CHAPTER 12

LICENSES AND PERMITS

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

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

(3) PAYMENT OF FEE (Am. Ord. #2326 - 1/11/99). (a) General. The fees required for any license or permit shall be paid at the office of the City Treasurer upon application for the license or permit. When over 1/2 the license year has expired, the license fee for the remainder of the license year shall be 1/2 of the annual license fee, except as otherwise provided in this Code or the Wisconsin Statutes.

(b) Alcohol Beverage Licenses (Am. Ord.# 2745 – 1/1/2014) The publication fee for alcohol beverage license shall be paid at the office of the City Treasurer with the application. The alcohol beverage license fee shall be paid not less than 15 days prior to the date the license is to be issued, or a late fee of $50.00 will be charged.

(c) Late Fees (Cr. Ord.# 2745 – 1/1/2014) Applications for the renewal of liquor licenses, Secondhand Article, Secondhand Jewelry, Pawnbroker, Massage establishment, Tattoo and Body Piercing establishment, Amusement Arcade, Junk dealers, Coins and Precious Metals Licenses filed after the specified deadline shall be accompanied by a late fee of $50.00.

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

(5) (Am. Ord. #2491 – 8/25/03). APPROVAL OR DENIAL OF LICENSES OR PERMITS. (a) Approval by City or State Official. When the approval of any City official or State official is required prior to the issuance of any license or permit, such approval must be presented to the City before any license or permit is issued.

(b) Restrictions. No license or permit shall be approved by any City official or issued by the City if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.

(c) Unpaid Debts (Rep & Recr. Ord. #1811 – 7/21/86; Rep. & Recr. Ord. #1849 – 7/6/87). 1. No license or permit shall be issued to any person who has not paid an overdue forfeiture resulting from any violation of any ordinance of the City.

2. (Repealed Ord. #1911 – 7/18/88).

3. (Am. Ord. #2491 – 8/25/03). Nonpayment of any debt or claim owed to the City by an applicant shall constitute grounds for denial or non-renewal of a license or permit.

(d) Exceptions. 1. No license shall be denied under this section for a dog or cat license.

2. (Am. Ord. #1903 – 6/20/88). No license or permit shall be denied under par. (c)1. above to any person who is appealing the imposition of a forfeiture.

(e) Misrepresentation of Applications (Cr. Ord. #1782 – 10/7/85). Fraud, misrepresentation or incorrect statements regarding conviction for any criminal charge contained in an application for a license pursuant to this chapter may be the basis for denial of the license. No license may be issued to any person who has had a license denied pursuant to this section for a period of 12 months from the date of the application.

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

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

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

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

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

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

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

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

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

(b) Conviction of any crime or misdemeanor, subject to §§111.321, 111.322 and 111.335, Wis. Stats.

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

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

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

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

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

12.02 ALCOHOL BEVERAGES. (1) STATE STATUTES ADOPTED (Am. Ord. #1906 – 6/27/88; Am. Ord. #2167 – 7/25/94). The provisions of Ch. 125, Wis. Stats., regulating the sale of alcohol beverages, except for §§125.075, 125.085(3) (a) 2, 125.105 (2) (b), 125.11, 125.66 (3), 125.68 (12) and any provisions establishing the penalty to be imposed for a violation of that chapter, are adopted hereby and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section.

(2) APPLICATION INVESTIGATION. (Am. Ord. #2436 – 6/3/02). The City Clerk shall notify the Chief of Police and the Building Inspector of each new license and

permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Liquor Licensing Board, in writing, the information derived from such investigation. The recommendations of the Liquor Licensing Board shall be forwarded to the Council for action. No license or Permit provided for in this section shall be issued without the approval of a majority of the Council, and no license shall be renewed without a report from the Chief of Police.

(3) LICENSE FEES. (Am. Ord. #2326 - 1/11/99). The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows: (a) Class "A" Fermented Malt Beverages License. (Am. Ord. #2134 – 11/22/93; #2326 – 1/11/99; Am. Ord. #2578 - 12/5/05). $200.00 per year.

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

(c) Refund. (Rep. & Recr. Ord. #1899 – 6/13/88; Am. Ord. #2171 – 9/12/94; Am. Ord. #2326 – 1/11/99). Except as specifically provided otherwise, no fee paid shall be refunded unless the license or permit is denied.

(d) Wholesalers Fermented Malt Beverage License. $25 per year.

(e) "Class A" Intoxicating Liquor License (Am. Ords. #1844 – 6/15/87; #2103 – 3/1/93; #2134 – 11/22/93; #2182 – 11/28/94; #2234 – 1/15/96; 2326 – 1/11/ 99). $500 per year.

(f) "Class B" Intoxicating Liquor License (Am. Ords. #1844 – 6/15/87; #1989 – 3/19/90; #2134 – 11/22/93; #2182 – 11/28/94; #2234 – 1/15/96; 2326 – 1/11/99). $500 per year.

(fm) "Class C" Wine License (Cr. Ord. #2086 – 10/12/92). $100 per year.

(g) (Rep. Ord. #2669 – 02/15/2010).

(h) Operator's License (Am. Ords. #1854 – 9/21/87; #2103 – 3/1/93; #2239 – 2/12/96; #2326 – 1/11/99; Am. Ord. #2429 – 4/8/02; Am. Ord. #2477 – 4/28/03; Am. Ord. #2578 - 12/5/05; Am. Ord. #2621 – 1/21/08; Am. Ord. #2703 – 12/9/11- eff. 1/1/12). $67.00 for a 2 year license. No portion of the fee shall be refunded upon denial of the license.

(i) Provisional Operator's License. (Am. Ord. #2550 – 1/24/05). $15 for 60 days.

(j) Temporary Operator's License. (Am. Ord. #2134 – 11/22/93; Am. Ord. #2429 – 4/8/02; Am. Ord. #2578 - 12/5/05) $40.00.

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

(l) Provisional Retail License. (Cr. Ord. #2259 – 9/16/96). $15.

(4) (Rep. Ord. #2669 – 02/15/2010).

(5) OPERATOR'S LICENSE (Rep. & Recr. Ord. #2086 – 10/12/92; Am. Ord. #2171 – 9/12/94; Am. Ord. #2565 - 6/20/05). (a) No premises operated under a "Class A", "Class B" or "Class C" license or permit may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation or a limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any alcohol beverages to customers. For the purpose of this subsection, any member of the licensee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's immediate family, other than the licensee or agent may sell or serve alcohol beverages in any place operated under a "Class A ", "Class B" or "Class C" license or permit unless he or she is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service or sale.

(b) All applications for annual operator's licenses shall be filed in the office of the City Clerk on or before May 31 of each year, together with the license fee, provided that nothing shall prevent the Council from granting any licenses which are applied for at any other time for a fraction of the year for the annual fee.

(6) LICENSES REQUIRED. (a) General (Renum. Ord. #1770 – 8/5/85; Rep. & Recr. Ord. #2086 – 10/12/92). A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor, wine and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor, wine or fermented malt beverage in any dwelling, house, flat or residential apartment.

(b) Class "B" Fermented Malt Beverage Picnic License Regulations. (Am. Ord. #2733 – 5/1/13).

1. At lease one holder of an operator's license shall at all times be present in the licensed premises where fermented malt beverages are sold or offered for sale at an event for which a Class "B" fermented malt beverage picnic license has been issued;

2. Signs must be posted in conspicuous locations disclosing that no alcoholic beverages will be served to any person without adequate age identification;

3. No unlicensed underage person shall be allowed to assist in the sale of alcoholic beverages or loiter in the area where alcoholic beverages are sold;

4. Outdoor events are subject to the following additional regulations:

a. Wrist bands or other method acceptable to the Police Department shall be used to identify patrons between 21 and 30 years of age;

b. A fence or other barrier must be installed around the points of sale to control ingress and egress and a responsible individual shall be posted at the entrances and exits.

c. Signs shall be posted at exits indicating “no alcoholic beverages beyond this point,”

d. Beverages cannot be served in glass containers;

e. Hours. All music and alcohol sales must end no later than 10 p.m. Sunday through Thursday. On a Friday or Saturday or the evening immediately before a holiday, all music and alcohol sales must end no later than 11 p.m. Closing time shall be enforced as closing time for licensed premises under State Statues.

(c) (Cr. Ord. #1811 – 7/21/86; Amen. Ord.. #2086 – 10/12/92; Am. Ord. #2171 – 9/12/94). Any person, agent of a corporation or a limited liability company or individual member of a partnership who is issued a license listed in sub. (3)(a), (b), (c), (e), (f) or (fm) above shall also be issued an operator's license.

(d) (Cr. Ord. #1950 – 5/22/89). Pursuant to §125.06(6), Wis. Stats., no license shall be required for sales of fermented malt beverages by officers or employees of the City in parks operated by the City. All receipts from such sales shall be deposited in the treasury of the City.

(7) LICENSE APPLICATION (Rep. & Recr. Ord. #1818; Rep. & Recr. Ord. #2171 – 9/12/94; Am. Ord. #2259 – 9/16/96). (a) General. An application for a license to sell, serve or otherwise deal in alcohol beverages shall be made in writing on the form prescribed by sec. 125.04 (3), Wis. Stats., and shall be filed with the City Clerk not less than 15 days prior to the granting of the license. An application for a temporary Class "B" or a temporary "Class B" license shall be filed with the City Clerk not less than 5 working days prior to the granting of the license. The application shall be accompanied by the appropriate fee and the cost of publication as provided by sec. 125.04 (3)(g) 6, Wis. Stats. As a further condition of the granting of an operator's license, the applicant shall consent to the taking of a current photograph of his or her person by the City and shall authorize the City to obtain a report of his or her criminal history from any municipal, state and federal law enforcement agencies maintaining such records.

