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LICENSES AND PERMITS 12.01

LICENSES AND PERMITS

12.01 **LICENSES REQUIRED.** A license shall be required for each of the following businesses or activities at the fee indicated on the schedule of fees adopted by resolution of the City Council and on file in the office of the City Clerk. Such licenses will be for a term of one year, unless otherwise indicated.

(1) FERMENTED MALT BEVERAGES. (a) Class A Retail.

(b) Class B Retail.

(c) Special Class B.

(d) Operator's License. 1. Provisional.

2. Regular.

(e) Wholesaler's.

(2) INTOXICATING LIQUOR. (a) Retail Class A.

(b) Retail Class B.

(c) Retail Class C.

(3) SODA WATER BEVERAGES.

(4) CIGARETTES.

(5) BILLIARD TABLES.

(6) BOWLING ALLEYS.

(7) CIRCUSES AND SHOWS. See §12.06(2).

(8) THEATERS.

(9) RIDES AND SIMILAR DEVICES.

(10) ROLLER-SKATING RINKS.

(11) WRESTLING AND BOXING EXHIBITIONS.

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- (18) LOUD SPEAKERS AND AMPLIFYING SYSTEMS.
- (19) HAYRACK AND SLEIGH RIDES.
- (20) TREE CUTTING OR TRIMMING.
- (21) COIN-OPERATED MUSIC DEVICES.
- (22) MOBILE HOMES AND MOBILE HOME PARKS. (a) Mobile Homes. See §66.058, Wis. Stats.
- (b) Mobile Home Parks.
- (23) AMUSEMENT DEVICES.
- (24) ARCADES.
- (25) TAXICABS.
- (26) TAXICAB DRIVERS.
- (27) CHRISTMAS TREE SALES.
- (28) DOGS AND CATS. (a) Unneutered or Unspayed.
- (b) Neutered or Spayed.
- (c) Duplicate License.
- (d) Late Fee.
- (e) Multiple Pet Owner's Permit.
- (f) Pet Shop Permit.
- (g) Grooming Shop Permit.

LICENSES AND PERMITS 12.02

(h) Kennel or Cattery.

(i) Animal Training School Permit.

12.02 REGULATIONS APPLYING TO ALL LICENSES AND PERMITS. Unless otherwise specifically provided by the Wisconsin Statutes, licenses and permits shall be granted and issued by the City Clerk after proper application has been made. Proper application shall include payment of any other outstanding indebtedness by the applicant to the City.

(1) **APPLICATIONS.** Applications for all licenses and permits required by this chapter shall be made in writing to the City Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of City officials in the issuing of the permit or license applied for.

(2) **PERSON SUBJECT TO LICENSE.** Whenever in this chapter a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee, partner or contractual agreement he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of the business or occupation in the City.

(3) **FORMS.** All application, license and permit forms shall be kept on file and available from the City Clerk.

(4) **SIGNATURE.** Each license or permit issued shall bear the signature of the City Clerk in the absence of any provision to the contrary.

(5) **INVESTIGATIONS.** Upon the receipt of an application for a license or permit where ordinances of the City necessitate an inspection before the issuance of such permit or license, the City Clerk shall refer such application to the proper officer for making such investigation and the officer charged with the duty of making the investigation or inspection shall make a report thereof.

(6) **FEES AND BONDS.** In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the City Clerk. As a condition of issuing any license under this chapter the City Council may require the posting of a bond in such amount as the Council determines sufficient to ensure payment of any violation.

LICENSES AND PERMITS 12.02(7)

(7) TERMINATION OF LICENSES. All annual licenses shall terminate on June 30 following the issuance thereof where no provision to the contrary is made. The City Clerk shall mail to all licensees of the City a statement of the time of expiration of the license held by the licensee, if an annual, 3 weeks prior to the date of such expiration, provided that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(8) BUILDING AND PREMISES. No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the City. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the City Zoning Code.

(9) CHANGE OF LOCATION. The location of any licensed business or occupation or of any permitted act may be changed, provided 10 days notice is given to the City Clerk, in the absence of any provision to the contrary.

(10) INSPECTIONS. (a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, the licensee or the person in charge of the premises to be inspected shall admit for the purpose of making the inspection any officer or employee of the City authorized or directed to make the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, the licensee whose business is governed by such provision shall give to any authorized officer or employee of the City requesting the same sufficient samples of such material or commodity for such analysis upon request.

(b) In addition to any other penalty which may be provided, the City Manager may revoke the license of the proprietor of any licensed business in the City who refuses to permit any officer or employee who is authorized to make inspection or take a sample to make the inspection or take an adequate sample of the commodity, or who interferes with an officer or employee while in the performance of his duty in making such inspection. No license shall be revoked for cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the City, stating that the inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(11) REVOCATION. Any license or permit for a limited time may be revoked by the City Manager at any time during the life of the license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any forfeiture imposed.

LICENSES AND PERMITS 12.02(12)

(12) **POSTING LICENSE.** Every person conducting a licensed business in the City shall keep his license posted in a prominent place on the premises used for such business so that it may be seen at all times.

12.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (1) **STATE STATUTES ADOPTED.** The provisions of Ch. 125, Wis. Stats., defining, describing and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. Violation of any such provisions shall constitute a violation of this section. Penalties for violations by or relating to sale, procurement, dispensing or transfer to underage persons shall strictly conform to the penalties imposed for violations of identical offenses defined and described in Ch. 125, Wis. Stats.

(2) **THIS SECTION CONTROLLING.** This section is in addition to State law and a prosecution under State law shall not preclude City prosecution hereunder.

(3) **CONSENT TO AMENDMENT.** By filing his application for a Class "A" or "B" license, the applicant consents that the Council may make any rule or regulation, or alteration or amendment, to this section at any time during the period for which such license is granted.

(4) **QUOTAS FOR THE ISSUANCE OF LICENSES.** (a) One Class A fermented malt beverage license shall be granted for each 1,000 residents of the City.

(b) One Class A retail intoxicating liquor license shall be granted for each 2,000 residents of the City.

(c) One Class "B" intoxicating liquor license or Class "B" fermented malt beverage license shall be granted for each 500 residents of the City. No person shall hold more than one Class "B" intoxicating liquor and/or fermented malt beverage license in the City.

(d) One Wholesaler's License shall be granted for each 7,000 residents of the City.

(5) **DELINQUENT TAXES, ASSESSMENTS AND CLAIMS.** No license shall be granted to any person who, or premises for which, taxes, assessments or other claims of the City are delinquent and unpaid.

(6) **INSPECTION.** (a) The City Clerk shall notify the Chief of Police, Health Officer, Fire Chief and Building Inspector of each application; and those officials shall inspect or cause to be inspected each application and the premises, together with any other investigations, accompanied by a recommendation as to whether a license should be granted or refused.

LICENSES AND PERMITS 12.03(6.1)

(b) In determining the suitability of any applicant, consideration shall be given to the financial responsibility of the applicant, the appropriateness of the location and the premises proposed and, generally, the applicant's fitness for the trust to be reposed.

(c) No license shall be renewed without a reinspection of the premises and reports as originally required.

(6.1) ISSUANCE OF LICENSES. (a) Application. This Ordinance applies only to Class "A", Class "B", (including combination Class "B" and Class "B", and reserve Class "B") and Class "C" licenses, and does not apply to operator's licenses, or temporary licenses or permits of any kind, or any other license or permit described in Wisconsin Statutes Chapter 125, except as stated above.

(b) Policy and Application. the City of Fond du Lac wishes to establish a policy for the issuance of licenses for the sale and alcoholic beverages which reflects the values of the community and which serves to protect the public health, safety, general welfare, and property values. To this end, licenses to sell or serve alcoholic beverages shall receive a high level of review.

(c) Alcohol Licensing Committee. There is hereby created an Alcohol Licensing Committee, which shall be advisory to the City Council, and shall review all applications for new licenses as well as all disciplinary procedures, and issues as to whether a licensee has abandoned the licensed business with the meaning of Section 12.03(7)(b). In addition, the Alcohol Licensing Committee shall perform such other duties as may be assigned to it from time to time by the City Council. The Alcohol Licensing Committee shall be made up of five members, of which one shall be a member of the City Council. The other four members shall be adult residents of the City of Fond du Lac. The four resident members of the Committee shall be recommended by the City Manager and appointed by the City Council. Resident member terms shall be for three years, with a limit of three consecutive terms; except that the initial four resident members shall have terms as follows: one member for one-year; one member for two-years; and two members for three years, as designated by the City Council. The Council member shall be appointed by the City Council, with the initial term of the first City Council person so appointed continuing until the next organizational meeting. Thereafter, the City Council member of the committee shall be appointed annually at the City Council organizational meeting, with no limit on the number of consecutive terms a Council member may serve. Staff assistance shall be provided to the Committee by City staff as designated by the City Manager. Staff shall provide a recommendation to the Committee as to the disposition of all applications for new licenses and disciplinary cases as well as issues of abandonment of licensed businesses.

(d) Applications – New Licenses. The Alcohol Licensing Committee and the City Council shall consider a number of factors in reviewing and judging the adequacy of applications, including but not limited to the character, background, and experience of the applicant; the nature of the proposed use; the condition of the building; compatibility with the neighborhood; safety at the proposed location; economic development

LICENSES AND PERMITS 12.03(6.1)

considerations; zoning and land use; and any other fact or that the Committee or the Council find germane to the proposal. Without limiting the generality of the foregoing, applications for new liquor licenses shall include consideration of the factors below. Appropriate City staff shall include the City Manager, the Development Department, the City Clerk's office, the City Attorney's office and other staff as deemed necessary or desirable. It is not necessary that all of the foregoing participate in any particular recommendation. Rather, it is the intent that the make up of staff involved be flexible to meet the needs of the particular situation. The Committee shall take the recommendation and the factors into account and formulate a recommendation to the City Council.

1. FACTORS FOR JUDGING NEW LICENSE APPLICATIONS. (a) Character of applicant, agent, managerial personnel, and owners.
- (b) Experience of applicant and manager in operating a licensed establishment.
- (c) History of applicant and manager in operation of licenses establishments.
- (d) History of premises.
- (e) Design, type, and size of the proposed establishment.
- (f) Proximity to other licensed establishments.
- (g) Proximity to residential buildings or areas.
- (h) Ability of Police Department to ensure public safety at this location.
- (i) Condition of building/premises.
- (j) Compatibility of proposed used with neighborhood.
- (k) Zoning and land use considerations.
- (l) Likely impact on Property values.
- (m) Economic development considerations.
- (n) Other considerations.

2. RANKING APPLICATIONS. (a) When judging between applications, those applications shall be kept on a waiting list. Time on the list shall not create any preference. As licenses become available, applications on the list will be reviewed by the Committee, and the Committee shall recommend which applications, in order of priority, should be granted.

(e) Reserve Licenses. Application for reserve licenses shall be considered in the same manner as regular licenses, but reserve licenses shall only be issued after all regular licenses are issued. The initial reserve license fee shall be \$10,000 as prescribed by State law, and shall be retained by the City to help defray costs of the City's alcohol licensing and enforcement efforts, including, without limitation, any license hearings, educational courses for license holders and their employees and the like. This initial fee is in addition to all other fees as required by law.

(f) Renewing Licenses. Renewal of existing licenses shall be handled by the City Council and the Committee shall have no role in that process, unless requested by the City Council.

LICENSES AND PERMITS 12.03(6.2)

(g) Abandonment of Business. In determining whether or not a license holder has abandoned the licensed business within the meaning of Section 12.03(7), the Alcohol Licensing Committee shall examine the facts and circumstances, and shall report its findings along with any recommendations to the City Council. In making its determination and any recommendation, the Alcohol Licensing Committee shall consider, in addition to any other factors it deems relevant, the recommendation of staff and the following factors. It is not intended that these factors limit the discretion of the Alcohol Licensing Committee; rather that they provide guidelines in making a determination and recommendation.

1. FACTORS OF INTEREST IF THE BUSINESS HAS NEVER OPENED. (a) Period of time since the City Council granted the license.

(b) Reason for not opening.

(c) If new construction or remodeling, the anticipated construction or remodeling, the anticipated construction or remodeling period.

(d) Unanticipated or intervening circumstances since granting of license.

(e) Progress or lack thereof toward opening.

(f) Updated business plan and anticipated timelines from since granting of license.

(g) Such other facts and/or circumstances that are deemed relevant.

2. Factors of Interest if the Business Has Ceased or Suspended Operations. (a) Period of time since cessation or suspension of business.

(b) Reason for suspension or cessation of business.

(c) Current business plan of licensee and licensee’s anticipated timeline for action.

(d) Progress or lack thereof toward anticipated action.

(e) Such other factors and/or circumstances that are deemed relevant.

(6.2) DEMERIT POINT SYSTEM. (a) System Created. There is hereby established a point system for the purpose of guiding the Alcohol Licensing Committee in making recommendations on possible suspensions or revocations of alcoholic beverage licenses. The number of demerit points shall be assigned according to the type of violation. The system is intended to identify habitually troublesome liquor licensee who repeatedly violate State statutes and/or City of Fond du Lac ordinances, and to take consistent action against such licensees.

(b) Assignment of Points. There is hereby assigned the following demerit points for each type of violation:

<u>TYPES OF VIOLATIONS</u>	<u>ORD #</u>	<u>DEMERIT POINTS</u> (per incident)
Refusal to allow police to search premises or refusal to cooperate with lawful police investigation	Chapter 9.946.41 Wis. Stats. 139.08	150

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Refusal to cooperate with Fire Chief or designee	Chapter 5	150
Conducting unlawful business	Chapter 12.03	150
Nude or semi-nude entertainer/employee on premises unless permitted by law	Chapter 12.03	150
Owner/employee selling controlled substances	Chapter 9.08 Wis. Stats. 961	150
Illegal drug paraphernalia on premises	Wis. Stats. 961	100
Unauthorized transfer/use of license	Chapter 12.03	90
Exceeding posted occupancy capacity	Chapter 5.22 and Chapter 14.02	80
Sale of alcohol to person under age 21 without parent, guardian or spouse of legal drinking age	Chapter 12.03	80
Person under age 21 on premises without parent, guardian or spouse of legal drinking age	Chapter 12.03	80
Sale to intoxicated person	Chapter 12.03	80
False statement on application	Chapter 12.03	70
Failure to maintain order fights/disorderly conduct. Police Department <u>not</u> notified by bar	Chapter 9.947.01	45
Failure to maintain order fights/disorderly conduct. Police Department notified by bar	Chapter 9.947.01	10
Littering by patrols or employees	Chapter 8.09	10
Unnecessary loud noise	Chapter 9.07	45
Public consumption outside tavern property	Chapter 9.02	45
Open after hours	Chapter 12.03	45
No licensed bartender on premises	Chapter 12.03	40
Unlicensed amusement devices on premises	Chapter 12.23(3)	30
After hours carry-outs	Chapter 12.03	30
Failure to display license	Chapter 12.03	25

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<p><u>PENALTY ENHANCER FOR SEVERE OFFENSES:</u></p> <p>Enhanced penalty for conduct which:</p> <ul style="list-style-type: none"> (1) results in bodily harm to any individual; (2) creates a substantial risk of death or bodily harm; (3) involves the use of a firearm or other dangerous weapon; or (4) demonstrates an ongoing disregard for the requirements of state law or municipal ordinances. 		<p align="center"><u>DEMERIT POINTS</u> (per incident)</p> <p align="center">Up to 150 additional points</p>
<p><u>HEALTH CODE</u></p>	<p><u>ORD #</u></p>	<p><u>DEMERIT POINTS</u> (per incident)</p>
<p>Non-critical violation</p>	<p>Chapter 11</p>	<p>25</p>
<p>Critical violation</p>	<p>Chapter 11</p>	<p>80</p>

(c) Method of Determination. In determining the accumulated points, the date of the violation is used as the basis for assigning the demerit points per incident. A conviction for a violation is not necessary to assign points. That decision is made by the Chief of Police or his designee based on his analysis of the violation.

