIONS.** (1) **LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the City in the manner provided in this chapter, unless otherwise specifically provided.

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

(3) **PAYMENT OF FEE (Rep. & Recr. Ord. #891).** (a) General. The fees for any license or permit shall be paid at the office of the City Clerk upon the issuance of such license or permit.

(b) Alcohol Beverage Licenses. The publication fee for any alcohol beverage license shall be paid at the office of the City Clerk with the application. The alcohol beverage license fee shall be paid not less than 15 days prior to the date the license is to be issued.

(4) **NO REFUND OF FEES.** No license or permit fee shall be refunded if a license or permit is surrendered or revoked for cause.

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

(6) **FORM.** Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the City Clerk and be impressed with the City seal. The City Clerk shall keep a record of all licenses and permits issued.

(7) **LICENSE AND PERMIT TERM.** (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.

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

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

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

(9) TRANSFER. Unless otherwise provided, no license or permit shall be transferable or assignable.

(10) RENEWAL. Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.

(11) SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Council for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:

(a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

(b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.

(c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City upon recommendation of the appropriate City official.

(d) Expiration or cancellation of any required bond or insurance.

(e) Actions unauthorized or beyond the scope of the license or permit granted.

(f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.

(g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(12) TAX DELINQUENCY DISQUALIFICATION (Cr. Ord. #922). No license or permit shall be issued or renewed to any person who is delinquent in the payment of taxes, assessments or other fees due the City.

**12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.** (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.08, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.32(3), 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section.

(2) DEFINITIONS. As used in this section, the following definitions apply:

(a) Legal Drinking Age. Twenty one years of age, but also includes persons who have attained the age of 19 on or before August 31, 1986.

(b) Underage Person. A person who has not attained the legal drinking age.

(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, together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats., with the City 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 City Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee has been paid.

(4) **APPLICATION INVESTIGATION.** The City Clerk shall notify the Chief of Police of each new license and permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. The Chief shall furnish to the Council, in writing, the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Council, and no license shall be renewed without a report from the Chief of Police.

(5) **LICENSE FEES.** The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows:

(a) Class "A" Fermented Malt Beverages. \$25 per year.

(b) Class "B" Fermented Malt Beverages. \$100 per year or \$75 for 6 months: a 6-month license may not be renewed in the same calendar year.

(c) Class "B" Fermented Malt Beverage Picnic License (Am. Ord.#1061). Issued to organizations enumerated in §125.26(6), Wis. Stats. \$10 per event.

(d) Temporary "Class B" Wine License (Am. Ord. #1061). Issued to churches and church organizations to sell or serve wine of not more than 6% alcohol by volume at a picnic, meeting or gathering. \$10 per event. See §125.51(10), Wis. Stats.

(e) "Class A" Intoxicating Liquor (Am. Ord. #1015). \$250 per year.

(f) "Class B" Intoxicating Liquor. \$500 per year, except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the State for at least 6 years shall be \$50 per year, as provided in §125.51(3) (e) , Wis. Stats.

(f1) "Class C" Wine License (Cr. Ord. #995; Am. Ord. #1235). \$100 per year.

(g) Wholesalers Fermented Malt Beverages. \$25 per year.

(h) Operator's License (Am. Ord. #873; Am. Ord. #1061; Am. Ord. #1235). \$30 per year of \$50 for 2 years.

(i) Temporary License (Am. Ord. #873). \$10 for up to 14 days as provided in §125.17(4), Wis. Stats.

(j) Provisional Operator's License (Am. Ord. #873; Am. Ord. #923; Am. Ord. #1235). \$15 for 60 days, pursuant to §125.17(4), Wis. Stats.

(k) Transfer of License to Another Premises. \$10.

(6) OPERATOR'S LICENSE. All applications for an annual operator's license shall be filed in the office of the Clerk-Treasurer on or before May 31 of each year, provided that nothing shall prevent the Council from granting any license which is applied for at least 5 working days before a Council meeting at any other time for a fraction of the year for the annual fee. The Clerk-Treasurer may issue a provisional operator's license to a person who has applied for an operator's license and has not previously been denied an operator's license.

(7) LICENSE REQUIRED (Rep. & Recr. Ord. #892). (a) General. 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 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 or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.

(b) Furnishing Alcohol Beverages in Hotel and Motel Rooms. Pursuant to the provisions of §§125.26(2m) and 125.51 (3) (bm), Wis. Stats., a Class "B" or "Class B" license, respectively, authorizes a person operating a hotel or motel to furnish registered guests of legal drinking age fermented malt beverages and intoxicating liquor, respectively, in original packages.

(8) QUALIFICATIONS FOR LICENSES AND PERMITS. (a) Natural Persons. Licenses related to alcohol beverages, issued to natural person 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 the application.

3. (Am. Ord. #880) Have attained the legal drinking age, except that operator's licenses may be issued to persons who have attained the age of 18.