(b) Provisional Retail License. (Am. Ord. #2259 – 9/16/96). The City Clerk may issue a provisional retail license to an applicant for a Class "A", Class "B", "Class A", "Class B", or "Class C" license, which authorizes only the activity allowed by the type of license applied for. A provisional retail license may be issued only upon the Clerk's determination that the applicant qualifies for the type of license applied for and upon payment of both the fee for the provisional retail license and the cost of publication for the type of retail license applied for. Only one provisional retail license may be issued to an applicant per calendar year for each type of license. A provisional retail license may be revoked by the Clerk for any fraud, misrepresentation or incorrect statement in the application. Otherwise it expires 60 days after issuance or upon issuance or denial by the Common Council of the Class "A", Class "B", "Class A", "Class B", or "Class C" license, whichever occurs sooner.

(8) QUALIFICATIONS FOR LICENSES AND PERMITS. (a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.

2. (Am. Ord. #2086 – 10/12/92). Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that a Class B or Class C license may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.

3. (Am. Ord. #1871 – 2/15/88). Have attained the legal drinking age, except that operators' licenses may be issued to persons who have attained the age of 18 years.

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

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

(d) Operators' Licenses. Paragraph (a)2. above does not apply to applicants for operators' licenses.

(e) Alcohol Awareness Training (Cr. Ord. #1946 – 4/10/89; Am. Ord. #2086 – 10/12/92). No Class A license, Class B license, Class C license or operator's license shall be issued to any applicant not certified as having successfully completed the City's approved Alcohol Awareness Training Program. When application for a Class A license, Class B

license or Class C license is made on behalf of a partnership, all partners shall have successfully completed the program. When application for a Class A license, Class B license or Class C license is made on behalf of a corporation, the registered agent shall have successfully completed the program. For purposes of this paragraph:

1. Class A license includes Class "A" fermented malt beverage license and "Class A" intoxicating liquor license.

2. Class B license includes Class "B" fermented malt beverage license, temporary "Class B" license and "Class B" intoxicating liquor license.

3. Operator's license includes operator's license and temporary operator's license.

(9) LICENSE QUOTAS. (a) (Repealed Ord. #2313 – 4/6/98).

(b) (Repealed Ord. #2313 – 4/6/98).

(c) "Class B" Intoxicating Liquor License Quota (Am. Ord. #1904 – 6/20/88). See §125.51(4), Wis. Stats.

(cm) "Class C" Wine License Quota. Cr. Ord. #2086 – 10/12/92). See §125.51(3m), Wis. Stats.

(d) Notice (Cr. Ord. #1852 – 8/3/87; Am. Ord. #1904 – 6/20/88). When the number of licenses granted by the City is less than the quota established by this Code or by the Wisconsin statutes, the City Clerk shall notify the Licensing Board of such circumstances and shall publish a Class I notice informing the public that licenses are available. The Board will then allow at least 30 days to elapse before considering granting any licenses that are available.

(e) Determination by Licensing Board (Cr. Ord. #1852 – 8/3/87). At the discretion of the Licensing Board, but not sooner than 30 days after the publication of the notice of available licenses, the applications will be considered and a recommendation will be made to the Council. The Council shall then determine which, if any, of the applications shall be granted. The remaining applications will continue to be on file until the end of the license year applied for and shall be considered when other license opportunities become available.

(f) Sale of Business (Cr. Ord. #1852 – 8/3/87). In the event a licensee sells a business requiring a license under this section, the Council, after considering the recommendation of the Licensing Board, may elect to grant a license to the purchaser of the business without following the procedures set forth in pars. (d) and (e) above.

(g) Guidelines (Renum. Ord. #1857 – 11/2/87). In determining whether to grant licenses and to which applicants they will be granted, the Licensing Board and the Council shall consider the Guidelines, as approved from time to time by the Council, a copy of which shall be maintained in the office of the City Clerk and available for public inspection.

(10) LICENSE CONDITIONS AND RESTRICTIONS. (Am. Ord. #2086 – 10/12/92). In addition to the conditions and restrictions imposed by State law on the granting of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses and Class C wine licenses hereunder, the following conditions and restrictions shall apply: (a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision.

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

(c) Sales to Underage Persons Prohibited (Rep. & Recr. Ord. #1818). No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(d) Sales by Clubs. (Am. Ord. #2086 – 10/12/92). No club shall sell alcohol beverages except to members and guests invited by members.

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

(f) Cessation of Operation (Rep. & Recr. Ord. #1857 – 11/2/87, Effective 7/1/88). Any license not used for the sale of alcohol beverages for a period of 3 consecutive months may be revoked for that reason and the Council may decline to renew any such license.

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

(h) (Rep. & Rec. Ord.# 2734 – 5/1/13). Sidewalk Cafes. Licensees may expand their licensed premise to create an outdoor seating facility on part of the public right of way that immediately adjoins the licensed premises for that purpose of consuming food or beverages prepared at the full service restaurant, coffee shop or tavern adjacent thereto, subject to the following conditions and the issuance of a sidewalk café license by the City Clerk, which shall be effective annually and expire June 30th of each year, and a sidewalk display license, pursuant to Section 12.24 of this Code:

1. Submitted application including:

a. Application form;

b. A copy of a site plan which depicts the dimensions of the proposed sidewalk café, size and number of tables, chairs, planters, umbrellas, trees, location of doorways, benches, bike racks, trash receptacles, or other sidewalk obstructions either existing or proposed within the area between the building and the curb.

2. A sidewalk café license does not grant the licensee exclusive use of the public right of way.

a. All public improvements, including but not limited to, trees, light poles, traffic signals, manholes, or public initiated maintenance, shall take precedence.

b. Licenses issued may not be valid on any day that a permitted special event would close the street and/or sidewalk to normal use of traffic.

c. No obstruction shall be permanently attached to the land or any structure.

3. Restrictions.

a. The license holder is responsible to see that alcoholic beverages are only served in compliance with state law.

b. The public sidewalk utilized for this purpose shall be abutting the licensed premise and shall not encroach on the sidewalk abutting a neighboring property.

c. An unobstructed width of 48 inches shall be maintained for use by the public.

d. (Am. Ord.# 2740 – 6/7/13) The sidewalk café may be open only between the hours of 6 a.m. and bar closing time.

e. Consumers of alcoholic beverages shall remain seated at a table.

f. No sidewalk café may operate if it disturbs the peace or safety of the surrounding neighborhood.

(i) Outdoor Service Area. (Rep. & Rec. Ord.# 2734 – 5/1/13). For outdoor service areas approved after the effective date of this ordinance, the following shall apply:

1. Definition. An outdoor service area is a portion of a licensed premise whether or not enclosed by a roof which is open to the elements. Permission to include an outdoor service area as part of a licensed premise is subject to approval by the Common Council.

2. The outdoor area sought to be included in the description of the licensed premise shall meet the following requirements:

a. The outdoor area must be adjacent to and accessible from the fully enclosed building on the premises;

b. The outdoor service area shall be completely enclosed by fence or screening or wall which is at least four feet in height, unless the requirement is waived by the Plan Commission;

c. Prior to the issuance of a license for an outdoor service area, the applicant shall apply to the Plan Commission for appropriate approval under the Zoning Code;

d. The license holder is responsible to see that alcoholic beverages are only served in compliance with state law;

e. (Am. Ord.# 2740 – 6/7/13) Any outdoor service area included within the description of a Class "B" or "Class B" or "Class C" licensed premises may be open for business during the hours of 6 a.m. to closing. No music may be played after 11:00 p.m. that is audible outside of the building which is the licensed premise.

f. No outdoor service area may operate if it disturbs the peace or safety of the surrounding neighborhood.

(j) Wearing Apparel (Cr. Ord. #1735 – 4/1/85). All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dance or other employee, shall observe the following applicable minimum standards for such licensed premises:

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

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

(11) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows: (a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail "Class A" Intoxicating Liquor License. (Am. Ord. 2705 – 12/27/11) Between 9:00 P.M. and 6:00 A.M.

(c) Retail Class B License (Rep. & Recr. Ord. #1866 – 2/1/88; Am. Ord. #2086 – 10/12/92). No premises for which a retail Class "B", "Class B" or "Class C" license or permit is issued may remain open for the sale of alcohol beverages or for any other purpose between the hours of 2:00 A.M. and 6:00 A.M. except:

1. On Saturday and Sunday the required closing hours shall be between 2:30 A.M. and 6:00 A.M.

2. On January 1, no closing hours are required.

3. Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, bowling alleys, curling clubs and golf courses may remain open for the conduct of their regular business, but may not sell alcohol beverages during the hours specified in this paragraph.

(d) (Rep. Ord. #1866 – 2/1/88).

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

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

(12) CONDITIONS IMPOSED BY COUNCIL. (Rep. Ord. #1750 – 6/3/85; Cr. Ord. #1954 – 6/5/89). In order to promote compliance with the law or facilitate enforcement of the law, or in order to otherwise promote the public health, safety or welfare, the Council may impose conditions on any license or permit. Such conditions shall appear on the license or permit. Any violation of such a condition shall be a violation of this chapter subjecting the licensee or permittee to penalties, including a forfeiture and suspension or revocation of the license permittee to penalties, including a forfeiture and suspension or revocation of the license or permit.

(13) LIMITATIONS ON OTHER BUSINESS: CLASS "B" PREMISES (Cr. Ord. #2042 – 6/17/91). (a) Restriction. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit.

(b) Exceptions. Paragraph (a) does not apply to:

1. A hotel.

2. A restaurant, whether or not it is a part of or located in any mercantile establishment.

3. A combination grocery store and tavern.

4. A combination sporting goods store and tavern.

5. A combination novelty store and tavern.

6. A bowling alley or recreation premises.

7. A club, society, or lodge which has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.

(14) (Rep. Ord. #1935 – 1/9/89).

(15) REVOCATION AND SUSPENSION OF LICENSES (Renum. Ord. #1818). (a) Procedure. Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or Chief of Police or by the Council upon its own motion.

(b) Repossession of License or Permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the City Clerk shall notify the licensee or permittee and the Chief of Police of such revocation or suspension, and the Chief of Police or his designee shall take physical possession of the license or permit whenever it may be found and file it in the office of the City Clerk.