(d) Alcohol Licensing Point Notification. The Police Department shall notify the Alcohol Licensing Committee and the license holder of any incidents which result in the assessment of demerit points.

(e) Point Reduction Courses. During any demerit point counting period, a licensee may regain up to 50 demerit points for that period by successfully completing courses sanctioned for that purposed by the City of Fond du Lac Police Department. The number of demerit points returned for each successfully completed course shall also be determined by the Police Department.

(6.3) DISCIPLINARY PROCEDURES. (a) Hearings and Recommendations. The Alcohol Licensing Committee is hereby designated as the duly authorized committee that shall hold hearings as prescribed in Wisconsin Statutes, Section 125.12. As provided by law, after the hearing the Alcohol Licensing Committee shall submit a report to the City Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Council should take with respect to the license. In making its recommendation, the Committee shall consider, in addition to all other factors it deems relevant, the following guidelines. It is not intended that these

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guidelines limit the discretion of the Alcohol Licensing Committee; rather, that they provide guidance in formulating a recommendation.

1. For demerit points totaling 25-149 within a rolling 12-month period, a recommendation that the licensee be warned of the consequences of additional violations.
2. For demerit points totaling 150-199 within a rolling 12-month period, a recommendation of: a warning; or a suspension of the license for a period of not less than 10 days and up to 90 days.
3. For demerit points totaling 200 or more within a rolling 18 month period, a recommendation of: a warning; or a suspension of the license for a period of not less than 10 days and up to 90 days; or of revocation of the license.

(b) Transfer/Sale of Licensed Business. Upon the transfer or sale of the licensed business, all accumulated demerit points shall be cancelled unless any of the following apply:

1. The new licensee is related to the former owner by blood, adoption or marriage;
2. The new licensee held a business interest in the previous licensed business, real estate or equipment;
3. The former licensee retains an interest in the previous licensed business, real estate or equipment;
4. The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties prescribed by law.

(c) Scope. Nothing in this ordinance shall be construed to conflict with, abridge or modify, the rights or procedures established for revocation or suspension of licenses in Wisconsin Statutes Section §125.12.

(7) FORM AND EXPIRATION OF LICENSES. (a) Generally. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, fee paid and the name of the licensee and, except as provided in par. (b) or unless sooner revoked, shall expire on June 30 thereafter, except as otherwise provided. The City Clerk shall affix his affidavit as required by §125.04(4), Wis. Stats.

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(b) Abandonment. Any person holding a license who abandons such business shall forfeit any right or preference he may have had to the holding and renewal of the license. The closing of the premises for 30 days or more shall be prima facie of an abandonment and may trigger a due process hearing to revoke such license.

(8) PICNIC LICENSES. Picnic licenses may be issued by the Council under §125.26(6), Wis. Stats. Application shall be filed at least 30 days prior to the date the license is intended to be used; but applications may be accepted within a 30 day period if the applicant agrees in writing to pay the cost of any special meeting of the Council called for the purpose of acting upon application.

(9) OPERATOR'S LICENSE. (a) Regular. Application for an operator's license under §125.17, Wis. Stats., shall state the name, residence, age, birthdate and sex of the applicant, together with other pertinent information as the City Clerk requires, and shall be issued by the Clerk upon approval by the Council.

(b) Provisional. The City Council may issue a provisional operator's license to a person who is enrolled in a training course under §125.17(6)(a), Wis. Stats., and shall revoke that license if the applicant fails to successfully complete the course in which he enrolls.

(10) CABARET LICENSE (Entertainment featuring dancing). (a) License Required. No holder of a Class B Liquor or Fermented Malt Beverage License shall afford patrons entertainment five or more days per week which specifically features or advertises dancing by the performance of any act, stunt, or dance by performers under his auspices, whether such performers or dancers are paid or not, unless he shall first obtain a Cabaret License from the City Clerk.

(b) License Fee. Upon application to the City Clerk and the payment of the fee therefor, a Cabaret License will be issued subject to the conditions and regulations set forth in this section. The annual fee shall be \$100 and shall expire on the 30th day of June of each year. A license good for one day only shall require the payment of a fee of \$15 after the exclusionary time as set forth in subsection (a).

(c) Regulations. 1. Entertainers shall not be permitted within 3 feet of a bar over which patrons are directly served, while entertaining.

2. While entertainment is in progress, the dance area shall be illuminated by at least 2 foot candles per square foot.

3. Good order shall be maintained at all times.

4. The management shall obey all orders or directions of any police officer.

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5. The performance of any act, stunt, or dance by performers under the auspices of the management shall be given only on an area separated by a railing or other device from the patrons so as to deter patrons from participating in any act, stunt, or dance.

6. No license holder personally or through his agent or employee shall permit any patron to participate in any act, stunt, or dance with performers who are under the auspices or furnished by management for the purpose of dancing.

7. No patron shall participate in any act, stunt, or dance by performers who appear under the auspices of the management for the purposes of entertainment.

(d) Penalty. For the violation of this ordinance, the person so convicted thereof shall pay a forfeiture of not more than \$500 together with costs of prosecution; if such fine and costs are not paid, he or she shall be imprisoned in the Fond du Lac County Jail for not more than 90 days.

(e) Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid or repealed.

(11) CLOSING HOURS. Pursuant to authority granted in sec. 125.32 (3)(d), Wis. Stats., no premises for which a Retail Class A Fermented Malt Beverage License has been issued shall sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m.

12.04 SODA WATER BEVERAGES. See §66.053, Wis. Stats.

12.05 BILLIARD TABLES AND BOWLING ALLEYS. (1) REGULATION. No person shall erect, keep or permit to be erected, placed or kept upon his premises within the City any billiard table, pool table, bowling alley, 9 or 10 pin alley used and kept for gain or hire without first obtaining a license as provided for in this section.

(2) GAMBLING. Licensed premises shall be kept and maintained in an orderly manner at all times and no gambling or other acts declared to be unlawful by this Code or the Wisconsin Statutes shall be allowed or permitted on the premises.

(3) NONPROFIT ORGANIZATIONS. The provisions of this section shall not apply to any pool table, billiard table or bowling alley owned or maintained by any religious, charitable, educational or fraternal order in the City.

12.055 POOL HALLS. (1) LICENSE REQUIRED. It is unlawful for any person, firm or corporation to maintain or carry on any public pool room, billiard, hall, center or other place of any name whatsoever in which 12 or more non-coin operated billiard or pool tables that are 8 feet or longer in length are kept for gain, or other kindred tables are

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kept for gain, within this city, unless such person, firm or corporation has obtained a license therefore as provided in this chapter.

(2) APPLICATION PROCEDURE. (a) Every person, firm or corporation keeping and maintaining billiard halls or pool rooms in this city shall make written application for a license therefore to the City Clerk and before the license is issued, shall pay a license fee as provided in Section (3) of this Ordinance.

(b) The application shall be presented to the City Clerk, shall be issued by the City Clerk and shall expire on the thirtieth day of June after issuance.

(3) LICENSE FEE. The license fee shall be set by resolution of the City Council. The license moneys shall be paid before a license is granted and such license shall not be transferable without the consent of the City Clerk.

(4) QUALIFICATIONS. Applicants, whether an individual or agent of a corporation or other legal entity, may only be granted a license if they satisfy the following minimum requirements:

(a) Applicant has not been convicted of any felony, misdemeanor or other criminal offense, the circumstances of which substantially relate to the circumstances of the licensed activity, subject to Wisconsin Statutes §§111.321, 111.322 and 111.335; and

(b) Applicant is at least 18 years of age; and

(c) Applicant has not violated this chapter within one year prior to the date of application.

(5) CLOSING HOURS. No pool or billiard hall licensed under this chapter shall operate or keep open said premise between the hours of 2:00 a.m. and 6:00 a.m. except on Saturdays and Sundays when the hours of closure shall be between 2:30 a.m. and 6:00 a.m.

(6) MINORS. No pool or billiard hall licensed under this chapter shall allow or in any manner permit any person under the age of 16 years to enter or remain on the licensed premises, unless accompanied by parent or guardian.

12.06 CIRCUSES AND SHOWS. (1) LICENSE REQUIRED. No person shall exhibit, conduct or manage for gain or profit by any means any circus, menagerie, sideshow, medicine show, exhibit of any natural or artificial curiosities or panoramic, show or device of any kind without first obtaining a license as provided for in this section.

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(2) LICENSE FEES. The license fees for such shows and exhibitions shall be as follows:

(a) Where the exhibition or show is to be held within one building or within one tent or in one similar enclosure, the fee shall be \$50, which shall entitle the holder thereof to hold such exhibition or show for not more than 3 consecutive days and evenings.

(b) Where the exhibition or show is to be held in more than one building, tent or similar enclosure to which the public is admitted, the fee shall be \$100, which shall entitle the holder to hold such exhibition or show for not more than 3 consecutive days and evenings.

(c) For each additional day over the 3 days provided for in pars. (a) and (b) above, a fee of \$25 per day shall be paid.

(3) CONDITIONS OF LICENSES. (a) Any performance which is held under and pursuant to this section shall close not later than midnight and shall not be open before 7 a.m.

(b) The person holding or conducting any show or circus shall be responsible for any damage to public property in the City.

(c) Such show or exhibition shall be conducted in an orderly manner and no illegal act shall be allowed or permitted.

(d) Such show shall also be licensed by the State if any license is required.

(4) EXCEPTIONS. (a) Nothing in this section shall apply to any boxing or wrestling exhibition, motion picture performance held or conducted in any licensed theater or under separate license, any public dancing or rollerskating establishment, nor to any show or performance referred to in §12.07.

(b) Nothing in this section shall apply to any show or performance held and conducted by any educational, fraternal or religious society where the same is held upon the property of such society, nor to any public forum, debate or address nor to the presentation of any artist or group of artists by any bona fide civic organization which has been in existence in the City for a period of 3 months prior to the holding or conducting of such performance.

12.07 **THEATERS.** (1) THEATERS. No person shall conduct or operate any moving picture theater or showhouse or give or conduct any show or performance otherwise than as provided in §12.05 above, without first having obtained a license as provided for in this section.

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(2) CONDITIONS OF LICENSES. The building in which such show is held shall comply with the building requirements of the Wisconsin Statutes and this Code.

(3) EXCEPTIONS. The licensing provisions of this section do not apply to any religious or fraternal society which has been in existence in the City for 3 months prior to such presentations, if the same is held upon the property of such society, nor to similar presentations by the public or parochial schools of the City when held upon school property.

12.08 **OTHER PLACE OF AMUSEMENT.** (1) No person shall for gain or profit conduct or operate any ferriswheel, merry-go-round, whip, pony ride or similar device or ride or any rodeo or wild west, daredevil, thrill or other show outside of a licensed theater within the City unless a license is first obtained from the Council.

(2) The applicant for a license shall state in writing, the number, types and descriptions of rides, similar devices or shows.

(3) This section shall not apply to any show or ride when held under the auspices of and as a part of the annual Fond du Lac County Fair at the Fairgrounds in the City.

(4) The Council may license the conduct or operation of any ride or activity under this section whenever it satisfactorily appears to the Council that the conduct or operation of the events are to be held under the auspices of a bona fide nonprofit civic, religious, charitable or veterans' organization.

(5) The Council shall license the conduct and operation of the following recreational activities:

- (a) Archery ranges.
- (b) Baseball driving ranges.
- (c) Charter excursion and sightseeing boat establishments.
- (d) Go kart tracks.
- (e) Miniature golf courses.
- (f) Golf driving ranges.
- (g) Ice skating rinks.
- (h) Shuffle board courts.
- (i) Swimming pools.

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(j) Tennis courts.

(k) Trampoline centers.

12.09 **ROLLER SKATING.** No person shall for gain or profit keep or conduct any roller skating rink to which the public is admitted in the City without first obtaining a license as provided for in this section.

12.10 **WRESTLING AND BOXING EXHIBITIONS.** No person shall hold or conduct any boxing or wrestling match within the City to which the public is admitted generally without first obtaining a license. Any person or organization promoting such boxing and wrestling matches in the City shall in writing notify the Chief of Police of the time and place of holding and conducting matches in the City shall in writing notify the Chief of Police of the time and place of holding and conducting matches at least 5 days prior to the event.

12.11 **TRANSIENT MERCHANTS.** (1) **REGISTRATION REQUIRED.** No transient merchant shall engage in sales within the City without being registered for that purpose as provided for in this section.

(2) **DEFINITIONS.** For the purposes of this section, the following words and phrases shall be as defined below:

CHARITABLE ORGANIZATION. Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be.

CLERK. The City Clerk.

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

PERMANENT MERCHANT. Any person who, for at least 6 months prior to the consideration of the application of this section to such merchant, has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his residence.

TRANSIENT MERCHANT. Any individual who engages in the retail sale of merchandise at any place in this State temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the

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merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this State.

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

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

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

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

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

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

(f) Any person who has had or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of the organization, provided that there is submitted to the Clerk proof that the charitable organization is registered under §440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements shall be required to register as provided for in this section.

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant, provided that there is submitted to the Clerk proof that the 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.

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

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

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

1. Name, permanent address, telephone number and temporary address, if any.
2. Age, height, weight, color of hair and eyes.
3. Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by or whose merchandise is being sold.
4. Temporary address and telephone number from which business shall be conducted, if any.
5. Nature of business to be conducted and a brief description of the merchandise and any services offered.
6. Proposed method of delivery of merchandise, if applicable.
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
8. Most recent cities, villages, towns, not to exceed 3, where applicant conducted his business.
9. Place where applicant can be contacted for at least 7 days after leaving the 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, 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.

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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. The certificate shall state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, a fee as provided in §12.01 of this chapter, shall be paid to the Clerk to cover the cost of processing such registration.

(d) The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by him in connection with the direct sales activities of the applicant in the event the applicant cannot, after reasonable effort, be served personally.

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

(5) INVESTIGATION. (a) Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, a statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of par. (4)(b) above.

