

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 1**

**SUMMARY**

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

- 150773      A substitute ordinance relating to residency restrictions for sex offenders.
- 151308      An ordinance relating to chronic code violation nuisances.
- 151320      An ordinance revising certain licensing regulations for the purposes of correcting errors, clarifying language and eliminating obsolete provisions.

| <u>Section Affected</u>                     | <u>File Action</u> | <u>Number</u> | <u>Effective Date</u> | <u>Remove Pages</u> | <u>Add Pages</u> |
|---|--------------------|---------------|-----------------------|---------------------|------------------|
| <b>Remove <u>old</u> MEMO (Suppl. #345)</b> |                    |               |                       | v-vi                | v-vi             |
| 75-5-18                                     | am                 | 151320        | 2/5/2016              | 191-192             | 191-192          |
| 75-21-21                                    | am                 | 151320        | 2/5/2016              | 202c-202d           | 202c-202d        |
| 75-40-2-a                                   | am                 | 151320        | 2/5/2016              | 202g-202h           | 202g-202h        |
| Ch. 80 Table                                |                    |               |                       | 229-230             | 229-230          |
| 80-12                                       | cr                 | 151308        | 2/5/2016              | 235-242b            | 235-242d         |
| Ch. 80 (hist.)                              |                    |               |                       | 250e-250j           | 250e-250j        |
| Ch. 81 Table                                |                    |               |                       | 251-252             | 251-252          |
| 81-1-2                                      | am                 | 151320        | 2/5/2016              | 253-258             | 253-258          |
| 81-1-2.5                                    | am                 | 151320        | 2/5/2016              | "                   | "                |
| 81-20                                       | cr                 | 151308        | 2/5/2016              | "                   | "                |
| 81-121-3.5                                  | cr                 | 151320        | 2/5/2016              | 269-272             | 269-272          |
| 82-20-13                                    | am                 | 151320        | 2/5/2016              | 281-282             | 281-282          |
| 82-30-12                                    | am                 | 151320        | 2/5/2016              | 285-286             | 285-286          |
| 84-7-4                                      | rc                 | 151320        | 2/5/2016              | 299-300             | 299-300          |
| Ch. 84 (hist.)                              |                    |               |                       | 309-310             | 309-310          |
| 85-20-3                                     | am                 | 151320        | 2/5/2016              | 333-336             | 333-336          |
| 85-24-1-a-1                                 | am                 | 151320        | 2/5/2016              | "                   | "                |
| 85-26-4                                     | am                 | 151320        | 2/5/2016              | "                   | "                |
| Ch. 85 (hist.)                              |                    |               |                       | 337-340             | 337-340          |
| 106-51-5                                    | rn to<br>106-51-6  | 150773        | 1/23/2016             | 628c-628d           | 628c-628d        |
| 106-51-5                                    | cr                 | 150773        | 1/23/2016             | "                   | "                |
| Ch. 106 (hist.)                             |                    |               |                       | 630a-630b           | 630a-630b        |

| <u>Section Affected</u> | <u>File Action</u> | <u>Number</u> | <u>Effective Date</u> | <u>Remove Pages</u> | <u>Add Pages</u> |
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| 108-5-4-b               | am                 | 151320        | 2/5/2016              | 639-642             | 639-642          |
| 108-5-5-f-1             | am                 | 151320        | 2/5/2016              | "                   | "                |
| Ch. 108 (hist.)         |                    |               |                       | 642e-642f           | 642e-642f        |

For subscription, distribution or insertion questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed

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Suppl. #346

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through January 19, 2016.

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j. Information required by the health department to complete a public health plan review.

k. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

### 5. CHANGES TO BE REPORTED.

a. Application. A permit holder shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The permit holder shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the permit has been issued, the permit holder wishes to deviate from the plan of operation that was submitted with the original application, the permit holder shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new permit.

6. PERMIT FEE. See ch. 81 for the required permit fee.

7. AGE QUALIFICATION. No permit shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

8. DISQUALIFICATION. Whenever any application is denied, or a permit is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

9. INVESTIGATION. Each application for a new permit shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21-2. All applicants for bed and breakfast establishment licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

10. OBJECTION. An objection to issuance of a permit shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for

considering an appeal shall be as provided in s. 85-2.7.

11. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a permit.

12. POSTING. Each permit shall be posted in a conspicuous place on the premises.

13. TRANSFER. See s. 85-19 for provisions relating to the transfer of a permit and the change of permit holder names.

14. RENEWAL. Application for renewal of a permit shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the qualifications for a permit, the permit shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the permit, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

15. REVOCATION OR SUSPENSION OF PERMIT. Any permit issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

### 16. REGULATIONS.

a. Adoption of State Code. The city of Milwaukee adopts ch. DHS 197., Wis. Adm. Code, as amended.

b. Ice Handling. If ice is provided for persons provided accommodations, it shall be handled, transported, stored and dispensed in such a manner as to be protected against contamination.

c. Toilet and Bathing Facilities. Toilets, showers or baths serving more than one guest room shall be accessible through the room in which the guest is staying or through a public access way without having to enter through rooms occupied by other persons. All toilet, shower or bathroom doors shall be provided with locks and provide total privacy to an occupant of the room.

d. Guest Rooms. Guest room doors shall be equipped with locks for which guests will be provided keys. If more than one guest room exists, doors shall be clearly numbered or otherwise identified.

e. Furnishings. Clean bed linen in good repair shall be provided for guests who are provided accommodations, and shall be changed between guests and as often as necessary.

f. Animals. Animals shall not be allowed in any room or area in which food is prepared, stored or served.

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g. Unvented Furnaces and Space Heaters. The use of unvented furnaces and space heaters fueled by natural gas, kerosene, alcohol or other fuel is prohibited.

17. NOTICES OF VIOLATION. If upon inspection the commissioner finds that any establishment is conducted or managed in violation of this section, or the laws of the state of Wisconsin, the commissioner shall serve a written order upon the permit holder, agent or employee in charge of the premises notifying of the violation.

18. EMERGENCY SUSPENSION. The emergency suspension procedures of s. 75-23-19 may be applicable to a bed and breakfast establishment permit if the situation warrants an emergency suspension.

19. PENALTY. Any person violating this section shall be subject to a penalty specified under s. 61-11.

### 75-15. Ambulance Certification Regulations.

1. DEFINITIONS. In this section:
  - a. "Advanced life support" ("ALS") means advanced life support as defined in s. DHS 112.03(1), Wis. Adm. Code.
  - b. "Agreement" means the ambulance service standards agreement identified in sub. 2-b-2.
  - c. "Ambulance" means a certified emergency vehicle used to transport sick, disabled or injured individuals as defined in ss. 146.50(1)(am) and 340.01(3)(i), Wis. Stats.
  - d. "Ambulance rate" means the base fee for ambulance conveyance which cannot be exceeded by certified providers on city authorized dispatch.
  - e. "Basic life support" ("BLS") means basic life support as defined in s. DHS 110.03(7), Wis. Adm. Code.
  - f. "Board" means the ambulance service board.
  - g. "Certified provider" means a provider from the private sector that applied for and obtained a certificate to supply services within the Milwaukee emergency medical services system as a certified provider.
  - h. "Committee" means the committee designated by the common council as responsible for ambulance service regulations.
  - i. "Emergency medical services" (EMS) means those services which are required as a result of an unforeseen attack of illness or an injury. These include rescue, ambulance, hospital emergency department, communications and public education services.

j. "EMT" means emergency medical technician as defined in s. DHS 110.03(14), Wis. Adm. Code.

k. "Fire department" means the city of Milwaukee fire department.

L. "Incident" means each event that causes MFD dispatch, through its usual procedures to refer a request for ambulance transport service to a certified provider, by telephone or other electronic means.

m. "Milwaukee emergency medical services system" means a system composed of fire department personnel and equipment, and private sector personnel and equipment for the purpose of providing advanced life support and basic life support responses and conveyances within city limits.

n. "Milwaukee fire department dispatch" ("MFD dispatch") means the dispatch center operated by the fire department at any location for receiving and dispatching all calls for emergency medical assistance.

o. "Private sector:" means any person, firm, partnership or corporation within the city providing ambulance services on a fee-for-service basis.

p. "Service area" means a geographically defined area within the city assigned in accordance with sub. 13.

### 2. AMBULANCE SERVICE BOARD.

a. Establishment. An 8-member ambulance service board is established consisting of:

a-1. A member of the public safety committee appointed by the president of the common council.

a-2. City health commissioner or designee.

a-3. Public member appointed by the mayor and confirmed by the common council. This member shall serve a term coterminous with that of the mayor. The mayor shall make his or her appointment within 60 days after commencement of a new common council-mayoral term or within 60 days after a vacancy in the board occurs, whichever is later.

a-4. Homeland security director or designee.

a-5. Milwaukee fire department medical director. This member shall not participate in disciplinary matters.

a-6. Representatives of 2 of the 4 hospital systems of Wheaton/Franciscan, Aurora, Columbia/St Mary's and Froedert, appointed on a rotating basis biennially. A hospital

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c. "Massage establishment" means a place where the primary or secondary function is to offer massage.

**2. LICENSE REQUIRED.** No person may carry on the business of operating a massage establishment without a valid license issued under this section for each place of business.

**3. EXEMPTIONS.** This section does not apply to:

a. Physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the state of Wisconsin.

b. Barbers and cosmetologists licensed under the laws of the state of Wisconsin, provided that such massage practiced is limited to the head and scalp.

c. Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

d. Trainers of any amateur, semi-professional athlete or athletic team.

e. Organizations formed exclusively for the purpose of ballet performance and instruction which have received tax-exempt status from the U.S. internal revenue service, upon the presentation of documentation of such status to the health department.

**4. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

**5. PLAN OF OPERATION.** An application for a massage establishment license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of customers expected on a daily basis at the premises.

c. The legal occupancy limit of the premises.

d. The number of off-street parking spaces available at the premises.

e. Plans the applicant has to provide security for the premises.

f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

i. A site plan showing:

i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.

i-2. The locations and dimensions of any off-street parking and loading areas for customers.

j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

**6. CHANGES TO BE REPORTED.**

a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

**7. LICENSE FEE.** See ch. 81 for the required license fee.

**8. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

**9. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

**10. FINGERPRINTING AND INVESTIGATION REQUIREMENTS.** Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

**11. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council

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member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

**12. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.

**13. POSTING.** Each license shall be posted in a conspicuous place on the premises.

**14. TRANSFER.** See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

**15. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

**16. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

**17. INSURANCE.**

a. Requirement. Every license applicant shall, at the time of applying for the license, file with the city clerk a certificate of general liability and property damage insurance in the sum of not less than \$25,000 per person, \$50,000 per accident, bodily injury liability or combined single limit of not less than \$60,000 per occurrence. The certificate shall provide that the company shall give 30 days' written notice to the city clerk of cancellation, expiration or notice of the company's intent not to renew; otherwise, the insurance shall continue in full force and effect.

b. Cancellation or Nonrenewal. In the event of a cancellation or nonrenewal of the certificate of insurance, the license shall be automatically suspended. The suspension shall terminate upon presentation of a certificate of insurance that evidences that the policies required under this subsection have been issued or reissued to the business owner. All certificates shall be executed by an insurance company licensed to do business in the state of Wisconsin.

c. Reinstatement Fee. If a license is suspended due to the cancellation, expiration or nonrenewal of a certificate of insurance required by this subsection, the licensee shall pay a fee

specified in s. 81-1-6 prior to reinstatement of the license.

**18. MESSAGE ESTABLISHMENT FACILITY REQUIREMENTS.** Every message establishment shall maintain facilities meeting the following requirements:

a. The establishment shall have a minimum of one washbasin.

b. The massage room shall have a minimum of 40 foot-candles of lighting for the purpose of observing possible contra-indications of massage.

c. Massage tables shall have a surface which is impervious to liquids and shall be furnished with linen, either disposable or washable, which are changed for each client.

d. Doors to rooms where massage is administered shall be unlocked during business hours.

e. For the purpose of ascertaining compliance with this section and conducting routine inspections, police officers, health inspectors and building inspectors shall have the right of entry onto the premises of any message establishment during business hours.

**19. MESSAGE ESTABLISHMENT OPERATION.** Massage establishments shall comply with the following operation requirements:

a. An establishment may not commence operations before 6 a.m., and the hours of operation may not extend later than 10 p.m. These hours shall pertain to on-site massages.

b. Massage establishments shall prominently and publicly display their licenses on the premises during all business hours.

c. Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens and proper storage areas for such linens. Soiled linens and paper towels shall be deposited in receptacles.

d. Massage shall not be given unless a client's genitals are fully covered by linens or towels at all times. Female clients shall also have their breasts covered at all times.

**20. PROHIBITED PRACTICES.** No operator of a message establishment may allow massages of the genital area of any patron or the breasts of any female patron.

**21. EMERGENCY SUSPENSION.** The emergency suspension procedures of s. 75-23-19 may be applicable to a message establishment license if the situation warrants an emergency suspension.

**19. EMERGENCY SUSPENSION.** a. Whenever the department finds that the activities of a licensee constitute an immediate danger to public health, the department may immediately suspend without notice a license issued under this section. Activities that constitute an immediate danger to public health include, but are not limited to, use of unsterile needles or instruments, lack of properly operating sterilization equipment on the premises or infections that the department has attributed to the activities of the licensee.

b-1. An emergency suspension shall be for no longer than 14 calendar days. The department may, before expiration of an emergency suspension, determine that the immediate danger to public health continues to exist, and that the temporary order shall remain in effect after the expiration date of the original emergency suspension until a hearing has been concluded and the environmental health board has made a decision on the matter.

b-2. The department may inform the licensee in writing, at the time the suspension is imposed or at any later time prior to the expiration of the emergency suspension, that the suspension may be continued after the expiration date if the department determines that the immediate danger to public health continues to exist.

c. Whenever an emergency suspension is imposed, the department shall at the same time provide written notice to the licensee that the environmental health board shall hold a hearing on the suspension. The notice shall specify either the date of the hearing or a telephone number and address where this information can be obtained. The notice shall state that a written notice of hearing shall be mailed to the licensee.

d. The board, by certified mail, return receipt requested, shall mail a written notice of hearing to a licensee whose license has been suspended under this subsection. The notice shall be mailed to the address on the application or a more recent address furnished in writing by the licensee to the department, which shall constitute service on the licensee or the licensee's agent. The notice shall be sent to the applicant so that the applicant has at least 4 calendar days' notice of the hearing. The notice shall specify the date, time and location of the hearing. The notice shall state that the licensee shall be given an opportunity to respond to and challenge any reason for suspension, to present witnesses under oath and to confront and

cross-examine opposing witnesses under oath. The notice shall state that the licensee may be represented by an attorney of the licensee's choice at the licensee's expense, if the licensee so wishes.

e. The board shall hold a hearing on the suspension not more than 14 calendar days after the imposition of the suspension. After the hearing, the board shall determine whether the suspension shall be discontinued or continued. The hearing shall be a due process hearing under sub. 20.

f. The hearing under par. e need not be held if the licensee and the department mutually agree that no purpose would be served by a hearing.

**20. DUE PROCESS HEARING.** a. At the hearing, the board chair shall open the meeting by stating that a notice was sent and shall make the notice part of the record. The chair shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

b. A due process hearing shall be conducted in the following manner:

b-1. All witnesses shall be sworn in.

b-2. The chair shall ask the department to proceed first.

b-3. The appellant shall be permitted an opportunity to cross-examine.

b-4. After the conclusion of the department's testimony, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

b-5. Board members may ask questions of witnesses.

b-6. Both the department and the appellant shall be permitted brief summary statements.

c. The decision of the board regarding the appellant shall be based only on evidence presented at the hearing. Probative evidence concerning whether or not the appeal should be upheld may be presented on the factors enumerated in sub. 9-b or 11-a, whichever is applicable.

d. The board may decide whether the department's decision shall be upheld, modified or reversed immediately following the hearing or at a later date. Written notice of the board's decision, including the specific reasons for the decision, shall be mailed to the appellant. The notice shall be mailed to the address on the

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application or a more recent address furnished in writing by the appellant to the department.

**21. ENFORCEMENT.** a. The department shall enforce this section by issuance of orders and citations. A citation may be issued for a violation of this section without prior issuance of an order for that violation.

b. The police department shall enforce this section by issuance of citations.

**22. PENALTIES.** a. Except as otherwise provided in par. b, a person who violates this section or fails to comply with an order issued under this section shall be subject to a forfeiture not to exceed \$500 for each violation or failure to comply.

b. Any person who tattoos or offers to tattoo a person under 18 years of age shall be subject to a forfeiture not to exceed \$200.

**75-30. Reinspection.** 1. Any responsible party who receives notification of the assessment of reinspection fees shall remit the fees to the department within 15 days of mailing or service of the notification of charges. Failure to remit in full within this time period may subject the responsible party to an action to collect the sum in a civil action. An alternative to the commencement of a civil action collection may be enforced as follows:

a. Where the responsible party is operating under a license or permit issued by the department and the reinspection fee is assessed, failure to pay the reinspection fee as required is declared just cause for the commissioner to suspend such license or permit following notification to the responsible party.

b. No license or permit shall be issued or renewed by the department for any operation which has an outstanding unpaid reinspection fee.

2. Any responsible party who receives notification of the assessment of reinspection fees may appeal such assessments as to appropriateness or amount by the following procedure:

a. Within 10 days of mailing or service of the notification of the reinspection assessment, the responsible party shall notify the commissioner in writing that he or she is appealing the assessment and setting forth the reasons for appeal.

b. The commissioner shall within 7 days of receipt of the appeal notify the responsible party by mail of the date and time of a hearing to consider the appeal.

c. The commissioner shall consider the testimony of the responsible party and that of

the department's representatives responsible for the issuance of the order, the report of the reinspection and subsequent reinspection assessment fees. The commissioner may affirm, modify or cancel the charges as may be proper in the circumstances. The action taken shall be reduced to writing and mailed to the responsible party within 10 days. Such notification shall inform the responsible party that if the party is not satisfied with the decision, he or she may appeal pursuant to the procedure set forth in s. 320-11.

## 75-40. Environmental Health Board.

**1. ESTABLISHMENT.** An environmental health board is established consisting of 3 members appointed by the health commissioner. At least 2 members shall be professional environmental health personnel. Members are not required to be city residents. Elected officials and city employees who serve on the board shall not receive remuneration.

**2. DUTIES.** a. The environmental health board shall serve as an appeal board with respect to the nonrenewal, suspension or revocation of permits and licenses issued under chs. 66 and 75 except for those under ss. 75-15 and 75-23 and under ss. 76-20, 84-45 and 84-48, and with respect to the denial or granting with conditions of permits applied for under s. 66-12-5.

b. The environmental health board shall serve as an appeal board for appeals of an order or other action of the health department or the health commissioner pursuant to s. 66-22-13.

**3. FUNCTION.** Each board member serves as an officer of the city exercising a quasi-judicial function within the scope of s. 893.80, Wis. Stats.

For legislative history of chapter 75, contact the Legislative Reference Bureau.



## 80-2 Nuisances

### 80-2. Authority to Abate Nuisances.

1. COMMISSIONER AUTHORIZED TO ABATE. The commissioner shall have the authority to cause the summary abatement of any nuisance found on any premises in accordance with the procedure prescribed in s. 80-8.