(16) WINE SAMPLING ON CLASS "A" PREMISES. (Cr. Ord. #2421 – 12/3/01; Rep. & Recr. Ord. #2425 – 2/18/02). Pursuant to section 125.06 (13), Wis. Stats., wine sampling is allowed on Class A premises with the following restrictions in addition to those found in sec. 125.06 (13) (a), Wis. Stats.:

(a) A Class A licensee may provide no more than 2 samples per day per customer with each sample limited to 1 fluid ounce.

(b) The person providing the wine sample within the Class A Premises must be the Class A licensee or hold a valid operators license issued by the City of West Bend.

(c) Class A Premises that sell groceries or other items in addition to alcoholic beverages may only provide wine samples within those sections of the premises where alcoholic beverages are displayed.

12.03 (RESERVED)

12.04 CIGARETTE RETAILER LICENSE. (Am. Ord. #2326 - 1/11/99). No person shall sell cigarettes in the City without first obtaining a license from the City Clerk. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference. The license fee shall be $100 per year.

12.05 AMUSEMENT DEVICE LICENSE. (1) DEFINITION. For the purpose of this section, an amusement device is any machine activated by the insertion of a coin, slug, token or similar item and designed for amusement of the person operating the machine, including, but not limited to, jukeboxes, video and pinball machines; pool, shuffleboard and similar games; and any other device when set up and operated in an established place of business for profit, the operation of which involves a skill feature, and which is not a gambling device. Vending machines are excluded from this definition.

(2) LICENSE REQUIRED. No person shall install, lease or set up any amusement device for use on any premises in the City without first obtaining a license from the Clerk.

(3) FEE. (Am. Ord. #2134 – 11/22/93; Am.. Ord. #2429 – 4/8/02; Am. Ord. #2550 – 1/24/05; Am. Ord. #2621 – 1/21/08). The fee for a license hereunder shall be $40 per year for each machine.

(4) DISPLAY OF LICENSE. (Amended Ord. #2426 – 3/11/02). All licenses for amusement devices shall at all times be displayed conspicuously on the premises where the amusement device is located. In addition, the sticker issued by the City Clerk bearing the license number shall be attached in plain view upon the respective licensed device.

(5) (Repealed Ord. #2576 - 10/10/05).

12.06 AMUSEMENT ARCADE LICENSE. (1) DEFINITIONS. (a) Mechanical or Electronic Amusement Device. See sec. 12.05(1) of this chapter, but excludes jukeboxes.

(b) Amusement Arcade. Any premises at which 8 or more mechanical or electronic amusement devices are located.

(c) Premises. A building or part of a building in which a mechanical or electronic amusement device or an amusement arcade is located and which is described in the license.

(2) LICENSE REQUIRED. (Am. Ord. #2429 – 4/8/02). No person shall operate an amusement arcade, as defined in sub. (1)(b) above, within the City without having first obtained a license from the City Clerk upon approval from the Licensing Board and Common Council.

(3) FEE. (Am. Ord. #2134 – 11/22/93; Am. Ord. #2429 – 4/8/02; Am. Ord. #2550 – 1/24/05). The license fee shall be $35 per year.

(4) RESTRICTIONS AND REGULATIONS. (a) Premises to Be Safe and Sanitary. No license shall be granted for any amusement arcade unless the premises complies with all fire and building code requirements of the City and the State, provides adequate room for operation of the devices without blocking access or restricting the movement of patrons and is an otherwise safe and sanitary environment. Generally, usable patron floor space should be 3 times greater than the floor space required by the amusement devices.

(b) Premises to Be Supervised. The premises shall be adequately supervised during all hours of operation.

(c) Orderly Conduct Required. The licensee shall maintain supervision of the premises in such a manner as to insure that no disorderly conduct, gambling or other activity prohibited by this Code or State or Federal law is permitted on such premises or adjacent areas.

(d) Offering of Prizes or Awards Prohibited. No licensee under this section shall offer, advertise, make or give any reward, prize, money or thing of value to any person by reason of the operation of any mechanical or electronic amusement device.

(e) Consent to Inspection. An applicant for a license under this section thereby consents to the entry of police or authorized representatives of the City upon the licensed premises at all reasonable hours for the purposes of inspection.

12.07 ENTERTAINMENT. (Am. Ord. #2509 – 1/5/04). (1) LICENSE REQUIRED. Any person owning, conducting or managing within the City any exhibition, show, amusement, carnival, circus, concert or musical entertainment that is open to the public shall obtain a license.

(2) APPLICATION. (Am. Ord. #2303 – 1/26/98, Am. Ord. #2509 – 1/5/04, Am. Ord. #2542 – 11/8/04). Application for a license shall be submitted on a form supplied by the City Clerk and received at least 30 days prior to the commencement of any entertainment event. It shall be accompanied by a certificate of insurance, showing liability insurance

coverage of the applicant by an insurance company licensed to do business in this state, in the amount of $300,000 for injury or death of any one person, $1,000,000 for any one accident and $50,000 for property damage. If the entertainment involves carnival-type rides, proof of their current inspection by the state Department of Commerce shall accompany the application.

(3) FEES. (Am. Ord. #2509 – 1/5/04; Am. Ord. #2550 – 1/24/05; Am. Ord. #2569 - 8/1/05; Am. Ord. #2621 – 1/21/08). The fee shall be $75 per event and $190 for three or more events within a calendar year.

(4) EXCEPTIONS. (Am. Ord. #2509 – 1/5/04). This section shall not be construed to require a license for any of the following: (a) Events occurring at premises holding a Class "B" Fermented Malt Beverage License or a "Class B" Intoxicating Liquor License issued under sec. 12.02 of this chapter;

(b) (Cr. Ord. #2509 – 1/5/04). Events occurring at a museum, performing arts center, library, public or private school, or state licensed university or technical college.

12.08 MASSAGE ESTABLISHMENT LICENSE; MASSAGE TECHNICIAN PERMIT. (Rep. & Rec. Ord. #2330 – 2/1/99). (1) DEFINITIONS. For the purpose of this section, the following terms used shall be defined as indicated: (a) Massage means any process or procedure upon the external parts of the body of a patron consisting of rubbing, stroking, kneading or tapping by any means.

(b) Massage establishment means a place where a person engages in, conducts or carries on massage or permits massage to be engaged in, conducted or carried on.

(c) Massage technician means any person who gives or administers a massage for profit, renumeration or compensation.

(d) Registered technician means a person holding a valid registration as a massage therapist or body worker issued by the Wisconsin Department of Regulation and Licensing.

(2) MASSAGE ESTABLISHMENT LICENSE. (a) License Required. No person shall carry on the business of operating a massage establishment within the City without a valid license issued pursuant to the provisions of this section for each and every such place of business.

(b) Application; Fee. Any person desiring to obtain a license to operate a massage establishment shall apply in writing upon a form prescribed by and filed with the City Clerk. An application fee of $150 shall accompany the application to defray the costs of the investigation.

(c) License Fee. (Am. Ord. #2550 – 1/24/05). The license fee shall be $115 per year or fraction thereof.

(d) Investigation. (Am. Ord. #2436 – 6/3/02). Applications for licenses under this section shall be referred to the Chief of Police and Building Inspector, both of whom shall cause an investigation to be made and report their findings to the Council.

(e) Grant or Denial of License. Within 30 days of receipt of an application, the Council shall either grant or deny a massage license. The Council shall grant a massage license if it finds:

1. The required fees have been paid.

2. The application conforms in all respects to the provisions of this section.

3. The applicant has not knowingly made a material misstatement in the application for a license.

4. The applicant was fully cooperative in the investigation of this application.

5. The massage establishment as proposed by the applicant would comply with this Code, including, but not limited to, the City's building, zoning and health regulations.

6. The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors if the applicant is a partnership, have not been convicted of any crime involving dishonesty, fraud, deceit or immorality as outlined in Ch. 944, Wis. Stats., within 5 years prior to the date of the application, subject to §11.32(5)(h)2.b., Wis. Stats.

7. The applicant has not had a massage establishment license or a massage technician permit or other similar license or permit denied or revoked for cause by this City or any other municipality located in or out of this State within 5 years prior to the date of application.

8. The applicant, if an individual, or any of the officers and directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, is 18 years of age.

9. The applicant, if a corporation, is licensed to do business and is in good standing in this State.

(3) MASSAGE ESTABLISHMENT FACILITIES REQUIREMENTS. Every massage establishment shall maintain facilities meeting the following requirements: (a) Shall be equipped with lockers or other storage facilities to provide security and convenience for patrons.

(b) Shall have a minimum of one toilet and one washbasin.

(c) If male and female patrons are to be served simultaneously, such massage rooms, dressing facilities, toilet facilities, steam rooms and sauna rooms as are provided shall be separate for male and female patrons and each such separate facility or room shall be clearly marked as such.

(d) Rooms in which massage is to be practiced or administered shall have a least 50 square feet of clear floor area and shall maintain a light level of no less than 40 foot candles as measured at 3 feet above the floor. Lighting in colors other than white shall be prohibited. Rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen.

(4) MASSAGE ESTABLISHMENT OPERATIONAL REQUIREMENTS. Every massage establishment and every massage technician shall comply with the following operating requirements. These requirements shall be prominently and publicly displayed in a conspicuous place upon every premises licensed under the provisions of this section. (a) Massage establishments shall commence operations no earlier than 8:00 A.M. and the hours of operation shall extend no later than 10:00 P.M. Massage technicians shall not practice or administer massage at massage establishments at any time outside of the hours of operation.

(b) Massage establishments and massage technicians therein shall prominently and publicly display on the premises their licenses and permits during all hours of operation.

(5) MASSAGE TECHNICIANS. Except as otherwise provided in sub. (7): (a) No person other than a registered technician shall act as a massage technician.

(b) No person shall act as a massage technician in any place other than a massage establishment licensed under this section.

(c) No person owning or operating a massage establishment shall permit anyone other than a registered technician to act as a massage technician therein.

(d) The applicant has not previously had a massage technician permit or other similar permit or license denied or revoked for cause by this City or by any other municipality in this or any other state within 5 years of the date of application.

(e) The applicant is 18 years of age.

(6) LICENSE TERM. Licenses shall be effective for one year commencing July 1 of each year unless sooner suspended, canceled or revoked.