(6) APPEAL. Any person refused or denied registration may appeal the denial through any appeal procedure provided by ordinance or resolution of the City Council, or if none has been adopted, under the provisions of 68.07 through 68.16, Wis. Stats.

(7) REGULATION OF TRANSIENT MERCHANTS. (a) Prohibited Practices. 1. A transient merchant shall be prohibited from calling at any dwelling or other place between the hours of 9 p.m. and 9 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place or

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

2. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the merchandise.

3. No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

4. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100' radius of the source.

5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

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

2. If any sale of merchandise is made by a transient merchant or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in §423.203, Wis. Stats., the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

3. If the transient merchant takes a sales order for the later delivery of 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, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) RECORDS. The Chief of Police shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

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(9) REVOCATION OF REGISTRATION. (a) Registration may be revoked by the City Council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application of registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this section or was convicted of any crime, ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be served personally or pursuant to par. (4)(c) above on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

12.115 PERMITS FOR SELLING ON PUBLIC RIGHT-OF-WAYS. (1) SELLING PROHIBITED. (a) It shall be unlawful for any person to sell or offer for sale or procure the sale of any services, goods, wares, tokens, or foodstuffs, or any other article of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles or services upon any street, alley, sidewalk, or public square, unless such person shall have first applied for and obtained a mobile food vendor's permit. Such permit shall enable holders to conduct their business in all enumerated areas subject to the limitations of this section.

(b) Mobile vendors licensed by the County Health Department that sell only ice cream products are exempt from the terms of this Section.

(2) MOBILE FOOD VENDOR. A mobile food vendor is an individual who offers for sale only personally prepared food for which that individual is regularly involved in all phases of both the production and the sale of the food. In addition, a mobile food vendor may be a corporation, cooperative or partnership; however, the application and permit shall designate a primary individual who is regularly involved in all phases of the production process and who is responsible for the vending operation.

(3) APPLICATION. Application for any mobile food vendor permit shall be filed with the City Clerk and shall contain such information as the Clerk shall require, shall specify in detail the foods to be offered for sale, and shall be presented to the City Council for approval after all applicable ordinance and regulation requirements have been met. The City Council may deny any application based on concerns with health, safety, appearance, traffic or pedestrian flow, parking, or if it deems that a denial is in the best interest of the public. Permits shall be issued by the City Clerk and be conspicuously displayed at the place where such sales are being made.

(4) NON-TRANSFERABLE. Any permit issued under this section and any vending site assignment made under this section or under regulations adopted pursuant to it shall be non-transferable.

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(5) FEES AND DURATION. Mobile Food Vendor permits shall be granted on an annual basis. The fee for an annual permit shall be set by resolution of the City Council and paid to the City prior to issuance of the permit. Such permit shall be issued on the fifteenth(15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance.

(6) INSURANCE. In addition, to hold a valid permit, the vendor shall have in force adequate liability insurance of not less than \$1,000,000 to cover bodily injury and property damage claims arising out of the operation as a mobile food vendor. The City of Fond du Lac shall be named as an additional insured on the policy.

(7) GENERAL RESTRICTIONS ON VENDING. The Director of Community Development, or designee, shall have concurrent authority with the Police Department to enforce the following restrictions on street vending. Any vending conducted pursuant to this section shall be subject to the following:

(a) Carts, trailers, wagons, or any device or vehicle from which food is sold under this section must be professionally manufactured for the purpose of vending food. Such devices or trailers shall be transportable, in good repair and shall hold all required Department of Transportation licenses or permits.

(b) A mobile food vendor must obtain and maintain the appropriate permit from the Fond du Lac County Health Department.

(c) A mobile food vendor permit shall be location specific. A vendor may not operate at any location other than that specified in the permit, except for special events lasting no more than two days for which the vendor has been invited by the event sponsor.

(d) A permit may only be issued in the downtown Business Improvement District.

(e) A mobile food vendor permit under this section may only be issued for a location within 100 feet of an operating restaurant holding a Full Service Restaurant permit from the County Health Department, and only to the owner of said restaurant. The permitted location shall not be within 50 feet of any other full service restaurant.

(f) If located on the sidewalk, a vendor must allow five feet of unobstructed sidewalk for pedestrian traffic.

(g) Each mobile food vendor shall maintain its vending areas in a clean and hazard-free condition. Each vendor shall provide a minimum of two waste receptacles and shall empty and clean them daily or more often as necessary. Waste that is removed by the vendor shall be disposed of legally and shall not be disposed of in City receptacles. Waste receptacles shall be removed daily.

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(h) Hours of operation shall be limited to 7:00 a.m. until 30 minutes after closing hours for establishments holding a "Class B", intoxicating Liquor License, pursuant to Section 125.68(4)(c) of the Wisconsin Statutes.

(i) A mobile food vendor in the public right-of-way shall not operate within 15 feet of a hydrant, crosswalk, or bus stop, or within 25 feet of another vendor.

(j) No music, noise, flashing lights or other nuisance activities of any kind shall be permitted.

(k) No item shall be offered for sale by the mobile food vendor other than food and drink. No product of any kind may be sold in glass containers. No alcoholic beverages may be sold by a mobile food vendor.

(l) No vendor shall be permitted to use any of the amenities, such as benches, flower planters, trees, bus shelters, kiosks, light poles or any other utility poles for display of merchandise or to attach any ropes or other vending equipment to any of the aforementioned.

(m) Vending equipment and displays, including signage, shall be directed away from the street. In addition, merchandise shall be displayed in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street in order to examine it.

(n) A vendor shall be present within the vending site at all times during which items are displayed or sold.

(o) No vending equipment or merchandise may be stored on any street, sidewalk or alley or public square when the vendor is not present.

(p) All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.

(q) It is unlawful for any mobile food vendor to permit any other person to vend at his/her site.

(8) REVOCATION. A mobile food vendor permit may be revoked at any time by the City Council for cause, if any of the provisions of this section have been violated, or if the presence of the vendor constitutes a public nuisance.

(9) VIOLATION. (a) Any person violating any provision of this section shall be subject to the forfeitures and penalties contained in Chapter 25 of the Code. Each day of violation shall constitute a separate offense.

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(b) The Police Department and the Department of Public Works shall have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of any regulations established pursuant thereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.

12.116 **MOBILE ICE CREAM PRODUCT VENDORS.** (1) DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings indicated:

ICE CREAM PRODUCTS — Includes ice cream, ice cream products, snow cones, shaved ice, or other frozen water products and other food products approved for sale under this Ordinance.

VENDOR/PEDDLER — Includes a person commonly referred to either as a "vendor" or "peddler," who goes from place to place or from house to house by traveling on the streets and carries with him goods, wares and merchandise for the purpose of selling or delivering them to consumers; or any person who has wares and merchandise of any description sent from place to place or from house to house by traveling on the streets for the purpose of selling and delivering goods to consumers; but excludes any person exempt from the provisions of Section 12.11 by the provisions of Section 12.11(3).

VEHICLE — Includes a wagon, pushcart, automobile, bicycle or other vehicle or receptacle in, on, or from which, ice cream products are carried or sold.

(2) PURPOSE; CONSTRUAL OF PROVISIONS. The purpose of this Ordinance is to regulate and license the business of ice cream vending or peddling to protect the public health, welfare and safety.

(3) LICENSES REQUIRED. It is unlawful for any vendor or peddlers to sell, solicit, dispose of or to offer for sale any ice cream products if a vehicle is involved without first obtaining a vehicle license and/or a salesman's license as appropriate.

(4) EXEMPTION. Any person holding a license issued pursuant to Section 12.11 (1) is exempt from applying for or obtaining a license or from paying a license fee, as required by this Ordinance; provided, however, that such license holder is required to comply with all other provisions of this Ordinance.

(5) VEHICLE LICENSE. A vehicle license issued under this Ordinance shall entitle the person named therein to engage in the business of selling ice cream products for the term of one year, commencing on January 1 of the year of its issuance and ending on December 31 of said year. Such license shall not be assignable or transferable to any other person.

(6) SALESMAN'S LICENSE. A salesman's license issued under this Ordinance shall entitle the person named therein to sell ice cream products upon, in or from a vehicle licensed under this Ordinance for the term of one year commencing on January

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1 of the year of its issuance and ending on December 31 of said year. Such salesman's license shall not be assignable or transferable to any other person.

(7) APPLICATION FOR VEHICLE LICENSE. (a) Any person desiring a license for a vehicle to be used for peddling ice cream products shall file with the City Clerk an original and two copies of an application, under oath, in writing, on a form furnished by the City Clerk.

(b) The application shall set forth the following information:

1. The applicant's name, business name and business address.
2. Whether the applicant is an individual, a partnership, a corporation or another entity, and, if another entity, a full explanation and description thereof.
3. If the applicant is an individual, the applicant's residence address and date and place of birth.
4. If the applicant is a partnership, the full names, residence addresses, dates and places of birth of each partner.
5. If the applicant is a corporation or other entity, in the case of a corporation, the full names, residence addresses, dates and places of birth of each major officer and each stockholder, the name and address of the registered agent and the address of the principal office (The term "stockholder," as used herein, means and includes any person owning or having an interest, either legal or equitable, in 10% or more of the stock issued and outstanding of the applicant corporation.); in the case of another entity, the full names, residence addresses, dates and places of birth of each person owning or having any interest, either legal or equitable, aggregating in value 10% or more of the total capital of said entity, the name and address of the registered agent, if any, and the address of the principal office.
6. Whether the applicant or any partners, officers or stockholders thereof have ever been arrested or convicted of a crime, and, if so, the name of the person arrested or convicted, the date of arrest, the crime or charge involved and the disposition thereof. The term "officers," as used herein, means and includes the president, vice presidents, secretary and treasurer of a corporate applicant.
7. Name and permanent address of the owner of the vehicle as the same is registered with the Wisconsin Department of Transportation.
8. Description of the vehicle, giving the name of the manufacturer, serial number, motor number and the name of the person and any other insignia appearing thereon.
9. Date of purchase of the vehicle and the name and address of the person from whom acquired.
10. If the applicant is not the owner of the vehicle, the interest of the applicant in the vehicle shall be stated.

LICENSES AND PERMITS 12.116(7)(b)11.

11. If any person other than the applicant has any interest whatsoever in the vehicle, the name, address and interest of each such person shall be stated.

12. The names and addresses of salesmen who shall be upon said vehicle.

13. Names and addresses of persons from whom ice cream products are to be purchased for the purpose of reselling in the applicant's business.

(8) APPLICATION FOR SALESMAN'S LICENSE. (a) Any person desiring a license as a salesman to sell upon or from any vehicle licensed under this Ordinance shall file with the City Clerk an original and two copies of an application, under oath, in writing, on a form furnished by the City Clerk.

(b) The application shall set forth the following information:

1. The applicant's name, business name and business address.

2. The applicant's residence address and date and place of birth.

3. Whether the applicant has ever been arrested or convicted of a crime, and, if so, the date of arrest, the crime or charge involved and the disposition thereof.

4. The application shall be accompanied by the license fee prescribed in Section 12.116(9) and by a food-handler's permit obtained from the Health Department, which permit shall be deemed evidence of the applicant's health, cleanliness and suitability for handling food products.

(9) LICENSE FEES. (a) The fee for a vehicle license is \$100 per annum for each wagon, pushcart, automobile, bicycle or other vehicle or receptacle in, upon or from which the ice cream products are carried or sold.

(b) The fee prescribed in subsection (a) of this section entitles the licensee of the vehicle to one salesman's license without charge. The fee for each additional salesman's license is \$25 per annum. In addition, all applicants must undergo a background check to include a criminal check and a check of the sex offender registry and will be subject to all fees associated with these checks in addition to the application fees.

(c) The fee for any license prescribed under this section shall not be prorated.

(10) PROCESSING OF APPLICATIONS. (a) Upon receipt of an application for a vehicle license or a salesman's license, the City Clerk shall submit the same to the Police Department and County Health Department for reports with reference to the compliance or noncompliance of the application with municipal and state rules, regulations, statutes and ordinances and the truth of the matters contained in the application. Prior to making such determination, the Police Department shall photograph and fingerprint the applicant.

(b) Upon return of said application and reports, the City Clerk shall submit the same to the City Council for its consent and approval.

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(c) Upon the consent and approval of the City Council, the City Clerk shall issue such license.

(11) STICKER, DECAL OR OTHER EVIDENCE TO BE DISPLAYED. Upon the issuance of a vehicle or salesman's license, the City Clerk shall furnish the licensee with a sticker, decal or other evidence corresponding to the number of the license and the year in which issued. The sticker, decal or other evidence shall be displayed at all times on a conspicuous part of the licensed vehicle or carried upon the person of the salesman. The sticker, decal or other evidence shall be exhibited, on demand, to any member of the Police Department or County Health Department.

(12) ONLY LICENSED PERSONS IN OR ON VEHICLE. It is unlawful for any person not possessing either a vehicle license or a salesman's license to be in or on any vehicle licensed or required to be licensed under this Ordinance.

(13) MISREPRESENTATION OF MERCHANDISE UNLAWFUL. It is unlawful for any peddler of ice cream products to misrepresent the character or quality of the merchandise offered for sale.

(14) ANNOYING CONDUCT UNLAWFUL. It is unlawful for any vendor of ice cream products to importune or otherwise annoy any person for the purpose of effecting a sale. In addition, it is unlawful for use of any sound amplifying device or other loud noises to attract customers where such noise is heard for an unreasonable period of time outside of an 100-foot radius of the source of the noise; except that, if Wisconsin Statutes Section 346.94(16) is applicable, such statute controls.

(15) COMPLIANCE WITH FOOD LAWS REQUIRED. All ice cream products sold, disposed of or offered for sale shall comply with all laws, ordinances and regulations relating to food and food products.

(16) SEALED CONTAINERS REQUIRED. All ice cream products shall be sold or offered for sale only in original sealed containers or packaging. The filling of individual containers with ice cream products in or from any vehicle from the street, highway or other public place is hereby prohibited.

(17) PARKING RESTRICTED. It is unlawful for any vendor to park any vehicle within the lines of any public street, road or other public place in the City for a period longer than 15 minutes for the purpose of selling or offering for sale ice cream products. The term "park" shall be given the meaning contained in Wisconsin Statutes Chapter 346.

(18) SUSPENSION OR REVOCATION OF LICENSE. In addition to being subject to the penalties provided in Section 12.116(19), any license issued under this Ordinance may be revoked or suspended by the City Council for any misstatement in the application or for violation of any of the provisions of this Ordinance, upon notice and hearing. Upon the suspension or revocation of any license, no part of the license fee shall be returned.

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(19) VIOLATIONS AND PENALTIES. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be punished by a forfeiture not exceeding \$500. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

12.12 **PAWN BROKERS.** (1) LICENSE REQUIRED. No person shall carry on the business of pawn broker, loan broker or keeper of a loan office within the City without first having obtained a license as provided for in this section.