2. ENFORCEMENT BY INJUNCTION. The regulations of this chapter may be enforced by means of injunction.

### 80-3. Private Visual Presentations in Commercial Establishments.

Commercial establishments which offer private viewing of movies, tapes, slides, pictures or live performance of any kind shall comply with the following:

1. BOOTH ACCESS. Each booth shall be totally accessible to and from aisles and public areas of the establishment. Access to a booth shall be unrestricted by doors, locks or other control-type devices.

2. BOOTH CONSTRUCTION. a. Any booth used to view a movie, tape, slide, picture or live performance of any kind must be so constructed as to discourage sexual activity and the spread of communicable disease by including, but not being limited to the following requirements:

a-1. Every booth shall be separated from adjacent booths and any nonpublic areas by a wall.

a-2. Every booth shall have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth.

a-3. All walls shall:

a-3-a. Be solid, without any openings.

a-3-b. Extend from the floor to a height of not less than 6 feet.

a-3-c. Be light-colored, nonabsorbent, smooth-textured and easily cleanable.

b. The floor must be light-colored, nonabsorbent, smooth-textured and easily cleanable.

c. The lighting level of each booth when not in use shall be a minimum of 10 foot candles at all times.

3. BOOTH OCCUPANTS. a. Only one individual shall occupy a booth at any time.

b. No individual occupying a booth shall, at any time, engage in any type of sexual activity or cause any bodily discharge or litter associated with sexual activity while in the booth.

c. No individual shall damage or deface any portion of the booth.

4. OPERATOR RESPONSIBILITY. It shall be the responsibility of the owner, operator, licensee and employees of the establishment to:

a. Maintain the premises in a clean and sanitary manner at all times.

b. Maintain at least 10 foot candles of light in the public portion of the establishment, including aisles, at all times.

c. Insure compliance of the establishment and its patrons with the provisions of this section.

d. Post the regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing booths.

5. ENFORCEMENT. a. Both the department and the police department shall have the authority to inspect the premises during operating hours and to enforce the provisions of this section.

b. Failure to comply with the requirements of this section may constitute grounds for the suspension, revocation or nonrenewal of licenses issued by the city to operate such an establishment.

c. Violation of any provision of this section constitutes a public nuisance.

### 80-6. Offensive Odors from Factories or Shops.

Any gas plant, factory, yard, store house, building or structure of any kind, tallow, Chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard, shed, barn, packing house, slaughter house, rendering establishment, coal pile, rubbish accumulation, stagnant pool, sink hole or other thing which shall become noxious, foul or offensive, or which shall emit foul or offensive odors, gases, effluvia or stenches, or which shall be dangerous or prejudicial to the public health, is declared to be a public nuisance.

#### 80-6.1. Discharge of Offensive or Hazardous Substances.

Any industry, factory, shop, yard or premises which discharges, as defined in s. 236-41-1-a, any dust, lint, fumes, particles, vapors, mist, waste or hazardous substance, as defined in s. 236-41-1-b, or any other matter which is dangerous, or which threatens, impairs or effects the public health, is declared a public nuisance.

#### 80-6.2. Excessive Discharge of Air-polluting Materials Prohibited.

Any person or persons, firm, corporation or organization which in the conduct of any activity or business carries on any operation or activity which allow or cause to be emitted into the open air any dust, lint, fumes, particles, vapors, mist, gases, offensive odors, waste or any other matter in such a manner as to cause injury, detriment, nuisance or annoyance to

under this subsection. This presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity as defined in sub. 2-c-1-a to hh; for the commission of waste upon the premises; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in ch. 709, Wis. Stats., and ch. ATCP 134, Wis. Adm. Code. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.

b. Any person violating par. a shall be subject to a forfeiture of not less than \$100 nor more than \$2000 for each violation and in default of payment thereof, be imprisoned in the county jail or house of correction for a period of not less than 4 days nor more than 80 days.

**8. SUBSEQUENT NOTICE OF NUISANCE ACTIVITY.** Nothing in this section shall prevent or prohibit the chief of police from issuing or reissuing a notice under sub. 3-a-1 regarding subsequent nuisance activity at a premises.

**80-11. After Sets. 1. FINDINGS.** The common council finds that the unlicensed sale or distribution of alcohol beverages and the operation of public entertainment by individuals or entities that have not applied for and received, or are not eligible for, the appropriate licenses or permits as required by this code, particularly when these activities take place on premises not zoned for commercial activities, constitute a public nuisance. The common council further finds that premises owners, and other parties conducting business activities upon the premises, who chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of the community. The common council therefore directs the chief of police, the commissioner of neighborhood services and the city attorney, as provided in this section, to charge the owners of these premises the costs associated with abating the violations on premises at which after set activities chronically occur.

**2. DEFINITIONS.** In this section:

a. "After set activity" means any of the following activities, behaviors or conduct whenever engaged in by persons associated with a premises:

a-1. The sale, offering for sale, bartering or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in s. 90-3 of the code or s. 125.04(1), Wis. Stats.

a-2. Conducting or operating public entertainment without a license or permit as provided in s. 108-5.

b. "Occupant" means any person over one year of age, including an owner or operator, living, sleeping, cooking in, or having actual possession of a dwelling, dwelling unit, rooming unit or hotel unit.

c. "Other responsible party" means any individual or entity other than the owner of the premises that is licensed or required to be licensed for the operation of a business upon the premises.

d. "Person associated with a premises" means the premises owner, operator, manager, resident, occupant, guest, visitor, patron or employee or agent of any of these persons.

e. "Premises" means any building or structure, except an establishment with a valid Class "B" tavern license or a valid public entertainment premises license or permit.

**3. LIABILITY.** The premises owner or other responsible party of any premises shall be liable for all the costs of administration and enforcement of this section whenever the following occur:

a. The police department has responded to after set activity engaged in by a person associated with the premises.

b. The police department has delivered a written notice of the after set activity addressed to the last known address of the premises owner or other responsible party. The notice shall be deemed to be properly delivered if sent either by first-class mail to the premises owner's or other responsible party's last known address or if delivered in person to the premises owner or other responsible party. The notice shall include a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises or referred for collection. The notice shall also include a statement that whenever a premises owner or other responsible party has been billed for the costs of enforcement relating to 3 or more

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separate occurrences of after set activities within one year, he or she may be issued a citation of not less than \$1,000 nor more than \$5,000 after notification by the chief of police that the premises is a chronic after set premises due to the premises owner's or other responsible party's failure to abate the after set activities.

c. A person associated with a premises has engaged in subsequent after set activity and the subsequent after set activity occurred at least 14 days after the mailing of notice under par. b. If at a residential premises, the after set activity shall be at the same address, be in the same unit, and have at least one of the same occupants, but it need not involve the same persons associated with a premises for whom notice of violation was sent under par. b. If at a non-residential premises, the after set activity shall occur while the premises has the same premises owner or other responsible party for whom notice of violation was sent under par. b.

d. The chief of police has notified the premises owner or other responsible party of the decision to refer the cost of police services by copy of the chief's cost referral letter to the commissioner of neighborhood services or, alternatively, the chief of police has notified the responsible party of the decision to refer the cost of police services by copy of the chief's referral letter to the city attorney for collection and to the appropriate licensing authority.

**4. COST RECOVERY.** a. Upon receipt of a cost referral letter from the chief of police pursuant to sub. 3-d, the commissioner of neighborhood services shall charge any premises owner found to be in violation of this section the costs of enforcement, including administrative costs, in full or in part. All costs so charged are a lien upon the premises and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

b. Upon receipt of a cost referral letter from the chief of police, the city attorney shall initiate a collection action against any other responsible party found to be in violation of this section for the costs of enforcement, including administrative costs, in full or in part. The city attorney shall establish a reasonable charge for the costs of administration and enforcement of this section.

**5. CHRONIC AFTER SET PREMISES.**

a. Designation. Whenever a premises owner or other responsible party has been notified that after set activity exists at his or her premises, and has been billed for the costs of

enforcement associated with 3 or more separate occurrences of after set activities within a one-year time period, the chief of police may designate the premises as a chronic after set premises.

b. Notice. The police department shall deliver a written notice of the chronic after set activity addressed to the last known address of the premises owner or other responsible party. Notice of designation of a premises as a chronic after set premises shall be deemed properly delivered if sent either by first-class mail to the premises owner's or other responsible party's last known address or if delivered in person to the premises owner or other responsible party. The notice shall include each of the following:

b-1. A statement that the premises owner or other responsible party has been billed for the costs of enforcement associated with 3 or more separate occurrences of after set activities within a one-year time period.

b-2. A concise description of the after set activities, bills and relevant sections of the code.

b-3. A statement that any subsequent occurrence of after set activity shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 for failure to abate the after set activity.

b-4. A statement that each subsequent occurrence of after set activity may be deemed a separate violation.

c. Penalty. Any person failing to abate after set activities after receiving the notice provided in this subsection shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 for failure to abate the after set activity. Upon default of payment, the premises owner or other responsible party shall be imprisoned as provided by law.

**6. APPEAL.** Appeal of the cost referral by the chief of police pursuant to sub. 3 shall be submitted to the administrative review appeals board as provided in s. 320-11 within 30 days from the date of the cost referral letter.

## **80-12. Chronic Code Violation Nuisances.**

**1. FINDINGS.** The common council finds that any building that has been subject to 3 qualifying inspections from the department of neighborhood services for zoning, building, housing or fire code violations within a period of 30 days has received more than the level of general and adequate inspection services and has placed an undue and inappropriate burden on the taxpayers of the city. The common council further finds that buildings which chronically receive inspection services due to uncorrected

code violations substantially interfere with the comfortable enjoyment of life, health and safety of the community and are public nuisances. The common council therefore directs the commissioner of the department of neighborhood services, as provided in this section, to take action necessary to abate these public nuisances and charge inspection fees to the owners of nuisance buildings to motivate property owners to bring their properties into compliance with the code and offset the costs incurred by the taxpayers of the city to inspect such nuisance conditions.

**2. DEFINITIONS.** In this section:

a. "Chronic code violation nuisance" means a premises which meets all of the criteria in sub. 6-a.

b. "Code violation" means any violation of s. 80-19, s. 80-48 or subch. 2 of this chapter, or of chs. 78, 79, and 200 to 295 of the code.

c. "Commissioner" means the commissioner of the department or the commissioner's designee.

d. "Department" means the department of neighborhood services.

e. "Nuisance" means a premises which meets all of the criteria in sub. 3-a-1 and 2 and a written notice about the premises as set forth in sub. 3-b been delivered to the premises owner.

f. "Premises owner" means the owner of the property or an agent acting on behalf of the owner of the property.

g. "Qualifying inspection" means any inspection by the department, except that which is required for permitted work or that which is required by law on a periodic basis as a result of a specific characteristic of the premises. The commissioner shall not count more than one inspection per day.

**3. PROCEDURE.** a. Notice. Whenever the commissioner determines that a premises meets all of the following criteria, the commissioner may notify the premises owner in writing that, upon delivery of the notification, the premises is a considered a nuisance:

a-1. The department has performed 3 or more qualifying inspections of the premises during a 30-day period.

a-2. Each qualifying inspection revealed one or more code violations on the premises that were not already observed on a prior qualifying inspection.

b. Content of Notice. The nuisance notice shall contain all of the following:

b-1. The street address or legal description sufficient for identification of the premises.

b-2. A description of the code violations observed at the premises.

b-3. A statement indicating that, until all code violations specified on the notice are corrected, future inspections at a fee as set forth in s. 81-20 may be assessed as a special charge against the premises or referred for collection, and that the premises owner may be subject to penalties under sub. 6.

b-4. A statement that the premises owner shall within 14 days either respond to the commissioner with a written abatement plan to correct the code violations at the premises or file an appeal pursuant to sub. 5-a.

c. Notice Delivery. A nuisance notice under par. b shall be deemed to be properly delivered if sent either by first class mail to the premises owner's last known address or if delivered in person to the premises owner. If the premises owner cannot be located, the nuisance notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode or regular business in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing or conducting business there and who shall be informed of the contents of the nuisance notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the nuisance notice is sent by first class mail to the last known address of the owner as identified by the records of the commissioner of assessments.

d. Notice Response. Upon receipt of a nuisance notice, the premises owner shall respond within 14 days to the commissioner with a written abatement plan outlining the actions the premises owner will take to correct all code violations within 60 days of the date on which the premises owner submitted the abatement plan. The commissioner shall accept or reject the abatement plan.

d-1. If the proposed abatement plan is accepted, the commissioner shall inform the premises owner of the acceptance and allow the premises owner 60 days from the date on which the premises owner submitted the abatement plan to correct all code violations before taking further action under this section. The commissioner may allow additional time to correct code violations if the commissioner determines additional time is necessary. If the premises owner has corrected all code violations within the time allowed, the department shall take no further action based on the nuisance notice.

d-2. If the proposed abatement plan is rejected, the premises owner fails to respond to

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the nuisance notice in 14 days, or the board affirms the determination of the commissioner after an appeal under sub. 5-a, the premises owner shall attend a meeting scheduled by the commissioner. At the meeting, the commissioner shall order the premises owner to correct all code violations by a date deemed reasonable by the commissioner.

e. **Inspection Fees.** The commissioner may charge the fees in this paragraph for any qualifying inspection in which the code violations on the nuisance notice are subsequently observed.

e-1. The commissioner may charge once per calendar month a fee as set forth in s. 81-20 per inspection provided such inspection occurs at least 3 days after one of the following circumstances:

e-1-a. The scheduled abatement plan meeting, if the premises owner fails to appear.

e-1-b. Expiration of the time allowed by the commissioner to correct all code violations, if the premises owner provided an accepted abatement plan or attended the scheduled abatement plan meeting.

e-1-c. Expiration of the time allowed by the commissioner to correct all code violations, if an appeal is timely filed pursuant to sub. 5-a and the administrative review appeals board affirms the determination within the nuisance notice as provided in s. 320-11.

e-2. The commissioner may increase the monthly fee per inspection as set forth in s. 81-20-2 after the commissioner has charged 3 separate inspection fees as set forth in subpar. 1.

f. **Inspection Fee Notice.** The commissioner shall notify the premises owner of any inspection fee charged under this section in the same manner of delivery set forth in sub. 3-c. The inspection fee notice shall contain all of the following:

f-1. The street address or legal description sufficient for identification of the premises.

f-2. A description of the code violations observed during the inspection.

f-3. A notice of the premises owner's right to appeal the fee pursuant to sub. 5-b.

f-4. A statement that the premises will be reinspected monthly until all code violations are corrected.

f-5. A statement explaining the cost of future inspections if the premises owner fails to correct all code violations, and explaining that the premises owner may be subject to a forfeiture as set forth in sub. 9-a and b for maintaining a

chronic code violation nuisance as set forth in sub. 6.

g. **Special Inspection Warrant.** If the premises owner or occupant fails to allow an inspection of a premises designated as nuisance as set forth in sub. 3, the commissioner may obtain a special inspection warrant to conduct the inspection.

4. **COST RECOVERY.** In addition to the inspection fees specified in sub. 3-e, the commissioner may charge the inspection fees set forth in s. 200-33-48.

5. **APPEAL.**

a. **Nuisance Determination Appeal.** Appeal of a determination within a nuisance notice under sub. 3-b shall be submitted to the administrative review appeals board as provided in s. 320-11 within 14 days from the date of the notice.

b. **Inspection Fee Appeal.** Appeal of inspection fees assessed by the commissioner pursuant to sub. 3-e shall be submitted to the administrative review appeals board as provided in s. 320-11 within 30 days from the date of the inspection fee notice.

6. **PREMISES WITH CHRONIC CODE VIOLATIONS.** a. **Nuisance Designation.** Whenever the commissioner determines that a premises meets all of the following criteria, the premises shall be deemed a chronic code violation nuisance:

a-1. The premises owner has been notified that the premises is a nuisance as set forth in sub. 3-a.

a-2. At least 3 inspection fee notices have been issued under sub. 3-f for qualifying inspections of the premises, without correcting all code violations.

b. **Penalty.** Any person maintaining a chronic code violation nuisance shall be subject to the penalties provided in sub. 9.

7. **EVICTION OR RETALIATION PROHIBITED.** a. **Retaliation Prohibited.** It shall be unlawful for a landlord to terminate a lease or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the commissioner about code violations on the landlord's premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the commissioner constitutes unlawful retaliation under this subsection. This presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. "Good cause" as used in this

subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section. Notwithstanding the foregoing, a tenant's lease or periodic tenancy may be terminated for failure to pay rent, the commission of waste upon the premises, violating the terms and conditions of the lease or periodic tenancy, or as otherwise provided in ch. 704, Wis. Stats., and ch. ATCP 134, Wis. Adm. Code. A landlord's failure to renew a lease or periodic tenancy upon expiration of such lease or periodic tenancy shall not be deemed a violation of this subsection.

b. Penalty. Any person violating par. a shall be subject to the penalties provided in sub. 9-c and d.

**8. SUBSEQUENT NOTICE OF NUISANCE ACTIVITY.** Nothing in this section shall prevent or prohibit the commissioner from issuing or reissuing a notice under sub. 3-a regarding subsequent code violations observed at a premises.

**9. PENALTIES.** a. Chronic Code Violation Nuisance Forfeiture. Any premises owner maintaining a chronic code violation nuisance under sub. 6 shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 for failure to correct all code violations.

b. Default. Upon default of payment of a forfeiture assessed under sub. 6, the premises owner shall be imprisoned as provided by law.

c. Eviction or Retaliation Forfeiture. Any person violating sub. 7 shall be subject to a forfeiture of not less than \$100 nor more than \$2,000 for each violation.

d. Default. Upon default of payment of a forfeiture assessed under sub. 7, such person shall be imprisoned as provided by law.

**80-13. Odors from Privy Vaults, Drains, Sewers.** Any cellar, vault, drain, privy, pool, sewer, sink, catch basin or premises which shall become noxious, foul or offensive, or which shall emit foul or offensive odors, gases, effluvia or stench is declared to be a public nuisance.

**80-15. Spitting in Public Places.** No person shall spit, expectorate or deposit any sputum, spittle, saliva, phlegm, mucus, tobacco juice or wads of tobacco upon the floor or stairways or of any part of any theater, public hall or building, or upon the floor or any part of any public conveyance in the city, or upon any sidewalk abutting on any public street, alley or lane of said city.

**80-17. Hay Fever Weeds, etc. 1. DEFINITION.** In this section, "Turf grass" means annual bluegrass, annual ryegrass, bahiagrass, bermudagrass, buffalograss, carpetgrass, centipedegrass, colonial bentgrass, creeping bentgrass, fine fescue, hybrid bermudagrass, kentucky bluegrass, kikuyugrass, orchardgrass, perennial ryegrass, quackgrass, rough bluegrass, seashore paspalum, St. Augustinegrass, tall fescue and zoysiagrass.

**2. TO BE CUT.** It shall be unlawful to permit within the city the pollenization of any turf grasses or weeds which cause or produce hay fever in human beings. In order to prevent such pollenization, no turf grass or weeds of any kind shall be permitted to grow or stand more than 7 inches on any property in the city.

**3. BY OWNER OR OCCUPANT.** It shall be the duty of the owner and the tenant, or occupant of any leased or occupied premises, and the duty of the owner of any vacant or unoccupied premises within the city to comply with this section both as to the premises owned or occupied and as to public sidewalks on which such premises abut.