(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 duly 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 pars. (a)l. and 3. and (b) above, except that par. (a)2. does not apply to agents.

(9) "CLASS B" INTOXICATING LIQUOR LICENSE QUOTA. The number of "Class B" intoxicating liquor licenses to be issued hereunder is limited to the number permitted under §125.51(4), Wis. Stats.

(10) LICENSE 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 beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a) Consent to Inspection 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 City 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 a 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 he is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

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

(e) Commencement of Operations. Within 90 days after the issuance of a "Class B" intoxicating 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 Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.

(f) Cessation of Operations (Am. Ord. #924). If any licensee shall suspend or cease doing business for 90 consecutive days or more, his "Class B" intoxicating liquor license or his Class "B" fermented malt beverage license shall be subject to revocation, suspension or nonrenewal by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.

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

(h) Location of Premises Restricted. 1. No retail Class A or Class B license shall be issued for premises, the main entrance of which is less than 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 main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises so licensed on June 30, 1947.

2. (Am. Ord. #867; Am. Ord. #993) No retail Class B license shall be issued for any premises located on Iowa Street between Spring Street and Fountain Street unless sale of food for consumption on the premises represents at least 50% of the gross proceeds of such establishment.

3. No retail Class A or Class B license shall be issued for premises located below street level.

(i) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed 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 City.

(j) 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.

(k) City 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 City are delinquent and unpaid.

(l) 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.

(m) 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 the buttocks at all times.

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

(n) 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 license or permit as therein required shall be presumed to be operating without a license.

(o) Dancing Regulated. No dancing shall be permitted upon premises licensed under this section by patrons or entertainers unless the premises is licensed under sec. 12.04 of this chapter.

(11) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail "Class A" Intoxicating Liquor License (Am. Ord. #1036). Between 9:00 P.M. and 8:00 A.M.

(c) Retail Class "B" and "Class B" Licenses (Rep. & Recr. Ord. #880). On week days, no premises for which a retail Class "B" malt beverage license or a "Class B" intoxicating liquor license has been issued shall be permitted to remain open for sale of liquor or malt beverages or for any other purpose between the hours of 2:00 A.M. and 6:00 A.M., except on Saturday and Sunday, such premises shall not be required to close until 2:30 A.M.; on January 1 such premises shall not be required to close.

(d) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (c) above.

(e) Presence on Premises After Closing Hour Restricted. 1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.

2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.

(12) SALE OF CLASS B PACKAGED GOODS. (a) Sale Restrictions. Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at anyone time on any premises for which any "Class B" intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(b) Hours of Sale (Am. Ord. #880). Between the hours of 12:00 midnight and 6:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

(13) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. (a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(b) Exceptions. Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.
2. An underage person who enters a Class A premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
3. Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
4. Licensed restaurants where the principal business is that of a restaurant.
5. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
6. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

(14) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES. (a) Restrictions. Pursuant to §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) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.

4. A facility for the production of alcohol fuel.

5. A retail licensee or permittee under the conditions specified in §§125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.

6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(c) 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 A or 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.

(15) REVOCATION AND SUSPENSION OF LICENSES. (a) Procedure (Am. Ord. #924). Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation, suspension or refusals to renew licenses or permits granted under this section. Revocation, suspension or nonrenewal proceedings may be initiated upon written complaint by the Mayor or the Chief of Police or by the Council 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 City Clerk shall notify the licensee or permittee and the Chief of Police of such revocation or suspension and the Chief of Police or his designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the City Clerk.

(c) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

(16) NOTICE OF NONISSUANCE (Cr. Ord. #880). In the event the Council determines not to issue a new alcohol beverage license, it shall notify the applicant, in writing, and state the reasons for its decision.

(17) POINT VALUES FOR ALCOHOL BEVERAGE VIOLATIONS (Cr. Ord. #925, Eff. 7-1-89). (a) Purpose. The purpose of this subsection is to establish an alcohol beverage demerit point system to assist in determining which license holders should be subject to revocation, suspension or nonrenewal procedures.

(b) Point Schedule. The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated State statutes and this Code, for the purpose of recommending revocation, suspension and nonrenewal of their alcohol beverage licenses.