(7) EXEMPTIONS. The provisions of this section shall not apply to the following: (a) Hospitals, sanitariums, nursing homes, hospices or other health care facilities licensed by the state, and physicians, surgeons, osteopaths, chiropractors, nurses or physical therapists licensed or registered to practice their respective professions under the laws of this state.

(b) Public institutions or facilities operated or administered by the state or a political subdivision of the state, and their officers, employees or agents while acting within the scope of their authority or employment and in conformity with all other applicable state and municipal laws and ordinances.

(c) Barber shops and beauty parlors, and barbers and beauticians licensed by the state, provided that the massage is limited to the head and scalp of patrons.

(d) a person conducting massage as a trainer of any bona fide amateur, semi-professional or professional athlete or athletic team.

(8) PENALTY. Any person violating any provision of this section shall, upon conviction thereof, pay a forfeiture of not less than $150 nor more than $500 or, in default of payment of such forfeiture, be imprisoned in the County Jail for not more than 60 days.

12.085 TATTOOING AND BODY PIERCING ESTABLISHMENTS. (Cr. Ord. #2633 – 8/4/08). (1) DEFINITIONS. For the purpose of this section, the following terms used shall be defined as indicated: (a) Body piercer means a person who performs body piercing on another person.

(b) Body piercing means perforating any human body part of tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

(c) Body piercing establishment means the premises where a body piercer performs body piercing on other people.

(d) Tattoo means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.

(e) Tattoo establishment means the premises where a tattooist tattoos other people.

(f) Tattooist means a person who tattoos another person.

(2) TATTOO / BODY PIERCING ESTABLISHMENT LICENSE. (a) License Required. No person shall carry on the business of operating a tattoo and/or a body piercing establishment within the City without a valid license issued pursuant to the provisions of this section for each and every such place of business.

(b) Application. Any person desiring to obtain a license to operate a tattoo and/or body piercing establishment shall apply in writing upon a form prescribed by and filed with the City Clerk. If an applicant intends to operate an establishment that involves both tattooing and body piercing, only one license is required for the establishment. An application fee of $150 shall accompany the application to defray the costs of the investigation.

(c) License Fee. The license fee shall be $115 per year or fraction thereof.

(d) Investigation. Applications for licenses under this section shall be referred to the Chief of Police, Zoning Administrator and Building Inspector, all of whom shall cause an investigation to be made and report their findings to the Council.

(e) Grant or Denial of License. Within 30 days of receipt of an application, the Council shall either grant or deny the license. The Council shall grant a license if it finds:

1. The required fees have been paid.

2. The application conforms in all respects to the provisions of this section.

3. The applicant has not knowingly made a material misstatement in the application for a license.

4. The applicant was fully cooperative in the investigation of this application.

5. The tattoo establishment and/or body piercing establishment as proposed by the applicant complies with this Code, including, but not limited to, the City's building, zoning and health regulations.

6. The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors if the applicant is a partnership, have not been convicted of any violation of the law involving drugs, alcohol, dishonesty, fraud, deceit, immorality as outlined in Ch. 944, Wis. Stats., or any other violation substantially related to the licensed activity within 5 years prior to the date of the application, subject to §§111.321, 111.322 and 111.335, Wis. Stats.

7. The applicant has not had a tattoo and/or body piercing license or any other similar license or permit denied or revoked for cause by this City or any other municipality within 5 years prior to the date of application.

8. The applicant, if an individual, or the officers and directors if the applicant is a corporation, or the partners, including limited partners, if the applicant is a partnership, is/are 18 years of age or older.

9. The applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.

(3) ESTABLISHMENT OPERATIONAL REQUIREMENTS. Every tattoo and/or body piercing establishment shall comply with the following operating requirements. (a) Hours. Tattoo and/or body piercing establishment shall commence operations no earlier than 8:00 A.M. and the hours of operation shall extend no later than 10:00 P.M.

(b) Display of Licenses. Tattoo establishments, body piercing establishments and the tattooists and/or body piercers therein shall prominently and publicly display on the premises their local and state issued licenses and permits during all hours of operation.

(c) State Regulations. The establishment, the license holder and all employees of the establishment shall be in compliance with the requirements of section 11.15 of this Code.

(d) Records. Written records shall be kept of all tattooing and body piercing, including the name of the customer, date, time, location of tattoo or body piercing, and name of the tattooist or body piercer. Records shall be kept on the premises of the establishment where the tattoo or body piercing was administered. These records shall be available for inspection by City officials for a period of six months after the date the tattoo is applied.

(4) UNLICENSED ESTABLISHMENTS. It shall be unlawful for any tattooist or body piercer to knowingly perform any service directly related to the operation of a tattoo or body piercing establishment which does not have a valid license pursuant to this section.

(5) TEMPORARY ESTABLISHMENTS. (a) No temporary tattoo or body piercing establishment may operate in the City without first obtaining a license.

(b) Temporary tattoo or body piercing establishments shall comply with all regulations for regular establishments as well as those set forth in sec. DHS 173.11 of the Wisconsin Administrative Code.

(6) LICENSE TERM. Licenses shall be effective for one year commencing July 1 of each year unless sooner suspended, canceled or revoked.

(7) RESPONSIBILITY OF THE LICENSE HOLDER. (a) Every act or omission by an employee of any tattoo or body piercing establishment constituting a violation of the provisions of this section or section 11.15 of this Code shall be deemed the act or omission of the license holder if such act or omission occurs either with the authorization, knowledge or approval of the license holder, or as a result of the license holder's negligent failure to supervise the employee's conduct, and the license holder shall be liable for such act or omission in the same manner as if the license holder committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this section or section 11.15 of this Code shall be deemed an act or omission of the license holder for purposes of determining whether the license shall be suspended, revoked, or not renewed.

(8) SUSPENSION, REVOCATION AND NON-RENEWAL. (a) A license issued pursuant to the provisions of this section is subject to suspension, revocation or non-renewal by the Common Council. Unless the public health and safety require an immediate suspension, no license shall be suspended, revoked, or non-renewed without first providing the license holder with due notice and hearing before the Common Council for the purpose of determining whether grounds for such suspension, revocation or non-renewal exist. The City Clerk shall notify the license holder in writing of the decision of the Common Council. Notice shall be served by first class mail.

(b) The Common Council may suspend, revoke, or refuse to renew a tattoo or body piercing establishment license for the following reasons: 1. Violation of this section or any other ordinance, administrative rule, or statute related to the practice of tattooing or body piercing.

2. Knowingly misrepresenting, misstating or failing to disclose information requested on the application form.

3. Using, causing, or promoting the use of false, misleading, or deceptive advertising, promotional literature, or warranty.

4. Knowingly employing, directly or indirectly, any suspended, revoked, or unlicensed tattooist or body piercer.

5. Knowingly permitting another person to use the license issued under this section.

6. Engaging in sexual harassment, as that term is defined in § 111.32(13), Wis. Stats., of a patron.

7. The operation of the tattoo or body piercing establishment constitutes a nuisance pursuant to Ch. 10 of this Code.

(c) A license holder whose license has been revoked or not renewed shall not be eligible for licensure under this ordinance for a period of one year from the date the revocation or non-renewal takes effect.

(9) PENALTY. Any person violating any provision of this section shall, upon conviction thereof, pay a forfeiture of not less than $150 nor more than $500 or, in default of payment of such forfeiture, be imprisoned in the County Jail for not more than 60 days.

12.09 REGULATION AND LICENSING OF PEDDLERS AND SOLICITORS (Rep. & Recr. Ord. #2040 – 6/10/91). (1) PEDDLERS AND SOLICITORS: REGISTRATION REQUIRED. It shall be unlawful for any peddler or solicitor to engage in sales or solicitations within the City without being registered and licensed for that purpose as provided herein.

(2) DEFINITIONS. (a) Peddler. The word "peddler" as used herein shall include any person, whether a resident of the City of West Bend or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders for the future delivery of goods or services shall be deemed a peddler subject to the provisions of this ordinance. The word "peddler" shall include the words "hawker" and "huckster."

(b) Permanent Merchant. A "permanent merchant" is a merchant who, for at least one year prior to the submission of an application pursuant to this section, has continuously operated an established place of business in this City or has continuously resided in this City and now does business from his residence.

(c) Goods. The term "goods" includes personal property of any kind and includes goods provided incidental to services offered or sold.

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

(e) Charitable Organization. A "charitable organization" is any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation for which there is provided proof of tax exempt status pursuant to §501(c)(3) or (4) of the United States Internal Revenue Code.

(f) Applicant. Each individual applying for registration and licensing as a peddler or solicitor is an "applicant".

(g) Registrant. Each individual registered by the City Clerk is a "registrant."

(3) EXEMPTIONS. (a) The following shall be exempt from the registration and licensing provisions of this section:

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

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

3. Any person selling goods to commercial establishments for use in the business of the establishment.

4. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.

5. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in his regular course of business.

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

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

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

(b) Charitable organizations registered with the Wisconsin Department of Regulation and Licensing pursuant to §440.41, Wis. Stats., shall be exempt from the requirements set forth in subs. (4) (a) and (c) and (6) below if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation and provided, further, that said individuals complete an application on a form provided by the City Clerk. A license operative for the dates provided to the City Clerk shall be issued without charge upon compliance with the foregoing. The Clerk shall then forward the information and notice of the issuance of a license to the Chief of Police.

(c) Any religious organization for which there is provided proof of tax exempt status pursuant to §501(c)(3) of the United States Internal Revenue Code shall be exempt from the requirements set forth in subs. (4)(a) and (c) and (6) below. The provisions of par. (b) above shall be applicable to such organizations.

(d) Upon proof of holding a special state license pursuant to §440.51, Wis. Stats., a veteran shall be exempt from the provisions of subs. (4) and (6) below provided that such veteran provides the Clerk with the following information:

1. The veteran's name and permanent address.

2. The nature of the sales or solicitations.

3. Proposed dates and times of sales or solicitations.

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

(e) Activities covered by a parade or special event permit under §12.20 shall be exempt from the registration and licensing requirements of this section but are not exempt from the requirements of subsection (7).