**4. BY FRANCHISE HOLDER.** It shall be the duty of every holder or owner of a public franchise to comply with this section as to portion of highways in the city which such holder or owner is required to keep in repair.

**5. BY AGENT OR EMPLOYEE.** It shall be the duty of every agent or employe in charge of any premises in the city to comply with the provisions of this section as to premises in his charge.

**6. CHARGES AND COSTS.** a. Any person who fails to cut turf grasses or weeds as required in sub. 2 shall be subject to a special charge of \$50 for a first violation in a calendar year, if the violation is not abated within 72 hours of initial inspection and photographic verification by the department.

b. The amount of the special charge for any second and each subsequent violation in the same calendar year shall increase by \$50 from the amount of the special charge imposed for the previous violation, not to exceed \$300 for 6 or more violations in the same calendar year, and shall be assessed upon initial inspection and photographic verification by the department.

c. There shall be an additional special charge of \$100 for failure to mow or otherwise abate any condition that remains in violation of this section. Upon a subsequent failure to comply with this section in the same calendar year, the person shall be subject to a special charge of \$150.

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d. Any costs incurred by the city in abatement or remediation shall constitute additional special charges.

e. Special charges made under this subsection shall be due and payable 30 days after billing or, if not paid within that time, become a lien on the subject property as provided in s. 66.0627, Wis. Stats. The lien shall take effect as of the date of delinquency and shall include an administrative charge of \$25. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge.

### 80-19. Nuisance Light on Residential Properties.

#### 1. DEFINITIONS. In this section:

a. "Glare" means an excessive brightness contrast producing a sensation of visual discomfort resulting from viewing a strong, intense light source.

b. "Intermittent light" means any artificial light which flashes, revolves or fluctuates in such a manner that the variance is easily distinguished by personal observation.

c. "Light source" means a device (such as a lamp) which provides visible energy.

d. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

e. "Spill light" means any artificial light flowing onto an adjacent property.

2. GLARE AND SPILL LIGHT DECLARED A NUISANCE. Glare, spill and intermittent artificial light impacting on residential properties between the hours of 6 p.m. and 7 a.m. which causes loss of enjoyment, comfort or repose, and use of such properties is declared a nuisance.

3. NUISANCE DETERMINED. a. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 horizontal foot candles or more at approximately 4 feet from the ground or floor surface at which the measurement is taken. Such measurements shall be taken by department personnel utilizing appropriate equipment and techniques.

b. Glare light shall be considered a nuisance when an artificial light source has not been properly located, shielded, directed or

controlled, and as a result there is a direct line of sight between the light source or its reflection and a point 5 feet above the ground or higher in the nearest habitable area on the complainant's property and of such intensity as to cause discomfort or annoyance.

c. Intermittent light shall be considered a nuisance when it impacts upon a habitable area of a complainant's property with such intensity and variance as to cause discomfort or annoyance.

4. PRODUCTION OF LIGHT NUISANCE PROHIBITED. No artificial light source shall be installed, allowed to be installed or permitted on any property which light source flashes or revolves, or due to its intensity or physical characteristics, causes glare or spills onto a residential property in such a manner as to cause a nuisance during the hours of 6 p.m. through 7 a.m.

5. RESPONSIBILITY. It shall be the responsibility of every installer of artificial lights and every owner or occupant of property on which artificial lights are installed to comply with sub. 4.

6. EXEMPTIONS. The provisions of subs. 4 and 5 shall not apply where:

a. Such lights are caused to be installed by city, county or state governments to light public ways or areas for public benefit; or

b. There is no written complaint filed with the department by a person directly affected by such light; or

c. Such lights are required by law for safety reasons and there is no practical way to control them to eliminate the nuisance.

#### 7. MAKING A COMPLAINT.

a. Any adult resident of the city may seek relief from nuisance light on a residential property by filing a written complaint with the department.

b. The written complaint shall contain the complainant's name and address, the address of the property where the alleged nuisance light is installed, a brief description of the light source, and the complainant's signature.

c. Upon receipt of a complaint, the department shall investigate whether the regulations set forth in subs. 3 or 4 could or are being violated.

d. The department shall notify the affected parties as to its findings.

e. The complainant must be willing to testify in court if required as to the nature of the nuisance of the light about which they are complaining.

8. RETROACTIVITY. It is the intent of the city that the provisions of this section shall

apply to all existing installations, and the owners or occupants of properties on which nuisance lights exist shall be responsible for eliminating any nuisance caused by their lights to comply with this section.

**80-22. Sale of Unwashed Rags.**

1. PROHIBITED. No dealer in rags or in any used fabric shall sell or offer for sale any such rags or fabric except in a thoroughly clean condition; and all rags or used fabric shall be thoroughly washed or laundered by a method approved by the commissioner before being sold or offered for sale by any dealer.

2. USE OF UNWASHED RAGS. No manufacturer shall use or permit the use of any unwashed rags or used fabric in any factory, workshop or other place of employment owned or controlled by him; provided, however, that this section shall not apply to rags or fabrics that become soiled in consequence of actual commercial usage in such factory, workshop or place of employment.

3. DEFINITIONS. In this section:

a. The word "dealer" shall apply to any person, firm or corporation engaged in the business of buying or selling rags or used fabric.

b. The word "manufacturer" shall apply to any person, firm or corporation owning or controlling any factory, workshop or other places of employment.

**80-27. Emission of Dense Smoke From Engine, Boiler, etc.**

It shall be unlawful for the owner of any boat, stationary or locomotive engine, engine used in dredging or driving piles, portable boiler or furnace, or tar kettle; or any officer, manager or agent of any corporation owning any boat, stationary or locomotive engine, engine used in dredging or driving piles, portable boiler or furnace or tar kettle; or the owner, lessee or occupant in the building, or any officer, manager or agent of any corporation owning, leasing or occupying any building; to permit or allow to be emitted dense smoke within the corporate limits of the city or within one mile therefrom.

**80-28. Chimney Soot Nuisances.** The emission of soot, coal dust or cinders from any chimney, stack or furnace within the corporate limits of the city is declared to be a public nuisance and the same is prohibited.

**80-29. Masonry Building Cleaning: Sandblasting.**

1. PERMIT REQUIRED. No person, firm or corporation shall undertake to

clean the exterior of an existing masonry building without first obtaining a permit from the department of neighborhood services. When chemical or abrasive cleaning or sandblasting methods are to be used, the applicant must file a notarized statement stating familiarity with and intent to comply with the environmental regulations of the Wisconsin department of natural resources. When the public way is occupied by any materials, equipment, scaffolding and/or structures, a separate permit shall also be obtained from the commissioner of public works as provided in ss. 115-10 and 115-32.

2. TERMS OF THE PERMIT. a. A building cleaning permit shall be valid only for the number of days stated and for such hours as specified therein. Said permit shall be posted prominently on the site.

b. Precautionary measures such as drop curtains, canvas drops, coverings, and/or mixed sand and water methods which would effectively confine the disposal of particulate matter, fugitive dust, or other material must be utilized and specified in the permit so as not to create a public nuisance or to exceed air quality standards in accordance with the Wisconsin Statutes and ch. NR 400, Wis. Admin. Code.

c. If such cleaning is to be done with steam, the steam boiler and all of its accessories including piping hose and nozzle must be properly licensed as provided in ch. 223.

d. The chemical names or trade names of all detergents, chemicals, acids, and cleaning materials to be used in the cleaning of the building must be stated in the terms of the permit. All detergents, chemicals, and acids used in cleaning must be biodegradable, as well as nontoxic and noninjurious to life or property.

e. Paint strippers or paint removers required to remove lead-based paint from masonry shall be biodegradable, nontoxic, and noninjurious to life or property. The use of abrasives and caustic or lye-based paint removers is expressly prohibited.

3. PERMIT FEE. See s. 60-57 for the required permit fee.

4. REVOCATION OF PERMIT. The commissioner of neighborhood services or the commissioner's authorized representative shall have the authority to summarily halt the abrasive cleaning operation by suspension or revocation of the masonry building cleaning permit if the commissioner or the commissioner's authorized representative finds the permit holder to be in violation of the terms of the permit as specified in sub. 2.

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**80-31. Breeding Place for Flies.** It shall be unlawful for any person to maintain or permit on any premises occupied by the person any accumulation of rubbish, filth or material of any kind that is or is likely to become a breeding place for flies or a medium for the development of fly larvae.

**80-42. Stench Bombs. 1. UNLAWFUL TO USE.** It is unlawful to throw or deposit, or attempt to throw or deposit, or aid or abet in the throwing or depositing upon the property of another any vile, noxious or offensive smelling or injurious liquid, gas or solid, commonly known or termed as a stinking bean or a stench bomb in any form or device, from which such liquid, gas or solid may be easily liberated and which upon being liberated, would molest, discomfort or discommode any person or damage any property.

**2. UNLAWFUL TO POSSESS.** It is unlawful for any person to have in his possession or under his control any stinkingbean, stench bomb or other device as set forth in sub. 1 with the intent to use the same in violation of sub. 1 or with the intention that the same shall be used in violation of sub. 1.

**80-43. Nauseous Material on Public Streets.** It is the duty of the commissioner to cause such necessary examinations to be made from time to time as may be required to keep the streets, alleys, sidewalks and public grounds free from the nauseous substances mentioned in this chapter, and to institute prosecutions against all persons who may violate the same.

**80-44. Dumping. 1. DEFINITION.** In this section, "dumping" means the depositing on public or private property of solid waste, as defined in s. 79-1-12, in an amount greater than the capacity of a standard 20-gallon container without the consent of the property owner.

**2. PROHIBITED.** No person may engage in dumping on public or private property other than a permitted facility under ss. 80-45 and 46.

**3. RESPONSIBILITY.** It shall be the responsibility of the property owner to remove solid waste resulting from dumping activities.

**80-45. Public Dump Regulations. 1. PERMIT REQUIRED FOR DUMPING.** a. No person, firm or corporation shall dump or deposit or permit any other person, firm or corporation to dump or deposit any refuse of any kind, whether it be organic or inorganic in character, upon any lot or premises in his or its possession or control in the

city other than the lot or premises wherein such refuse is produced, unless he or it holds a valid dumping permit issued by the city clerk in the name of the operator of the dump and for the specific site on which the dumping or refuse is to take place.

b. In addition to any materials which are listed as prohibited from being placed upon dumps in the rules and regulations of the commissioner adopted pursuant to s. 80-46, paper, septic tank residue, waste from slaughter house settling basins, animal matter, fruits, vegetables or food products, garbage, garden waste or any matter which will provide food for rats or other vermin shall not be dumped.

c. Any material which, because of its nature may create a public nuisance or become dangerous, such as fine sand, foundry sand, chemicals, explosives, drugs, surgical dressings or any medical or hospital waste, any offensive fluids, or any solid or liquid matter which may emit dangerous or offensive fumes, vapors or odors shall not be dumped.

**2. TYPES OF DUMPING.** Dumps and permits therefor shall be classified as follows:

a. Those upon which the dumping of refuse which includes used and discarded uncleaned noncombustible food containers or incinerator refuse, is permitted.

b. Those upon which the dumping of refuse which includes used and discarded uncleaned noncombustible food containers or incinerator refuse, is not permitted.

**3. APPLICATION.** The operator of a dump site shall file in triplicate an application for a dumping permit in the office of the city clerk on application forms prepared by said clerk.

**4. BOND.** There shall be submitted with the application a cash bond or surety bond executed by a surety company licensed to do business in the state of Wisconsin in the sum of not less than \$5,000 to secure the city against inspection costs, damages and expenses which it may incur in the regulations of said dump or in the corrections therein.

**5. APPROVAL.** No permit shall be issued until such application shall have been submitted to and approved by the common council. The common council shall not approve such a permit unless it has found as a fact, after consideration of the location and the physical layout of the premises where such dumping is to take place, the land use characteristics and nature of development of the premises where such dump is to be operated, the land use characteristics and nature of development of the immediate neighborhood, the classification of the

material to be dumped, such classification being referred to in sub. 2, and the health, safety, and general welfare of the public, that the operation of the particular class of dump for which a permit is requested at the particular premises involved will not, when in operation, have a substantially adverse effect upon the public health of the persons living in the immediate neighborhood of such premises and will not have a substantially adverse effect upon the public safety of the persons living in the immediate neighborhood of such premises, and will not cause a substantial depreciation in the property value in the immediate neighborhood, and will not have a substantially adverse effect upon the public welfare, public convenience, or the public prosperity of the immediate neighborhood, and will not constitute a public or private nuisance. Before making a determination as provided for this section, the common council shall submit the application to the commissioner, the commissioner of neighborhood services, the commissioner of public works and the city plan commission for recommendation and report.

**6. PERMIT FEE.** See s. 60-19 for the required permit fee.

**7. COMPLIANCE.** Any person, firm or corporation applying for a permit shall agree to maintain a grade as established by the common council, such grade level to include not only refuse but the required earth used to cover the crown of the dump, and shall also agree to and bind himself or itself to the payment of an amount sufficient per month to cover the expense of the city in maintaining inspection and enforcement of the provisions of this section and likewise shall obligate himself or itself to pay all damages or expenses which the city may incur in the regulation of such dump.

**8. NOT TRANSFERABLE.** No permit issued under the provisions of this section shall be transferable and the operator shall notify the city clerk and the commissioner in writing within 24 hours after having relinquished proprietorship of, having sold, transferred, given away, or otherwise disposed of such interest or control of any dump site and shall file in writing with the city clerk the name and address of the person to whom proprietorship has been relinquished by sale, gift or other method of transferral or disposition.

**9. EXEMPTION.** The permit requirements of this section do not apply to any clean fill dump that is operated by the department of public works.

**80-46. Supervision of Dumps. 1. AUTHORITY.** The supervision and control of all dumps is placed in the department, and the commissioner is authorized to adopt rules and regulations governing the supervision and control of all such dumps located in the city. These rules and regulations may include the cleansing and care of all automobiles, wagons and other vehicles and receptacles used in conveying of material, and placarding of dumps and anything else which, in the judgment of the commissioner, is necessary to the maintenance of good order and sanitation in connection with any such dumps and their use.

**2. INSPECTION.** The commissioner or any agent authorized by him to do so may inspect any dump site in the city at any time, and no operator or agent of any operator of a dump shall attempt to stop or in any way hinder any such inspection made by the commissioner or his duly authorized agent.

**3. VIOLATIONS.** Whenever upon inspection of any dump, the commissioner finds that conditions or practices exist which are in violation of this section, or of any rule or regulation adopted pursuant thereto, the commissioner shall give notice, in writing, by personal service or by certified mail or by registered mail, to the operator of such dump, that unless such conditions or practices are corrected within a reasonable period to be determined by the commissioner, the operator's dump permit will be suspended. At the end of such period, the commissioner shall reinspect the dump, and if he finds that such conditions or practices have not been corrected, he shall suspend the license and give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of permit suspension, the operator shall cease operation of such dump.

**4. SUSPENSION.** Any person, firm or corporation whose permit to operate a dump has been suspended, or who has received notice from the commissioner that his permit is to be suspended unless existing conditions or practices are corrected at the dump which he operates, may request and shall be granted a hearing on the matter before the commissioner if he files a written petition for such hearing in the office of the commissioner within 10 days following the day on which such permit was suspended, and if no petition for such hearing is filed in the matter and the existing conditions and practices are not corrected within the time allotted, the dump permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such dump.

## 80-48 Nuisances

### 80-48. Rat Control Regulations.

1. DEFINITIONS. a. "Hardware cloth" shall mean wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rats and mice.

b. "Owner or manager." Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the city, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this section and shall be bound to comply with this section to the same extent as the owner, and notice to any such person of any order or decision of the commissioner shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business such as a store, factory, or warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

c. "Rat harborage" shall mean any place where rats can live and nest without fear of frequent molestation or disturbance.

d. A "rat-proof container" shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rats and openings into the container such as doors shall be tightfitting to prevent the entrance of rats.

e. "Ratproofing" shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rats with concrete, sheet iron, hardware cloth or other types of ratproofing material approved by the commissioner.

2. ELIMINATION OF RAT HARBORAGES. Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rat harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rat harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found, after reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.

3. ELIMINATION OF RAT FEEDING PLACES. No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rats in a site accessible to rats. Any waste material that may serve as food for rats shall be stored in ratproof containers. Feed for birds shall be placed in compliance with s. 78-35.

4. EXTERMINATION. Whenever rat holes, burrows or other evidence of rat infestation are found on any premises or in any building within the city, it shall be the duty of the owner or manager of such property to exterminate the rats or cause the rats to be exterminated. Within 10 days after extermination, the owner or manager shall cause all of the rat holes or burrows in the ground to be filled with earth, ashes or other suitable material.

5. RATPROOFING. It shall be the duty of the owner or manager of any building in the city to make such building reasonably ratproof, to replace broken basement windows, and when necessary to cover the basement window openings with hardware cloth or other suitable material for preventing rats from entering the building through such window openings. The owner or manager of any premises upon which sheds, barns, coops or similar buildings are located shall eliminate the rat harborages from within and under such buildings by ratproofing, raising the buildings above the ground or by some other suitable methods; or such sheds, barns, coops or other buildings shall be razed.

6. ELIMINATION OF RAT INFESTATIONS. Not less than 24 hours after the mailing or service and posting of an order and notice to eliminate a rat infestation, if the rat infestation has not been eliminated, the commissioner may have the rats exterminated at the city's expense. The costs of such action may be collected from the owner of the premises on which the rat infestation had existed or may be charged against the premises and assessed and collected as a special charge, upon notification by the commissioner to the city treasurer.

**80-49. Nuisance Vehicles.** 1. PURPOSE. Damaged, partially dismantled or junk motor vehicles upon private premises, except where permitted by a valid occupancy permit, constitute an eyesore and tend to depreciate property values contrary to the public welfare. Whenever such vehicles are junk motor vehicles or are partially dismantled, are unsafely elevated, are parked on unapproved surfaces or are rendered favorable to the harborage of rodents and insects, they may create a health or safety hazard or

create a threat to the public welfare and as such constitute a public nuisance.

**2. DEFINITIONS.** In this section:

a. "Inoperable" means a motor vehicle that is incapable of being propelled under its own power including, but not limited to, a motor vehicle meeting any of the following criteria:

- a-1. Is missing an engine.
- a-2. Is missing a battery.
- a-3. Is missing a transmission.
- a-4. Is missing a wheel.
- a-5. Is elevated on blocks or other objects.

a-6. Is missing a tire or has a deflated tire.

b. "Junk motor vehicle" means a motor vehicle meeting any 3 of the following criteria:

b-1. Has not been moved for 30 consecutive days.

b-2. Is partially dismantled.

b-3. Is inoperable.

b-4. Is parked on a surface that is not an approved surface under s. 252-74-1 and 2.

b-5. Is unlicensed or improperly licensed.

c. "Partially dismantled" means, but is not limited to, a motor vehicle meeting any of the following criteria:

c-1. Is missing a door, fender or hood.

c-2. Is missing a windshield or window or has a broken windshield or window.

d. "Premises" means all or part of a platted lot, an unplatted lot or parcel of land or a plot of land either occupied or unoccupied by any building or structure, equipment or property of any kind.

e. "Premises owner" means any person who alone or jointly with others has legal title to any facility or premises with or without having actual occupancy; or who has charge, care or control of the facility or premises as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner..

f. "Public view" means storing outside of a fully enclosed code compliant building.

g. "Vehicle" means a motor vehicle as defined in s. 340.01(35), Wis. Stats.