(2) FEES. The fee for a pawn broker's license shall be as provided in §12.01 of this chapter.

(3) BOND. Such license shall only be approved by the Council upon the applicant filing with the City Clerk a bond in the sum of \$200 conditioned upon the payment of any forfeiture and costs which may be assessed against the holder of a license for violation of this section or §12.12.

(4) DEFINITION. Any person who loans money on deposit or pledge of personal property or other valuable things or deals in pledges of personal property on condition of selling the same back again at a stipulated price is hereby defined and declared to be a pawn broker, loan broker, keeper of a loan office within the meaning of this section.

(5) REGULATIONS. Every license to a pawn broker shall be subject to those particular regulations as provided for in §12.12 of this chapter and to all regulations of those businesses as provided by the Wisconsin Statutes.

12.13 **SECONDHAND DEALERS.** (1) LICENSE REQUIRED. No person shall carry on the business or deal in secondhand furniture, clothes or other articles of merchandise in the City without first having obtained a license as provided for in this section.

(2) FEE. The license fee for a secondhand dealer's license shall be as provided in §12.01 of this chapter.

(3) BOND. Such license shall only be approved by the Council upon the applicant filing with the City Clerk a bond in the sum of \$200 conditioned upon the payment of any forfeiture and costs which may be assessed against the holder of the license for violation of this section or §12.12.

(4) REGULATIONS. Every license to a secondhand dealer shall be subject to those particular regulations provided in §12.12.

(5) EXEMPTION. Nothing in this section contained shall apply to the resale of merchandise which merchandise was received as a trade in on new merchandise,

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where such merchant does not engage in or carry on the business of buying secondhand merchandise.

(6) STATE REQUIREMENTS. Any secondhand dealer whose business operations come within the provisions of §134.71, Wis. Stats., shall also comply with §134.71, Wis. Stats., the provisions of which, so far as applicable to the City, are hereby adopted by reference.

(7) RUMMAGE SALES. (a) No rummage sale shall hereafter be conducted in the City by other than the person owning such goods, but such sale need not be conducted on premises owned or controlled by the person provided, however, that religious, educational, eleemosynary, charitable or veterans' organizations shall conduct such sales under the conditions set forth in pars. (b) and (c).

(b) Any rummage sale permitted to be held pursuant to par. (a) above shall be conducted upon premises owned or controlled by the organization permitted to conduct such rummage sale.

(c) Before any permitted rummage sale may be held, the organization intending to conduct such rummage sale shall file written notice of the date, time and place at least 5 days prior to the sale with the City Clerk.

12.135 FIREWORK DEALER'S LICENSE. (1) REQUIREMENT OF LICENSE. No person shall sell, display or offer for sale, whether as a retail or wholesale dealer, any fireworks of any sort within the City of Fond du Lac, without having first procured a firework dealer's license from the City. Applications for such licenses shall be approved by the City Clerk. As used in this ordinance, "fireworks", shall be defined as set forth in Wisconsin Statutes §167.10(1).

(2) APPLICATION. Application for a firework dealer's license shall be made upon forms provided by the City Clerk and shall contain the following information:

(a) The full name and address of the person, company, corporation or other organization applying for said license; the length of time of residence at that address; and, if the length of time of residence at that address is less than one year, the previous address.

(b) The address at which such activity is intended to be carried out.

(c) The full names, addresses and dates of birth of all such persons intending to act as sales personnel at such premises.

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(3) LICENSE FEE AND TERM. Each application shall be accompanied by a license fee which shall be set by resolution of the City Council. The fee shall be non-refundable. The license term shall be for one year from the date of issuance.

(4) DESCRIPTION OF FIREWORKS REQUIRED. Each application shall be accompanied by a list fully describing each type of firework intended to be sold, the ingredients of each type of said firework, and a sworn statement setting out that each piece or type of firework conforms with the requirements of this ordinance and Wisconsin Statutes §167.10. No dealer shall sell any piece or type of firework on which such statement has not been filed with the City Clerk.

(5) CERTIFICATE OF INSURANCE REQUIRED. Each applicant shall be accompanied by a Certificate of Insurance issued by a company licensed to do business in the State of Wisconsin providing liability coverage for injury to persons, property or loss of life with limits of coverage not less than one million dollars. All such certificates shall name the City of Fond du Lac as an insured party.

(6) REGULATIONS. The following provisions shall apply to places where fireworks are sold, stored or handled:

(a) Such premises shall be equipped with approved fire extinguishers; and

(b) Smoking shall be prohibited where fireworks are sold, stored or handled; and

(c) Fireworks may not be stored or sold within two hundred feet of any re-fueling pump, fuel filling station, or fuel bulk station, or in any building in which fuels or volatile liquids are sold in quantities in excess of five gallons.

(7) SALES RESTRICTED. No person issued a license under this section may sell fireworks to any person other than as authorized under Wisconsin Statutes §167.10(2).

(8) REVOCATION OF LICENSE. The City Clerk may, at any time, for good cause shown, revoke, suspend or deny issuance of any license issued under this section. Good cause shall include, without limitation for lack of enumeration herein, the following:

(a) Any violation of the provisions of this section;

(b) Any violation of building, zoning or fire codes applicable to the licensed premises;

(c) Any violation of Wisconsin State Law or of the City of Fond du Lac Code of Ordinances that is relevant to the operation of such business; and/or

(d) Any conviction of the license for the illegal sale of fireworks.

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(9) **DISPLAY OF LICENSE REQUIRED.** No person shall operate the business of a fireworks' dealer unless the license required to be obtained under this section is openly displayed upon the premises where such activity is permitted, along with a copy of the description and documentation of permitted types of fireworks as required to be filed under Section (4) of this ordinance.

(10) **PENALTY.** Any person who shall violate any provision of this section shall, upon conviction pay a forfeiture as described in Chapter 25 of the Code of Ordinances of the City of Fond du Lac, Wisconsin, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes. Each day during which a violation of this section is permitted to exist shall be deemed to be a separate violation.

12.14 **STORING OF JUNK AUTOMOBILES.** No person shall accumulate or store any junk automobiles or parts thereof outside any building or on any real estate located in the City.

12.15 **AUCTIONS.** (1) **PERMIT.** No person shall conduct, hold or advertise an auction or offer for sale at public auction any stock of merchandise, whole or in part, without first obtaining a permit as provided in this section, and no sale shall be held except by a licensed auctioneer as provided by this section.

(2) **PAYMENT.** A fee of \$100 shall be paid to the City for each day that an auction is held. The fee must be paid prior to the sale. The permit issued by the City shall be posted in a conspicuous place where the sale is held.

(3) **INVENTORY.** At the time of filing application for a permit for the holding of an auction, an inventory of all of the stock or merchandise to be sold shall be attached to and submitted with the application. No stock or merchandise which is not on the inventory list shall be sold or offered for sale or exhibited for sale at any time that the auction is being conducted.

(4) **MISREPRESENTATION.** No person holding or conducting any auction sale shall fraudulently or falsely advertise or in any way misrepresent any of the stock or merchandise to be sold or offered at the sale.

(5) **LICENSED AUCTIONEER.** No auction sale as provided in this section shall be held in the City except by and under the supervision of a person holding an auctioneer's license. An auctioneer's license shall be issued by the City Clerk upon application on an annual basis.

(6) **INSPECTION AND REPORTS.** The stock of merchandise on hand at the close of any day during which an auction is being conducted shall be open to the inspection of the City Clerk, and the Clerk shall have the right at the close of business on each day an auction is held to check the inventory and the stock of merchandise. The person

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holding such auction shall keep a sales book in which shall be entered a memorandum of every article sold and the sale price.

(7) IMPROPER PRACTICES. The sale of goods at public auction as provided in this section shall be held on successive days, Sundays and holidays excepted, and shall continue until the sale is closed, but such premises shall not be open for the sale of any merchandise between 6 p.m. and 8 a.m. of the following day. No person shall act as bidder or what is commonly known as a "capper," "booster" or "shiller" at any auction or offer or make any false bid to buy any articles sold or offered for sale at any public auction.

(8) EXEMPTION. No license is required by sub. (1) to (7) inclusive of this section and no licensed auctioneer shall be required to supervise or conduct any auction sale of household goods which have been used as such by the person making the sale or when a sale is made by virtue of a chattel mortgage, rule, order or judgment of any State or federal court nor when made by or on behalf of any executor or administrator, nor to the sale of any farm machinery, livestock, swine or poultry, dressed or undressed, nor to the sale of any real estate located within the City, nor to jewelry auction sales which shall be licensed as provided in sub. (9) of this section.

(9) JEWELRY AUCTION SALES. The provisions of §130.07, Wis. Stats., relating to jewelry auction sales so far as applicable to the City are hereby adopted by reference.

(10) FARM MACHINERY, LIVESTOCK, SWINE OR POULTRY. (a) No person shall conduct, hold or advertise any auction or offer for sale at public auction any farm machinery, livestock, swine or poultry within the City unless such person first applies for and obtains from the Council a permit.

(b) Where a license is obtained under this subsection, no bond is required nor shall any licensed auctioneer be required for conducting an auction, but the Clerk shall withhold the granting of any license under this subsection where it appears that the place for holding the proposed sale is unsafe or unsanitary or that the collection of animals for sale at the location would not be in the interests of the health, safety or general welfare of the public.

12.16 **SHOOTING GALLERIES.** (1) LICENSE REQUIRED. No person shall conduct or operate any shooting gallery in the City without first obtaining a license authorizing the same.

(2) PUBLIC SAFETY. Such license shall not be granted by the City Clerk if it appears that if granted, the operation of the business will constitute a public nuisance or will endanger the safety of the public or of any persons within the City or that the manner of conducting such business shall be to commit a fraud upon the public. If granted, the licensee shall not be required to obtain any further permit for firing firearms in the City, and the license, if so granted, shall entitle the licensee and any persons entering the premises as customers to discharge firearms upon the licensed premises.

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12.17 **PUBLIC DANCES.** (1) PERMIT. No person shall conduct any dance to which the public is admitted either for charge or otherwise in the City except as specified in this section.

(2) EXCEPTION. No permit shall be required for any dance held and conducted by and under the supervision of any bona fide fraternal order or religious society which has been in existence in the City for not less than 6 months prior to the date of holding the dance, provided, however, that any organization shall in writing notify the Chief of Police of the time and place of holding and conducting the dance at least 5 days prior thereto. This section shall likewise not apply to any premises licensed for the sale of nonintoxicating liquor or alcohol beverages.

(4) CLOSING HOURS. No public dance shall continue beyond the hour of 2 a.m. or commence before the hour of 9 a.m.

(6) CONDUCT AT DANCES. The person making application for a permit and the person conducting the dance shall be responsible for the conduct at the same.

12.18 **LOUDSPEAKERS AND AMPLIFYING SYSTEMS.** (1) PERMITS REQUIRED. Except as otherwise provided, no person shall operate any loudspeaker or amplifying system so as to amplify and broadcast to the public either voice or recordings on or along the public streets or alleys or in any outdoor location in the City, without obtaining a permit as provided for in this section.

(2) PERMIT APPLICATION. Application for permit shall be filed with the City Clerk. The Clerk shall present the application at the next regular or special session of the Council, who shall finally approve the issuance of the permits, subject to the provisions of this section, and particularly the following restrictions:

(a) Sound tracks or loudspeakers transported from place to place shall operate on no street, except Main St. and only between 11:45 a.m. and 1 p.m. and between 4:45 p.m. and 6 p.m. No operation shall be made on Sundays or legal holidays.

(b) Loudspeakers not transported and operated at one location shall not be operated between 10:30 p.m. and 10 a.m.

(c) No loudspeaking system whether movable or set up for one location shall employ or use over 19 watts or 8 decibels of output. It is the intention of this provision that no amplifying device shall be operated at such volume that sound shall carry in excess of 100' to 150' from the point of broadcast.

(d) The Electrical Inspector shall have the right to inspect the loudspeaking system whenever in use to determine the output.

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(e) Sound wagons or any vehicle transporting any amplifying system, shall keep moving with traffic while the system is being used and shall not stop or remain standing at any location on Main St. while using the system except as required by delay in movement of traffic.

(f) The Council may cancel and declare any permit void where the speaking system is being used in violation of this section or of State or federal laws and the permit shall be returned to the City. Operations of such system after notice is given of cancellation of permit shall constitute a violation of this section.

(3) EXCEPTIONS. This section does not apply to the use of loudspeaking or amplifying systems as follows:

(a) Wholly within a permanent building.

(b) By a school when used in connection with educational purposes or when otherwise used noncommercially for any public address system at any athletic game or similar contest.

(c) Within the county fairgrounds which is bounded generally by Ninth St., Martin Road, Fond du Lac Ave. and south City limits, when the use is by the Fond du Lac County Fair Association at the annual Fond du Lac County Fair.

(d) Within the public parks provided permission is otherwise obtained from the City Manager.

(e) So called wireless or radio transmission where the broadcast is not audible without the use of a radio or wireless receiving apparatus.

(4) COMMERCIAL ADVERTISING. No person shall operate or cause to be operated any loudspeaker or amplifying system on a truck or airplane for commercial sound advertising purposes in or over the City.

(5) PURPOSE OF SECTION. It is declared that the purpose of this section is solely to regulate the use of sound systems in the City which are covered by the provisions of this section and which have proven to be a public nuisance when operated without reasonable regulation. This section does not require any person to file with the City any statement of the public utterances to be made and no censorship of any kind shall be used in granting or revoking any permit, except as provided in sub. (2) of this section.

12.19 HAYRACK AND SLEIGH RIDES. (1) LICENSE REQUIRED. The owner of every vehicle operating upon any highway or street in the City for hire for the purpose of transporting persons in what is commonly known as a hayrack ride, a sleigh, box sled or bobsled ride or a ride of similar nature shall obtain a license from the City Clerk.

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(2) INSURANCE. No license shall be issued until the applicant exhibits proof that he carries liability insurance for the protection of his passengers in the minimum amount of \$10,000 for any one passenger and \$50,000 for any single accident.

(3) SUPERVISION. If the owner operates such vehicle by an agent or servant, the agent or servant must likewise obtain a license. In addition, the applicant shall make known the name of one person over the age of 18 years (in addition to the driver) to accompany the event if minors are present. Applicants shall also make known the approximate starting and finishing time of the event.

12.195 **PARADE PERMITS.** (1) DEFINITIONS. When used in this section: (a) Parade or Special Event. "Parade" or "Special Event" means a parade, march or procession and associated assembly areas.

(2) PERMIT REQUIRED. No person shall form, direct, lead or participate in any parade or special event in any portion of a street unless a permit has been obtained in advance.

(a) Parade permits shall be approved and issued by the City Clerk.

(b) A completed application for a parade permit shall be filed with the City Clerk not less than 30 days in advance of the parade.

(c) The parade permit fee shall be set by resolution of the City Council. Only one fee shall be charged for a multiple-day event.