<u>Municipal Code Section</u>	<u>Wisconsin Statute Section</u>	<u>Type of Violation</u>	<u>Point Value</u>
12.02(10)(c)	125.07(1)	Traffic to underaged person	50
	125.07(2)	Traffic to intoxicated person	50
	125.07(3)	Underage person on premises	25
	125.07(7)	Failure to keep proper book	25
12.01(1) and 12.02(7)	125.04	Failure to be licensed	100
12.01(11)(a)		False statement on application	50
12.02(10)(g)	125.04(12)(a) and (b)	Transfer of license without authority	50
	125.04(6) and 125.32(2)	Corporation and agent violations	50
12.02(10)(n)	125.04(10)	Failure to frame and post license	25
	125.32(4)	Conducting unlawful business	50
12.02(10)(o)		Unlawful dancing	25
	125.075	Injury or death by providing alcohol to underage person	50
	125.68(2)	No licensed bartender	25
12.02(10)(c)	125.68(5)	Licensed premises to be sanitary and safe	25
	125.68(4)	Sell or dispense after hours	50
	125.68(4)	Open after hours	50
12.02(10)(m)		Improper wearing apparel	25
	125.68(4)(c)	No carry-out after hours	25
	125.25	On premises consumption - Class A	50
	125.68(4)	After hours consumption - Class B	50

125.25	Leaving with open container - Class "A"	25
12.02(10)(1)	Gambling and disorderly conduct	25
125.68(9)	Unlawful labeling	25
125.28	Wholesalers restrictions	50
12.01 12.02 (Am. Ord. #957)	Any other nonenumerated violation of sec. 12.01 or 12.02 of this chapter	25

(c) Violations, How Calculated. In determining the accumulated demerit points against a license within 12 months, the City shall use the date each violation was committed as the basis for the determination.

(d) Suspension or Revocation of License. 1. The Public Safety Committee shall call before it, for purposes of a revocation, suspension or nonrenewal hearing, all licensees who have accumulated 100 points in a 12-month period as a result of court-imposed convictions or who have had referred to it reports from the City Attorney which, if believed, would result in 100 demerit points in 12 months.

2. If the demerit point accumulation, calculated from the date of violation, meets or exceeds 100 points in a 12-month period, 150 points in a 24-month period or 200 points in a 36-month period, the suspension shall be for not less than 3 days nor more than 90 days. If the license is revoked or not renewed, no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of revocation.

3. The procedure to be used for revocation, suspension or nonrenewal shall be that found in §125.12, Wis. Stats.

(e) Severability. The several terms and provisions of this section shall be deemed severable and, if any provision hereof or the application hereof to any person or circumstances if held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(18) **SALE OF FERMENTED MALT BEVERAGES IN PUBLIC PARKS** (Cr. Ord. #1183). Pursuant to §125.06(6), Wis. Stats., officers and employees of the City may sell fermented malt beverages in any City owned and operated public park when authorized to do so by the Council, subject to such terms and conditions as the Council may impose.

**12.03 CIGARETTE RETAILER LICENSE.** (1) **REQUIRED** (Am. Ord. #1128). No person shall sell cigarettes in the City without first obtaining a license from the Clerk-Treasurer. The provisions of §§134.65 and 134.66(2), Wis. Stats., are hereby adopted and made part of this section by reference.

(2) LICENSE FEE (Am. Ord. #1058; Am. Ord. #1235). The license fee shall be \$30 per year.

**12.04 DANCE LICENSE.** (1) LICENSE REQUIRED. No person shall hold a dance with live music which is open to the public without first obtaining a dance license from the Council.

(2) EXCEPTIONS. (a) Nonprofit Organizations. This section shall not apply to dances held by educational, charitable, nonprofit or religious organizations when the proceeds thereof shall be devoted to the purposes of such organization.

(b) Jukebox Dancing. This section shall not apply to incidental dancing to jukebox music in licensed taverns.

(3) APPLICATION. Application for a license shall be submitted to the Clerk-Treasurer on forms supplied by the Clerk-Treasurer. The Clerk-Treasurer shall refer such application to the Police Chief and the Fire Chief, who shall each inspect the proposed premises to determine if applicable health and safety regulations of this Code and State regulations are complied with. These officers shall file a report with the Council including a recommendation as to whether a license should be granted or denied.

(4) GRANT OR DENIAL OF LICENSE. Upon reviewing the application and the recommendations of the Police Chief and the Fire Chief, the Council shall grant the license, grant the license with conditions, or deny the license.

(5) LICENSE FEES (Am. Ord. #1060; Am. Ord. #1235). The license fee shall be \$20 per year.

(6) LICENSE CONDITIONS AND RESTRICTIONS. Dance licensees shall be subject to the following:

(a) The license shall be posted on the premises.

(b) No disorderly conduct shall be permitted.

(c) Except for premises licensed under sec. 12.02 of this chapter, no alcohol beverages shall be permitted on the premises.

(d) No dancing shall be permitted after 1:00 A.M.

(7) SUSPENSION OR REVOCATION OF LICENSE. Any license granted under this section may be suspended or revoked, as provided in sec. 12.01(10) of this chapter, for failure to comply with the provisions of sub. (6) above.

**12.05 ENTERTAINMENT LICENSE.** (1) LICENSE REQUIRED. No person shall conduct for gain within the City any carnival, circus, concert, or any other similar entertainment without first obtaining a license.