**3. CERTAIN VEHICLES PROHIBITED.**

Except where permitted by a valid occupancy permit, no premises owner or vehicle owner may allow any of the following in public view on a premise owner's private premises:

a. A vehicle that is, damaged, in a manner that would adversely affect its operation or partially dismantled.

b. A vehicle in a sufficiently deteriorated condition to constitute a public nuisance.

c. A vehicle that is unsecured or unsafely elevated on blocks or other objects.

d. A vehicle whose condition renders it favorable to the harborage of rodents and insects.

e. A vehicle that constitutes an eyesore and tends to depreciate property values contrary to the public welfare so as to constitute a public nuisance.

f. A vehicle that is in such condition or parked in such a way to render such vehicle a health and safety hazard.

**3.5. JUNK MOTOR VEHICLE AS THREAT TO PUBLIC WELFARE.** A junk motor vehicle, as defined in sub. 2-b, constitutes a threat to the public welfare.

**4. CONDEMNATION OF VEHICLES.** Whenever the commissioner believes or has reasonable grounds to believe any vehicle on private premises is a junk motor vehicle or to be in such condition or parked in such a way so as to render such vehicle a health or safety hazard or a threat to the public welfare, the commissioner may condemn the vehicle in accordance with the following procedures:

a. Order. The commissioner shall, through personal delivery or the regular mail, serve a written order of condemnation on the owner of the premises at the owner's last known address, if ascertainable.

b. Format. The order shall:

b-1. Include a description of the premises and vehicle.

b-2. Include an explanation for the issuance.

b-3. Include a statement concerning the time period by which the vehicle must be removed or its condition corrected.

b-4. Include a statement of the consequences if the city removes the vehicle.

b-5. Include an explanation of the right to petition the commissioner for a hearing within 72 hours and a statement that any vehicle owner or premises owner who does not file a petition for a hearing waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section.

c. Notice and Placard. Whenever the commissioner issues such an order:

c-1. The commissioner shall through personal delivery or regular mail, serve a notice of condemnation on the last registered owner of the vehicle at the owner's last known address if ascertainable.

c-2. The commissioner shall provide notice of condemnation on a placard that bears the word "Condemned" and post a copy of the placard in a conspicuous place on the vehicle. The placard may be posted at any time after the

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commissioner determines that the vehicle constitutes a nuisance.

d. Hearing. A request for a hearing before the commissioner of the department issuing the notice must be filed within 72 hours from the time the vehicle has been condemned and be in writing, explaining why the vehicle should not be removed from the premises.

d-1. Upon receipt of the request for a hearing, the commissioner shall halt the condemnation of the vehicle, pending the decision of the commissioner.

d-2. If the commissioner upholds the condemnation of the vehicle, the premises owner or the vehicle owner may appeal the decision to the administrative review appeals board pursuant to s. 320-11.

e. Waiver. Whenever a vehicle owner or premises owner does not file a request for a hearing under par. d, he or she waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section.

**5. REMOVAL OF CONDEMNED VEHICLES.** Not less than 72 hours after the mailing or service and posting of an order and notice, if no petition for a hearing has been filed and if the vehicle has not been removed or its condition corrected, the commissioner may have the vehicle removed and destroyed at the city's expense. The costs of such action may be collected from the owner of the premises at which the vehicle had been stored, from the owner of the vehicle or may be charged against the premises and assessed as other special charges are, upon notification by the commissioner to the city treasurer.

**6. EXCEPTIONS.** This section shall not apply to a vehicle in an enclosed building or on the premises of an auto repair business, a service station, a junk yard or other such business, as long as the business is operated according to the law, or a vehicle which is in an appropriate storage place maintained by the city.

**7. ENFORCEMENT.** a. The department shall enforce this section.

b. In addition to other applicable enforcement procedures and pursuant to s. 66.0113, Wis. Stats., department personnel may issue citations pursuant to the citation procedure in s. 50-25 to any person violating this section.

**8. PENALTIES.** a. Violations. Any person convicted of violating this section shall forfeit not less than \$150 nor more than \$1,000 for each violation together with the costs of such action. Upon failure to pay the forfeiture, the

person shall be imprisoned in the county jail or house of correction for not more than 60 days for each offense. Each day of violation shall be a separate offense.

b. Citations. In addition to other applicable enforcement procedures and pursuant to s. 66.0113, Wis. Stats., department personnel may issue citations pursuant to the citation procedure in s. 50-25 to any person violating this section.

### **80-50. Disposition of Aborted Human Fetuses.**

**1. DISPOSITION.** Every hospital and clinic in which abortions are performed or occur spontaneously, and any laboratory to which the aborted fetuses are delivered, shall provide for the disposal of the aborted fetuses by cremation, or other manner approved of by the commissioner. The hospital, clinic or laboratory may complete any laboratory tests necessary for the health of the woman or her future offspring prior to disposing of the aborted fetus.

**2. REPORTING.** Each hospital, clinic and laboratory shall report on a form provided by the commissioner the manner in which it disposes of the aborted fetus. Such reports shall be made annually by December 31 and whenever the method of disposal changes. The commissioner shall provide forms of reporting under this section.

LEGISLATIVE HISTORY - CHAPTER 80

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

| <u>Section</u> | <u>Action</u>      | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
|----------------|--------------------|-------------|---------------|------------------|
| 80-1           | rc                 | 86-408      | 7/29/86       | 8/16/86          |
| 80-1           | rc                 | 980963      | 12/18/98      | 1/1/99           |
| 80-2           | am                 | 980963      | 12/18/98      | 1/1/99           |
| 80-2           | rc                 | 001273      | 1/16/2001     | 2/2/2001         |
| 80-3           | cr                 | 86-468      | 9/23/86       | 10/10/86         |
| 80-3-5         | rn to 80-3-5-a     | 901089      | 4/15/92       | 5/5/92           |
| 80-3-5-a       | am                 | 980963      | 12/18/98      | 1/1/99           |
| 80-3-6-0       | rp                 | 912458      | 5/26/92       | 6/12/92          |
| 80-3-6-a       | rp                 | 901089      | 4/15/92       | 5/5/92           |
| 80-3-6-b       | rn to 80-3-5-b     | 901089      | 4/15/92       | 5/5/92           |
| 80-3-6-c       | rn to 80-3-5-c     | 901089      | 4/15/92       | 5/5/92           |
| 80-6.1         | rc                 | 86-408      | 7/29/86       | 8/16/86          |
| 80-6.2         | am                 | 980963      | 12/18/98      | 1/1/99           |
| 80-8           | am                 | 980963      | 12/18/98      | 1/1/99           |
| 80-10          | cr                 | 001273      | 1/16/2001     | 2/2/2001         |
| 80-10          | rc                 | 070318      | 6/19/2007     | 7/7/2007         |
| 80-10-1        | am                 | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-1        | am                 | 091396      | 4/13/2010     | 4/17/2010        |
| 80-10-1        | am                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-a      | am                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-a-19   | rn to 80-10-2-a-22 | 021729      | 4/15/2003     | 4/25/2003        |
| 80-10-2-a-19   | cr                 | 021729      | 4/15/2003     | 4/25/2003        |
| 80-10-2-a-20   | rn to 80-10-2-a-23 | 021729      | 4/15/2003     | 4/25/2003        |
| 80-10-2-a-20   | cr                 | 021729      | 4/15/2003     | 4/25/2003        |
| 80-10-2-a-21   | cr                 | 021729      | 4/15/2003     | 4/25/2003        |
| 80-10-2-a-24   | cr                 | 030752      | 11/5/2003     | 11/22/2003       |
| 80-10-2-a-25   | cr                 | 030752      | 11/5/2003     | 11/22/2003       |
| 80-10-2-a-26   | cr                 | 061135      | 1/17/2007     | 2/3/2007         |
| 80-10-2-b      | rc                 | 101222      | 2/8/2011      | 2/25/2011        |
| 80-10-2-b-12   | am                 | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-2-b-31   | cr                 | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-2-b-32   | cr                 | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-2-c      | rn to 80-10-2-d    | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-2-c      | cr                 | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-2-c      | rc                 | 101222      | 2/8/2011      | 2/25/2011        |
| 80-10-2-c-1-c  | rc                 | 121712      | 4/30/2013     | 5/17/2013        |
| 80-10-2-c-1-k  | rc                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-c-1-o  | am                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-c-1-p  | am                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-c-1-v  | am                 | 140737      | 9/23/2014     | 10/10/2014       |
| 80-10-2-c-1-gg | cr                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-c-1-hh | cr                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-2-c-1-ii | cr                 | 131566      | 4/22/2014     | 5/9/2014         |
| 80-10-2-c-1-jj | cr                 | 131566      | 4/22/2014     | 5/9/2014         |
| 80-10-2-c-1-kk | cr                 | 131566      | 4/22/2014     | 5/9/2014         |
| 80-10-2-c-1-LL | cr                 | 140160      | 6/3/2014      | 6/20/2014        |
| 80-10-2-c-1-mm | cr                 | 140160      | 6/3/2014      | 6/20/2014        |
| 80-10-2-d      | rn to 80-10-2-e    | 091396      | 4/13/2010     | 4/17/2010        |
| 80-10-2-d      | am                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-3-a      | rc                 | 110635      | 1/18/2012     | 2/4/2012         |
| 80-10-3-a-0    | am                 | 080194      | 7/1/2008      | 7/19/2008        |
| 80-10-3-a-1-0  | am                 | 131031      | 12/17/2013    | 1/9/2014         |

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|             |                 |        |            |            |
|-------------|-----------------|--------|------------|------------|
| 80-10-3-a-3 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-a-5 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-b   | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-b   | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-3-b-4 | cr              | 051015 | 12/13/2005 | 12/30/2005 |
| 80-10-3-c   | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-c   | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-3-d-0 | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-3-d-1 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-d-1 | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-3-d-2 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-d-2 | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-3-e-0 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-e-2 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-e-3 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-3-e-3 | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-3-e-5 | am              | 080194 | 7/1/2008   | 7/19/2008  |
| 80-10-4     | rn to 80-10-4-a | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-4-b   | cr              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-5     | am              | 031737 | 5/25/2004  | 6/12/2004  |
| 80-10-5-a   | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-6     | cr              | 050326 | 7/26/2005  | 8/12/2005  |
| 80-10-6-a-0 | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-6-a-0 | am              | 131031 | 12/17/2013 | 1/9/2014   |
| 80-10-6-a-2 | am              | 111349 | 2/28/12    | 3/16/12    |
| 80-10-6-a-2 | am              | 131031 | 12/17/2013 | 1/9/2014   |
| 80-10-7     | cr              | 050326 | 7/26/2005  | 8/12/2005  |
| 80-10-7     | rn to 80-10-7-a | 051015 | 12/13/2005 | 12/30/2005 |
| 80-10-7-a   | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-10-7-b   | cr              | 051015 | 12/13/2005 | 12/30/2005 |
| 80-10-8     | am              | 110635 | 1/18/2012  | 2/4/2012   |
| 80-11       | cr              | 031683 | 4/13/2004  | 4/30/2004  |
| 80-11       | rc              | 140922 | 11/5/2014  | 11/22/2014 |
| 80-12       | cr              | 151308 | 1/19/2016  | 2/5/2016   |
| 80-13-1     | rn to 80-13     | 901089 | 4/15/92    | 5/5/92     |
| 80-13-1-0   | rp              | 912458 | 5/26/92    | 6/12/92    |
| 80-13-2     | rp              | 901089 | 4/15/92    | 5/5/92     |
| 80-15-1-0   | rp              | 912458 | 5/26/92    | 6/12/92    |
| 80-15-1     | rn. to 80-15    | 901089 | 4/15/92    | 5/5/92     |
| 80-15-2     | rp              | 901089 | 4/15/92    | 5/5/92     |
| 80-17-1     | am              | 920416 | 7/7/92     | 7/24/92    |
| 80-17-1     | am              | 960419 | 7/12/96    | 7/31/96    |
| 80-17-1     | rn to 80-17-2   | 071519 | 4/9/2008   | 5/1/2008   |
| 80-17-1     | cr              | 071519 | 4/9/2008   | 5/1/2008   |
| 80-17-2     | rn to 80-17-3   | 071519 | 4/9/2008   | 5/1/2008   |
| 80-17-2     | am              | 071519 | 4/9/2008   | 5/1/2008   |
| 80-17-2     | am              | 130293 | 7/23/2013  | 8/10/2013  |
| 80-17-3     | rn to 80-17-4   | 071519 | 4/9/2008   | 5/1/2008   |
| 80-17-4     | rn to 80-17-5   | 071519 | 4/9/2008   | 5/1/2008   |
| 80-17-5     | rp              | 901089 | 4/15/92    | 5/5/92     |
| 80-17-6     | cr              | 081369 | 3/3/2009   | 3/20/2009  |
| 80-17-6     | am              | 130293 | 7/23/2013  | 8/10/2013  |
| 80-17-6     | rc              | 141174 | 12/16/2014 | 1/20/2015  |
| 80-19-1-a   | rp              | 980963 | 12/18/98   | 1/1/99     |
| 80-19-1-b   | rn to 80-19-1-a | 980963 | 12/18/98   | 1/1/99     |
| 80-19-1-c   | rn to 80-19-1-b | 980963 | 12/18/98   | 1/1/99     |
| 80-19-1-d   | rn to 80-19-1-c | 980963 | 12/18/98   | 1/1/99     |

Nuisances 80--(HISTORY)

|             |                   |        |            |           |
|-------------|-------------------|--------|------------|-----------|
| 80-19-1-e   | rn to 80-19-1-d   | 980963 | 12/18/98   | 1/1/99    |
| 80-19-1-f   | rn to 80-19-1-e   | 980963 | 12/18/98   | 1/1/99    |
| 80-19-3-a   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-19-6-b   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-19-7-a   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-19-7-c   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-19-7-d   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-19-9     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-22-1     | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-22-4     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-27       | rc                | 901089 | 4/15/92    | 5/5/92    |
| 80-28-1-0   | rp                | 912458 | 5/26/92    | 6/12/92   |
| 80-28-1     | rn to 80-28       | 901089 | 4/15/92    | 5/5/92    |
| 80-28-2     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-28-3     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-29-1     | am                | 881465 | 11/18/88   | 12/9/88   |
| 80-29-1     | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-29-1     | am                | 120914 | 11/8/2012  | 1/1/2013  |
| 80-29-3     | am                | 881803 | 1/24/98    | 2/11/89   |
| 80-29-4     | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-29-4     | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-29-4     | am                | 120914 | 11/8/2012  | 1/1/2013  |
| 80-29-5     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-31       | rc                | 901089 | 4/15/92    | 5/5/92    |
| 80-42-3     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-43       | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-44       | cr                | 100308 | 3/1/2011   | 3/18/2011 |
| 80-45-1-b   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-45-5     | am                | 951346 | 1/23/96    | 2/9/96    |
| 80-45-5     | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-45-6     | am                | 881803 | 1/24/89    | 2/11/89   |
| 80-45-8     | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-45-9     | cr                | 940918 | 10/18/94   | 11/4/94   |
| 80-46       | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-46.5     | rp                | 141893 | 9/22/2015  | 10/9/2015 |
| 80-46.5-3   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-46.5-5-a | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-46.5-5-c | rp                | 980963 | 12/18/98   | 1/1/99    |
| 80-46.5-5-d | rn to 80-46.5-5-c | 980963 | 12/18/98   | 1/1/99    |
| 80-48-1-b   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-48-1-e   | am                | 980963 | 12/18/98   | 1/1/99    |
| 80-48-3     | am                | 010111 | 5/30/2001  | 6/16/2001 |
| 80-48-6     | rp                | 901089 | 4/15/92    | 5/5/92    |
| 80-48-6     | cr                | 030504 | 11/14/2003 | 1/1/2004  |
| 80-48-6     | am                | 040043 | 6/15/2004  | 7/2/2004  |
| 80-49       | rc                | 881294 | 11/18/88   | 12/9/88   |
| 80-49-1     | rc                | 981744 | 4/20/99    | 5/7/99    |
| 80-49-2-a   | rp                | 980963 | 12/18/98   | 1/1/99    |
| 80-49-2-a   | rn to 80-49-2-d   | 981744 | 4/20/99    | 5/7/99    |
| 80-49-2-a   | cr                | 981744 | 4/20/99    | 5/7/99    |
| 80-49-2-b   | rc                | 961510 | 2/11/97    | 2/28/97   |
| 80-49-2-b   | rn to 80-49-2-a   | 980963 | 12/18/98   | 1/1/99    |
| 80-49-2-b   | rn to 80-49-2-e   | 981744 | 4/20/99    | 5/7/99    |
| 80-49-2-b   | cr                | 981744 | 4/20/99    | 5/7/99    |
| 80-49-2-c   | rc                | 961510 | 2/11/97    | 2/28/97   |
| 80-49-2-c   | rn to 80-49-2-b   | 980963 | 12/18/98   | 1/1/99    |
| 80-49-2-c   | rn to 80-49-2-f   | 981744 | 4/20/99    | 5/7/99    |