(3) EXCEPTIONS. A permit shall not be required for the following:

(a) a funeral procession.

(b) Students going to and from school classes or school activities, providing such conduct is under the supervision of school authorities.

(c) Use of sidewalks by pedestrians provided that such use does not obstruct or unreasonably interfere with access to any public or private property or with any other traffic.

12.20 **TREE CUTTING OR TRIMMING.** (1) PERMIT REQUIRED. No person shall do any tree cutting or trimming within the City for hire on property other than that which he owns or is an occupant, unless he has a permit issued by the City Clerk.

(2) APPLICATIONS. Application forms for permits required by this section shall be furnished by the City Clerk and shall contain an accurate description of the property, the owner of the property and the nature and extent of the work to be done. No permit shall be deemed to authorize anything not stated in the application. The application shall be signed by both the owner or his authorized agent and the person who is to do the work.

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(3) **INSURANCE.** Before a permit shall be issued, the party to whom issued shall file with the City Clerk a policy of insurance for a bond relieving the City from any liability as a result of operations in trimming or removing trees, the bond to be in the sum of \$5,000. The party to whom the permit is issued shall agree to remove all limbs and cuttings from the premises at his own expense. Failure to comply with the requirements of this section shall cause the person to be ineligible for future permits. The City will not pick up limbs and cuttings when accumulated by the operations of persons, other than the property owner or occupant, when compensation is being paid for such tree trimming or cutting.

(4) **PUBLIC UTILITIES.** Public utilities may obtain a permit for the trimming and cutting of trees and brush on an annual basis upon making application to the City Council. The permit shall require the approval of the City Council and be issued by the City Clerk and shall expire June 30 of each year. The conditions of the permit issued to utilities shall be that they remove any trimmings, cuttings, chips and debris that they may cause to be collected.

12.21 COIN OPERATED MUSIC DEVICES. (1) **LICENSE REQUIRED.** No person shall own or operate any coin operated music device of any kind or nature in the City unless the music device shall be licensed as provided below.

(2) **APPLICATION.** Application for license to own or operate coin operated music devices in the City shall be made to the City Clerk upon a form furnished by the Clerk for that purpose. In addition to the applicant's name and address, the form shall contain a statement of the type of music device for which license is desired, together with a full description of the device, its location, the name of the owner and other material facts.

12.22 MOBILE HOMES AND MOBILE HOME PARKS. (1) **DEFINITIONS.** For the purposes of this section the following terms have the meanings indicated:

DEPENDENT MOBILE HOME. A mobile home which does not have complete bathroom facilities.

LICENSEE. Any person licensed to operate and maintain a mobile home park under this section.

LICENSING AUTHORITY. The City of Fond du Lac.

MOBILE HOME. That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of the additions, attachments, annex, foundations and appurtenances equals or exceeds 50% of the assessable value of the trailer.

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NONDEPENDENT MOBILE HOME. A mobile home which does not have complete bathroom facilities.

PARK. A mobile home park.

PERSON. Any natural individual, firm, trust, partnership, association or corporation.

MOBILE HOME PARK. Any plot or plots of ground upon which 2 or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

SPACE. A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

TRAILER AND TRAILER CAMP. See Mobile Home and Mobile Home Park.

UNIT. A mobile home unit.

(2) LOCATION OUTSIDE CAMPS. (a) Except as provided in this section, no person shall park any mobile home on any street, alley, highway or other public place or on any tract of land owned by any person within the City.

(b) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(c) No person shall park or occupy any mobile home on any premises which is situated outside an approved mobile home park except under special permit as provided in sub. (3). The parking of only one unoccupied mobile home in an accessory garage building or in a rear yard is permitted providing no living quarters shall be maintained or any business practiced in such mobile home while it is parked or stored.

(3) PERMIT FOR LOCATION OUTSIDE OF MOBILE HOME PARK. (a) The Council may issue special written permits allowing the location of a mobile home outside of a mobile home park. The person to whom the permit is granted shall be subject to the parking fee as provided in sub. (15). The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued. Not more than 2 mobile homes shall be granted permits to locate on any one premise outside a mobile home park.

(b) Application for the permit shall be made to the City Clerk, accompanied by the inspection fee, and shall state:

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1. The name and permanent addresses of the occupants of the mobile home, the license number of their mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location and whether the occupants are nonresident tourists.

2. Whether any occupant is employed in this State; the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises and the owner's and/or occupant's permission to locate.

3. A statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use; and a statement that all wastes from such occupancy will be disposed of in a sanitary manner.

(c) Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200' of the proposed location of the mobile home; and a statement of permission from the owner for their use.

(d) All occupants of any mobile home located outside of a mobile home park shall register with the City Clerk as provided in sub. (13) of this section. All provisions of this section governing the location, use and sanitation of mobile homes located in a licensed mobile home park shall so far as they are applicable, apply to any mobile home located outside of the mobile home park.

(4) PERMANENT OCCUPANCY. Mobile homes shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time except provided as follows:

(a) That any nondependent mobile home properly connected with the public water supply and sanitary sewer systems may be permitted on any premises if the trailer shall be constructed and located in compliance with all requirements of the building, plumbing, health, sanitary, electrical and zoning ordinances.

(b) Any action toward the removal of wheels except for temporary purposes of repair or other action to attach the mobile home to the ground by means of posts, piers or foundation shall subject the mobile home to the requirements of the building code.

(5) MOBILE HOME PARK LICENSE. (a) No person shall establish, operate, maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a mobile home park within the limits of the City without first having secured a license for each park from the Council. Such license shall expire one year from the date of issuance but may be renewed on an annual basis.

(b) Application for license or renewal shall be filed with the City Clerk and shall be accompanied by the fee as provided in §12.01 of this section. The application shall also be accompanied by a surety bond in an amount not less than \$2,000. This bond

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shall guarantee the collection by the licensee of the monthly parking permit fee provided for in sub. (15) and the payment of the fees to the Treasurer, the payment by the licensee of any forfeiture, including legal costs imposed upon or levied against the licensee for a violation of the ordinances of the City pursuant to which the license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this section.

(c) The application for a license or a renewal, shall be made on forms furnished by the City Clerk 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, a verified statement by that person, that the applicant is authorized by him to construct or maintain the mobile home park and make the application), and a legal description of the premises, upon which the park will be located as will readily identify and definitely locate the camp plan showing the following, either existing or as proposed:

1. The extent and area used for camp purposes.
2. Roadways and driveways.
3. Location of units for trailers.
4. Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units.
5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.
7. Plan for water supply.
8. Plan for electrical lighting of units.
9. If the existing or proposed park is designed to serve nondependent units, such plan shall clearly set forth the location of all sewer and water pipes and connections.

(6) INSPECTION AND ENFORCEMENT. No mobile home park license (or permit for location outside of a licensed park) shall be issued until the City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector or their authorized agents, of the application and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which the mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Council in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements. No license shall be renewed

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without a reinspection of the premises. For the purpose of making inspections and securing enforcement the officials or their authorized agents are hereby empowered to enter on any premises on which a mobile home is located or about to be located and to inspect the same and all accommodations connected therewith at any reasonable time.

(7) LOCATION OF MOBILE HOME PARKS. (a) No mobile home or mobile home park shall be located in any fire district.

(b) No occupied mobile home within the limits of the City shall be located between the recognized setback line for the zoning district in which the mobile home is located and the street or highway, nor less than 10' from any building or other mobile home or from the boundary line of the premises on which located.

(8) MOBILE HOME PARK PLAN. All additions to existing mobile home parks or new mobile home parks shall be in conformance with the Mobile Home Park District, as well as the provisions of this section with such plans having been approved by the City Plan Commission.

(9) WATER SUPPLY. (a) An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than 200' from any dependent mobile home shall be furnished for drinking and domestic purposes in all parks.

(b) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of the units.

Such system shall be adequate to provide 20 lbs. pressure per square inch and capable of furnishing a minimum of 125 gals. per day per space.

(c) No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet room.

(d) Every mobile home park serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

(10) SERVICE BUILDING AND ACCOMMODATIONS. (a) Every mobile home park designed to serve dependent units shall have erected suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities, such buildings to be known as service buildings. Service buildings shall be located not more than 200' from any dependent unit space nor closer than 15' from any mobile home space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.

(b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be provided for each sex in the ratio of one toilet for each 8 dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall

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also contain one urinal for each 16 dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every 2 or less water closets.

(c) Separate bathing facilities for each sex shall be provided with one shower enclosure in a compartment at least 4 sq. in. for each 8 dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least 12 sq. ft.

(d) Laundry facilities shall be provided in the ratio of one double tray unit and one conventional type washing machine or one automatic washing machine with electric outlets for each 8 units. Sufficient drying facilities shall be available.

(e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each 16 dependent units.

(f) The above accommodations shall be based on the total park capacity according to accepted plans.

(g) Floors of toilets, showers and the laundry shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched for a floor drain.

(11) WASTE AND GARBAGE DISPOSAL. (a) 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.

(b) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the State plumbing code. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. The connections shall be constructed so that they can be closed when not connected and trapped in a manner as to be maintained in an odor free condition.

(c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby prohibited.

(d) Each faucet shall be equipped with facilities for drainage of waste and excess water.

(e) Every mobile home shall be provided with a substantial flytight, watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

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(12) LIMITATION ON LENGTH OF STAY AND ON NUMBER OF OCCUPANTS. (a) No person shall occupy any mobile home within the City for more than 90 days in each 12 month period, except as provided in sub. (4) of this section, and except that upon a showing and proof that there exists in the community a shortage of adequate housing facilities, additional stays of 60 days may be granted as an emergency provision, provided that this time limitation shall not apply to the licensee of the mobile home park or his bona fide employees so as to prevent their remaining on the park premises at all times.

(13) MANAGEMENT. (a) Every mobile home park shall have an office for the attendant or person in charge of the park. A copy of the park license and of this section shall be posted and the park register shall at all times be kept in the office.

(b) The attendant or person in charge, together with the licensee, shall:

1. Keep a register of all guests, to be open at all times to inspection by State and federal officers and the Mobile Home Committee, which shall show for all guests:

- a. Names and addresses.
- b. Number of children of school age.
- c. State of legal residence.
- d. Dates of entrance and departure.
- e. License numbers of all mobile homes and towing and other vehicles.
- f. State issuing such licenses.
- g. Purpose of stay in park.
- h. Place of last location and length of stay.
- i. Place of employment of each occupant.

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

3. Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his attention.

4. Report to the Health Officer all cases of persons or animals affected or suspected of being affected with any communicable disease.

5. Maintain in convenient places, approved by the Fire Chief, hand fire extinguishers, in the ratio of 1 to 8 units.

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6. Collect the monthly parking permit fee provided for in sub. (15). A book shall be kept showing the names of the persons paying the service charges and the amount paid.

7. Prohibit the lighting of open fires on the premises.

(14) APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING REGULATIONS. All plumbing, electrical, building and other work on or at any licensed park shall be in accordance with the ordinances of the City and the requirements of the State plumbing, electrical and building codes and the regulations of the State Department of Health and Social Services. Licenses and permits issued grant no right to erect or repair any structure, do any plumbing or electrical work.

(15) MONTHLY PARKING FEE. (a) Each licensee, licensed pursuant to the provisions of sub. (5), is hereby required to collect from each mobile home occupying space or lots in his mobile home park in the City a monthly parking permit fee, computed as provided in §66.058, Wis. Stats.

(b) Occupants of nonexempt mobile homes, parked outside of licensed mobile home parks in accordance with sub. (3) shall pay a monthly parking permit fee. The monthly parking permit fee shall be paid by the owner of the mobile home, the occupant of the mobile home or the owner of the land on which it stands, the same as and in the manner provided for mobile homes located in mobile home parks, and the owner of the land shall be required to comply with the reporting requirements of par. (a).

(c) The licensee of a mobile home park shall not be required to collect for any space occupied by a mobile home accompanied by an automobile if the mobile home and automobile bear license plates issued by any other than this State, for an accumulative period not to exceed 60 days in any 12 months, or if the occupants of the mobile home are nonresident tourists or vacationers. Exemption certificates in duplicate shall be accepted by the City Treasurer from qualified nonresident tourists or vacationers in lieu of permit fees. When one or more persons occupying a mobile home are employed in this State, there shall be no exemption from the monthly parking permit fee.

(d) Failure to timely pay monthly parking permit fees shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable under the Wisconsin Statutes.

(e) The licensee of a park shall be responsible for the reporting requirements of pars. (a) and (b) of this subsection.

(16) REVOCATION AND SUSPENSION. The City Council is hereby authorized to revoke any license or permit issued pursuant to the terms of this section in accordance with §66.058, Wis. Stats.

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12.23 **AMUSEMENT DEVICES.** (1) DEFINITIONS. Terms used in this section have the following meanings:

AMUSEMENT DEVICE. Any coin-operated machine commonly referred to as shooting (electric ray) games, bowling games, skiball games, baseball games, shuffle games, pool and billiard games, and other devices, the operation of which involves skill features and which are operated by coins and which do not deliver, pay out or emit coins, tokens, coupons, tickets, receipts, chips or other things, which may be redeemed or exchanged for money, merchandise, or other thing of value and in the operation of which, the skill of the player is not subject to being thwarted by chance, and which machine is not readily convertible into a gambling device. Coin-operated musical instruments, vending machines or coin telephones shall not be considered as amusement devices under this section.

DISTRIBUTOR. Any person who as owner or lessor of 3 or more amusement devices distributes or leases any amusement device to any person for use in the City.

POSSESSOR. Any person in whose premises an amusement device is set up for operation.

(2) LICENSING OF DISTRIBUTORS. (a) **Required.** A distributor shall be licensed as provided in this section.

(b) **Application.** Application for license as a distributor shall be made to the City Clerk upon a form furnished by him for that purpose. The application form shall contain a statement of the applicant's name, residence and or place of business, the type of amusement devices to be distributed by the licensee, the location in which any device will be distributed by the licensee and other material facts and statements as may be required by the Clerk.

(3) LICENSING OF POSSESSORS. (a) **Required.** Any possessor shall be licensed as provided in this section.

(b) **Application.** Application for a license as a possessor shall be made to the City Clerk upon a form furnished by him for that purpose. The application form shall contain a statement of the applicant's name and residence and the location of the premises in which any amusement device shall be set up, the type of amusement device or devices for which license is desired, together with a full description of each device, the name of the owner or lessor thereof and any other material facts as may be required for each amusement device set up or permitted in any premises of a possessor.

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(c) Investigation of Applicant. Prior to the issuance of any license under this section, the application shall be referred to the Chief of Police for investigation and report.

(4) WAGERING. No possessor shall permit the wagering of money, goods or merchandise upon the result of the game or machine played or upon the test of skill, nor shall any such possessor for himself or for any operator pay any moneys, goods, merchandise or token to any person playing the amusement device.

(5) PROHIBITED LOCATIONS. No amusement device shall be installed or operated within any premises located within 150' of any elementary or high school grounds.