(2) APPLICATION. Application for a license shall be submitted on forms supplied by the Clerk-Treasurer. The application shall be accompanied by a certificate of insurance showing that the applicant is covered by liability insurance by an insurance company licensed to do business in Wisconsin in the amount of \$300,000 for the injury or death of one person, \$1,000,000 for anyone accident and \$50,000 for property damage. If the entertainment involves carnival-type rides, proof of current inspection of such rides by the Wisconsin Department of Commerce must also be furnished.

(3) FEE. The license fee shall be \$50 per event, except that no fee shall be charged for events held or sponsored by educational, charitable, nonprofit or religious organizations when the proceeds thereof shall be devoted to the purposes of such organization.

**12.06 RUMMAGE AND GARAGE SALES REGULATED.** (1) LICENSE REQUIRED. No person shall conduct a rummage or garage sale within the City without having obtained a license from the City Clerk, except as provided in sub. (2) below. Before issuing the license, the City Clerk shall refer the application to the Building Inspector for verification as to whether or not such sale at the proposed location is compatible with ch. 17 of this Code.

(2) EXCEPTIONS TO LICENSE REQUIREMENT. No person shall be required to obtain a license if:

(a) The sale is conducted in a business district and is a permitted use in such district.

(b) The person conducts, on his own residential premises, no more than 3 sales in anyone year. Each sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.

(c) The sale is conducted by religious, educational, charitable or civic organizations on premises located in a residential district no more than 3 times in anyone year. Each such sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.

(3) LICENSE FEE. The license fee shall be \$10 per sale, such sale not to exceed 3 days.

**12.07 REGULATION AND LICENSING OF DIRECT SELLERS, TRANSIENT MERCHANTS AND SOLICITORS.** (1) DIRECT SALES AND SOLICITATIONS; REGISTRATION REQUIRED. It shall be unlawful for any direct seller, transient merchant or solicitor to engage in direct sales or solicitations within the City without being registered and licensed for that purpose, as provided herein.

(2) DEFINITIONS (Rep. & Recr. Ord. #972). (a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services at any location other than the permanent business place or residence of said individual, partnership, association or corporation and shall include, but not be limited to, peddlers, canvassers and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.

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

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

1. Has continuously operated an established place of business in the local trade area among the communities bordering the place of sale, or

2. Has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his residence.

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

(e) Solicitor. Any individual who, for himself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organization, society, association or corporation.

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

(g) Applicant. Each individual applying for registration and licensing as a direct seller, transient merchant or solicitor.

(h) Registrant. Each individual registered by the City Clerk.

(i) Clerk. The City Clerk.

(3) EXEMPTIONS (Rep. & Recr. Ord. #972). (a) The following shall be exempt from all provisions of this section:

1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

2. Any person selling merchandise at wholesale to dealers in such merchandise.

3. Any person selling agricultural products which the person has grown.

4. 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 City and who delivers such merchandise in their regular course of business.

5. Any person who has an established place of business where the merchandise being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.

6. Any person who has had, or represents a company which has had, a prior business transaction such as a prior sale or credit arrangement with a prospective customer.

7. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.

8. 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.

9. 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 Clerk proof that such charitable organization is registered under §449.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.

10. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he has conducted business in the market area for at least one year prior to the date the complaint was made.

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

12. Any veteran who holds a special State license, pursuant to §440.51, Wis. Stats., shall be exempt from the provisions of subs. (4) and (6) below, provided that such veteran provides the City Clerk with the following information:

1. The veteran's name and permanent address.
2. The nature of the sales or solicitations.
3. Proposed dates and times of sales or solicitations.

13. This section does not apply to transient merchants while doing business at special events authorized by the Council.

The City Clerk shall then forward the above information to the Chief of Police.

(4) REGISTRATION (Rep. & Recr. Ord. #972). (a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any.

2. Age, height, weight and color of hair and eyes.

3. Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold.

4. Temporary address and telephone number from which business will be conducted, if any.

5. Nature of business to be conducted and a brief description of the merchandise and any services offered.

6. Proposed methods of delivery of merchandise, if applicable.

7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.

8. Most recent cities, villages, towns, not to exceed 3, where applicant conducted his business.

9. Place where applicant can be contacted for at least 7 days after leaving this City.

10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 years and the nature of the offense and the place of conviction.

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

1. A driver's license or some other proof of identity as may be reasonably required.

2. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.

3. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.

(c) (Am. Ord. #1235) At the time the registration is returned, a fee of \$30 shall be paid to the Clerk-Treasurer to cover the cost of processing said registration. The applicant shall sign a statement appointing the Clerk-Treasurer his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. Upon payment of said fee and the signing of said statement, the Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sec. (5) (b) below.