**80--(HISTORY) Nuisances**

|  |                 |        |           |            |
|--|-----------------|--------|-----------|------------|
| 80-49-2-c  | cr              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-2-d  | rn to 80-49-2-e | 920378 | 7/7/92    | 7/24/92    |
| 80-49-2-d  | cr              | 920378 | 7/7/92    | 7/24/92    |
| 80-49-2-d  | rn to 80-49-2-c | 980963 | 12/18/98  | 1/1/99     |
| 80-49-2-d  | rn to 80-49-2-g | 981744 | 4/20/99   | 5/7/99     |
| 80-49-2-e  | rn to 80-49-2-d | 980963 | 12/18/98  | 1/1/99     |
| 80-49-3  | rc              | 961510 | 2/11/97   | 2/28/97    |
| 80-49-3-a  | am              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-3-c  | am              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-3.5  | cr              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-4-0  | am              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-4-a  | am              | 990444 | 7/13/99   | 7/30/99    |
| 80-49-4-b-5  | am              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-4-c  | rc              | 990444 | 7/13/99   | 7/30/99    |
| 80-49-4-d-2  | am              | 881930 | 3/7/89    | 3/25/89    |
| 80-49-4-d-2  | am              | 961510 | 2/11/97   | 2/28/97    |
| 80-49-4-e  | cr              | 981744 | 4/20/99   | 5/7/99     |
| 80-49-5  | am              | 961510 | 2/11/97   | 2/28/97    |
| 80-49-5  | am              | 040043 | 6/15/2004 | 7/2/2004   |
| 80-49-7  | rc              | 901089 | 4/15/92   | 5/5/92     |
| 80-49-7-a  | am              | 980963 | 12/18/98  | 1/1/99     |
| 80-49-7-b  | am              | 980963 | 12/18/98  | 1/1/99     |
| 80-49-7-b  | am              | 001458 | 2/27/2001 | 3/16/2001  |
| 80-49-8-b  | am              | 881930 | 3/7/89    | 3/25/89    |
| 80-49-8-b  | am              | 980963 | 12/18/98  | 1/1/99     |
| 80-49-8-b  | am              | 001458 | 2/27/2001 | 3/16/2001  |
| 80-50  | cr              | 84-733 | 1/22/85   |            |
| 80-50  | rn from 80-80   | 901089 | 4/15/92   | 5/5/92     |
| 80-50  | am              | 980963 | 12/18/98  | 1/1/99     |
| 80-50-3  | rp              | 901089 | 4/15/92   | 5/5/92     |
| 80-60-4  | rp              | 980963 | 12/18/98  | 1/1/99     |
| 80-60-5  | rn to 80-60-4   | 980963 | 12/18/98  | 1/1/99     |
| 80-60-6  | rn to 80-60-5   | 980963 | 12/18/98  | 1/1/99     |
| 80-60-7  | rn to 80-60-6   | 980963 | 12/18/98  | 1/1/99     |
| 80-60-8  | rn to 80-60-7   | 980963 | 12/18/98  | 1/1/99     |
| 80-60-9  | rn to 80-60-8   | 980963 | 12/18/98  | 1/1/99     |
| 80-60-10   | rn to 80-60-9   | 980963 | 12/18/98  | 1/1/99     |
| 80-60-11   | rn to 80-60-10  | 980963 | 12/18/98  | 1/1/99     |
| 80-60-11   | am              | 980408 | 4/11/2000 | 4/29/2000  |
| 80-60-12   | rn to 80-60-11  | 980963 | 12/18/98  | 1/1/99     |
| 80-60-12   | rc              | 980408 | 4/11/2000 | 4/29/2000  |
| 80-60-12   | am              | 070429 | 5/20/2008 | 6/16/2008  |
| 80-60-13   | rn to 80-60-12  | 980963 | 12/18/98  | 1/1/99     |
| 80-60-13   | rn to 80-60-14  | 031661 | 4/13/2004 | 4/30/2004  |
| 80-60-13   | cr              | 031661 | 4/13/2004 | 4/30/2004  |
| 80-60-14   | rn to 80-60-13  | 980963 | 12/18/98  | 1/1/99     |
| 80-60-14   | rn to 80-60-15  | 031661 | 4/13/2004 | 4/30/2004  |
| 80-60-16   | rn to 80-60-14  | 980963 | 12/18/98  | 1/1/99     |
| 80-61  | rc              | 941797 | 6/6/95    | 6/23/95    |
| 80-61  | am              | 980963 | 12/18/98  | 1/1/99     |
| 80-61  | am              | 060173 | 6/20/2006 | 7/8/2006   |
| 80-62  | am              | 980963 | 12/18/98  | 1/1/99     |
| 80-63-1  | am              | 980408 | 4/11/2000 | 4/29/2000  |
| 80-63-1  | rc*             | 070429 | 5/20/2008 | 6/16/2008* |
| <b>*Note: These provisions became null and void on 1/1/2009.</b> |                 |        |           |            |
| 80-63-1  | cr              | 081331 | 2/10/2009 | 2/27/2009  |
| 80-63-3  | cr              | 980408 | 4/11/2000 | 4/29/2000  |

**Nuisances 80-(HISTORY)**

|             |               |        |            |           |
|-------------|---------------|--------|------------|-----------|
| 80-63-3-a-0 | am            | 031661 | 4/13/2004  | 4/30/2004 |
| 80-63-3-a-1 | am            | 031661 | 4/13/2004  | 4/30/2004 |
| 80-63-3-a-3 | am            | 031661 | 4/13/2004  | 4/30/2004 |
| 80-63-3-b   | am            | 031661 | 4/13/2004  | 4/30/2004 |
| 80-63-4     | cr            | 070429 | 5/20/2008  | 6/16/2008 |
| 80-64-1     | am            | 86-799 | 6/28/88    | 7/16/88   |
| 80-64-1     | rc            | 991763 | 5/14/2002  | 10/1/2002 |
| 80-65-4     | rc            | 980408 | 4/11/2000  | 4/29/2000 |
| 80-65-4-0   | rc            | 070429 | 5/20/2008  | 6/16/2008 |
| 80-65-4-a   | rc            | 070429 | 5/20/2008  | 6/16/2008 |
| 80-65-4-a-1 | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-65-4-a-2 | am            | 900681 | 10/16/90   | 11/2/90   |
| 80-65-4-a-2 | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-66-0     | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-66-1-c-0 | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-66-2     | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-66-3     | am            | 881930 | 3/7/89     | 3/25/89   |
| 80-66-3     | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-66-4     | cr            | 030504 | 11/14/2003 | 1/1/2004  |
| 80-67-6     | rp            | 941797 | 6/6/95     | 6/23/95   |
| 80-67-8     | rp            | 980408 | 4/11/2000  | 4/29/2000 |
| 80-67-9     | rn to 80-67-8 | 980408 | 4/11/2000  | 4/29/2000 |
| 80-67-9     | cr            | 071225 | 2/26/2008  | 3/14/2008 |
| 80-68-2     | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-69       | cr            | 060173 | 6/20/2006  | 7/8/2006  |
| 80-70       | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-73-3-0   | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-73-3-a-3 | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-73-3-b   | am            | 980963 | 12/18/98   | 1/1/99    |
| 80-75       | cr            | 960387 | 7/30/96    | 8/16/96   |
| 80-75-3     | rp            | 081724 | 5/5/2009   | 5/22/2009 |
| 80-90       | cr            | 901089 | 4/15/92    | 5/5/92    |
| 80-90       | am            | 010233 | 6/19/2001  | 6/30/2001 |
| 80-90       | am            | 060173 | 6/20/2006  | 7/8/2006  |
| 80-90       | am            | 081369 | 3/3/2009   | 3/20/2009 |
| 80-90       | am            | 090975 | 12/22/2009 | 1/9/2010  |
| 80-90-1     | am            | 100308 | 3/1/2011   | 3/18/2011 |
| 80-91       | cr            | 051702 | 7/12/2006  | 7/29/2006 |

**80--Nuisances**

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**CHAPTER 81  
LICENSE AND PERMIT FEES**

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|---------|--|---------|---|
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|         |  | 81-57   | Franchise   |
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## 81--(Table) License and Permit Fees

|          |   |          |  |
|----------|---|----------|--|
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**81-01. Definition.** In this chapter "calendar year" means January 1 to December 31.

**81-1. General Provisions. 1. FEE.** Upon issuance of a license or permit, the applicant shall pay to the city of Milwaukee a fee as listed in this chapter.

**2. LICENSE PERIOD.** A license fee shall be paid for the entire license period or for any fraction thereof except where otherwise provided. In the absence of provisions to the contrary, no license or permit fee shall be transferable.

**2.5. ALIGNMENT OF EXPIRATION DATES; 2 OR MORE LICENSES OR PERMITS.** Except where a set license or permit expiration date is provided in this code, a licensee or permit holder may request a change to the expiration date of a new or existing license or permit processed by the city clerk's office for the purpose of aligning the license or permit period with the license or permit period of any other license or permit held by or issued to the licensee or permit holder. The request shall be accompanied by a prorated fee in an amount determined by dividing the fee imposed by this chapter by 12 or 24, depending on the license or permit period of the license or permit type, and multiplying the quotient by the number of months by which the license or permit period is being changed. A request to align license or permit expiration dates shall apply to all licenses and permits held by the requester and administered by the city clerk's office for which adjustment of expiration dates is allowed.

**3. REFUND OF FEES BY CITY CLERK'S OFFICE.** a. Except where otherwise provided, if a permit or license application for a permit or license issued through the city clerk's office is withdrawn, or if such a permit or license is denied or not issued, the following amounts shall be retained by the city treasurer to defray the city's cost of application processing pursuant to this chapter:

a-1. \$25, if the permit or license fee is less than \$100.

a-2. \$50, if the permit or license fee is \$100 to \$174.

a-3. \$75, if the permit or license fee is \$175 or more.

b. The refundable portion of the fee shall be refunded by the city treasurer upon surrender by the applicant of the deposit receipt or affidavit certified by the city clerk, provided that the receipt or affidavit is presented no later

than one year after the date of withdrawal or denial of the application, or in the event of nonissuance, no later than one year after the date of application for the license or permit, unless the license or permit has been granted, in which case no later than one year after the date of granting of the license or permit. No refund shall be made after one year from the date of withdrawal or denial of the application, or in the event of nonissuance, one year from the date of application or granting, whichever is applicable. No refund shall be made after the date of issuance for any license or permit which has been issued by the city clerk.

c. No refund shall be made for any license or permit that has been surrendered by the holder or revoked by the common council.

**4. DUPLICATE LICENSE OR PERMIT FEE.** Except where otherwise provided, the fee for a duplicate copy of any license or permit issued through the city clerk's office shall be \$11.

**4.5. FILING OF RENEWAL APPLICATION.** An application for renewal of a permit or license issued by the city clerk shall be filed on or before a date to be established by the city clerk. Any person who fails to meet an application filing deadline established by the city clerk shall pay the late filing fee provided in sub. 5.

**5. LATE FILING FEE.** Except where otherwise provided, any person who does not meet any application filing deadline as established by the city clerk for any license or permit issued through the city clerk's office shall pay a late application fee of \$25.

**6. REINSTATEMENT FEE.** If a permit or license issued through the city clerk's office is suspended due to the cancellation, expiration or nonrenewal of any required surety or performance bond, direct obligations or insurance policy, the fee for the reinstatement of the license or permit shall be \$25.

**7. TRANSFER FEE.** Except where otherwise provided, any person filing an application for the transfer of any license or permit issued through the city clerk's office shall pay a transfer application fee of \$25.

**8. INSUFFICIENCY OF FUNDS; NONPAYMENT OF FEES.** a. Except where otherwise provided, if payment for a license or permit fee issued through the city clerk's office is made by check or other draft drawn upon an account containing insufficient funds, the applicant shall, within 15 days from the date of

### 81-1.5 License and Permit Fees

the letter from the city clerk of the insufficiency, pay by cashier's check or other certified draft, money order or cash, the fees, late fees and processing charges as specified by city code. Nonpayment of all applicable fees, late fees and processing charges within 15 days after the applicant received notice of the insufficiency shall deem the license or permit null and void. The establishment shall close until a new application is made, a new license obtained, and the applicable fees are paid.

b. Any individual or corporation that owes the city for unpaid fines, late fees, or license or permit fees relating to a current or previous food operation shall pay all such outstanding fees before any license or permit will be issued.

#### 81-1.5. Administrative Review Appeals

**Board.** A fee of \$25 is required to file an appeal with the administrative review appeals board. Fees shall not be refunded once an appeal is filed unless it has been determined by a city department that the appeal is not necessary based upon the action, for which the appeal was filed, was undertaken by that department in error.

(See s. 320-11).

**81-2. Alarm Licenses.** 1. Each license shall be valid for 2 years from the date of issuance.

2. a. The fee for each alarm business or private first responder service license shall be \$300.

b. The fee for an alarm sales license shall be \$450.

3. License renewal applications shall be filed on or before a date to be established by the city clerk. There shall be an additional fee of \$75 for the filing of a late renewal application.

4. a. If an applicant for an alarm business license or a private first responder service license is not granted the license, a portion of the license fee shall, upon written request, be returned to the applicant in the amount of \$125.

b. If an applicant for an alarm sales license is not granted a license, a portion of the license fee shall, upon written request, be returned to the applicant in the amount of \$225.

5. The fee to file an application for change of officers, directors or agents for a corporation shall be \$25.

(See s. 105-75.)

**81-2.5. Alarm Service.** 1. Each alarm service license shall be issued for a license year commencing on August 2 and expiring on the following August 1.

2. The subscriber's fee for the city's hold up alarm system shall be:

a. For each primary alarm movement connection: \$850.

b. For each secondary alarm movement connection: \$225.

(See s. 105-73.)

**81-4. Amusement Machine or Jukebox Distributor License.** 1. Each license shall be valid for one year from the date of issuance.

2. The following fees shall be paid:

a. Amusement machine or jukebox distributor license, new or renewal: \$850.

b. Late filing of updated disclosure information: \$25.

(See s. 107-13).

**81-6. Service Charges for Appraisal and Inspection.** Service charges for inspection and appraisal of new construction, remodeling and additions by the commissioner of assessments shall be as follows:

1. NEW CONSTRUCTION.

a. One-family: \$235.

b. Two-family: \$355.

c. Multi-family: \$420 plus \$105 per unit over 2 units.

d. Commercial, industrial or public: \$0.05 per square foot, with a minimum charge of \$520.

2. ALTERATIONS AND ADDITIONS.

a. Residential: 1.34% of construction cost, with a minimum charge of \$11.

b. Commercial: 1.34% of construction cost, with a minimum charge of \$21.

c. Siding, deck, garage, air conditioning, fireplace or razing: \$16.

(See s. 307-6.)

3. PLUMBING. a. Residential: 26% of the plumbing permit cost imposed under s. 200-33-43.

b. Commercial: 26% of the plumbing permit cost imposed under s. 200-33-43.

**81-9.5 Bed and Breakfast Establishment Permit** 1. A non-refundable fee of \$200 shall be charged at the time of application to anyone intending to operate a bed and breakfast establishment.

2. The fee for renewal shall be \$100.

## License and Permit Fees 81-10

a. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.

b. Each bed and breakfast permit shall be valid for one year from the date of issuance.  
(See s. 75-5).

**81-10. Bicycle License.** 1. Each license shall be valid for the life of the bicycle for which the license is issued or for the time the owner owns the bicycle.

2. There shall be no fee charged for a bicycle license.  
(See s. 102-5.)

**81-10.5. Bicycle Locker Fees.** 1. The permit fee for the use of a city-installed bicycle locker for the period April 1 through October 31 shall be \$25.

2. The permit fee for the use of a city-installed bicycle locker for the calendar year shall be \$40.

3. A key deposit of \$25 shall be paid prior to issuance of a key for a bicycle locker. This deposit shall be returned to the locker user upon receipt of the key by the city before the end of the permit period.  
(See s. 101-33.5.)

**81-11. Bicycle Parking Facility Permit.** 1. Each bicycle parking facility permit shall be issued for a license year commencing on July 1 and expiring on the following June 30.

2. The fee for each permit shall be \$16.  
(See s. 115-32.5.)

**81-11.5 Bicycle Redemption Fee.** The fee for redemption of a bicycle that has been impounded by the police department is \$25.  
(See s. 102-11-5-a)

**81-12. Bill Posting License.** 1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$400.  
(See s. 84-10.)

**81-12.5. Boating Permits.** 1. For exhibition speedboat trials the fee shall be \$80 per day.

2. For motorboat races the fee shall be \$70 per day.

3. For scuba diving the fee shall be \$30 per day. Seasonal permits for underwater work may be obtained from the harbor master at no charge.

4. For water ski or aquaplane exhibits or aquatic events the fee shall be \$70 per day.  
(See s. 118-80.)

**81-14. Building Mover License.** 1. Each building mover license shall be issued for the calendar year.

2. The fee for each license shall be \$84.  
(See s. 116-19.)

**81-15. Building Mover Permits.** 1. ON ROLLERS. For the moving of buildings or structures on rollers, the fee charged per building or structure shall be determined at the following rate:

a. For the first 2 city blocks or part thereof: \$262.

b. For each additional city block or part thereof: \$76.

2. ON PNEUMATIC TIRE TRAILERS.

a. Except as provided in par. b, for the moving of buildings or structures on pneumatic tire trailers the total fee per structure shall be \$240.

b. For any subsequent moving by the same owner of a building or structure that is similar to the original building or structure for which a moving permit was obtained, and is moved over the same route for the same location to the same site as the original building or structure, the fee shall be assessed at the following rate:

b-1. For the first 5 miles in the city of Milwaukee or fraction thereof: \$94.

b-2. For each additional 5 miles in the city of Milwaukee or fraction thereof: \$76.

3. INSPECTION. An additional fee shall be charged for each building mover permit processed to cover costs of inspection in the amount of \$55.

4. PROCESSING FEE. There shall be a processing fee of \$5 for each permit issued.  
(See s. 116-19.)

**81-15.5. Bulky Waste Collection Charge.** The bulky waste collection charge authorized under s. 79-6.5-3-c shall be as follows:

1. \$50 for bulky waste in excess of one cubic yard, but not in excess of 4 cubic yards

2. \$150 for bulky waste in excess of 4 cubic yards, but not in excess of 6 cubic yards.

## 81-16 License and Permit Fees

**81-16. Campground and Camping Resort Fees.** 1. A non-refundable of \$350 shall be charged at the time of new application.

2. The renewal fee for a campground or camping resort shall be as follows:

- a. 1-25 sites: \$200.
- b. 26-50 sites: \$275.
- c. 51-100 sites: \$325.
- d. Over 100 sites: \$400.

3. 20% of the fee will shall be used to pay the state of Wisconsin administrative fee under sub. 2.

4. Each campground and camping resort permit shall be valid for a one-year period following the date of issuance.

(See s. 64-01.)

**81-17.5. Catch Basin/Storm Inlet Equity Fee.** The fee for recovery of the city's equity in any catch basin/storm inlet in a vacated street or alley shall be \$400.

**81-17.7. Center for the Visual and Performing Arts.** Each center for the visual and performing arts license shall be issued and shall expire on the same date as the public entertainment premises license held by the same premises. The fee for each license shall be \$2,000.

(See s. 90-71.)

**81-19. Certified Survey Map Filing Fee.**

1. The fee for each certified survey map shall be \$230.

2. In addition, a fee of \$380 shall be paid for each certified survey map. This fee is intended to cover the cost of map review by the department of public works.

3. All fees under this section are nonrefundable.

(See s. 119-4.)

**81-19.2. Change of Circumstances.** The fee to file for a hearing related to changed circumstances under s. 85-15 shall be \$75. Fees shall not be refunded once a written statement of changed circumstances is filed.

**81-19.5. Checks; Bad Check Charges.** The processing charge for each bad check issued to the city of Milwaukee shall be \$35.

(See s. 304-37.)

**81-20. Chronic Code Violation Nuisance Fees.** The inspection fees for premises identified as a nuisance under s. 80-12 shall be:

1. For the first 3 qualifying inspections of a premises, after a nuisance notice has been

delivered for that premises in accordance with s. 80-12-3, \$500.

2. For any subsequent qualifying inspections of a premises, \$750.

**81-21. Cigarette and Tobacco License.**

1. Each cigarette and tobacco license shall be issued for a period of one year from the date of issuance.

2. The fee for each license shall be \$100. (See s. 84-43.)

**81-21.5. "Class A" Cider License.** 1. There shall be no fee for a "Class A" cider license. However, the applicant shall pay all publication fees associated with the license.

2. A "Class A" cider license shall be valid for the same period as the Class "A" fermented malt beverage retailer license issued for the same premises.

(See s. 90-5.5.)

**81-22. Class "A" Fermented Malt Beverage Retailer's License (Package Store).**

1. The fee for each Class "A" fermented malt beverage retailer's license shall be \$350.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

**81-23. Class "A" Retailer's Intoxicating Liquor License.** 1. The fee for each Class "A" retailer's intoxicating liquor license shall be \$500.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

**81-24. Class "B" Fermented Malt Beverage Retailer's License.** 1. The fee for each Class "B" fermented malt beverage retailer's license shall be \$100.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

**81-25. Class "B" Manager's License.** 1. The fee for each Class "B" manager's license shall be \$25.

2. Each license shall be issued for a one-year period beginning on July 1 and ending on the following June 30.

(See s. 90-4.)