(6) GAMBLING PROHIBITED. Nothing in this section shall be construed to permit gambling in any form or manner, and all other ordinances of the City relative to gambling and the keeping of gambling devices shall remain in full force and effect.

(7) RESPONSIBILITY OF POSSESSOR. The possessor of any amusement device shall be held responsible for the full compliance of the requirements of this section and for any violation of this section which may occur on his premises, whether he participates in such violation or not.

(8) POLICE OFFICER MAY ENTER PREMISES. Any police officer may, in the discharge of his duties, enter any premises in which an amusement device is located at any time and the application for license is deemed to be a consent to such entry.

12.24 AMUSEMENT ARCADE. (1) DEFINITIONS.

AMUSEMENT ARCADE. Premises in the business of offering to the public for a fee, 5 or more amusement games and devices, except that establishments having a combination Class "B" liquor or fermented malt beverage licenses are not considered amusement arcades in this section.

AMUSEMENT GAMES AND DEVICES. Any coin or token operated machine, game, or device or any machine, game, or device for which the owner or operator shall make a charge for the use thereof for amusement purposes and including without limitation by enumeration, billiard or pool tables, table shuffle boards, skiball, miniature baseball diamonds, basketball courts, and bowling alleys, pin games, marble games, quiz games, video games, video devices, electronic games, foosball and other games and devices of like nature.

(2) LICENSE REQUIRED. A license shall be obtained from the City for each premise to be used as an amusement arcade.

(3) APPLICATION FOR AMUSEMENT LICENSE. (a) Application for a license shall be on a form furnished by and filed with the City Clerk.

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(b) Such form will require the following information:

1. Name, address and date of birth of applicant. If a partnership, the names, addresses and dates of birth of all partners. If a corporation, the names, addresses and dates of birth of all officers of the corporation. If a club, the names, addresses and dates of birth of all officers.

2. If the listed person or persons have ever been convicted of a violation of federal, State or municipal law, other than minor traffic or parking violations.

3. Location of premises to be licensed and name and address of owners of the property.

4. The number of games and devices to be located on the premises.

5. The hours of operation of the establishment.

(c) Application shall be signed and sworn to by the applicant.

(d) Each applicant, upon filing an application, shall pay the required fee to the City Treasurer.

(e) The Chief of Police shall investigate all persons named in an application for a license and report the findings to the City Clerk.

(f) The Building Inspector, Fire Inspector and City Sanitarian shall investigate the premises named in an application and report any code violations to the City Clerk.

(4) GRANTING OF A LICENSE FOR AMUSEMENT ARCADE. (a) No license shall be granted for an amusement arcade if:

1. The establishment holds a Class "A" beer or liquor license.

2. The premises are within 500' of any public or private school.

3. There is another licensed amusement arcade within 1500' of the premises seeking a license.

4. The licensee has not provided a sufficient bicycle storage area which shall be located off the public right-of-way and shall be within 50' of an entrance to the premises.

5. There are violations of the Housing Property Maintenance, Fire, Health or Zoning Codes existing on the premises.

(b) Amusement arcades existing as of the effective date of this section that are not in conformity with subpars. (a)2. and 4. of this subsection shall be granted a license

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and may continue to operate at the existing premises. Should any nonconforming arcade relocate to another premises or discontinue operating for a period of 6 months or more, an arcade license shall not be granted to nonconforming premises until there is compliance with the requirements of this subsection.

(c) No license shall be issued to an applicant, partner or principal officer of a corporation or club if such person:

1. Has a record of convictions of federal, State or municipal laws which is sufficient to lead a reasonable person to conclude that the applicant is not of good moral character subject to §§111.321, 111.322 and 111.335, Wis. Stats.

2. Is under 18 years of age.

(d) The City Clerk shall issue the license only when authorized by the City Council.

(e) A license to a partnership shall not be voided by the withdrawal of a partner if an original partner remains. A new license is required if a new partner joins unless he already holds a license.

(f) A license issued to a corporation or club shall become void if an unqualified person becomes a principal officer.

(g) All changes in membership of a partnership or all changes in identity of the principal officers or a corporation or club shall be reported to the City Clerk within 10 days after they occur.

(h) A license granted shall bear date of issue, name of licensee and location of premises.

(i) Such license granted shall not be transferable to another person.

(j) The holder of the license may transfer to another location by written application to the City Clerk and approval by the City Council upon payment of a transfer fee.

(5) CONDITION FOR OPERATION AND CONDUCT OF AN AMUSEMENT ARCADE. (a) The licensee shall:

1. Maintain the premises in a sanitary condition at all times and provide approved lighting and ventilation conditions.

2. Post in a conspicuous place the license issued and a copy of this ordinance.

3. Prohibit any one on the premises from gambling or making bets.

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4. Prohibit any one on the premises from possessing any intoxicating liquor or fermented malt beverage.

5. Prohibit patrons from engaging in any loud, boisterous or disorderly conduct on the premises or on any public sidewalk abutting the premises.

6. Have a person 18 years of age or older who is in charge of the operation on the premises at all times that the establishment is open.

(6) EXEMPTION FROM LICENSING OF AN AMUSEMENT ARCADE. (a) Exempt from securing a license for an amusement arcade are:

1. Educational, religious, charitable institutions and fraternal organizations which prohibit the use of amusement games on their premises by the general public and are non-profit organizations.

2. Those places of business and institutions which provide amusement games for use on an occasional basis. Occasional basis means no more than 3 times per year.

(7) POLICE RIGHT OF ENTRY. Every applicant possessing a license for any amusement arcade or an amusement game or device consents to the entry of the police or other authorized representative of the City at all reasonable hours for the purpose of inspection.

(8) PRIZES PROHIBITED. No money, tokens, merchandise or other thing of value shall be offered as a prize or reward to anyone as a result of the play of an amusement game or device except for those games or devices for which prizes or rewards are approved or permitted by the State of Wisconsin.

(9) REVOCATION OF LICENSE OF AMUSEMENT ARCADE. The City Council may suspend or revoke any amusement arcade license at any time for good cause and which shall be in the best interests and good order of the City provided the licensee shall be accorded due process of law.

12.25 **TAXICABS.** (1) LICENSE REQUIRED. No person to hire out, keep or use for hire or cause to be kept for hire any cab, coach or motor vehicle for the transportation of passengers in the City without first obtaining a license in accordance with the terms and provisions of this section. This section does not apply to vehicles rented by livery men for private use only or to motor vehicles hired by special contract. Each license issued shall expire on June 30 following the issuance of the permit and shall entitle the licensee named to operate the vehicle described within the City.

(2) APPLICATION FOR LICENSE. Application for license shall be made as provided by §12.02, Wis. Stats., and shall, among other things, state the name and address of the applicant, the number of vehicles to be licensed, a description of each vehicle by

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factory number, maker's name, number of adult persons the vehicle is designed to carry, the number of the State license under which the same is operated, the name of the insurance carrier, the name of the insured, and the number, amount and duration of the policy. On filing the application, together with a receipt of the City Treasurer showing payment of the license fee, the City Clerk shall, upon approval by the Council, issue to the applicant a license for the operation of the vehicle and before the operation of the vehicle as a taxi within the City, the owner shall cause his name and the number of the license granted by the City to be plainly marked on the right and left side of the vehicle in figures not less than 1½" in length, and the figures shall be of light color on dark background or dark color on light background. Every such vehicle when driven or used at night shall have fixed upon some conspicuous place on the outside 2 lighted lamps with plain glass front with the number of the license plainly painted thereon in figures not less than 1½" in length. If the owner operates more than one vehicle, he shall also place like size and color individual numbers for each car beginning with number one and counting until the total number of his cars are so marked. The numbers and the City license number shall be separated by a hyphen or dash.

(3) **INSURANCE.** No person shall operate a vehicle for the conveyance of passengers for hire or permit the same to be operated under this section until and unless the applicant for a license deposits with the City Clerk a policy or certificate of liability insurance covering all vehicles used for hire, for which a license is sought. The policy or certificate of liability insurance shall be issued by a company authorized to do business in Wisconsin and minimum insurance required for a taxicab operating under this section shall be the minimum required for a policy or bond under Section 344.15(1) of the Wisconsin Statutes. Each insurance policy shall contain a provision that it may not be cancelled before the expiration of its term except upon 30 day's written notice to the City Clerk.

(4) **CONDITION OF VEHICLE.** No vehicle shall be licensed under this chapter unless it is clean and sanitary and in good mechanical condition and suitable for safe use at all times while being used as a passenger for hire vehicle. All licensed vehicles shall be kept in such condition and the license may be revoked for failure to maintain any vehicle as required by this subsection.

(5) **REVOCAION OF LICENSE.** The Council may at any time for cause revoke any license granted under this section, provided, however, that notice of hearing upon revocation shall be given to the licensee at least 5 days before the hearing. Upon revocation of a license, the same shall be null and void.

(6) **DRIVERS.** No person required to be licensed under this section shall permit any person to operate any licensed vehicle while such vehicle is being used for the transportation of persons for hire unless the person operating the vehicle is a licensed cab driver as required by §12.26.

12.26 TAXICAB DRIVERS. (1) **LICENSE REQUIRED.** No person shall operate or drive a vehicle required to be licensed under §12.26 while such vehicle is being used for

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the transportation of persons for hire unless the driver is licensed as provided for in this section.

(2) APPLICATION. Application for a taxicab driver's license shall be made in the manner provided by §12.02, and the application shall state among other things the age of the applicant and that the applicant is of good physical condition, free from any infirmity which may be likely to interfere with the proper operation of the automobile by the applicant. Where it appears that the applicant has had less than 6 months experience in the operation of a taxicab, the applicant's ability and skill in handling a vehicle may be examined by the Chief of Police or by an officer under his command, in which case a report shall be made as soon as possible after such examination.

(3) LICENSE PERIOD. The license shall be valid for a period of 2 years and shall expire on June 30 of the appropriate year.

12.27 SALE OF CHRISTMAS TREES. (1) A license is required for each stand, place, room or enclosure where Christmas trees are to be sold, but no license is required for the sale of small novelty or artificial trees at any indoor location where no fire hazard or cleanup problems exist in connection therewith as in the case of outdoor sales or of sales of larger Christmas trees. No license shall be issued for any premises in a building in which any dwelling unit is located or in an improperly zoned area, except that religious, charitable and other eleemosynary institutions may conduct Christmas tree sales on property owned and occupied by them irrespective of the zone in which such property is located.

(2) Any person or any designated agent of the person who shall be responsible for the conduct of the business at any location desiring to engage in the business of selling Christmas trees shall make application in writing to the City Clerk.

(3) Such application shall describe the premises to be used for sale of trees, the ordinary use to which the premises have been devoted up to the time of making application and the type and character of any business conducted on the premises. The application shall show the name and address of the applicant, if an individual, or of all the partners if it is a partnership, or of the corporation or organization and its resident agent if a corporation or organization for the 2 year period immediately prior to making application.

(4) All premises shall be inspected and approved by the Building Inspector before the license is granted by the City Clerk. Such inspection shall be made within 20 days of the date of application. Each person at the time of making application for a license shall pay the license fee and in addition shall post with the City Clerk the sum of \$50 either in cash or certified check, which shall be returned to the applicant on or before January 10 of the year following if the Building Inspector shall have certified to the City Clerk that the licensee has fully complied with the provision of this section relating to the cleaning up of the premises. The license shall automatically expire on January 1 following the date of issuance. The licensee shall have direct control over the

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premises or location where the trees are sold and over the sale of the trees and shall be responsible for the conduct of any person in his employ. No Christmas trees shall be placed on any licensed premises in any location within 15' of any gasoline pump or other dispensing equipment of liquid fuels. The license shall not be assignable and the holder of the license shall not permit it to be used by any other person.

(5) Any license issued pursuant to this section may be revoked by the Council. Such revocation shall be for cause and the Building Inspector shall report to the Council any violation of this section or the laws of Wisconsin.

(6) The Building Inspector shall as soon as practicable after December 25th of each year, inspect all premises or locations licensed under this section and certify to the City Clerk the name of those licensees who have fully complied with this section and are entitled to the return of their deposit. If the licensee fails to clean the premises, the Building Inspector is authorized to enter upon the premises and remove or destroy or cause to be removed or destroyed such Christmas trees or parts thereof which remain and the cost of the removal shall be deducted from the deposit with the City Clerk.

(7) The provisions of this section do not apply to the wholesale sale of Christmas trees to dealers in the City.

12.28 ANIMAL LICENSING AND REGULATION. (1) DEFINITIONS. As used in this section, the following terms mean:

ALTERED MALE. Any male animal that has been operated on to prevent it from procreating.

ANIMAL. Every living warmblooded creature, except a human being, and every reptile or amphibian.

ANIMAL CONTROL OFFICER. The person appointed by the City Manager as an Animal Control Officer who is qualified to perform duties of animal control as provided by the laws of Wisconsin and the ordinances of the City.

ANIMAL SHELTER. Any facility operated by a municipal agency or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this section or State law.

AUCTIONS. Any place of facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this section. This section does not apply to individual sales of animals by owners.

CATTERY. Any person, group of persons or corporation engaged in the keeping of cats or the business of breeding, buying, selling or boarding cats.

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CIRCUS. A commercial variety show featuring animal acts for public entertainment.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

CONFINED. Restriction of an animal at all times by the owner, or his agent, to an escape proof building or other enclosure, away from other animals and the public.

DISINFECTANT. An agent, usually a chemical, that kills growing forms but not necessarily resistant spore forms, of the disease producing microorganisms.

DISINFECTION. The act of destroying infectious agents.

GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

HAS BEEN BITTEN. Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

KENNEL. An establishment wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs.

LEASH. A cord, rope, strap, chain or training lead which shall be securely fastened to a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

OWNER. Any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days.

PERFORMING ANIMAL EXHIBITION. Any spectacle, display, act or event, other than circuses, in which performing animals are used.

PET. Any animal kept for pleasure rather than utility.

PET SHOP. Any establishment, operated separately or in connection with another business enterprise, except a licensed kennel or cattery, that buys, sells or boards any species of animal.

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PUBLIC NUISANCE. Any animal which:

1. Molests passersby or passing vehicles.
2. Attacks other animals.
3. Trespasses on school grounds.
4. Is repeatedly at large.
5. Damages private or public property.
6. Barks, whines, howls or makes other sounds common to its species in an excessive, continuous or untimely fashion.

RABIES VACCINATION CERTIFICATE. A certificate describing the animal, age and breed, owner, vaccination tag number, dated and signed by a licensed veterinarian which indicates that the described animal has been immunized against rabies.

RESTRAINT. An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person capable of controlling the animal and under that person's control via a leash.

RIDING SCHOOL OR STABLE. Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

SPAYED FEMALE. Any female animal which has been operated upon to prevent conception.

VACCINATION AGAINST RABIES. The vaccination of a dog or cat with a rabies vaccine licensed by the U.S. Department of Agriculture.