(5) INVESTIGATION; DENIAL OF APPLICATION (Rep. & Recr. Ord. #972). (a) Upon receipt of a completed registration form, the Clerk-Treasurer shall immediately refer it to the Chief of Police to make an investigation. The Chief of Police or his designee shall complete the investigation and file a report with the Clerk-Treasurer within 72 hours.

(b) The Clerk-Treasurer shall refuse to issue a license to the applicant for any of the following reasons:

1. The application contains any material omission or materially inaccurate statement.

2. The applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling or solicitation.

3. The applicant failed to comply with any applicable provision of sub. (4) (b) above.

4. Complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and town, not exceeding 3, in which the applicant conducted similar business.

5. If, as a result of the investigation required under this section, the applicant's business or character are found to be unsatisfactory, the Chief of Police shall endorse on said application his disapproval and his reasons for the same and return the application to the City Clerk, who shall notify the applicant that his application was not approved and no license will be issued.

(c) In the event the City Clerk shall refuse to issue the applicant a license, the City Clerk shall provide the applicant an opportunity to refute said reasons for denial of the license. After the City with written reasons Clerk has made a final determination, he shall either issue the license or provide the applicant for refusing to issue the license.

(d) Any person denied application for a license may appeal such action by filing with the Council, within 14 days after written notice of the denial, a written statement requesting a hearing and setting forth the grounds for the appeal. The Council shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 24 hours prior to the time set for the hearing. Following the hearing, the Council shall

render its decision as to whether the applicant shall be entitled to a license, which decision shall be final.

(6) REGISTRATION AND ISSUANCE OF LICENSE. (a) Upon compliance with the foregoing requirements and filing of a bond, if applicable, the City Clerk shall register the applicant as a direct seller, transient merchant or solicitor and issue a license to the applicant. The license shall be operative for 90 consecutive days from the date of issuance.

(b) Such license shall contain the signature of the City Clerk; the name and address of the direct seller, transient merchant or solicitor; the type of goods or services being sold or the nature of the solicitation; the dates during which the license is operative; and the license number of any vehicle used for sales or solicitation.

(c) A registrant shall exhibit his license at the request of any citizen or police officer.

(d) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of this County, or who is such a resident and represents a business or organization whose principal place of business is located outside the State, shall file with the City Clerk a surety bond for a term of one year from the date of issuance of the license, running to the City in the amount of \$500 with surety acceptable to the City Clerk, conditioned that the applicant comply with all applicable ordinances of the City and Statutes of the State regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of the City that all money paid as a down payment shall be accounted for and applied according to the representations of the seller and that the property purchased shall be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the Clerk of Courts in which suit is commenced and be relieved of all further liability.

(e) (Cr. Ord. #972) In addition to any bond which may be required under par. (d) above, every applicant shall file with the Clerk a cash bond in the amount of \$500, conditioned upon compliance by the applicant with all applicable ordinances of the City and Statutes of the State regulating peddlers, canvassers, solicitors and transient merchants, and with the State sales tax laws. Said bond shall be refundable 30 days after the applicant's termination of business operations in the City upon presentation of written evidence that applicant has filed a State sales tax return and paid any taxes collected on sales made in the City and upon the resolution of any complaints made to the City regarding the business conducted by the applicant within the City. The Council shall act reasonably and promptly to hear and attempt to resolve any such complaints. A final decision of the Council refusing to refund all or any part of said bond may be appealed by applicant to a court of competent jurisdiction.

(7) REGULATION OF DIRECT SELLERS AND SOLICITORS. (a) Prohibited Practices. 1. A direct seller or solicitor shall be prohibited from:

a. Calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M. except by appointment.

b. Calling at any dwelling on Sundays and legal holidays.

c. Calling at any dwelling or other place where a sign is displayed bearing the words "No peddlers," "No Solicitors" or words of similar meaning.

d. Calling at the rear door of any dwelling place.

e. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his visit, his identity or the identity of the organization he represents.

3. No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets. No direct seller or solicitor shall sell or solicit in any congested area or where the public will be impeded or inconvenienced. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

4. No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a 100 foot radius of the source.

5. No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he is conducting business or making solicitations.

(b) Disclosure Requirements. 1. After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller or solicitor shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods or services is made by a direct seller or any sales order for the later delivery of goods or services 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 \$25, in accordance with the procedure as set forth in §423.203, Wis. Stats.; the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; and the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) **REGULATION OF TRANSIENT MERCHANTS.** The provisions of sub. (7)(b)2. and 3. above shall apply to transient merchants.

(9) **DIRECT SELLERS PARKING REGULATIONS (Rep. & Recr. Ord. #876).** No direct seller shall park his vehicle for the purpose of making sales on any State or Federal highway or on any street which has a posted time limit on the parking of vehicles. Parking is permitted on private property with the permission of the owner and in the municipal parking lot between Chapel Street and Monitor Street. Direct sellers, including farmers and truck gardeners selling their own produce, shall remove their sale facility at the end of each day's activity, said day's activity to run from the hours of 6:00 A.M. to 7:30 P.M.