**81-26. Class "B" Retailer's Intoxicating Liquor License.** 1. The fee for each Class "B" retailer's intoxicating liquor license shall be \$500.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

**81-27. Class "B" Retailer's Service Bar License.** 1. The fee for a service bar license shall be \$600.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

**81-28. Special Class "B" License.** 1. The fee for each special "Class B" license shall be \$10.

2. If application is made after the filing deadline established by the city clerk, there shall be an additional fee of \$25 for the late filing of the application.

(See s. 90-4.)

**81-30.5. Class "C" Wine Retailer's License.**

1. The fee for each Class "C" wine retailer's license shall be \$100.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

**81-31. Class "D" Operator's License.** 1. a. The fee for each original Class "D" operator's license shall be \$75.

b. The fee for renewal of each license shall be \$50.

2. A new class "D" operator's license granted during an even-numbered year shall expire on December 31 of the following odd-numbered year. A new Class "D" operator's license granted during an odd-numbered year shall expire on December 31 of the following even-numbered year.

3. The fee for each certified copy of a Class "D" operator's license shall be \$5.

4. A renewal Class "D" operator's license shall expire 2 years from the expiration date of the license being renewed.

(See s. 90-4.)

**81-31.3. Class "D" Provisional Operator's License.** The fee for each Class "D" provisional operator's license shall be \$15.

(See s. 90-4.)

**81-31.5. Class "D" Special Temporary Operator's License.** The fee for each Class "D" special temporary operator's license shall be \$15.

(See s. 90-4.)

**81-35.5. Code and Charter.** The fees charged for the sale of the city charter and code shall be:

1. Updated master volume:
  - a. Charter: \$25 plus tax.
  - b. Code, Volume 1: \$45 plus tax.
  - c. Code, Volume 2: \$45 plus tax.
  - d. Code, Volume 3: \$25 plus tax.
2. Amendment service:
  - a. Charter: \$20 per year.
  - b. Code, Volume 1: \$60 per year.
  - c. Code, Volume 2: \$40 per year.
  - d. Code, Volume 3: \$40 per year.

(See s. 50-20.)

**81-35.7. Commercial Driver License Testing Fees.** 1. The department of public works operations division, as a third-party tester authorized by the Wisconsin department of transportation in accordance with s. 343.16, Wis. Stats., and ch. Trans 115, Wis. Adm. Code, to conduct a commercial driver license skill testing program, shall collect fees for classroom training sessions, pre-trip inspections and road skills tests, as well as for any incidental rental of vehicles used in conjunction with the testing program.

2. The fees for classroom training sessions and for the rental of "class A," "class B" and "class C" vehicles shall be as determined by the operations division.

3. In accordance with s. Trans 115.04, Wis. Adm. Code, the fee for a pre-trip inspection and a road skills test shall not exceed the maximum fee specified by the Wisconsin department of transportation.

4. All fees relating to commercial driver license testing, including vehicle rental fees, shall be paid by the commercial license applicant prior to administration of a test.

5. Payment of fees relating to commercial driver license testing shall be made by check or money order. Cash or credit card payments shall not be accepted.

**81-35.9. Construction Waste Charge.**

1. The construction waste charge charged under s. 79-14.5 shall be based on a load size not exceeding 8 cubic yards.

## 81-38 License and Permit Fees

2. The construction waste charge shall be \$20 per load.  
(See s. 79-14.5.)

**81-38. Concrete Contractor.** 1. Each concrete contractor license for work in a public way shall be issued for the calendar year.

2. The fee for each license shall be \$81.

3. There shall be a processing fee of \$5 for each license issued.  
(See s. 115-26.)

**81-38.5. Copies of Records and Record Searches.** 1. Each department shall impose a fee upon the requestor of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.

2. The fee imposed by all departments for black and white photocopies of paper records not exceeding 8.5 inches by 14 inches in size shall be 25 cents per page or 50 cents per double-sided copy.

3. Each department shall impose a fee upon the requestor of a copy of a photographic record for the actual, necessary and direct cost of photographing and photographic processing.

4. Except as otherwise provided by law, each department shall impose a fee upon a requestor for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

5. Each department shall impose a fee upon a requestor for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record.

6. Additional charges shall be added as required to cover the costs of complying with the request.

7. A department may waive or reduce fees under this section when in the public interest.

8. A list of the fees charged under this section shall be posted within each department.

**81-40.5. Demolition Permit Application Processing Exemption.** The fee for application for exemption from demolition permit application processing requirements shall be \$55.  
(See s. 200-26-5.)

**81-41. Direct Seller's License.** 1. Each license shall be valid for one year from the date of issuance.

2. The fee for the original application for each license shall be \$129.

3. The fee for the renewal of each license shall be \$50.  
(See s. 95-1.)

**81-42. Dock Alteration or Repair Permit.** The fee for every permit for the alteration or repair of a dock shall be \$310.  
(See s. 118-7.)

**81-43. Dock Construction Permit.** The fee for each permit for the building, construction, erection or rebuilding of a dock shall be \$615.  
(See s. 118-7.)

**81-43.5. Dock Engineering Survey Fee.** 1. The basic fee for the survey of dock engineering shall be \$155.

2. In addition to the basic fee, a charge sufficient to cover costs incurred and overhead shall be made for each dock survey.

3. The dock engineering survey fee shall be imposed in addition to the fee for a dock alteration or repair permit or that of a dock construction permit whenever such a survey is made.  
(See s. 118-7.)

**81-44. Drainage Ditch Obstruction Permit.** The fee for each drainage ditch obstruction permit shall be \$135.  
(See s. 115-9.)

**81-44.5. Driver Training Course.** 1. The registration fee for a defensive driving course sponsored by the police department shall be \$30.

2. Any city of Milwaukee employe who enrolls in the defensive driving course on a voluntary basis for attendance on the employe's own time shall be exempt from the payment of the registration fee.

3. Any city of Milwaukee employe who has been convicted of traffic violations and has been directed by the courts to attend the defensive driving course shall be required to pay the registration fee and attend the course on his or her own time.  
(See ss. 312-23 and 340-23.)

**81-44.7. Driver's License, Public Passenger Vehicle.** 1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each original license shall be \$75.

4. The fee for renewal of each license shall be \$50.

**81-108. Sign; Directional For Churches.** The fee for the installation of church directional signs shall be \$50 per sign. (See s. 101-50.)

**81-108.2. Signs; Historic District Identification.**

1. The application fee for historic district identification signs shall be \$100.
2. The fee for installation of each historic district identification sign shall be \$100. (See s. 116-5.)

**81-108.5 Signs; Honorary Street Name.** The fee for installation of each honorary street name sign shall be \$50. (See s. 113-3).

**81-109. Signs; "No Parking to Driveway".** When the installation of a "no parking to driveway" sign is requested by the owner, lessee, manager or tenant of the property involved, the fee chargeable to the requesters shall be \$125 per sign installation. (See s. 101-50.)

**81-110. Signs; Official Street Renaming.** The fee for fabrication and installation of each sign required in conjunction with an official street renaming shall be \$100. (See s. 113-3.)

**81-114. Snow Plowing Motorized Equipment License.**

1. Each license shall be valid for one year from the date of issuance.
2. The fee for each license shall be \$50. (See s. 116-12.)

**81-114.6. Special Events - City Services.**

The fee for each permit for provision of city services for special events shall be:

1. Class A Event: \$3,700.
2. Class B Event: \$ 400.
3. Class C Event: \$ 110.
4. Class D Event: No fee for issuance of a permit; however a fee shall be charged for services provided under sub. 5.
5. Provision of additional services:
  - a. Dumpster.
    - a-1. 1 to 3 dumpsters: \$180.
    - a-2. 4 to 6 dumpsters: \$360.
    - a-3. 7 to 9 dumpsters: \$540.
  - b. Barricade.
    - b-1. 1 to 4 barricades: \$20.
    - b-2. 5 to 20 barricades: \$31.

b-3. Over 20 barricades: \$38 plus \$5 for each barricade over 20.

c. Stage platform. \$ 38.

c-1. Portable stage: \$123.

c-2. Fixed stage: \$428.

d. Snow fence: \$14 per square yard roll.

e. Temporary traffic signs: \$16 each.

f. Traffic Control Plans.

f-1. Plans requiring 12 or more hours of preparation: \$900.

f-2. Plans requiring 5 to 11 hours of preparation: \$600.

f-3. Plans requiring 1 to 4 hours of preparation or revision of existing plans not exceeding 4 hours: \$240. (See s. 105-55.5.)

**81-115. Special Privileges; Granting of Encroachments.** 1. The fee for the introduction of each ordinance or resolution granting a special privilege shall be \$250.

2. The fee for the introduction of each ordinance or resolution amending a special privilege for the purpose of adding items shall be \$125.

3. There shall be no fee charged for the introduction of an ordinance or resolution amending a special privilege for:

a. Removal of items.

b. Sale, transfer or conveyance of ownership.

**81-116. Street and Alley Vacation Fees.**

1. REQUIRED FEES. Street and alley vacations shall be subject to the following fees:

a. The fee for filing a preliminary application for vacation of a street shall be \$1,375 plus \$140 for each 100 feet of street length or fraction thereof above 300 feet. Of this fee, \$375 is intended to cover the department of city development's costs for administering the vacation procedure, while the remainder is intended to cover the costs incurred by the department of public works in preparing a map, legal description and coordinated report for the proposed vacation pursuant to s. 308-28-4.

b. The fee for filing a preliminary application for vacation of an alley shall be \$1,375 plus \$95 for each 100 feet of alley length or fraction thereof above 300 feet. Of this fee, \$375 is intended to cover the department of city development's costs for administering the vacation procedure, while the remainder is intended to cover the costs incurred by the department of public works in preparing a map,

## 81-116.5 License and Permit Fees

legal description and coordinated report for the proposed vacation pursuant to s. 308-28-4.

c. The benefit assessment and vacation-related costs for vacation of a street or alley shall be as identified by the department of public works pursuant to s. 308-28-4-d.

d. All fees under pars. a and b are nonrefundable.

### 2. COUNCIL-INITIATED VACATIONS.

The fees specified in sub. 1-a and b shall not be required for any vacation of a street or alley that is initiated by resolution of the common council pursuant to s. 308-28-1. The charges identified in sub. 1-c may be waived by the common council only if the council identifies a specific alternative funding source, including budgetary account number, to cover the costs associated with the vacation.  
(See s. 308-28.)

**81-116.5. Street Naming, Honorary.** The application fee for an honorary street naming shall be \$100.  
(See s. 113-3.)

**81-117. Street Renaming.** 1. The application fee for an official street renaming shall be \$100.

2. The applicant shall pay all postage costs relating to the postcard survey of residents, businesses and property owners that is required in conjunction with an application for an official street naming.  
(See s. 113-3.)

**81-119. Swimming and Other Water Use Facility Operating Licenses.** 1. Each swimming or other water use facility operating license shall be issued for the license year beginning July 1 and ending the following June 30.

2. The fee for each swimming or other water use facility operating license shall be \$250.

3. In addition to the fees under sub. 2, an applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the department.

5. License renewals shall be filed by July 1. There shall be an additional fee for the filing of a late renewal application in the amount of \$50. If renewal applications are not sent out by June 15, the late penalty will be assessed 16 days after the applications have been sent.

7. The fee to transfer a license shall be \$50.  
(See s. 75-20.2.)

## 81-121. Tattooing and Body-Piercing Establishments.

### 1. TATTOO ESTABLISHMENT LICENSE.

a. The fee for a new tattoo establishment license shall be \$375.

b. The fee for each renewal license shall be \$200.

c. The fee for a temporary tattoo establishment license shall be \$175.

### 2. BODY-PIERCING ESTABLISHMENT LICENSE.

a. The fee for a body-piercing establishment license shall be \$375.

b. The fee for each renewal license shall be \$200.

c. The fee for a temporary tattoo establishment license shall be \$175.

### 3. COMBINED TATTOO/BODY-PIERCING LICENSE.

a. The fee for a new combined tattoo/body-piercing establishment license shall be \$550.

b. The fee for each combined tattoo/body-piercing renewal license shall be \$325.

c. The fee for a temporary combined tattoo/body-piercing establishment license shall be \$175.

**3.5. LICENSE DURATION.** Each license issued under this section shall expire on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

**4. PREINSPECTION FEE.** For inspection of a new tattooing or body-piercing establishment, a preinspection fee of \$123 shall be charged.

**5. STATE FEE.** A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services.

**6. DUPLICATE LICENSE.** The fee for a duplicate copy of any of the licenses listed in this section shall be \$11.

**7. LATE FEE.** There shall be an additional fee of \$54 for the late filing of a renewal application for any of the licenses listed in this section.  
(See s. 75-23.)

**81-122. Tax Bill Duplicate.** The fee for each duplicate tax bill, except for the current tax bill issued during the current tax collection period, shall be \$6.  
(See s. 304-35.)

**81-123. Tax Payment History and Tax Payment Receipt Duplicate.**

- a. The fee for each tax-levy year payment history shall be \$6.
- b. The fee for a duplicate tax payment receipt for each property tax account shall be \$6.

**81-126.5. Temporary Extension of Alcohol Beverage Licensed Premises for Special Events.** The fee for a temporary extension of alcohol beverage licensed premises for a special event shall be as follows:

1. \$50, if the application is filed on or before the filing deadline established by the city clerk.
2. \$100, if the application is filed after the filing deadline established by the city clerk.  
(See s. 90-4-7.8.)

**81-128. Traffic Signal Timing Schedule.** The fee for each copy of a traffic signal timing schedule shall be computed at the rate of \$30 per intersection.  
(See s. 101-50.)

**81-129. Traffic Signs, Documentation of Installation.** The fee for each letter of documentation relative to traffic control signs shall be \$20.  
(See s. 101-50.)

**81-129.5. Transient Merchant License.**

1. Each transient merchant license shall be issued for the length of the event, not to exceed one year.
2. The fee for each license shall be \$140.  
(See s. 95-2.)

**81-129.7. Tree Maintenance and Conservation Permit.** The fee for a tree maintenance and conservation permit shall be \$100 plus \$10 for each tree proposed to be removed or disturbed under the permit.  
(See s. 252-80.)

**81-131.3. Vehicle for Sale on Public Property.**

1. The fee for each certificate required for vehicles that are for sale in the public way shall be \$40.
2. Certificates shall be valid for a period of 6 months from the date of issuance.  
(See s. 101-29).

**81-132. Wage and Tax Statement Duplicates.**

1. Upon written request, one copy or duplicate set of wage statements (W-2 form) shall be provided to current or former city employes without charge through April 15 for the preceding calendar year.
2. Certificates shall be valid for a period of 6 months from the date of issuance.

**81-133. Waste Collector's License, Private.**

1. Each license shall be valid for 2 years from the date of issuance.
2. The fee for each vehicle shall be \$65.  
(See s. 79-9.)

**81-134. Water Service.** There shall be a processing fee of \$5 for each permit issued.  
(See s. 97-3.)

**81-135. Weighing and Measuring Device Licenses.** Weighing and measuring device licenses shall not be transferable between operators, establishments, devices or vehicles. Weights and measures inspection fees for noncompliant devices shall be as provided in s. 60-70.

1. LENGTH MEASURING DEVICES.
  - a. Length measuring device licenses shall be valid for 24 months from the date of issuance.
  - b. The fee for each length measuring device license shall be \$60.  
(See s. 82-14)
2. LIQUID MEASURING DEVICES.
  - a. Retail petroleum meter licenses shall be valid for 12 months from the date of issuance.
    - a-1. The fee for each retail petroleum meter shall be \$60.
    - a-2. A retail petroleum meter license shall expire at the same time as the filling station license issued under ch. 84.

**81-135-3 License and Permit Fees**

b. All other liquid measuring device licenses, including vehicle tank and bulk plant meter licenses, shall be valid for 24 months from the date of issuance.

b-1. The fee shall be based on the maximum flow rate of a liquid measuring device

b-2. The following schedule of fees shall apply to a liquid measuring device license:

| Capacity                    | Fee   |
|-----------------------------|-------|
| 0 – 30 gallons per minute   | \$ 60 |
| 31 – 200 gallons per minute | \$250 |
| Over 200 gallons per minute | \$250 |

(See s. 82-14)

**3. SCALES.**

a. Scale licenses shall be valid for 24 months from the date of issuance.

b. The following schedule of fees shall apply to scale licenses:

| Capacity              | Fee   |
|-----------------------|-------|
| 0 – 300 pounds        | \$ 55 |
| 301 – 5,000 pounds    | \$190 |
| 5,001 – 40,000 pounds | \$300 |
| Over 40,000 pounds    | \$400 |

(See ss. 82-25, 82-26 and 82-30)

**4. SCANNING DEVICES.**

a. Retail establishment scanning device licenses shall be valid for 24 months from the date of issuance.

b. The following schedule of fees shall apply to retail establishment scanning device licenses:

| Capacity          | Fee   |
|-------------------|-------|
| 1 – 3 devices     | \$130 |
| 4 or more devices | \$250 |

(See s. 82-20)

**5. TAXIMETERS.**

a. A taximeter license shall be valid for 24 months from the date of issuance.

b. The fee for each taximeter license shall be \$130.

c. A taximeter license shall expire at the same time as the taxicab permit issued under ch 100.

d. No duplicate taximeter licenses may be issued.

(See s. 100-51.5-3)

**6. TIMING DEVICES.**

a. Timing device licenses shall be valid for 24 months from the date of issuance.

b. The fee for each timing device license shall be \$30.

(See. s. 82-14)

"For legislative history of chapter 81, contact the Legislative Reference Bureau."

**Pages 273-274 are blank]**

by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3. (*History: Section 82-14 cr. File #84-1062, Nov. 13, 1984.*)

82-14-1-a am. File #882269, May 16, 1989; eff. June 3, 1989.

82-14-1 am. File #910063, Jan. 21, 1992; eff. Feb. 7, 1992.

82-14-3 am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.

82-14-3 rn. File #882269, May 16, 1989; eff. June 3, 1989.

82-14-3-b cr. File #882269, May 16, 1989; eff. June 3, 1989.

82-14-5 am. File #130790, Nov. 1, 2013; eff. Jan. 1, 2014.)

82-14 rc. File #131559, May 13, 2014; eff. Oct. 1, 2014.)

**82-16. Sale of Firewood.** 1. STANDARD CORD. The standard measurement of a cord of firewood is fixed and established at 128 cubic feet. (*File #9722, Oct. 25, 1915.*)

2. DELIVERY TICKET. It shall be unlawful to sell or offer for sale or expose for sale within the city any wood designed for fuel purposes in any other manner than by weight or measure. No person, firm or corporation shall deliver any firewood without such delivery being accompanied by a delivery ticket and duplicate thereof, which delivery ticket shall distinctly express in cords or fractional parts thereof or, if sold by weight, distinctly express in pounds the gross weight of the load, the tare of the delivery vehicle, the quantity or quantities of wood contained in the vehicle used in such deliveries, together with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be tendered to the sealer of weights and measures or his deputies or inspectors upon demand for his inspection, and the duplicate ticket issued by the dealer shall be delivered to said purchaser of said wood or his agent or representative at the time of the delivery of the said wood. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds or cords or fractional parts of cords delivered over to the purchaser must be given to the purchaser at the time of the sale.