VETERINARY HOSPITAL. Any establishment maintained and operated by the licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL. Any animal that constitutes a physical threat to human beings or other animals.

WILD ANIMAL. Any live monkey, raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other animal which can normally be found in the wild state.

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ZOOLOGICAL PARK. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals, operated by a person, partnership, corporation or government agency.

(2) LICENSING. (a) Required. Any person owning, keeping, harboring or having custody of any dog or cat over 5 months of age within this City must obtain a license as provided for in this section. This provision may not apply to the keeping of small caged animals, birds or aquatic reptiles and amphibian animals solely as pets.

(b) Exception. No license or permit shall be required of any humane society or municipal animal control facility.

(c) Application. 1. Application for license shall be made to the City Treasurer or the City Police Department and shall include name and address of applicant, description of animal, the appropriate fee, information whether the animal is sexed or neutered and a rabies certificate issued by a licensed veterinarian or anti-rabies clinic, illustrating that the animal for which the license is sought has received current immunization for rabies. Written proof is required from a licensed veterinarian that the animal being licensed has been neutered.

2. Application for a license must be made within 30 days after obtaining a dog or cat over 5 months, except that this requirement will not apply to a nonresident keeping a dog or cat within the City for no longer than 30 days.

(d) Fees. 1. Generally. See §12.01 of this chapter.

2. Exception. License fees shall not be required for seeing eye dogs or governmental police dogs; licenses for the above shall be issued without charge.

3. Disbursement. All revenue acquired through this section shall be turned over to the City Treasurer and placed in a special account, the dog license tax portion to be disbursed pursuant to Ch. 174, Wis. Stats., and other revenue shall be disbursed for animal welfare as directed by the City Council.

(e) Issuance. 1. Upon acceptance of the license application and fee, the City Treasurer shall issue a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

a. Dogs and cats must wear identification tags at all times when off the premises of the owners, except under any organized show or training situation.

b. No person shall use any license receipt or license tag issued for one animal on another animal.

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2. Term. All licenses shall be issued for a term of one year, commencing with the first day of January of each year and terminating as of midnight on the last day of the licensing period. Application for licenses may be made from January 1 through March 31 of each year without penalty. Any license issued on or after April 1 of each year shall pay an additional fee unless the owner can conclusively illustrate that the animal has been acquired by him within the last 30 days prior to the application for a license or that applicant has established City residency within the last 30 days prior to the application or that the animal has not reached 5 months of age.

3. Census. The City may, utilizing notices to the public, employ persons to make a house to house census and to issue licenses to owners then and there desiring to procure them. The City shall impose an additional charge of one dollar for each license issued in the course of such census.

(f) Release from Impoundment. Any dog or cat which has been impounded as a result of being lost or at large shall not be released to its owner until the owner can show proof of a current license. No animal shall be released until the owner has obtained a current license for the animal.

(3) PERMITS. (a) Required. No person shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

(b) Regulations. The City Manager or his designee shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this section and other applicable laws. The City Manager may amend the regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(c) Issuance. Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated under par. (b), a permit shall be issued upon payment of the applicable fee in §12.01.

(d) Term. The permit period shall begin with each calendar year and shall run for one year. Renewal application for permits shall be made 30 days prior to and up to 60 days after the start of the calendar year. Application for permit to establish a new commercial animal establishment under the provisions of this section may be made at any time.

(e) Change in Ownership. If there is a change in ownership of a commercial establishment, the new owner may have the current permit transferred to his name upon payment of the transfer fee in §12.01 of this chapter.

(f) Permits Separate. Every facility regulated by this section shall be considered a separate enterprise and requires an individual permit.

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(g) Exception to Fee. No fee may be required of any animal shelter or government operated zoological park.

(h) Change in Type of Permit. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

(i) Inspection. Permits shall be issued upon payment of the applicable fee and completion of a satisfactory inspection by the Animal Control Officer.

(4) TYPE OF PERMITS. (a) Multiple Pet Owner's Permit. 1. Definition. A pet owner may obtain a permit allowing him to keep not more than 4 licensable pets over the age of 3 months, except those breeders of purebred animals who declare they have need of additional time to evaluate the quality of the offspring from a single litter. Such declarer shall have the right to keep the offspring an additional 2 months.

2. Any complaints of excessive noise or odor or other complaints of violation may result in the loss of the holder's permit.

3. All animals not housed indoors must be adequately housed in accordance with this section.

4. Care of all animals shall be in accordance with this section.

(b) Pet Shop Permit. 1. Each permit holder shall:

a. Keep accurate records of each animal for a minimum period of 12 months after date of sale or transfer of animal and shall include the source of animal, date of sale, description, approximate age and sex of animal sold and the name and address of purchaser. Records of sales of small mammals and fish are not required.

b. If record of prophylactic medication and immunization is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount and date of prophylactic medication and immunization shall be kept by the permit holder and shall become a part of the retail sales record.

c. Take reasonable care to release for sale, trade or adoption only those animals which are free of disease, injuries or abnormalities. A health certificate issued by a licensed veterinarian for any animal within 30 days before the sale, trade or adoption is prima facie evidence that the permit holder has taken reasonable care, as required by this section.

2. Animal Unfit for Sale or Release. The following shall deem an animal unfit for sale or release:

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- a. Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies or other similar diseases.
 - b. Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
 - c. Obvious signs of severe parasitism, extreme enough to be influencing general health.
 - d. Obvious fractures or congenital abnormalities affecting general health of animal.
3. The City Manager or Animal Control Officer may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a veterinarian may be requested at the expense of the enforcement agency.
4. Inspection of the premises of a permit holder to determine compliance with this section may be made by the City Manager or Animal Control Officer or authorized agents.
5. Written Statement Required for Purchase. The permit holder shall furnish the purchaser a written statement of the time of sale. The statement shall show:
- a. Date of sale.
 - b. Name, address, and telephone number of both permit holder and purchaser.
 - c. Breed, description, and approximate age of dog, cat, or nonhuman primate.
 - d. Prophylactic medication and immunizations and dates administered.
 - e. Internal parasite medication and date administered.
 - f. Guarantee, if offered, if none, so stated.
6. Standards. All pet shops and stores selling animals, birds and fish as pets shall, in addition to the other requirements of this section, comply with the following standards. Failure to meet these standards shall be grounds for denial or revocation of a permit.
- a. All animals, birds or fish shall be displayed in a healthy condition or, if ill, removed from display and shall be given appropriate treatment immediately.
 - b. All animals shall be quartered and the quarters in which the animals are kept shall be maintained in a clean condition and in good state of repair.

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- c. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- d. There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
- e. Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance and stored in tightly covered containers until final disposal.
- f. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length.
- g. The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
- h. The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent proof containers.
- i. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over and be removable for cleaning.
- j. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.
- k. All animals must be fed and watered according to the accepted procedure for that species and cages cleaned every day, including Sundays and holidays.
- l. The water temperature for fish shall be maintained at a temperature that is healthful.
- m. Shade from the direct rays of the sun shall be provided for all animals.
- n. Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

No pet shop shall engage in the purchase, keeping or sale of any species of primates, bats, foxes, raccoons, skunks, turtle eggs, poisonous snakes or any species

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of animal considered "endangered" or considered a public health hazard by the U.S.D.A. or the Food and Drug Administration.

p. No person shall sell or offer for sale, barter or give away baby chicks, ducklings or other fowl as pets or novelties whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings or other fowl or rabbits that have been dyed or otherwise colored artificially. In the case of violation of this provision, a peace officer or Animal Control Officer shall seize any fowl or pets and provide the necessary care and attention, and the fowl or pets shall not be returned until all expenses for the care and attention have been paid.

q. In addition, the violator of this section may be arrested and charged with the violation in a court of law and have his pet shop permit revoked.

(c) Grooming Shop Permit. 1. Each permit holder shall comply with all provisions of this section and any specific regulations relating to grooming care.

2. No dog or cat shall be accepted for grooming unless it has been vaccinated for distemper or rabies and proof of vaccination has been furnished to the shop operator. (Exemption to distemper vaccination requirement upon written recommendation from owner's veterinarian.) Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this section. Such proof shall be recorded on the operator's records.

(d) Kennel or Cattery Permit. 1. Each permit holder shall, in addition to the other requirements of this section, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a permit.

2. Standards. a. Enclosures must be provided which shall allow adequate protection against the weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

b. Building temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control.

c. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of the cage or enclosures.

d. Cages are to be of material and construction that permits cleaning and sanitizing (stainless steel or fiberglass preferred.)

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e. Concrete floors of the cages or enclosures, unless radiantly heated, shall have a resting board or bedding of some type to allow the animal a resting place that is off the concrete.

f. Runs shall provide an adequate exercise area and protection from the weather. Runs and side walls to a height of 4' shall have an impervious surface to allow for cleaning, disinfecting and odor control.

g. All animals must be quartered and all animal quarters and runs are to be kept clean, dry and in a sanitary condition.

h. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of animal.

i. Every animal shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be removable for cleaning.

j. Every dog or cat 5 months or older owned or kept in the City shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within 30 days after they have reached the age of 5 months. Unvaccinated dogs and cats acquired or moved in the City must be vaccinated within 30 days after arrival, unless under 5 months of age. Every dog and cat shall be re-vaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used.

3. No dog or cat shall be accepted for boarding, grooming or training unless it meets the requirements in subpar. 2.

4. Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee and a record kept of the examination and treatment.

5. If an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:

a. Preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which the body may be disposed of in compliance with this section.

b. Submitted to a licensed veterinarian and a necropsy performed at kennel operator's expense, unless prior agreement for payment of such services by the owner. A copy of the necropsy report is to be given to the owner.

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6. Animals shall not be group housed at any time, unless they are owned by the same person and are compatible.

7. If the owner of an animal does not appear or contact the kennel or cattery operator within 7 days of the stated return time, the operator has the right to dispose of the animal.

(e) Animal Training School Permit. Each permit holder shall comply with the following regulations, in addition to the standards for kennels listed in this section:

1. Records shall be maintained for a period of 12 months after the training is completed. The record shall state the owner's name, address and telephone number, expected duration of the stay, service to be provided and owner's agent for emergency contacts.

2. Nonprofit organizations as defined by the Wisconsin Statutes operating animal training schools shall be exempt from the permit fee but shall be issued a permit and shall comply with all the appropriate requirements of this section.

(f) Animal Shelter Permit. Each permit holder shall comply with the provisions of subsections (b), (c) and (d) above.

(5) ANNOYANCES. (a) No person shall harbor or keep any dog or any other animal which would be a public nuisance as defined in this ordinance.

(b) Or by failure of the owner, caretaker or custodian to maintain in a clean and sanitary condition and free from objectionable odor, all structures, pens, yards and areas adjacent to where any dog or animal is kept.

(c) Or by conduct following failure of the owner, caretaker or custodian to keep the dog or animal confined on his own premises or under his immediate control.

(d) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the City or in such a manner that the animal has access to any portion of any street, alley, sidewalk or other public place.

(e) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that the female dog or cat cannot come into contact with another animal, except for planned breeding.

(f) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks and cemeteries or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

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(g) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

(6) DANGEROUS DOGS. (a) Definitions. As used in this section:

OWNER. Means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

DANGEROUS DOG. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or any dog which attacks a human being or other domestic animal without provocation.

UNCONFINED. A dangerous dog is unconfined if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

(b) Unconfined Dangerous Dog on Premises of Owner. The owner of a dangerous dog shall not suffer or permit the dog to go unconfined.

(c) Dangerous Dog Off Premises. The owner of a dangerous dog shall not suffer or permit the dog to go beyond the premises of the person unless the dog is muzzled by a device sufficient to prevent the dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of 300 lbs. and not exceeding 4' in length.

(d) Applicability to Adult Dogs Only. The provisions of this section shall apply to adult dogs only, which shall mean any dog over the age of 6 months.

(e) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purposes of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

(f) Penalties. 1. Any dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment, such dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals.

2. In addition to a penalty as provided in §25.04, pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the

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animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(7) ANIMAL BITES. (a) The owner of any dog, cat or other animal which has bitten any person shall, upon demand of the Animal Control Officer, Police Department or Health Department, produce and surrender up such dog, cat or other animal to the department to be held in quarantine for a minimum of 10 days. During quarantine the animal shall be securely confined and kept from contact with any other animal.

1. The animal which does not have a current anti-rabies vaccination must be quarantined at the Animal Shelter or at a veterinary hospital of the owner's choice for a period of 10 days. Charges for boarding of the animal during the quarantine period shall be assumed by the owner of the animal.

2. The animal which has a current anti-rabies vaccination may, at the discretion of the Animal Control Officer or Police Department, be held in quarantine on the premises of the owner for a period of 10 days. Failure of the owner to obey all conditions and directions of the Animal Control Officer or Police Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in a veterinary hospital for the remainder of the quarantine period. Charges for boarding the animal shall be paid by the owner prior to the animal's release.

(b) The animal which unprovoked bites 2 persons within a 12 month period shall by this action be deemed as being of a vicious disposition.

(c) The owner of any dog, cat or other animal which has contracted rabies, has been subjected to same or is suspected of having rabies, shall immediately notify the Animal Control Officer or Police Department of the City. The owner shall produce and surrender up the animal to the department, to be held in quarantine at a veterinary hospital for a period needed by the veterinarian to determine if it is rabid or not. The owner shall assume the charge for boarding the animal during the quarantine period.

(d) No person shall knowingly harbor or keep any animal infected with rabies or known to have been bitten by a rabid animal or fail to report to the Animal Control Officer or Police Department the existence of an animal which they know to be infected.

(e) No person shall fail to produce and surrender up any animal pursuant to this section.

(f) No person, other than the Animal Control Officer or a Police Officer, shall kill or cause to be killed any animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

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(g) No person shall own or have in his possession in the City any animal of a vicious disposition.

(8) NUMBER OF PETS LIMITED. No household shall harbor or keep in its possession more than 2 licensable pets over the age of 3 months within any residential area of the City, excepting the person who holds a valid multiple pet owner's permit.

(9) INSPECTION. The City Treasurer may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this section or any State or local laws governing cruelty to animals or the keeping of animals. Any person whose permit or license is revoked shall, within 10 days, humanely dispose of all animals being owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. It shall be a condition of issuance of any permit to any owner of animals that the Animal Control Officer be permitted to inspect all animals and the premises where the animals are kept at any time. The City Treasurer shall, if permission for inspection is refused, revoke the permit of the refusing owner.

(10) IMPOUNDMENT OF ANIMALS. (a) Unrestrained animals, including dogs and cats, may be taken by the police, the animal control personnel or the Animal Control Officer, and impounded in an animal shelter and there confined in a humane manner. Impounded animals shall be kept for not less than 7 days, unless reclaimed by their owners. If by a license tag or other means, the owner can be identified, the shelter manager shall, within 48 hours, Sundays and holidays excepted, notify the owner by telephone or mail of the impoundment of the animal.