(10) **RECORDS OF VIOLATIONS.** The Chief of Police shall report to the City Clerk all convictions for violations of this chapter and the City Clerk shall note any such violation on the record of the registrant convicted. The City Clerk shall note any complaint or report of an alleged violation made by a resident of this City or a police officer.

(11) **REVOCAION OF LICENSE.** (a) The registrant's license may be revoked by the Council 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 or solicitation, 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 or solicitations.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the acts or omissions upon which the hearing will be based.

**12.08 JUNK DEALERS LICENSE.** (1) **LICENSE REQUIRED.** No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefore, and all articles and things discarded as manufactured articles commonly referred to as "junk," without first obtaining a license from the Council.

(2) **EXCEPTION.** No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site.

(3) **APPLICATION.** Applications for such license shall be made on forms supplied by the City Clerk and filed with the Clerk.

(4) **LICENSE FEE.** The license fee shall be \$25 per year. The license year shall commence on July 1 of each year.

(5) **REFERRAL TO COUNCIL.** The application shall be referred to the Council which may grant, grant with conditions, or deny the license.

(6) **RESTRICTIONS APPLICABLE TO JUNK DEALERS.** (a) No junk shall be displayed or stored outside the fenced area of the premises.

(b) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.

(c) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Council.

(d) Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.

(e) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by police officers at any time.

(f) No junk shall be purchased from any person under 16 years of age without the written consent of the parent or guardian of such person.

(7) **REVOCAION AND SUSPENSION OF LICENSE.** (a) Upon complaint being made in writing by any official of the City to the Council that any licensee hereunder has violated any of the provisions of this section, the Council shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than 10 days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Council shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the Building Inspector and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

(b) Whenever a license is revoked, the licensee shall have a period of 45 days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

**12.09 MOBILE HOMES AND MOBILE HOME PARKS.** (1) **STATE STATUTES ADOPTED BY REFERENCE.** The provisions of §66.058, Wis. Stats., and the definitions therein are hereby adopted by reference.

(2) **PARKING OUTSIDE LICENSED MOBILE HOME PARKS.** (a) Restricted. No occupied mobile home shall be permitted to be located in the City unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.

(b) Exceptions. 1. Paragraph (a) above is not intended to restrict the location of 1- and 2-family manufactured homes which meet the applicable 1- and 2-family standards set forth in Ch. 101, Wis. Stats., and the requirements of ch. 17 of this Code.

2. Notwithstanding other provisions of this subsection, the Council may, upon application, issue a special permit for the location of a mobile home outside a mobile home park for temporary use solely as a field office, and such permit shall specifically state the expiration date thereof which shall not exceed 12 months.

(3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the City a mobile home park without having first secured a license therefore from the Council. The application for such license shall be made to the Clerk-Treasurer and shall be accompanied by a fee of \$2 for each space in the existing or proposed park, but not less than \$25. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference, and all zoning requirements set forth in ch. 17 of this Code.

(4) ADDITIONS TO PARKS. Licensees of mobile home parks shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their parks within 5 days after their arrival on forms furnished by the Clerk-Treasurer.

(5) PARKING PERMIT FEES. There is imposed on each mobile home located in the City a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the Clerk-Treasurer on or before the 10<sup>th</sup> day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk-Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats.

(6) PAYMENT OF FEES FOR HOMES OUTSIDE PARKS (Rep. & Recr. Ord. #893). The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the Clerk-Treasurer all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(7) MOBILE HOME PARK REQUIREMENTS. (a) License Application. The application for a license or a renewal thereof shall be made on forms furnished by the Clerk-Treasurer and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, written authorization signed by the owner must be furnished stating that the applicant is authorized to construct or maintain the park and make the application. The application shall also include a legal description of the premises upon which the park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by 2 copies of the park plan showing the following, either existing or as proposed:

1. The boundaries used for park purposes.
2. The location of roadways and driveways.
3. The location of units.

4. The location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units, if required.

5. Method and plan of sewage disposal.

6. Method and plan of garbage removal.

7. Plan for water supply.

8. Plan of electrical lighting of units, if required.

(b) Inspection and Enforcement. No park license shall be issued until the City Clerk shall notify the Chief of Police, the Health Officer, the Fire Chief and the Director of Public Works of such application and these officials shall inspect, or cause to be inspected, such application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with this Code and State administrative rules and laws applicable thereto. These officials shall furnish to the Council, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for which the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents may enter on any premises on which a mobile home is located, or is about to be located, and inspect the same and all accommodations connected therewith at any reasonable time.

(c) Location of Parks. See ch. 17 of this Code.