3. PENALTY. Any person, firm or corporation violating this section shall forfeit to the city a penalty of not less than \$25 nor more than \$100. (*File #41176, Apr. 8, 1929.*)

**82-19. Coin-in-the-slot Machine, Maintenance.**

1. TO BE KEPT IN WORKING ORDER. No person, firm or corporation shall erect, operate or maintain, or cause to be erected, operated or maintained, any coin operated machine or automatic vending device without placing in charge thereof some person. The person in charge of such machine or device shall be held responsible for maintaining or operating, or causing to be maintained or operated, any such machine or device which is not in perfect working order. No such machine or device shall be maintained for use when the same is not in perfect working order. (*File #73-2157, May 21, 1974.*)

2. PLACARDING. a. Name of Owner, Person in Charge, etc. Except as otherwise specifically provided in pars. b and c, a placard shall be placed on every such machine or device in a conspicuous place which shall contain the name of the owner and the name of the person in charge, if different than the owner, of such machine or device including the current address of such persons and the telephone number at which the person in charge can be reached during normal daytime working hours and shall also state that the person in charge of such machine or device will refund to any person money deposited for which service has not been received, and it is made the duty of such person to do so. On premises having an attendant on duty at all times it is open to the public, the placard required above may, in lieu of stating a telephone number for refund purposes, state that the attendant may be contacted for reimbursements if the owner has authorized this practice. Such attendant must be easily identified and readily available. (*File #75-1037, Sept. 30, 1975.*)

b. Multiple Machines. Whenever multiple coin-operated machines are located in the same room and all such machines are owned or operated by the same owner or person in charge, one or more placards, containing the information required in par. a and which information is prominent and easily read from the entire working area of that room, may be posted and substituted for individual placards on each machine. (*File #74-1946, May 6, 1975.*)

c. Exception. An exception will be granted to the following types of establishments whereby the name and address of the owner or the person in charge referred to in par. a need not be posted, however the method for reimbursement and all other information required in par. a shall be posted: Self-service laundries

## 82-20 Weights and Measures

as regulated in s. 75-1. (*File #75-1037, Sept. 30, 1975.*)

**63.** PENALTY. Any person, firm or corporation violating this section shall forfeit to the city a penalty of not less than \$10 nor more than \$100, and in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county not less than 10 nor more than 30 days. (*File #73-2157, May 21, 1974*)

**82-20. Scanning Devices. 1. LICENSE REQUIRED.** All business establishments, stores, corporations or other parties selling goods or products shall obtain an annual license for each premises on which an electronic scanning devices is used to determine or record the sale price of any item. Electronic scanning devices shall be subject to inspection prior to the issuance of a license and may be reinspected at such times as the department determines.

**2. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

**3. CHANGES TO BE REPORTED.** A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

**4. LICENSE FEE.** See ch. 81 for the required license fee.

**5. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

**6. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

**7. INVESTIGATION.** Each application for a new license shall be referred to the commissioner of health in accordance with s. 85-21.

**8. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of

the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

**9. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.

**10. POSTING.** Each license shall be posted in a conspicuous place on the premises.

**11. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the commissioner of health. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is an objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

**12. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

**13. EMERGENCY SUSPENSION.** The emergency suspension procedures of s. 75-23-19 may be applicable to a scanning device license if the situation warrants an emergency suspension. (*History: Section 82-20 cr. File #090259, July 28, 2009, eff. Jan. 1, 2010.*

*Section 82-20 rc. File #131559, May 13, 2014; eff. Oct. 1, 2014.*

*Section 82-20-13 am. File #151320, Jan. 19, 2016; eff. Feb. 5, 2016.)*

**82-22. Penalty, General.** Any persons or corporation who shall violate any of the provisions of this chapter for which a specific penalty is not hereinbefore imposed shall upon conviction thereof be punished by a fine of not less than \$10 nor more than \$500 for each offense, and in the default of payment thereof shall be imprisoned in the house of correction of Milwaukee county for not less than 10 nor more than 90 days. Any person convicted of the violation of any section of this chapter for which a specific penalty is provided in said section shall upon default of payment of such fine or penalty be imprisoned in the house of correction of Milwaukee county for not less than 10 nor more than 90 days. (*File #48-2622, Feb. 14, 1949.*)

**82-30. Licensing Requirements and Procedures.**

**1. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

**2. CHANGES TO BE REPORTED.** A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

**3. LICENSE FEE.** See ch. 81 for the required license fee.

**4. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

**5. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

**6. INVESTIGATION.** Each application for a new license shall be referred to the commissioner of health in accordance with s. 85-21.

**7. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

**8. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.

**9. POSTING.** Each license shall be posted in a conspicuous place on the premises.

**10. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the commissioner of health. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is an objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

**11. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

**12. EMERGENCY SUSPENSION.** The emergency suspension procedures of s. 75-23-19 may be applicable to a public vehicle scale operator's license if the situation warrants an emergency suspension. (*Section 82-30 am. File #69-2662-c, Dec. 7, 1971.*

*Section 82-30-3 am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.*

*Section 82-30-4 am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.*

*Section 82-30-1 am. File # 030504, Nov. 14, 2003; eff. Jan. 1, 2004.*

*Section 82-30 rc. File #131559, May 13, 2014; eff. Oct. 1, 2014.*

*Section 82-30-12 am. File #151320, Jan. 19, 2016; eff. Feb. 5, 2016.)*

**82-31. Revocation.** The commissioner of health is authorized to suspend or revoke any license or permit which he has issued in conformity with the provisions of this subchapter if:

**1.** He is satisfied, after holding a public hearing upon at least 10 days' notice to the licensee or permit holder, that the licensee or permit holder has violated any provisions of this subchapter or any valid rule or regulation adopted pursuant to the provisions of this subchapter, or

**2.** A licensee or permit holder has been convicted in any court or competent jurisdiction of violating any provision of this subchapter or of any rule or regulation adopted under the authority of this subchapter. (*Section 82-31 am. File #69-2662-c, Dec. 7, 1971.*)

## **82-32 Weights and Measures**

**82-32. Penalties.** Any person, firm, partnership, or corporation who violates any provision of this subchapter or any rule or regulation adopted pursuant thereto shall, upon conviction thereof, be punished, in addition to any other penalty provided by law, by a fine of not less than \$25, and not more than \$200, together with the costs and disbursements of prosecution, and in default of payment thereof, shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs, and disbursements are paid, such imprisonment not to exceed 30 days. After conviction for violation of any notice or order of the commissioner of health based upon any provision of this subchapter, or any provision of any rule or regulation adopted by the commissioner of health pursuant to the authority granted by this subchapter, if such person shall continue in violation of that notice or order, then such person shall be liable for further prosecution, conviction and punishment based upon that same notice or order, without the necessity of the commissioner of health issuing a new notice or order, until such notice or order has been complied with. (*Section 82-32 am. File #69-2662-c, Dec. 7, 1971.*)

**[Pages 287 to 288 are blank]**

**CHAPTER 84  
MISCELLANEOUS LICENSES**

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**84-7. Extended Hours Establishments.**

1. FINDINGS. The common council finds that certain businesses, when open in the early morning hours, have a tendency to become attractive nuisances, generating noise, congregations of people, traffic congestion and litter, and may provide an environment in which other offenses can occur. Moreover, it is the experience of the city of Milwaukee that these businesses - convenience stores, filling stations, personal service establishments, recording studios and restaurants - when open between the hours of 12 a.m. and 5 a.m., if unregulated, threaten to place an inordinate burden on the public safety resources of the city and its taxpayers. This section is enacted pursuant to the common council's authority to provide for the health, safety and welfare of the residents of the city of Milwaukee.

2. DEFINITIONS. In this section:

a. "Convenience store" shall have the meaning set forth in s. 68-1-6-a.

b. "Extended hours establishment" shall mean any convenience store, filling station, personal service establishment, recording studio or restaurant open at any time between the hours of 12 a.m. and 5 a.m.

c. "Filling station" shall have the meaning set forth in s. 295-201-189.

d. "Personal service establishment" shall have the meaning set forth in s. 295-201-451, but for the purposes of this section shall not include licensed massage establishments licensed pursuant to s. 75-21.

e. "Recording studio" means an establishment containing one or more studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures, but not containing broadcasting studios for over-the-air, cable or satellite delivery of regularly-scheduled radio or television programs.

f. "Restaurant" shall have the meaning set forth in both s. 295-201-499 and 501. It shall not apply to the provision of room service by a hotel or to the preparation and service of food inside a hospital.

3. LICENSE REQUIRED. No convenience store, filling station, personal service establishment, recording studio or restaurant shall be open between the hours of 12 a.m. and 5 a.m. without first applying for and receiving a license as provided in this section.

4. EXEMPTIONS. This section shall not apply to the following:

a. Premises holding class "B" alcohol beverage licenses during those hours during which class "B" premises may be open.

b. Extended hours establishments located within General Mitchell International Airport.

5. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. Post office box numbers shall not be acceptable for addresses required for extended hours establishment licenses.

6. PLAN OF OPERATION. An application for a license required under this section shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of patrons expected on a daily basis at the premises.

c. If the premises for which the license is sought is a restaurant, the legal capacity of the premises.

d. If the premises for which the license is sought is a personal service establishment or a restaurant, the number of off-street parking spaces available at the premises.

e. Plans, if any, the applicant has to provide security for the premises.

f. Plans, if any, the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

7. FINGERPRINTING. All applicants for extended hours establishment licenses shall

## 84-10 Miscellaneous Licenses

be exempt from the fingerprinting requirement provided in s. 85-21-1.

### 8. CHANGES TO BE REPORTED.

a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

9. LICENSE FEE. See ch. 81 for the required license fee.

10. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

11. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

12. INVESTIGATION. Each application for a new license shall be referred to the chief of police and the commissioner of neighborhood services in accordance with s. 85-21.

13. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

14. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

15. POSTING. Each license shall be posted in a conspicuous place on the premises.

16. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

17. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If all 3 indicate that the applicant still meets the licensing qualifications, the license shall be referred to the common council for approval unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

18. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3. The common council shall consider the matter of suspension or revocation of the license in the manner provided in s. 85-5.

19. PENALTY. a. Any person who violates any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than \$1,000 and, in default thereof, may be imprisoned as provided by law.

b. Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court appearance set forth in s. 50-25 shall apply.

## 84-10. Bill Posting Business License.

1. DEFINITION. A "bill posting business" shall mean any person, firm or corporation engaged in the business of outdoor advertising for a cash consideration by placing, posting or painting on billboards, ground or roof signs, displays, or on the walls of buildings to advertise goods or products to announce coming events, attractions or contests.

2. LICENSE; WHEN REQUIRED. a. It shall be unlawful for any person, firm or corporation to engage in the business of bill posting without having first secured a license therefor.

b. This section shall not be held to apply to the posting of a sign or notices by the order of any court or by any public officer in the performance of his duties or by any political campaign organization working to insure the election of a nominee or the success of a political issue by securing some definite result in an election.

Miscellaneous Licenses 84--(HISTORY)

LEGISLATIVE HISTORY  
CHAPTER 84

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

| <u>Section</u> | <u>Action</u>     | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
|----------------|-------------------|-------------|---------------|------------------|
| 84 (title)     | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 84 (title)     | am                | 120043      | 5/22/2012     | 6/12/2012        |
| 84-3           | am                | 890828      | 9/19/89       | 10/7/89          |
| 84-3           | rn to 85-25       | 120043      | 5/22/2012     | 6/12/2012        |
| 84-4           | ra to 85-27       | 120043      | 5/22/2012     | 6/12/2012        |
| 84-5           | rn to 85-29       | 120043      | 5/22/2012     | 6/12/2012        |
| 84-5-1-0       | rc                | 892540      | 10/16/90      | 1/2/91           |
| 84-5-1-0       | am                | 070370      | 7/31/2007     | 8/17/2007        |
| 84-5-1-c       | rp                | 941146      | 11/29/94      | 3/1/95           |
| 84-5-1-fg      | cr                | 010687      | 9/25/2001     | 10/12/2001       |
| 84-5-1-jg      | cr                | 890442      | 4/9/90        | 4/27/90          |
| 84-5-1-jr      | cr                | 890442      | 4/9/90        | 4/27/90          |
| 84-5-1-n       | rc                | 901415      | 12/21/90      | 1/12/91          |
| 84-5-1-ng      | cr                | 882074      | 3/7/89        | 3/25/89          |
| 84-5-1-nm      | cr                | 882074      | 3/7/89        | 3/25/89          |
| 84-5-1-u       | rc                | 901415      | 12/21/90      | 1/12/91          |
| 84-5-1-um      | cr                | 030907      | 11/5/2003     | 11/22/2003       |
| 84-5-2         | am                | 921114      | 11/20/92      | 12/11/92         |
| 84-5-2         | am                | 070370      | 7/31/2007     | 8/17/2007        |
| 84-5-3         | rp                | 921114      | 11/20/92      | 12/11/92         |
| 84-5-3         | rn to 84-5-4      | 071518      | 5/20/2008     | 6/7/2008         |
| 84-5-3         | cr                | 071518      | 5/20/2008     | 6/7/2008         |
| 84-5-4         | rp                | 921114      | 11/20/92      | 12/11/92         |
| 84-5-5         | ra to 84-5-3      | 921114      | 11/20/92      | 12/11/92         |
| 84-5-5-b-2-0   | am                | 980963      | 12/18/98      | 1/1/99           |
| 84-6           | cr                | 050487      | 11/15/2005    | 12/9/2005        |
| 84-6           | rn to 85-2.5      | 120043      | 5/22/2012     | 6/12/2012        |
| 84-7           | cr                | 030511      | 10/14/2003    | 10/31/2003       |
| 84-7-0         | am                | 050254      | 7/6/2005      | 7/23/2005        |
| 84-7-1         | am                | 100931      | 12/21/2010    | 5/1/2011         |
| 84-7-2         | rc                | 050254      | 7/6/2005      | 7/23/2005        |
| 84-7-2-a       | am                | 140737      | 9/23/2014     | 10/10/2014       |
| 84-7-2-b       | am                | 100931      | 12/21/2010    | 5/1/2011         |
| 84-7-2-d       | am                | 031497      | 2/16/2004     | 2/21/2004        |
| 84-7-2-e       | rn to 84-7-2-f    | 100931      | 12/21/2010    | 5/1/2011         |
| 84-7-2-e       | cr                | 100931      | 12/21/2010    | 5/1/2011         |
| 84-7-3         | am                | 100931      | 12/21/2010    | 5/1/2011         |
| 84-7-4         | rc                | 151320      | 1/19/2016     | 2/5/2016         |
| 84-7-5         | rc                | 131559      | 5/13/2014     | 7/1/2014         |
| 84-7-5-a       | am                | 050254      | 7/6/2005      | 7/23/2005        |
| 84-7-5-a       | am                | 070109      | 5/8/2007      | 5/25/2007        |
| 84-7-5-a       | am                | 121521      | 4/30/2013     | 5/17/2013        |
| 84-7-5-b-7     | rp                | 110346      | 9/20/2011     | 10/7/2011        |
| 84-7-5-b-8     | rn to 84-7-5-b-7  | 110346      | 9/20/2011     | 10/7/2011        |
| 84-7-5-b-9     | rn to 84-7-5-b-8  | 110346      | 9/20/2011     | 10/7/2011        |
| 84-7-5-b-10    | rn to 84-7-5-b-9  | 110346      | 9/20/2011     | 10/7/2011        |
| 84-7-5-b-11    | rn to 84-7-5-b-10 | 110346      | 9/20/2011     | 10/7/2011        |

**84--(HISTORY) Miscellaneous Licenses**

|             |    |        |            |            |
|-------------|----|--------|------------|------------|
| 84-7-5-c    | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-5-d    | am | 031620 | 3/24/2004  | 4/1/2004   |
| 84-7-5-d    | rc | 110991 | 4/11/2012  | 4/28/2012  |
| 84-7-5-e    | am | 061448 | 3/22/2007  | 4/11/2007  |
| 84-7-5.5*   | cr | 031497 | 2/16/2004  | 2/21/2004  |
| 84-7-6      | am | 041404 | 2/22/2005  | 3/11/2005  |
| 84-7-6      | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-6-b    | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-6-b    | am | 070109 | 5/8/2007   | 5/25/2007  |
| 84-7-7      | am | 041404 | 2/22/2005  | 3/11/2005  |
| 84-7-7      | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-7      | rc | 140862 | 11/25/2014 | 12/16/2014 |
| 84-7-7      | am | 150634 | 9/22/2015  | 10/9/2015  |
| 84-7-8      | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-8      | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-9      | rc | 080189 | 7/1/2008   | 7/19/2008  |
| 84-7-9      | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-9-a-0  | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-9-a-2  | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-9-c    | cr | 041404 | 2/22/2005  | 3/11/2005  |
| 84-7-9-c    | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-10     | rc | 131502 | 5/13/2014  | 5/9/2014   |
| 84-7-10     | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-10-a   | am | 061448 | 3/22/2007  | 4/11/2007  |
| 84-7-11     | rc | 111624 | 4/11/2012  | 4/28/2012  |
| 84-7-11     | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-11-c   | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-12     | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-12-b   | rc | 080009 | 5/20/2008  | 6/7/2008   |
| 84-7-12-c   | rp | 080189 | 7/1/2008   | 7/19/2008  |
| 84-7-12-d   | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-12-d   | rp | 080189 | 7/1/2008   | 7/19/2008  |
| 84-7-12-e   | am | 050254 | 7/6/2005   | 7/23/2005  |
| 84-7-13     | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-13-0   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-a   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-b   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-c-0 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-c-2 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-c-3 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-d-0 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-13-e   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-14     | rc | 080009 | 5/20/2008  | 6/7/2008   |
| 84-7-14     | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-14-a   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-14-d-0 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-14-e   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-14-f-2 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-14-f-4 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-14-f-5 | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-15     | am | 041379 | 2/22/2005  | 3/11/2005  |
| 84-7-15     | rc | 131559 | 5/13/2014  | 7/1/2014   |
| 84-7-15-a   | am | 051697 | 5/9/2006   | 5/26/2006  |
| 84-7-15-b   | am | 051697 | 5/9/2006   | 5/26/2006  |

\*84-7-5.5 became null and void 11/1/2004 per the sunset provisions of File #031497

b. The licensee has submitted all required supporting documentation.

c. The licensee has paid the required fee for the renewal license and provisional renewal license specified in ch. 81.

d. Except in the case of a Class "D" operator's license or a Class "B" manager's license, the local common council member has approved the application for a provisional renewal license.

e. Issuance of the provisional license would not be contrary to state law.

f. The renewal application is filed before the end of the license period subsequent to the expiration date of the license.

2. APPEAL. If an application is denied approval by a common council member under sub. 1-d, the city clerk shall forward the application to the licensing committee for a hearing on the appeal of the decision of the common council member.

3. EXPIRATION DATE. A provisional renewal license shall expire 60 days after the date of issuance by the city clerk or upon issuance, non-renewal or suspension of the regular license, whichever is sooner, and shall not be renewable.

4. REVOCATION. The city clerk may revoke a provisional renewal license without further common council action if he or she determines that the licensee provided false information on the license application.

**85-21. Fingerprinting and Investigation Required.**

1. FINGERPRINTING REQUIREMENT. a. Each applicant for a license or permit subject to review by a licensing committee of the common council shall be fingerprinted in a manner directed by the chief of police unless otherwise provided in this code.

a-1. If the applicant is a partnership, each partner shall be fingerprinted.

a-2. If the applicant is a corporation, limited liability company or similar firm or business recognized in law, the agent as well as any persons holding 20% or more ownership in the legal entity shall be fingerprinted.

b. If there is a change of agent by the licensee, the new agent shall be fingerprinted within 10 days of the change.

c. If there is change of ownership where the change results in any person holding 20% or more ownership in the legal entity, that person shall be fingerprinted within 10 days of the change, if not already fingerprinted under this section.

d. Exemption. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for verification.