(b) Animals not claimed by their owners within the 7 days shall be deemed as being surrendered to the animal shelter and may be disposed of by the animal shelter in the manner as provided for by the City and the original owner shall have no further claim against the animal.

(c) Animals not claimed by their owners after the 7 days shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time or those animals deemed unsuitable for adoption shall be humanely euthanized by the agency delegated by the City to exercise that authority.

(d) The owner of any animals which have been impounded as a result of being at large or stray shall pay a reclaiming fee in order to regain possession of their animal. This fee shall be set by the City Manager, with the approval of the Council, and shall cover all costs involved in the pickup and impounding of the animal. The owner may also be proceeded against, at the discretion of the Animal Control Officer, for violation of this section and his license or permit may be revoked.

LICENSES AND PERMITS 12.28(11)

(11) PET LITTERING. No person owning, keeping, possessing or harboring an animal as a pet shall allow the animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for the animal must immediately remove and dispose of all feces so deposited in a sanitary manner.

(12) DISTURBING BIRDS AND SQUIRRELS. No person shall injure, destroy or attempt to injure or destroy any kind of wild birds or squirrels within the City limits, with the exception of controlled programs under the direction of the Animal Control Officer, Health or Police Department initiated to eliminate a public nuisance as defined under this section.

(13) USE OF ANIMALS AND BIRDS AS PRIZES FORBIDDEN. No person shall offer as a prize or give away any bird or animal in any contest, raffle, lottery or as an enticement to enter any place of business or exploit any animal or bird for the purpose of fund raising.

(14) SPECIES PROHIBITED WITHIN THE CITY. The species named in this section are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance with the City and may not be kept by any person within the City limits; including all cattle, horses, mules and donkeys, sheep, goats and swine; and also all mink, foxes, skunks, raccoons, chickens, ducks, geese and bees.

(15) ANIMALS RUNNING AT LARGE. No person living outside the City limits who is the owner of, in possession of or charged with having the care of any cattle, horses, mules, donkeys, sheep, goats, swine or fowl shall allow or permit the same to enter the City or to run at large within the City limits.

(16) DOGS AND CATS AT LARGE. All dogs and cats shall be kept under restraint. No person shall permit his dog or cat to run at large in the City. Each owner of any such animal shall confine the same within the limits of their premises. For the purposes of this section, the phrase "running at large" embraces all other places within the City except the owner's premises. This includes all streets, alleys, sidewalks or other private property which may be about the owner's premises.

(17) RESTRAINT OF DOGS AND CATS. Any person owning or having charge, custody, care or control of any dog or cat shall keep the animal exclusively upon his own premises, which shall include his automobile, either by personal and direct supervision, such as voice command of such person physically present, or by keeping the animal upon an appropriate chain or tie no less than 6' in length, or in an enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. However, public access to one entrance of the owner's house must be provided, without interference from the animal. Also, that the dog or cat may be off the premises if it is restrained by an appropriate leash or chain not exceeding 6' in length, and in the hands of the person directly controlling the movement of the animal and provided that the leash or chain be in the hands of a person of sufficient strength to physically control the animal.

LICENSES AND PERMITS 12.28(18)

(18) PROHIBITED AREAS FOR ANIMALS. Any person owning, keeping or in charge of any animal shall not permit the animal to be in any park, on any school grounds, except for school sponsored and authorized purposes, beaches or cemeteries in the City at any time. The provisions of this section shall not apply to seeing eye dogs used and accompanied by a blind person.

(19) SANITARY ANIMAL PENS. Any person owning, harboring, keeping, possessing or in charge of any animal and housing or confining them in pens or enclosures shall regularly and as necessary, clean and disinfect the pen or enclosure to maintain clean, sanitary and odor free conditions at all times. No animal feces shall be permitted to remain exposed upon any private or public property.

(20) TRANSPORTATION OF ANIMALS. No person may keep or transport any animals in or upon any vehicle in a cruel manner. No person shall lead any animal upon any street or alley from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.

(21) MOTORIST HITTING DOMESTIC ANIMAL TO STOP AND REPORT. Any person who, while operating a motor vehicle, strikes or causes injury to cats, dogs, horses, cattle or other domestic animals, shall stop at once, ascertain the extent of the injury and as soon as possible notify the animal's owner or an appropriate law enforcement officer of such striking or injury and the location of the animal.

(22) CRUELTY TO ANIMALS. (a) No person shall confine and allow their animal to remain outside during adverse weather conditions constituting a health hazard to said animals; such act shall be deemed cruelty to animal and such animals may be impounded by the Animal Control Officer or a police officer.

(b) No owner shall fail to provide his animals with sufficient good and wholesome food and potable water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(c) No person shall beat, cruelly treat, torment overload, overwork or otherwise abuse any animals.

(d) No person shall cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

(e) No owner of an animal shall abandon such animal.

(f) No theatrical exhibit or act shall be held in which animals are forced or encouraged to perform through the use of chemicals, electrical or mechanical devices.

LICENSES AND PERMITS 12.28(23)

(23) SHELTER REQUIRED. Every person in charge of or control of any animal which is kept outdoors or in an unheated enclosure shall provide such animal with shelter and bedding as prescribed in this section as a minimum. This shelter shall be as follows:

- (a) A moisture-proof structure.
- (b) Made of durable material.
- (c) Suitable in size to accommodate the dog or cat and allow for the retention of body heat.
- (d) A solid floor raised at least two inches off the ground.
- (e) The entrance covered by a self-closing swinging covering, or an "L" shaped entrance to prevent the wind from blowing directly into the house.
- (f) A sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.
- (g) Sections (e) and (f) above may be suspended during the months of May through September, inclusive.

(24) SHADE REQUIRED. Shade from the direct rays of the sun during the months of June to September, inclusive, shall be provided for all animals kept outside, and all animals placed outside and restrained via leash or chains or confined in a pen.

(25) PENALTY. Any person convicted of violating any provision of this ordinance shall be punished by forfeiture in accordance with Section 25.04 of the Code of Ordinances. Each day of violation shall be deemed a separate violation. Any person found guilty of violating a section of this ordinance pertaining to humane treatment on animals may have any permit or license to own, keep, harbor or have custody of animals revoked by the Court and be prohibited from being issued any new permit or license for a period of one year.

12.29 **TATTOO ESTABLISHMENTS.** (1) LICENSE. (a) Required. No person shall engage in the business of tattooing in the City without a license. Licenses shall be issued for a 12 month period.

(b) Fee. The annual license fee shall be as established by City Council resolution.

(c) Application Investigation. The application for a license shall be given to the Enforcement Officer. The Enforcement Officer shall issue a license only after an investigation and inspection of the premises where tattooing is proposed to be practiced

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and certifies that the sanitary conditions prevailing upon the premises comply with the provisions of this section.

(d) Display. The license issued shall be posted at all times on the licensed premises in a conspicuous location.

(2) DEFINITIONS.

APPROVED. Acceptable to the Enforcement Officer based upon his determination of conformance to good public health practices.

ENFORCEMENT OFFICER. The person designated by the City to enforce this section.

OPERATOR. A person administering the tattoo.

STERILIZE. Submission to the steam pressure (autoclave) method with at least 15 lbs. of pressure per square inch at 250° F. for at least 30 minutes.

TATTOOING. Means and includes any method of placing or removing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or color by aid of needles or instruments.

(3) HEALTH AND SANITARY REQUIREMENTS. (a) Premises. 1. All tattooing establishments shall be maintained in a clean and sanitary condition. Antiseptic procedures shall be followed to insure physical cleanliness and sanitation.

2. The Enforcement Officer shall have the right to inspect any tattoo shop licensed under the provisions of this section for the purpose of determining whether or not any of the terms of this section are being violated.

3. A handwashing facility supplied with hot and cold water under pressure, soap and single service towels shall be located in the room in which the tattoo is administered.

4. Approved waste containers with nonabsorbent plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the customer.

5. All floors, walls and countertops shall be smooth, impervious to water, easily cleanable and light in color.

6. No person shall be present in the immediate vicinity of the area in which tattoos are administered, unless authorized by the tattoo operator to be there.

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(b) Equipment. 1. General. a. All tattoo establishments shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit or meets approval of the Enforcement Officer.

b. All pigments, dyes and instruments used in the practice of tattooing shall be sterilized before use.

c. Needles shall be used on only one customer and then discarded after use.

d. Needles may be reused on the same person by rinsing them under running tap water followed by rinsing them in 70% isopropyl alcohol or other method approved by the Enforcement Officer.

e. All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the instrument. After cleaning, instruments shall be rinsed under fresh running tap water.

f. After sterilization, all needles and other instruments not individually wrapped shall be stored in a sterilized and covered glass container or in a stainless steel tray and submerged in an approved sterilizing and disinfecting solution. The Enforcement Officer shall supply all establishments licensed under this section with a list of approved sterilizing and disinfecting solutions.

g. Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages or containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.

2. Stencils. a. Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for 10 minutes in a chlorine disinfectant solution prepared by mixing one tablespoon of household bleach containing 5% chlorine with one pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air dried. Prior to use, each precleaned stencil shall be rinsed in a 70% isopropyl alcohol solution.

b. Paper stencils shall only be used once. New paper stencils shall be used for every individual.

3. Dyes and Inks. a. Dyes or inks shall be taken only from squeeze bottle containers in which the dyes or inks have been sterilized.

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b. Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the sterile dye bottles into sterile disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.

(c) Skin Preparation. 1. Aseptic technique must be utilized in the practice of tattooing.

a. Each operator is required to scrub his hands thoroughly with soap and water before commencing tattooing on the customer's skin.

b. If the customer's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. The blade shall be discarded after each use. If reusable blade holders are used, they may be used on one customer only and then must be discarded.

c. The skin area to be tattooed shall be prepared by thoroughly washing the area with 70% isopropyl alcohol or other method approved by the Enforcement Officer.

d. Single use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process.

e. Petroleum jelly used for applying stencils shall be dispensed from a single use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.

2. After completing work on any person, the tattooed area shall be washed with 70% isopropyl alcohol. A dry, sterile gauze dressing shall be used to cover the tattooed area.

(d) General Supplies. 1. All tattooing establishments shall have clean, laundered towels, washcloths and disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing.

2. A clean towel and washcloth shall be used for each customer.

3. Clean towels and washcloths shall be stored in a closed, dustproof container.

4. Soiled towels and washcloths shall be stored in an approved covered container.

5. All operators shall wear clean, washable garments.

6. The operating table, chair and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned.

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(e) Operator Requirements. 1. Communicable Disease. The operator shall be free of communicable disease that may be transmitted by the practice of tattoo.

2. Open Sores or Skin Infections. Operators with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing.

3. Tobacco. The operator shall not use tobacco in any form while administering the tattoo.

4. Washing Hands. The operator shall wash his hands thoroughly with soap and water before any skin preparation or tattooing. The hands shall be dried with individual single service towels.

5. Physical Examinations of Operators. a. The Enforcement Officer shall have the power to require any operator to submit to a practicing physician for a physical examination whenever the Enforcement Officer has reasonable suspicion that the operator has any infections or contagious disease that may be transmitted by the practice of tattoo. The expenses of the physical examination shall be paid by the operator. Failure to do so shall result in loss of license.

b. Any operator notified to appear for a physical examination as may be required by subpar. a. shall immediately cease working as an operator and shall not be allowed to work as an operator until he shall have first received a certificate in writing from a practicing physician that he is not inflicted with any infections or contagious condition or disease that may be transmitted by the practice of tattoo.

(f) Customers. 1. No person shall tattoo any person under the age of 18 years.

2. Inquiry shall be made and no tattooing shall be performed on anyone that a reasonable person would suspect of having jaundice or hepatitis or anyone who has recovered from jaundice or hepatitis within the preceding 6 months.

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

4. If in the opinion of the operator the customer appears to be under the influence of any mood altering substances, the tattoo should be denied.

(4) INFECTIOUS WASTE DISPOSAL. (a) Any items which in the course of applying a tattoo comes into contact with blood is to be considered infectious waste. These items include, but are not limited to, gauze pads, towels, needles, smocks, rubber gloves and alcohol wipes.

(b) Any items so contaminated with blood will be disposed of by one of the following methods:

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1. Bagged and boxed in accordance with DNR regulations and disposed of by a licensed hauler.

2. Sterilize, autoclave for 30 minutes, 15 lbs. pressure, moist heat at 250° and disposed of in a sanitary landfill.

3. Needles and any items which are capable of puncturing skin, whether contaminated or not, must be bagged and boxed in accordance with DNR regulations and disposed of by a licensed hauler. These items will not be disposed of by any other method.

(5) OTHER PROVISIONS. (a) Record Retention. Records shall be kept of all tattoos administered, including the name of customer, name of tattooer, date, time, identification of tattoo and operator's name. Records shall be kept on the premises of the tattoo shop where tattoos are administered. These records shall be available for inspection by the Enforcement Officer at all reasonable times for a period of 6 months after the date the tattoo is applied.

(b) Dye and Ink Source. The licensee shall keep a written record of the source of all dyes and inks used in administering tattoos. This information shall be supplied to the Enforcement Officer upon request.

12.30 MINOR TOBACCO CONTROL ORDINANCE. (1) SALE, LICENSING AND POSSESSION OF TOBACCO PRODUCTS - STATE LAW ADOPTED. The provisions of §§254.92, 134.65 and 134.66 of the Wisconsin Statutes are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required and prohibited by this Code. Any future amendments, renumberings, revisings, or other modifications to any statute incorporated herein are intended to be made a part of this Code in order to secure conformity with state regulation of tobacco products.

(2) TOBACCO VENDOR COMPLIANCE CHECK FEE. (a) It shall be unlawful for any person, firm, corporation or other entity, in any manner, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose or give away, or keep for sale any cigarettes or tobacco products in the City of Fond du Lac without first having paid a compliance check fee, as hereinafter provided.

(b) A compliance check fee of fifty dollars (\$50) per annum shall be paid to the City Clerk on or before the first (1st) day of July in each year or thereafter that a tobacco products or cigarette vendor shall apply for a vendor license, pursuant to subsection (1) of this ordinance and §134.65 of the Wisconsin Statutes. The compliance check fee shall continue in force from date of payment until the succeeding thirtieth (30th) day of June.

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(c) The compliance check fee shall be turned over to the Fond du Lac County Health Department to fund an enforcement program to ensure that tobacco products and cigarette vendors comply with §12.30(1) of the Code of Ordinances and §134.66 of the Wisconsin Statutes, which restricts youth access to cigarettes and tobacco products.

(d) Any person violating any of the provisions of this section shall be subject to the penalties contained in §25.04 of the Code of Ordinances. Each day when any cigarettes or tobacco products are manufactured, sold, or disposed of within the City of Fond du Lac without a compliance check fee having been paid therefor shall be a separate offense.

12.35 **PENALTY**. In addition to the suspension or revocation of any license issued under this chapter, and except where otherwise specifically provided, any person found to be in violation of any provisions of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.