(4) REGISTRATION REQUIREMENTS. (a) Applicants for licenses must complete and return to the Clerk a registration form furnished by the Clerk.

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

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

2. (Repealed Ord. #2629 – 7/7/08).

(c) (Am. Ord. #2234 – 1/15/96; Am. Ord. #2429 – 4/8/02; Am. Ord. #2550 – 1/24/05; Am. Ord. #2578 - 12/5/05; Am. Ord. #2621 – 1/21/08; Am. Ord. #2629 – 7/7/08). No application shall be processed until the application fee has been paid to the Clerk to cover the cost of processing said application. The amount of the application fee shall be established and revised from time to time by the Common Council.

(d) (Cr. Ord. #2629 – 7/7/08). The applicant shall consent to the taking of a current photograph of his or her face by the Clerk. The photograph shall be made part of the license, if one is granted.

(e) (Cr. Ord. #2629 – 7/7/08). The applicant shall authorize the City to obtain a report of his or her criminal history from any municipal, state and federal law enforcement agencies maintaining such records.

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

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

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

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

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

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

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

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

(6) REGISTRATION AND ISSUANCE OF LICENSE. (a) Upon compliance with the foregoing requirements, the Clerk shall register the applicant as a peddler or solicitor and issue a license to the applicant. The license shall be operative for 90 consecutive days from the date of issuance.

(b) (Am. Ord. #2629 – 7/7/08). Such license shall contain the signature of the Clerk, the name and address of the peddler or solicitor, a current photograph of the peddler or solicitor, the type of goods or services being sold or the nature of the solicitation, the dates during which the license is operative and the license number of any vehicle used for sales or solicitation.

(c) (Am. Ord. #2629 – 7/7/08). Registrants shall carry their license at all times while engaged in peddling or soliciting in the City and shall exhibit their license at the request of any citizen or police officer.

(7) REGULATION OF PEDDLERS AND SOLICITORS. (a) Prohibited Practices.

1. A peddler or solicitor shall be prohibited from:

a. (Am. Ord. #1794 – 1/20/86). Calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M. except by appointment.

b. Calling at any dwelling on a Sunday or legal holiday except by appointment.

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

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

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

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

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

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

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

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

2. If any sale of goods or services is made by a peddler or any sales order for the later delivery of goods or services is taken by the peddler, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than $25, in accordance with the procedure as set forth in §423.203, Wis. Stats.; the peddler shall give the buyer two 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 peddler takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; and the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) REGULATION OF FARMERS AND TRUCK GARDENERS. Farmers and truck gardeners selling their own produce shall: (a) Remove their sale facility and produce at the end of each day's activity, said day's activity to run from the hours of 6:00 A.M. to 7:30 P.M.

(b) Obtain written authority from the owner of the property to locate the proposed sale facility thereon.

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

(10) REVOCATION OF LICENSE. (a) The registrant's license may be revoked by the Council after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales or solicitation, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations.

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

12.095 TRICK-OR-TREATING. (Am. Ord. #2735 – 4/13/13). (1) DAY AND TIME ESTABLISHED. Trick-or-treating within the City of West Bend shall occur annually between the hours of 4:00 p.m. and 6:00 p.m. on the Saturday prior to Halloween or, if Halloween falls on a Saturday or a Sunday, then trick-or-treating shall occur on Halloween.

(2) REGISTRATION NOT REQUIRED. People participating in trick-or-treating activities pursuant to this section are not solicitors and are not subject to the regulations in Sec. 12.09 of this Code.

12.10 TRANSIENT MERCHANTS. (Rep. Ord. #2034 – 3/4/91; Cr. Ord. #2040 – 6/10/91). (1) DEFINITION. A "transient merchant" is any person, whether as owner, agent, consignee or employee, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box car or boat, public room in hotel, lodging house, apartment, shop or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader or auctioneer.

(2) No person may engage in any business as a transient merchant at any location in the City unless: (a) The person has in his possession written permission from the owner of the property to carry on such business at such location.

(b) The person has provided the police department with his name, address, telephone number, birth date and drivers license number.

(c) The person provides proof of identity upon request by any police officer at any time.

12.11 PAWNBROKERS AND SECONDHAND ARTICLE AND JEWLERY DEALERS (Rep. Ord. #1808 – 7/7/86; Cr. Ord. #2053 – 12/2/91). The provisions of Wis. Stat. §134.71 are adopted and made a part of this chapter by reference.

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

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

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

(4) LICENSE FEE. (Am. Ord. #2550 – 1/24/05). The license fee shall be $110 per year or part thereof. The license year shall commence on July 1 of each year.

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

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

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

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

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

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

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

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

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

12.13 COIN AND PRECIOUS METALS OR STONE DEALERS. (1) LICENSE REQUIRED. No person shall engage in the business of dealing in coins or precious metals or stones without first having obtained a license from the City Clerk.

(2) LICENSE FEE. The licensee fee hereunder shall be $10 per year or fraction thereof.

(3) RECORDS. Every licensee shall keep a written record of all articles purchased or sold with a description thereof and the name and address of the person involved in the transaction. This record shall be available to the Police Department at all reasonable hours.

(4) PURCHASES FROM MINORS PROHIBITED (Am. Ord. #2053 – 12/2/91). No such dealer shall purchase any coin or precious metal or stone from a minor without the written consent of the minor's parent or guardian.

(5) (HOLDING PERIOD (Rep. Ord. #2053 – 12/2/91).

12.14 TAXICAB. (1) DEFINITION. The term "taxicab" as used in this section shall include all vehicles carrying passengers for hire for which public patronage is solicited, excepting vehicles which operate on established routes and are regulated by the Public Service Commission of Wisconsin.

(2) LICENSE REQUIRED. (Am. Ord. #2475 – 4/28/03). No person shall operate a taxicab within the City without a license obtained hereunder, except as provided in Sec. 349.24, Wis. Stats.

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

(4) LICENSE FEES. (Am. Ord. #2550 – 1/24/05). The license fee hereunder shall be $40 per taxicab per year.

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

(6) INSPECTION OF VEHICLES. The brakes, horn, lights, steering system, exhaust system and tires of every taxicab shall be examined and tested as to sufficiency at least once every 90 days by a reputable garage keeper doing business in the City who shall furnish a certificate as to the examination of the vehicle and that said components are in good working order, which certificate shall be filed in the office of the City Clerk.

(7) INSURANCE. Before any license is issued, the applicant for a license hereunder shall deposit with his application a certificate of insurance coverage showing that each vehicle to be licensed is covered by public liability insurance by an insurance company licensed to do business in Wisconsin in the amount of $100,000 for injury or death to any one person in an accident involving such vehicle, $300,000 for any one accident and $25,000 property damage insurance. Any insurance policy hereunder shall contain a provision that the same shall not be cancelled before expiration of its term except upon 20 days written notice to the City. Cancellation or termination of such insurance shall automatically terminate all licenses issued hereunder unless another certificate of insurance shall be substituted.

(8) LICENSE ISSUANCE. Upon the granting of a license hereunder and upon compliance with the provisions of this section by the applicant, the City Clerk shall issue to .the licensee a license which shall be displayed prominently in the taxicab for which it has been issued.

(9) LICENSES NOT TRANSFERABLE. No license issued hereunder shall be transferable from one licensee to another. Licenses may be transferred from one vehicle to another upon submitting to the Clerk proof of insurance and a certificate of inspection.

(10) NAME ON CABS. The serial number of a taxicab license shall be printed or painted on each side and on the rear of the taxicab in figures at least 2 inches high and 1/4 inch wide, such numbers to be painted on the side and rear of each taxicab at a point not lower than 1/2 the height of the taxicab. The name of the owner or operator of the taxicab shall be printed on both sides and rear of each taxicab in like letters.

(11) FARES TO BE POSTED IN TAXICAB. Each taxicab shall have a card printed in plain legible figures with the fares charged and posted in a conspicuous place inside the taxicab in plain sight of passengers.

(12) (Rep. Ord. #2063 – 3/2/92).

(13) SUSPENSION AND REVOCATION. Licenses granted under this section may be suspended or revoked at any time by the Council for any violation of the provisions of this section and also if the vehicle for which the license was issued is not of good appearance, clean and safe, or for conduct by the licensee or any person driving a vehicle under such license which is prejudicial to the public safety, welfare or good order of the City. A license suspended or revoked because the vehicle is not of good appearance, clean and safe shall not be reissued until the vehicle shall be put in good condition for use by the public to the satisfaction of the Council. When a taxicab license is revoked or suspended, as herein provided, the Clerk shall immediately notify the owner to cease operation of the vehicle as a taxicab for which the license has been revoked.

12.15 TAXICAB DRIVER'S LICENSE. (Rep. & Recr. Ord. #2268 – 11/25/96; Am. Ord. #2475 – 4/28/03). (1) LICENSE REQUIRED. No person shall operate a taxicab unless he/she possesses a valid taxicab driver's license, except as provided in Sec. 349.24, Wis. Stats.

(2) APPLICATION. (Am. Ord. #2429 – 4/8/02; Am. Ord. #2550 – 1/24/05; Am. Ord. #2578 - 12/5/05; Am. Ord. #2621 – 1/21/08). Application for a taxicab driver's license shall be made on a form furnished by the City Clerk and accompanied by the license fee of $35.00.

(3) GRANT OF LICENSE. (a) The Clerk shall grant and issue a license under this section upon determining that the applicant has complied with the requirements of this section.

(b) If the Clerk denies a license, the applicant may appeal the denial by filing a written request for a hearing with the Clerk within 10 days of the denial. The application shall be brought before the Common Council for consideration within 30 days of the appeal. Thereafter, the Council shall grant or deny the license. The Clerk shall issue the license forthwith if the Council grants the license.

(c) Failure of the Clerk to grant or deny a license within 20 days of application shall be considered a denial. The 10 day limitation period for appeal shall not commence until a written denial is issued.

(4) RESTRICTIONS. No license shall be granted to any person: (a) Who is under 18 years of age;

(b) Who does not possess a valid Wisconsin motor vehicle operator's license.