(d) Park Plan. 1. Drainage. Every mobile home and mobile home park shall be located in a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage or contaminated liquids or solids can be deposited on its location, including, but not limited to, drainage from any barnyard, outdoor toilet or other source of filth.

2. Sites. Home spaces shall be clearly defined and shall consist of a minimum of 2,100 square feet and a width of not less than 35 feet. Each site shall have a minimum of 10 foot side yards, a 15 foot setback and an off-street parking space at least 10 feet in width. The basic unit shall not occupy an excess of 1/4 of the area of the site and a complete unit, including all accessory structures, shall not occupy more than 1/2 of the area of the site. Mobile home parks which, at the time of the adoption of Wis. Adm. Code H 77.04, effective March 1, 1971, existed lawfully with mobile home sites that do not comply with the foregoing minimum area requirements may continue to operate. Expansion and modification of such mobile home parks shall, however, be in accord with this provision. All sites shall abut upon a street or driveway giving easy access from all units to a public street. For a 2-way street, the width must be at least 32 feet if parking is to be permitted on both sides of the street, 25 feet in width if parking is permitted only on one side, or 18 feet in width if parking on the street is prohibited. One-way streets must be at least 14 feet in width. One-way streets shall be no longer than 500 feet and parking is prohibited unless the width is appropriately increased. Such driveways shall be

graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall not be obstructed.

3. Electrical Service. Every space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 amperes capacity and a heavy duty outlet receptable. Electrical outlets shall be weatherproof and no power lines shall be less than 15 feet above ground.

(e) Water Supply. 1. An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, shall be furnished for drinking and domestic purposes in all parks.

2. Individual water service connections shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide 20 pounds of pressure per square inch and capable of furnishing a minimum of 125 gallons per day per space.

(f) Waste and Garbage Disposal. 1. All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public sewer system.

2. Every space shall be provided with sewer connections which shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

(g) Management. 1. In every park there shall be located the office of the attendant or person in charge. A copy of the license and of this section shall be posted therein and the park register shall be, at all times, kept in such office.

2. The attendant or person in charge, together with the licensee, shall:

a. Keep a register of all guests, to be open to inspection by City officials during business hours.

b. Maintain the park in a clean, orderly and sanitary condition at all times.

c. Collect the monthly parking permit fee provided for in sub. (5) above. A book shall be kept showing the names of the persons paying such service charges and the amount paid.

(h) Applicability of Plumbing, Electrical and Building Codes. All plumbing, electrical, building and other work on or at any park licensed under this section shall be in accordance with this Code and the requirements of the State Department of Health and Social Services.

(i) Revocation and Suspension. The Council may revoke any license or permit issued pursuant to the terms of this section, in accordance with §66.0435(2), Wis. Stats.

**12.10 REGULATION AND LICENSING OF DOGS AND CATS** (Rep. & Recr. Ord. #1176). (1) **DOG AND CAT LICENSE REQUIRED.** It shall be unlawful for any person in the City to own, harbor or keep any dog or cat more than 5 months of age without complying with the provisions of this section and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.

(2) **LICENSE FEE.** The license fee for a dog or cat shall be as follows:

- (a) Unneutered Male Dog or Cat. \$9.
- (b) Unspayed Female Dog or Cat. \$9.
- (c) Neutered Male Dog or Cat. \$4.
- (d) Spayed Female Dog or Cat. \$4.
- (e) Duplicate License. \$4.

(3) **LATE FEES.** The Clerk-Treasurer shall assess and collect a late fee of \$5 from every owner of a dog or cat 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license before the dog or cat reached licensable age.

(4) **KENNEL LICENSE OPTION.** The owners of kennels may opt to pay a kennel license fee of \$35 for a kennel of 12 dogs or less plus \$4 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Clerk-Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential district.

(5) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep a dog or cat in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog or cat license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs or cats at all times, except as provided in §95.21(2)(f), Wis. Stats.

(6) **DEFINITIONS.** In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

(a) Owner. Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which the dog or cat remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this section.

(b) At Large. A dog or cat which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the dog's or cat's owner shall be deemed to be upon the owner's premises.

(c) Kennel. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

(7) RESTRICTIONS ON KEEPING OF DOGS AND CATS. It shall be unlawful for any person within the City to own, harbor or keep any dog or cat which:

(a) Habitually pursues vehicles upon any street, alley or highway.

(b) Molests passersby or assaults or attacks any person without provocation.

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

(d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the City Pound.

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

(f) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.

(8) DOGS AND CATS RUNNING AT LARGE AND UNTAGGED DOGS AND CATS. (a) Dogs and Cats Running at Large. A dog or cat is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (6)(b) above.

(b) Untagged Dogs or Cats. A dog or cat is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is securely confined in a fenced area.

(c) Dogs and Cats Subject to Impoundment. Police officers shall attempt to capture and restrain any dog or cat running at large and any untagged dog or cat.