(c) Who has been convicted of any felony, misdemeanor or other offense if the circumstances of such offense substantially relate to the circumstances of the licensed activity; or who is the subject of a pending charge of any felony, misdemeanor or other offense if the circumstances of such offense substantially relate to the circumstances of the licensed activity; or

(d) Who has been convicted of operating a motor vehicle while under the influence of any intoxicant, drug, controlled substance, or any combination of these, or with

a prohibited blood alcohol content, unless 2 years have elapsed from the date of conviction or discharge from correctional custody or supervision institution, whichever is later.

(5) SUSPENSION AND REVOCATION OF TAXICAB DRIVER'S LICENSE. The Council, upon notice and hearing, may suspend or revoke a taxicab driver's license: (a) If the licensee since the granting of the license:

1. Has had his or her Wisconsin motor vehicle operator's license suspended, revoked or cancelled;

2. Has been convicted of any felony, misdemeanor or other offense if the circumstances of such offense substantially relate to the circumstances of the licensed activity;

3. Has been convicted of operating a motor vehicle while under the influence, as set forth in par. (4)(d), above; or

4. Has been convicted of any 3 or more of the offenses set forth in Ch. 346, Wis. Stats., occurring during any continuous 12 month period.

(b) If the Council, for the preservation of the public health, safety, welfare, good order or morals, finds the licensee is unfit to drive a taxicab.

12.16 MOBILE HOMES AND MOBILE HOME PARKS. (1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of §66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

(2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS RESTRICTED. No occupied mobile home shall be permitted to be located in the City unless the same is in a licensed mobile home park, except those mobile homes now occupied outside of a mobile home park which right to occupy ceases when the present occupant vacates the mobile home by death, sale or otherwise.

(3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the City a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by a fee of $4 for each space in the existing or proposed park, but not less than $25 nor more than $100 per year. Such parks shall comply with Wis. Adm. Code Comm. 95, which is hereby adopted by reference. The license transfer fee is $10.

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

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

(6) PAYMENT OF FEES FOR HOMES OUTSIDE PARKS (Rep. & Recr. Ord. #1907 – 6/27/88). The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the City Treasurer all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

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

(2) LICENSE FEES (Am. Ord. #2013 – 12/10/90; Am. Ord #2051 – 11/25/91). The license fee for dogs and cats shall be as follows:

(a) $13 for each unneutered male
(b) $13 for each unspayed female
(c) $ 8 for each neutered male
(d) $ 8 for each spayed female

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

(4) KENNEL LICENSE OPTION. (Am. Ord. # 2051 – 11/25/91). The owners of kennels may opt to pay a kennel license fee of $35 for a kennel of 12 dogs or less plus $3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Treasurer shall issue tags for each dog owned by the kennel owners.

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

(6) DEFINITIONS. (Am. Ord. #2024 – 2/4/91). In this section, unless the context requires otherwise, the following terms shall be defined as indicated: (a) Owner. See sec. 9.08(2)(a).

(b) At Large. See sec. 9.08(2)(b).

(c) Running at Large. A dog or cat is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

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

(e) Kennel. A kennel is any establishment wherein dogs are kept for the purpose of breeding, sale, training or boarding.

(7) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the City to own, harbor or keep any dog which: (a) Habitually pursues vehicles upon any street, alley or highway.

(b) Assaults or attacks any person without provocation.

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

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

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

(8) DOGS AND CATS RUNNING AT LARGE OR UNTAGGED. (Am. Ord. #2024 – 2/4/91). (a) Dogs and Cats Subject to Impoundment. Police officers shall attempt to capture and restrain any dog or cat running at large and any untagged dog or cat. Any such dog or cat shall be transported to the Washington County pound.

(b) Penalties. (Am. Ord. #2690 – 6/6/11). If the owner of a dog or cat, negligently or otherwise, permits the dog or cat to run at large or be untagged, the owner shall be subject to a penalty as provided in sec. 25.04 of this Code.

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

(10) QUARANTINE OR SACRIFICE OF DOGS AND CATS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (Am. Ord. #2436 – 6/3/02). (a) Quarantine or Sacrifice of Dog or Cat. A police officer may order a dog or cat quarantined if he/she has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

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

(11) NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED. No person, except a kennel licensee, shall own, harbor or keep more than 2 dogs and 2 cats that are more than 5 months of age except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 2 dogs and 2 cats are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals. Persons who have more than 2 dogs or 2 cats who are licensed on the effective date of this subsection are exempt from the provisions of this subsection; however, no further licenses shall be issued until fewer than 2 dogs or 2 cats are owned, harbored or kept in the household.

(12) SETTING DOGS AND CATS AT LARGE PROHIBITED. (Am. Ord. #2024 – 2/4/91). No person shall open any door or gate of any private premises for the purpose of releasing a dog or cat from an enclosure without the consent of the owner of such dog or cat.

(13) IMPOUNDING OF DOGS. (Rep. Ord. #2024 – 2/4/91).

(14) PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed: (a) Failure to Obtain Rabies Vaccination. A dog or cat owner who fails to have a dog or cat vaccinated against rabies, as provided in this section, shall upon conviction forfeit not less than $50 nor more than $100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog or cat who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Council, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon convictions, forfeit not less than $100 nor more than $500.

12.18 REGULATION AND LICENSING OF BICYCLES. See sec. 7.16 of this Code.

12.19 ROOM TAX (Am. Ord. #1951 – 6/5/89). (1) DEFINITIONS. In this section the terms used shall be defined as follows: (a) As provided in §66.0615(1), Wis. Stats., "transient," "hotel" and "motel" shall have meanings set forth in §77.52(2) (a)1., Wis. Stats.

(b) (Am. Ord. #2632 – 8/4/08). "Gross receipts" has the meaning set forth in §77.51(4)(a), (b) and (c), Wis. Stats.

(2) ROOM TAX IMPOSED (Rep. & Recr. Ord. #1825 – 11/3/86; Am. Ord. #2155 – 4/25/94; Am. Ord. #2632 – 8/4/08 – Effective 10/1/08). Pursuant to §66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 8% of the gross receipts from such retail furnishing of rooms or lodgings, which tax is an increase of 3% from the previous tax rate of 5%. Such tax shall not be subject to the selective sales tax imposed by §77.52(2) (a) 1., Wis. Stats. In order to defray the cost of collection, 1% of the proceeds of the gross tax collected under this section may be retained by the hotel, motel or other person filing a return and the balance shall be paid to the City as hereinafter provided.

(3) LICENSE REQUIRED. No person subject to the tax imposed in sub. (2) above shall furnish rooms or lodging to transients at retail without a license issued by the City Clerk.

(4) APPLICATION; FEE (Am. Ord. #2429 – 4/8/02; Am. Ord. #2550 – 1/24/05). The applicant for a license shall file an application with the City Clerk on a form furnished by the Clerk. A $20.00 fee shall accompany the application.

(5) PAYMENT OF TAX (Rep. & Recr. Ord. #1853 – 8/17/87). The tax imposed by this section for each calendar quarter is due and payable to the City Clerk on the last day of the month next succeeding the calendar quarter for which imposed. A quarterly return shall be filed with the Clerk on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the Clerk deems necessary. Every person required to file such quarterly return shall file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain additional information as the Clerk may require. Such annual returns shall be made on forms furnished by the Clerk. All such returns shall be signed by the licensee or his duly authorized agent. The Clerk may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(6) ENFORCEMENT OF COLLECTION OF TAX (Rep. & Recr. Ord. #1853 – 8/17/87). (a) Audit. Whenever the City Clerk has probable cause to believe that the correct amount of room tax has not been assessed or the tax return is not correct, he may inspect and audit the financial records of the licensee relating thereto. In the event the licensee refuses to permit the Clerk to make such inspection and audit, the licensee shall pay a forfeiture in the amount of 5% of the tax as determined in sub. (5) above or par. (b) below.

(b) Failure to File Return. In the event a licensee neglects, refuses or otherwise fails to make a return for the amount, in the manner and form, and within the time presented above:

1. The Clerk shall determine the amount of the tax according to his best judgment.

2. (Rep. & Recr. Ord. #2052 – 12/2/91). The licensee shall pay the amount determined under subparagraph 1 plus interest at the rate of 1% per month on the unpaid balance.

3. (Cr. Ord. #2052 – 12/2/91). No refund or modification of the payment determined by the Clerk may be granted unless and until the licensee pays the amount determined by the Clerk plus all interest due, files a correct return, and permits the Clerk to inspect and audit the licensee's financial records. In the event the inspection of the financial records shows the return to be correct, the Clerk may refund the amount by which the amount determined by the Clerk exceeded the amount owing as shown by the return but shall not refund any interest.

(c) Penalty. (Am. Ord. #2052 – 12/2/91; Am. Ord. #2632 – 8/4/08 – Effective 10/1/08). Any licensee who fails to pay any quarterly tax imposed under this section when due shall pay a forfeiture of 25% of the amount of the tax or $2,100, whichever is less. Any licensee who fails to file an annual return when due shall be subject to a forfeiture of $10 per day until the return is filed.

(7) CONFIDENTIALITY OF INFORMATION. No person shall reveal any information relating to any room tax return. (a) Exception. The above prohibition shall not apply to persons using such information in the discharge of their duties imposed by law, or of the duties of their office or by order of a court. Statistics classified so as to not disclose the identity of a particular return may be published.

(b) Penalty. Any person convicted of violating this subsection shall pay a forfeiture of not less than $100 nor more than $500.

(8) (Cr. Ord. #2632 – 8/4/08 – Effective 10/1/08). DISTRIBUTION OF TAX. The room tax collected shall be allocated as follows: (a) City. The City shall continue to retain 72% of the original 5% room tax.

(b) Chamber of Commerce. The West Bend Chamber of Commerce shall receive 28% of the original 5% room tax and 53.4% of the 3% increased room tax to be used for tourism promotion and development, as defined in 66.0615(1)(fm), Wis. Stats., in the City of West Bend.

(c) Museum of Wisconsin Art. The Museum of Wisconsin Art, so long as it continues to operate in the City of West Bend, shall receive 46.6% of the 3% increased room tax to be used for tourism promotion and development, as defined in 66.0615(1)(fm), Wis. Stats., in the City of West Bend.

12.20 PARADE PERMITS (Cr. Ord. #1839 – 3/16/87; Rep. & Recr. Ord. #1842 – 5/4/87; Rep. & Rec. Ord. #2267 - 11/25/96). (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; an organized run, walk, race or similar event; or an art fair, street dance or commercial sale when conducted in any portion of a street. Signs, banners, equipment, machinery and other items not carried, operated, occupied or accompanied by persons participating in a parade or special event are not permitted under this section.

(b) Marshal. "Marshal" means a person, other than a bona fide police officer, designated to maintain public order.

(2) PERMIT REQUIRED. (Am. Ord. #2047 – 9/23/91). 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) (Am. Ord. #2134 – 11/22/93; Am. Ord. #2234 – 1/15/96; Am. Ord. #2429 – 4/8/02; Am. Ord. #2550 – 1/24/05; Am. Ord. #2578 - 12/5/05; Am. Ord. #2621 – 1/21/08). The parade fee shall be $75.00 per event or $190.00 for three or more events in a calendar year, except for parades or special parades sponsored by the City. 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) (Cr. Ord. #2047 – 9/23/91). 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.

(4) FINANCIAL RESPONSIBILITY. A certificate of liability insurance in the following amount must be provided prior to the issuance of the permit: (a) (Am. Ord. #2553 – 2/14/05). $1,000,000 policy for events such as athletic events and bicycle races.

(b) $500,000 policy for special activities such as runs, walks, carnivals, circuses, concerts and festivals.

(c) $300,000 policy for other activities such as parades, trade shows, and art and craft shows.

The City reserves the right to designate the appropriate level of insurance and, if substantial risk is present, may require additional levels of insurance.

(5) DENIALS. An application for a parade permit may be denied by the City Clerk if: (a) It is for a parade that is to be held on a work day during hours when and at places where, in addition to the proposed parade, the flow of vehicular and pedestrian traffic is usually delayed by its own volume.

(b) It is for a parade that is to be held between the hours of 10:00 P.M. and 6:00 A.M.

(c) Sufficient parade marshals are not provided to reasonably assure the orderly conduct of the parade, as determined by the Police Department.

(d) More than one assembly area or more than one dispersal area is proposed.

(e) Permission for use of property for assembly, dispersal or check points has not been obtained.

(f) The proposed route or parade would substantially disrupt business, traffic or neighborhoods.

(g) There is a reasonable probability the parade would involve violation of Federal or State highway law, or of other applicable provisions of this Code or City ordinances.

(h) The granting of the permit would conflict with another permit already granted, or for which application is already pending.

(i) The Department of Transportation fails to approve a detour route if required.

(j) The applicant fails to arrange for Emergency Medical Services.

(6) MODIFICATION OF APPLICATION. In lieu of denying a parade permit, the City Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than applied for.

(7) ISSUANCE. The City Clerk shall issue a parade permit to the applicant, subject to the provisions of this section.

(8) REVOCATION. The Chief of Police may revoke a permit already issued if he deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or the likelihood of a breach of the peace or by a major change in the conditions forming the basis of the standards of issuance.

(9) CONDUCT OF PARTICIPANTS. The Board of Public Works may promulgate such rules as necessary to ensure the safety of participants and spectators. The rules shall include, but are not limited to, the following: (a) No alcoholic beverages are permitted on any float or vehicle.

(b) Nothing is to be thrown from any float or vehicle.

(c) Vehicles and floats are to be operated in a safe and responsible manner at all times.

(d) No one is permitted to board or depart any float or vehicle while it is in motion.

(e) Permanent route markers, including paint or similar substances, are not permitted on either private or public property.

(f) (Cr. Ord. #2040 – 6/10/91). No participant in a parade or special event may engage in any sales or solicitation activities unless:

1. The participant has in his possession written permission from the permittee to engage in such activities;

2. The permittee has provided the Clerk's office and Police Department with the name, address, telephone number, birth date and drivers license number of each such participant;

3. The participant provides proof of identity upon request by any police officer; and

4. The participant complies with the requirements of §12.09(7).

(10) INTERFERENCE. No person shall hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade, nor shall any other organization or group of persons not mentioned in the application for a parade permit participate in the parade.

(11) DRIVING THROUGH PARADES. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade unless directed to do so by a police officer. However, the parade shall permit passage of authorized emergency vehicles.

(12) PENALTY. Any person violating any provision of this section shall, upon conviction thereof, be fined not more than $100 for each offense in the discretion of the court, together with the costs of the action, and, in default of payment thereof, shall be imprisoned for a period not to exceed 30 days.

12.21 BLOCK EVENT, PERMIT REQUIRED (Cr. Ord. #1839 – 3/16/87; Rep. & Recr. Ord. #1842 – 5/4/87). (1) DEFINITION. A block event is a gathering of abutting neighbors and their relatives and friends or special church sponsored events held within the City street right of way or other public thoroughfare which has been temporarily closed for the occasion.

(2) PROHIBITION. No person shall encroach upon, occupy, obstruct or encumber any public street or highway, or part thereof, unless authorized to do so in accordance with this Code.

(3) STREET CLOSING FOR NEIGHBORHOOD BLOCK EVENTS. Upon application by a resident of the affected portion of the street, the City Clerk may grant a permit to close a definite and limited portion of a street in the City for a neighborhood block event. No such permit shall be granted when: (a) The street sought to be closed, or portion thereof, is part of the Federal, State or county trunk highway system, or is a major through street.

(b) Such closure will, will be likely to, or will tend to cause unreasonable traffic congestion, result in a disturbance of the peace, or endanger the public health, welfare and safety.

(c) Access to a business place would be hampered.

(4) APPLICATION FOR BLOCK EVENT PERMIT. (a) Application for a block event permit shall be made not less than 15 working days in advance of the event on a form to be provided by the City Clerk.

(b) In the event that any person who resides or does business in the blocked-off portion of the street objects to such closing, the application for the permit may be denied.

(c) (Cr. Ord. #2550 – 1/24/05; Am. Ord. #2578 - 12/5/05; Am. Ord. #2621 – 1/21/08). A $35.00 fee shall accompany the application.

(5) RESPONSIBILITIES OF PERMITTEE. (a) Acceptance of a permit shall make the applicant primarily liable for damages to persons or property caused by reason of the closing. The City shall not be liable for any damage caused by the street closing.

(b) Permittees shall be responsible for procurement, placement and maintenance and removal of barricades used to close the streets under this section.

(c) Music or noise levels must be kept at a reasonable level so as not to disturb others. Amplified noise or music is prohibited at block events.

(6) HOURS. Block events shall start no earlier than 10:00 A.M. and end no later than 10:00 P.M.

(7) PENALTY. Any violation of or noncompliance with any of the provisions of this section shall subject the violator to a forfeiture of not less then $10 nor more than $100, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the County Jail until such forfeiture and costs are paid, but not to exceed 15 days.

12.22 BANNER OVER MAIN STREET (Cr. Ord. #1945 – 4/3/89). A person may hang a sign, flag or banner over Main Street between Washington Street and Walnut Street if the person obtains a permit for that purpose from the City Clerk prior to hanging the sign, flag or banner. (1) FEE. (Am. Ord. #2550 – 1/24/05) The fee for the permit shall be $30, payable when the application is submitted to the City.

(2) APPLICATION. Application for a permit under this section shall be made in writing and in such form as required by the City Clerk. The application shall include detailed plans for the sign, flag or banner and method of hanging it.

(3) FINANCIAL RESPONSIBILITY. (a) Indemnification. In applying for the permit, the applicant must agree to indemnify the City and hold the City harmless from any liability which may result from or be related to hanging, maintaining or removing the sign, flag or banner.

(b) Insurance (Am. Ord. #2005 – 4/20/90). Prior to issuance of the permit, the applicant must provide proof of liability insurance satisfactory to the City Clerk naming the City as an additional insured and having minimum limits of liability of $500,000.

(c) Deposit. Prior to issuance of the permit, the applicant shall deposit $50 per banner in cash with the Clerk to guarantee performance of its obligations under this section. The deposit shall be refunded upon termination of the permit if the applicant has fulfilled all of its obligations under this section and the permit.

(4) REVIEW. The application shall be reviewed by the Chief of Police, the Director of Public Works and the City Engineer prior to issuance to determine whether the hanging of the sign, flag or banner will be consistent with public safety. The Director of Public Works

and the City Engineer shall establish minimum standards for materials, height above the street, anchors and such other matters as they shall determine necessary to protect the public safety.

(5) GRANT OF PERMIT. In the event the applicant complies with all of the provisions of subs. (1) through (4), the City Clerk may grant the permit if the grant is consistent with the public health, safety and welfare.

(6) TERM. Permits shall not be valid for more than 40 days and may be granted for a shorter time. Permits may be renewed not more than one time.

(7) CONDITIONS. Any permit granted under this section is subject to the following conditions. (a) The sign, flag or banner must be hung and maintained safely and in strict compliance with the plans in the application and the standards established by the City Engineer and the Director of Public Works.

(b) The sign, flag or banner may not be hung from or attached to any City structures, facilities or other property. The applicant is responsible for obtaining permission from the owner of the property to which the sign, flag or banner is attached.

(c) The applicant is responsible for removing the sign, flag or banner prior to the expiration of the permit.

(d) The City may, upon 10 days' notice, require the applicant to remove the sign prior to the expiration of the permit.

(e) If, at any time, the Police Chief, the City Engineer or the Director of Public Works determines, in his sole discretion, that the sign, flag or banner is no longer in compliance with the plans or standards or otherwise creates a danger to the public safety, the City may immediately remove the sign, flag or banner without any notice to the applicant or others.

(f) In the event the applicant fails to remove the sign, flag or banner, as required under pars. (c) and (d) above, the City may remove it.

(g) In the event the City removes the sign, flag or banner, pursuant to pars. (e) or (f) above, the deposit made under sub. (3)(c) above shall be forfeited to the City.