(d) Penalties. If the owner of a dog or cat, negligently or otherwise, permits the dog or cat to run at large, or permits a dog to be untagged, the owner shall forfeit \$10 for the first offense and \$20 for subsequent offenses.

(9) DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.

(10) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (a) Quarantine or Sacrifice of Animal. The Health Officer or a police officer may order a dog, cat or other animal quarantined if he 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 animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) Quarantine Order. If a quarantine is ordered, the owner of the dog or cat shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

(11) **SETTING ANIMALS AT LARGE PROHIBITED**. No person shall open any door or gate of any private premises for the purpose of setting any dog, cat or other animal at large, except the owner of such animal.

(12) **IMPOUNDING AND DISPOSITION OF DOGS AND CATS**. (a) Impounding of Dogs and Cats. A police officer or other person restraining a dog or cat running at large shall take such animal to the City Pound. The police officer shall attempt to identify and notify the owner and shall keep a public record of all such dogs or cats impounded.

(b) Release of Dog or Cat to Owner or Representative. The police officer may release the dog or cat to the owner or his representative if:

1. The owner or representative gives his name and address.
2. The dog or cat is licensed and vaccinated against rabies.
3. Pays the dog's or cat's boarding fee in the amount of \$2 per day.

(c) Release of Dog or Cat to Person Other Than Owner. If the owner of the dog or cat is unknown or does not reclaim the dog or cat within 7 days, the police officer may release the dog or cat to a person other than the owner if such person:

1. Gives his name and address.
2. Signs a statement agreeing to license the dog or cat and have the dog or cat vaccinated against rabies.

(13) **NUMBER OF DOGS OR CATS PER HOUSEHOLD LIMITED**. No person, except a kennel licensee, shall own, harbor or keep more than 2 dogs and 2 cats that are more than 5 months of age except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 2 dogs and 2 cats are owned, harbored or kept in or by anyone household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such dogs or cats.

(14) **PENALTIES**. In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to Obtain Rabies Vaccination. A dog or cat owner who fails to have a dog or cat vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Council, or veterinarian, or who does not comply

with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

**12.11 KEEPING OF VICIOUS DOGS REGULATED** (Cr. Ord. #900). (1) DEFINITIONS. The terms used in this section are defined as follows:

(a) Vicious Dog. 1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

2. Any dog which attacks a human being or another domestic animal without provocation.

3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

4. Any pit bull dog.

(b) Pit Bull Dog.

1. The pit bull terrier breed of dog.

2. The Staffordshire bull terrier breed of dog.

3. The American pit bull terrier breed of dog.

4. The American Staffordshire terrier breed of dog.

5. Dogs of mixed breed or of other breeds than listed under subpars. 1. to 4. above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.

(2) REQUIREMENTS AND PROHIBITIONS. (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief.

(b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All

structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.

(e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

(3) **VICIOUS DOG DETERMINATION**. The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Police Chief makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

(4) **APPEAL OF VICIOUS DOG DETERMINATION**. Any person aggrieved by the determination of the Police Chief, as provided in sub. (3) above, may appeal such determination, as provided in ch. 6 of this Code.

(5) **COMPLIANCE**. Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub. (4) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

(6) **DISPOSITION OF VICIOUS DOGS**. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(7) **PENALTY**. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A

separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

**12.12 TAXICABS** (Renum. Ord. #900). (1) **LICENSE REQUIRED.** No person shall operate a taxicab within the City without a license.

(2) **APPLICATIONS.** Applications for a license hereunder shall be made to the City Clerk and shall be referred to the Council.

(3) **LICENSE FEES.** The license fee hereunder shall be \$25 per year for the first vehicle and \$10 for each additional vehicle.

(4) **COUNCIL APPROVAL REQUIRED.** Upon reviewing the application and after considering the adequacy of existing taxicab service and the need for any additional service within the City, the Council shall grant or deny the license.

(5) **INSURANCE.** An applicant for a license hereunder shall deposit with his application a certificate of insurance coverage showing that each vehicle to be licensed is covered by public liability insurance in the amounts of \$100,000 for injury or death to anyone person in an accident involving such vehicle, \$300,000 for anyone accident and \$100,000 property damage insurance. Any insurance policy hereunder shall contain a provision that the same shall not be cancelled before expiration of its term except upon 30 days' written notice to the City. Cancellation or termination of such insurance shall automatically terminate all licenses issued hereunder unless another certificate of insurance shall be substituted.

(6) **LICENSE ISSUANCE.** Upon grant of a license hereunder, the City Clerk shall issue to the licensee a license which shall be displayed prominently in the taxicab for which it has been issued.

(7) **LICENSES NOT TRANSFERABLE.** No license issued hereunder shall be transferable from one vehicle to another or from one licensee to another.

**12.13** (Rep. Ord. #979)

**12.15 PENALTY.** Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.