(8) UNAUTHORIZED BANNERS. Any person hanging a sign, flag or banner, or allowing a sign, flag or banner to be hung from his property, in violation of this section, shall be responsible for the cost of removing the sign, flag or banner as well as a penalty as provided in sub. (1) below. (See sec. 7.02(3) and (4) of this Code).

(9) PENALTY. In the event of any violation of this section, the applicant shall be subject to a penalty, as provided in sec. 25.04 of this Code in addition to, and not in lieu of, any other financial obligation under this section.

12.23 TREATED GROUNDWATER DISCHARGE PERMIT (Cr. Ord. #2120 – 7/19/93). (1) PERMIT REQUIRED. No person shall discharge treated groundwater to a storm sewer or cause or allow such discharge unless a permit has been issued and is in force for the discharge. Discharge without a permit or while a permit is suspended is a nuisance and may be abated as other nuisances.

(2) APPLICATION. Persons desiring permits shall make application to the Director of Public Works on a form provided by the Director of Public Works. The application shall be signed by the owner of the property from which the groundwater is being extracted and by the person who is responsible for the treatment system if different than the owner of the property. The application shall disclose the quantity of water to be discharged, the discharge point, and other information which the Director of Public Works may require. The application shall be accompanied by the application fee, the report or reports submitted to the DNR for approval of the treatment system, and such other items as the Director of Public Works may deem appropriate.

(3) FEE. The application fee shall be $100 for an original permit and $20 for a renewal permit.

(4) TERM. (a) Original permits and renewal permits issued under paragraph (c) shall expire on December 31 of the third calendar year following the year of issuance.

(b) Except for permits issued under paragraph (c), renewal permits shall be for a term of four years from January 1 of the first year to December 31 of the fourth year.

(c) Upon a change of ownership of the land from which water is being extracted under a permit, the new owner may apply for a renewal permit.

(5) ISSUANCE. The Director of Public Works shall issue a permit if the storm sewer to which the discharge is to be made has sufficient capacity and the discharge is not otherwise contrary to the public interest. The Director of Public Works may impose conditions or restrictions on the permit to protect the public health, safety, and welfare in addition to the conditions and restrictions imposed by this section.

(6) CONDITIONS AND RESTRICTIONS. (a) WPDES Permit. No discharge of treated groundwater shall be made to a storm sewer unless there is a WPDES permit permitting such discharge in effect at the time.

(b) All discharges shall be consistent with the representations made in the application and conditions imposed by the permit.

(c) The permittee shall immediately notify the Director of Public Works of any change in the amount or nature of the discharge.

(d) The permittee shall immediately notify the Director of Public Works of any violation of its permit or its WPDES permit.

(e) The permittee shall defend, indemnify and hold the City harmless from any harm, injury, damage, penalty, forfeiture, claim or suit which may result from the discharge.

(7) COMPLIANCE WITH OTHER SECTIONS. Obtaining a permit under this section does not eliminate the need for obtaining other permits or complying with other provisions of this Code.

(8) SUMMARY SUSPENSION. Notwithstanding sec. 12.01(11), the Director of Public Works may suspend a permit without a hearing when he determines that such suspension is necessary to stop or prevent an actual or threatened discharge which presents an imminent and substantial risk to the health, safety, or welfare of persons or the environment. A permittee may request a hearing, as provided in sec. 12.01(11). Upon such a request, the Common Council shall promptly hold a hearing. Following the hearing, the Common Council may terminate the suspension, determine the length of the suspension, or revoke the permit.

(9) DEFINITIONS. As used in this section, the following terms shall have the meanings indicated unless the context requires otherwise: (a) Discharge means a discharge of treated groundwater directly or indirectly to a storm sewer.

(b) Groundwater means subsurface water in soils and geologic formations.

(c) Original permit means a permit other than a renewal permit.

(d) Permit means a permit for the discharge of treated groundwater issued under this section.

(e) Permittee means a person holding a permit.

(f) Person means any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(g) Renewal permit means a permit issued before the time a prior permit for the same discharge expires, the term of which commences at or before the time the prior permit expires.

(h) Treated groundwater means groundwater which has been processed or is purported to have been processed by a treatment system.

(i) Treatment system means a device or system for removing contaminants from water.

(j) WPDES Permit means a Wisconsin Pollution Discharge Elimination System permit issued by the Wisconsin Department of Natural Resources.

12.24 SIDEWALK DISPLAY / PROJECTING SIGN PERMITS. (Cr. Ord. #2163 – 6/13/94; Am. Ord. #2493 – 8/25/03; Am. Ord. #2626 – 6/2/08). Pursuant to sec. 66.0425 Stats., the Common Council, by this section, grants privileges in public rights of way. (1) (Rep. Ord. #2483 – 5/19/03).

(2) APPLICATIONS (Am. Ord. #2493 – 8/25/03). Applications for privileges under this section shall be made to the Clerk on a form provided by the Clerk. Applications for projecting sign permits shall be reviewed and approved by the Zoning Administrator for compliance with sec. 17.48 before the permit is granted.

(3) TERM (Am. Ord. #2483 – 5/19/03; Am. Ord. #2493 – 8/25/03; Am. Ord. #2626 – 6/2/08). Except for permits for projecting signs, a privilege granted under this section shall run from July 1 to June 30 of the following year. A privilege granted under this section may be renewed for a two year period. Permits granted for projecting signs shall remain in effect until the sign is removed by the permit holder or until such time as the City requests removal of the sign pursuant to sec. 66.0425, Stats.

(4) FEE. (Am. Ord. #2483 – 5/19/03; Am. Ord. #2550 – 1/24/05). The fee for a privilege granted under this section shall be $30 for an original grant of privilege or an amended grant of privilege and $30 for a renewal.

(5) AUTHORIZATION (Am. Ord. #2493 – 8/25/03; Am. Ord. #2626 – 6/2/08). The Clerk is authorized to grant privileges in public rights of way consistent with this section and section 66.0425, Stats.

(6) CONDITIONS. (Am. Ord. #2626 – 6/2/08). Privileges granted under this section are subject to the following conditions: (a) The application must be made by a property owner or occupant for the portion of the public right-of-way immediately in front of and contiguous to the property owned or occupied by the applicant.

(b) (Am. Ord. #2626 – 6/2/08). The obstruction of the right-of-way shall leave a minimum unobstructed clear width of four feet (4') on one level at all points of the sidewalk or Riverwalk.

(c) No obstruction shall be permanently attached to the land or any structure. The obstruction must be removed whenever the applicant's business is closed or the obstruction is otherwise unattended by the applicant.

(d) The privilege may be suspended during parades or special events or when the police chief or fire chief deem it appropriate in the interests of public safety.

(e) (Am. Ord. #2626 – 6/2/08). The privilege is subject to the conditions in sec. 66.0425, Stats., including specifically the applicant's liability for damages and responsibility for removal.

(7) This section is not intended to limit the general applicability of sec. 66.0425, Stats., and does not prohibit the granting of other special privileges under sec. 66.0425.

12.25 (Cr. Ord. #2178 – 11/14/94; Rep. Ord. #2302 - 1/26/98).

12.26 WEIGHTS AND MEASURES LICENSE. (Cr. Ord. #2198 – 2/20/95). (1) DEFINITIONS. (a) Commercial weighing or measuring devices are those used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

(b) Weights and Measures Program includes administration and enforcement of this section and ch. 98, Stats., and any related actions.

(2) LICENSE REQUIRED. (a) Except as provided in par.(b), no person shall operate or maintain weights and measures, weighing or measuring devices and systems and accessories relating thereto which are used commercially within the City of West Bend in determining the weight, measure or count of commodities or things sold or offered or exposed for sale on the basis of weight, measure or count unless each such device is licensed by an annual weights and measures license issued pursuant to the provisions of this section.

(b) Occasional sales temporarily permitted by a special event permit are exempt from licensing under this section.

(3) APPLICATION. The application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the City Clerk and signed by an individual authorized to sign for the applicant. Such application shall state the type and number of weighing and measuring devices to be licensed, the location of the devices, the applicant's full name and post office address and whether such person is an individual, partnership, limited liability company or corporation. If a partnership, the application shall state the names of partners together with their addresses. If a corporation or limited liability company, the application shall state the names and addresses of all officers and agents of the applicant.

(4) ISSUANCE: FEES. (Am. Ord. #2429 – 4/8/02; Am. Ord. #2507 – 12/15/03 – eff. 1/1/04; Am. Ord. #2550 – 1/24/05; Am. Ord. #2578 - 12/5/05; Am. Ord. #2621 – 1/21/08; Am. Ord. #2640 – 12/1/08 Effective 1/1/09). The City Clerk shall issue a license to the applicant if the requirements of this Code have been complied with upon payment to the City Finance Department of the license fee in the amount of $55.00. Each store or other business location shall require a separate license.

(5) TERM. Licenses issued under this section shall expire on December 31 of each year.

(6) ENFORCEMENT FOR NONRENEWAL. It shall be the duty of the City Clerk to notify the appropriate city officials and to order the immediate enforcement of the provisions of this section in cases involving failure to renew a weighing or measuring device license. Said licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been obtained under the provisions of this section.

(7) ASSESSMENT. (a) The Council shall annually assess fees to each licensee based on the numbers and types of weighing and measuring devices licensed as of January 1 of that year. The total of the fees assessed and the fees collected under sub. (4) shall not exceed the actual costs of the weights and measures program. [For the year 1995, fees assessed under this section shall be based on the devices licensed as of March 1, 1995.]

(b) The Clerk shall prepare a proposed schedule of assessments prior to the assessment and mail to each licensee a copy of the proposed schedule together with notice of the date and time at which the Council will consider the assessments.

(c) At least 10 days after such mailing, the Council shall consider the Clerk's proposed schedule of assessments and approve it or adopt such other schedule of assessments as it deems reasonable. The Clerk shall mail to each licensee an invoice for the amount of the fee assessed to the licensee by the Council.

(d) Each licensee shall pay the fee assessed to it within 30 days after the invoice is mailed.

(e) Schedules, notices and invoices shall be considered mailed to a licensee when mailed by first class mail to the licensee's address as shown on the application form.

12.30 PENALTY (Renum. Ord. #1839 – 3/16/87). Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.