2. INVESTIGATION REQUIREMENT. a. Each application for a license or permit subject to review by a licensing committee of the common council shall be referred to the chief of police who shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the applicant's compliance with background investigation requirements.

b. The report provided by the chief of police shall include information for the preceding 10 years related to any criminal or ordinance convictions and any pending criminal charges and ordinance citations of the applicant; each partner, if the applicant is a partnership; or agent, as well as any persons holding 20% or more ownership in the legal entity, if the applicant is a corporation, limited liability company or similar firm or business recognized in law.

c. If referral of a license or permit application to the commissioner of neighborhood services, commissioner of health, commissioner of public works or chief of police for investigation is required, the commissioner or chief of police shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the city clerk's referral of the application to the commissioner or chief of police.

**85-23. Maximum Authorized Occupancy for Certain Licensed Establishments.**

1. PURPOSE. The common council finds that the overcrowding of licensed establishments constitutes a serious risk of harm, injury or death, that overcrowding may also be detrimental to the character and well-being of the surrounding neighborhood, including traffic and parking patterns in that neighborhood, and that these risks and detrimental impacts increase with each person over the established occupancy limit for an establishment. The purpose of this section is to require the clear and accurate posting of occupancy limitations and to enforce occupancy limitations so as to assure the health, safety and welfare of the public and of persons employed

## 85-24 License and Permit Procedures

by licensed establishments with occupancy limitations.

**2. POSTING REQUIRED.** Any licensed establishment with a maximum occupancy established by the commissioner of neighborhood services or, in the case of a public entertainment premises, by the common council under s. 108-7-3, shall securely post and maintain official placards issued by the department of city development indicating the maximum number of persons permitted on the licensed premises as established by the commissioner of neighborhood services or, in the case of a public entertainment premises, by the common council under s. 108-7-3, whichever is less.

**3. POLICE ORDERS.** If, in the determination of the police department, the number of persons on the premises exceeds the limitation set on the official placard, the police department shall order the number reduced to the permitted number. The police department may also order the establishment closed until it complies with this section.

**4. PROHIBITIONS.** a. No greater number of persons than the number indicated on the official placard shall be permitted on the licensed premises by any person responsible for operations or activities conducted on the premises.

b. Tampering with, obscuring or otherwise changing the official placard is prohibited.

c. Refusal by a patron to comply with a police department order to leave an establishment that has been determined by the police department to exceed the posted occupancy limitation is prohibited.

**5. CITATION.** The citation for a violation of sub. 4 shall state the occupancy limitation contained upon the official placard and shall further state the number of persons determined to be present in excess of the permitted limitation.

**6. PENALTIES.** Any person convicted of a violation of this section shall be subject to the following forfeitures and penalties:

a. For conviction of a violation of subs. 2, 4-b and 4-c, not less than \$200 nor more than \$1000.

b. For conviction of a violation of sub. 4-a, not less than \$200 nor more than \$10,000

c. For conviction of a second violation of sub. 4-a within 12 months, not less than \$200 nor more than \$15,000.

d. For conviction of a third or subsequent violation of sub. 4-a all within 12 months, not less than \$200 nor more than \$25,000

e. For purposes of determining the amount of a forfeiture for violation of sub. 4-a, the court may treat each person found to have been on the premises in excess of the permitted limit as a separate violation.

f. Any person convicted of a violation of this section shall, in default of payment of the prescribed forfeiture, be imprisoned as permitted under law.

### 85-24. Issuance and Transfer of License.

**1. STATE TAX DOCUMENTATION REQUIRED.** a. The city clerk shall not issue any business license or permit until the license applicant has provided the city clerk with proof of one of the following:

a-1. The applicant is the holder of a seller's permit or use tax registration certificate issued by the Wisconsin department of revenue, if required by the Wisconsin department of revenue.

a-2. The applicant is registered with the Wisconsin department of revenue to collect, report and remit use tax under subch. III of ch. 77, Wis. Stats.

a-3. The applicant has been informed by an employee of the Wisconsin department of revenue that the department will issue a seller's permit or use tax registration certificate to the applicant or register the applicant to collect, report and remit use tax.

b. In this subsection, "business license or permit" means a license or permit for any of the following:

b-1. Alcohol beverage establishment.

b-2. Amusement machine or jukebox distributor.

b-3. Bill poster.

b-4. Cigarette and tobacco sales.

b-5. Direct seller.

b-6. Extended hours establishment.

b-7. Farmer's market.

b-8. Food dealer.

b-9. Food peddler.

b-10. Handicapped-elderly vehicle.

b-11. Home improvement contractor.

b-12. Horse and surrey livery service.

b-13. Limousine.

b-14. Parking lot.

b-15. Pawnbroker.

b-16. Precious metal and gem dealer.

b-17. Private alarm system business.

- b-18. Private waste collector.
- b-19. Public entertainment premises.
- b-20. Recycling, salvaging or towing premises.
- b-21. Recycling, salvaging or towing vehicle.
- b-22. Secondhand dealer.
- b-23. Secondhand motor vehicle dealer.
- b-24. Shuttle vehicle.
- b-25. Snow plowing business.
- b-26. Taxicab.
- b-27. Transient merchant.

**2. COMPLIANCE WITH ORDINANCES.** No license or permit shall be issued until the person, firm or corporation applying for the same shall satisfy the common council or the city clerk, as the case may be, that he or she has in every manner complied with the ordinances pertaining to the issuance of the license or permit, including the presentation to the city clerk of the city treasurer's receipt showing payment to the city of the required license or permit fee.

**3. SIGNATURE AND SEAL.** Each license or permit issued by the city clerk shall contain the signature of the city clerk and shall be sealed with the corporate seal of the city.

**4. TRANSFER.** No license or permit issued by the city clerk shall be assignable or inure to the benefit of any other than the person to whom the license or permit was originally issued, except as may otherwise be provided, but the license or permit may be transferred from one premises to another upon proper application made to the common council or city clerk, as the case may be, and the transfer shall be endorsed, after proper action by the common council if necessary, upon the original license or permit by the city clerk.

**85-25. Display of License or Permit.** Except as otherwise expressly provided in this code, any license or permit issued by the city clerk that authorizes the conduct of business upon or within identified premises shall be posted and displayed in a conspicuous place on the premises and shall be readily accessible for inspection by all members of the public and proper authorities who enter upon or within the premises.

**85-26. Application for Renewal.** 1. Application for renewal of a permit or license shall be timely made prior to deadlines established by the city clerk.

**2.** Except where expressly permitted in this code, no activity authorized by permit or license shall be conducted by the permittee or licensee after expiration of the permit or license.

**3.** Application for renewal of a permit or license may be made at any time during the permit or license period immediately subsequent to the expired permit or license period except where state law requires application for a new license following expiration.

**4.** A permit or license renewed after expiration shall be valid for the license period specified in ch. 81.

**85-27. Revocation of Licenses.** The judge of the county court may at his or her discretion revoke and annul any license issued under this code upon the conviction of any licensed person of any crime or of the violation of any city ordinance which in the opinion of the judge should necessitate revocation. It shall be the duty of the clerk of the county and municipal courts to notify the city clerk of the revocation of a license. Any license issued under this code may be also revoked by the common council in its discretion for any improper conduct of the licensed person.

**85-29. Discrimination by License Holders.**

**1. DISCRIMINATION PROHIBITION.** No holder of any license, permit or franchise issued by the city may willfully refuse services or add charges or require deposits not required of the general public under such license, permit or franchise because of sex, race, religion, color, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status, the fact that a person is a past or present member of the military service, whether dressed in uniform or not, or because a person is affiliated, or perceived to be affiliated, with a protected individual.

**2. DECLARATION REQUIRED.** All applications submitted by persons seeking the licenses, permits or franchises listed in sub. 1 shall contain the following declaration: (name of applicant) shall not willfully refuse to provide those services offered under this license, permit or franchise, or add charges or required deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of

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income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a member of the military service, whether dressed in uniform or not.

**3. LICENSEES EXERCISING AGE DISTINCTION IN THE INTEREST OF PUBLIC ORDER.** Notwithstanding sub. 1, Class "B" tavern license holders may, in the interest of the public order and keeping the general peace, exercise a predetermined age restriction that must be posted at the establishment. A declaration required by sub. 2, minus the age provision, shall be required for the holders of these licenses.

**4. PENALTY.** Any person, firm or corporation who shall willfully violate or fail to comply with this section shall be punished by a fine not exceeding \$500 and in default of payment thereof, by imprisonment in the house of correction for a period not exceeding 20 days.

### **85-32. Operation of Public Utilities on Licensed Premises.**

**1. GENERALLY.** Operators of a licensed or permitted premises shall not permit or allow the operation, whether directly or under contract, of any telephone, Internet, broadcast or other public utility service as defined in s. 196.01, Wis Stats., in any manner inconsistent with the rules, regulations and requirements of the U.S. federal communications commission.

**2. TELEPHONE ACCESSIBILITY.** A telephone made routinely available to members of the public by a licensee or permittee for payment or otherwise, shall be provided and operated in compliance with all U.S. federal communications requirements for accessibility, including rules, regulations or other requirements ensuring toll free calling in emergencies.

**3. PENALTY.** In addition to any other penalty provided in law, any person, firm or corporation who shall willfully violate or fail to comply with this section shall be punished by a forfeiture of not less than \$1 nor more than \$500 and, in default of payment, may be imprisoned as provided by law.

### **85-34. Truth of Statements and Affidavits.**

**1.** No document submitted to the city clerk by any person relating to any application filed with or license or permit issued through the city clerk's office shall contain false, misleading or fraudulent information or false affidavit.

**2.** Any application filed with or license or permit issued through the city clerk's office may be denied, suspended, not renewed or revoked by the common council after notice to the applicant or licensee and a hearing, if the applicant or licensee provided false, misleading or fraudulent information or a false affidavit.

**3.** The city clerk may revoke a provisional license without further common council action if he or she determines that the applicant provided false, misleading or fraudulent information.

**4.** Except as otherwise expressly provided in this code, any person filing any false, misleading or fraudulent information or false affidavit shall upon conviction be subject to a forfeiture not to exceed \$500 together with the costs of prosecution, and, in default of payment may be imprisoned as provided by law.

**5.** The city clerk shall provide on each individual application for any license or permit issued through the city clerk's office notice that a penalty is provided for any false, misleading or fraudulent information or false affidavit provided by any applicant or licensee.

**License and Permit Procedures 85--(HISTORY)**

**LEGISLATIVE HISTORY  
CHAPTER 85**

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

| <u>Section</u> | <u>Action</u> | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
|----------------|---------------|-------------|---------------|------------------|
| Ch. 85         | cr            | 080009      | 5/20/2008     | 6/7/2008         |
| 85-0           | am            | 080189      | 7/1/2008      | 7/19/2008        |
| 85-1-1         | am            | 131502      | 4/22/2014     | 5/9/2014         |
| 85-2-3.5       | cr            | 111286      | 2/28/2012     | 3/16/2012        |
| 85-2-4         | rn to         | 091207      | 5/4/2010      | 5/21/2010        |
|                | 85-2-5        |             |               |                  |
| 85-2-4         | cr            | 091207      | 5/4/2010      | 5/21/2010        |
| 85-2-6         | cr            | 111286      | 2/28/2012     | 3/16/2012        |
| 85-2.5-0       | am            | 120043      | 5/22/2012     | 6/12/2012        |
| 85-2.5-1       | rc            | 131559      | 5/13/2014     | 7/1/2014         |
| 85-2.5-1-a     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-b     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-c     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-d     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-e     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-f     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-g     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-h     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-i     | rp            | 120043      | 5/22/2012     | 6/12/2012        |
| 85-2.5-1-j     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-k     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-L     | rc            | 120043      | 5/22/2012     | 6/12/2012        |
| 85-2.5-1-m     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-n     | rp            | 120043      | 5/22/2012     | 6/12/2012        |
| 85-2.5-1-o     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-p     | rp            | 120043      | 5/22/2012     | 6/12/2012        |
| 85-2.5-1-q     | rp            | 120043      | 5/22/2012     | 6/12/2012        |
| 85-2.5-1-r     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.5-1-s     | rp            | 141893      | 9/22/2015     | 10/9/2015        |
| 85-2.7         | cr            | 131502      | 4/22/2014     | 5/9/2014         |
| 85-2.7-4-b     | am            | 141794      | 4/21/2015     | 5/8/2015         |
| 85-2.7-5       | am            | 141794      | 4/21/2015     | 5/8/2015         |
| 85-3-3         | cr            | 091207      | 5/4/2010      | 5/21/2010        |
| 85-4-0         | am            | 131502      | 4/22/2014     | 5/9/2014         |
| 85-4-1.5       | cr            | 131559      | 5/13/2014     | 7/1/2014         |
| 85-4-2-c       | am            | 091206      | 5/4/2010      | 5/21/2010        |
| 85-4-3         | rc            | 121805      | 4/30/2013     | 5/4/2013         |
| 85-4-4-c-0     | am            | 131502      | 4/22/2014     | 5/9/2014         |
| 85-4-4-c-23    | cr            | 131559      | 5/13/2014     | 7/1/2014         |
| 85-5-4-f       | am            | 111480      | 3/20/2012     | 4/6/2012         |
| 85-5-4-g       | cr            | 110326      | 11/2/2011     | 3/1/2012         |
| 85-11          | cr            | 080189      | 7/1/2008      | 7/19/2008        |
| 85-11-2        | am            | 081724      | 5/5/2009      | 5/22/2009        |
| 85-11-2        | am            | 111624      | 4/11/2012     | 4/28/2012        |
| 85-12          | cr            | 120042      | 5/22/2012     | 6/12/2012        |
| 85-12-2-0      | am            | 121521      | 4/30/2013     | 5/17/2013        |
| 85-12.5        | cr            | 120118      | 6/12/2012     | 6/29/2012        |
| 85-12.5-1      | am            | 121062      | 2/27/2013     | 3/16/2013        |
| 85-12.7        | cr            | 130324      | 7/23/2013     | 8/10/2013        |

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|             |                  |        |            |            |
|-------------|------------------|--------|------------|------------|
| 85-13       | cr               | 080189 | 7/1/2008   | 7/19/2008  |
| 85-13-3     | rn to<br>85-13-4 | 110227 | 7/6/2011   | 7/23/2011  |
| 85-13-3     | cr               | 110227 | 7/6/2011   | 7/23/2011  |
| 85-13-3     | am               | 120829 | 11/27/2012 | 12/14/2012 |
| 85-13-4     | rn to<br>85-13-5 | 110227 | 7/6/2011   | 7/23/2011  |
| 85-13-5     | rn to<br>85-13-6 | 110227 | 7/6/2011   | 7/23/2011  |
| 85-13-6     | rn to<br>85-13-7 | 110227 | 7/6/2011   | 7/23/2011  |
| 85-13-6-b   | am               | 131324 | 2/11/2014  | 2/28/2014  |
| 85-13-7     | cr               | 091371 | 5/25/2010  | 6/12/2010  |
| 85-13-7     | rn to 85-13-8    | 110227 | 7/6/2011   | 7/23/2011  |
| 85-13-8     | rp               | 111286 | 2/28/2012  | 3/16/2012  |
| 85-15       | cr               | 080189 | 7/1/2008   | 7/19/2008  |
| 85-17       | cr               | 111286 | 2/28/2012  | 3/16/2012  |
| 85-17-1     | am               | 120829 | 11/27/2012 | 12/14/2012 |
| 85-18       | cr               | 131559 | 5/13/2014  | 7/1/2014   |
| 85-19       | cr               | 111624 | 4/11/2012  | 4/28/2012  |
| 85-19-1     | am               | 120349 | 7/24/2012  | 8/10/2012  |
| 85-20       | cr               | 121667 | 12/17/2013 | 1/9/2014   |
| 85-20-1-0   | am               | 140634 | 9/23/2014  | 10/10/2014 |
| 85-20-1-f   | cr               | 140634 | 9/23/2014  | 10/10/2014 |
| 85-20-3     | am               | 151320 | 1/19/2016  | 2/5/2016   |
| 85-21       | cr               | 110991 | 4/11/2012  | 4/28/2012  |
| 85-21-2-a   | am               | 130324 | 7/23/2013  | 8/10/2013  |
| 85-21-2-c   | cr               | 130324 | 7/23/2013  | 8/10/2013  |
| 85-21-2-c   | am               | 131559 | 5/13/2014  | 7/1/2014   |
| 85-23       | cr               | 111624 | 4/11/2012  | 4/28/2012  |
| 85-24       | cr               | 120486 | 9/25/2012  | 10/12/2012 |
| 85-24-1-a-1 | am               | 151320 | 1/19/2016  | 2/5/2016   |
| 85-24-1-b   | rc               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-25       | rc               | 120118 | 6/12/2012  | 6/29/2012  |
| 85-26       | cr               | 130903 | 11/26/2013 | 2/1/2014   |
| 85-26-4     | am               | 151320 | 1/19/2016  | 2/5/2016   |
| 85-29-1     | rc               | 131559 | 5/13/2014  | 7/1/2014   |
| 85-29-1-a   | am               | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-a   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-b   | rp               | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-b   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-c   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-d   | rn to 85-29-1-b  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-d   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-e   | rn to 85-29-1-c  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-e   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-f   | rn to 85-29-1-d  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-f   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-g   | rn to 85-29-1-e  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-g   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-h   | rn to 85-29-1-g  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-h   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-i   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-j   | rn to 85-29-1-h  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-j   | rp               | 141893 | 9/22/2015  | 10/9/2015  |
| 85-29-1-jg  | rn to 85-28-1-i  | 120043 | 5/22/2012  | 6/12/2012  |
| 85-29-1-jr  | rn to 85-28-1-j  | 120043 | 5/22/2012  | 6/12/2012  |

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|            |                 |        |           |            |
|------------|-----------------|--------|-----------|------------|
| 85-29-1-k  | rn to 85-28-1-L | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-k  | cr              | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-k  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-L  | rn to 85-28-1-m | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-L  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-Lm | rn to 85-28-1-n | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-m  | rn to 85-28-1-o | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-m  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-n  | rn to 85-28-1-p | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-n  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-ng | rn to 85-28-1-q | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-nm | rn to 85-28-1-r | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-o  | rp              | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-p  | rp              | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-o  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-p  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-q  | rp              | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-q  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-r  | rn to 85-28-1-s | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-r  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-s  | rn to 85-28-1-t | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-s  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-sm | rn to 85-28-1-u | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-t  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-t  | rn to 85-28-1-v | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-u  | rn to 85-28-1-w | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-u  | cr              | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-u  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-um | rn to 85-28-1-x | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-v  | rn to 85-28-1-y | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-v  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-w  | rp              | 120043 | 5/22/2012 | 6/12/2012  |
| 85-29-1-w  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-x  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-y  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-29-1-z  | rp              | 141893 | 9/22/2015 | 10/9/2015  |
| 85-32      | cr              | 130644 | 9/24/2013 | 10/11/2013 |
| 85-34      | cr              | 131800 | 7/22/2014 | 9/1/2014   |

**85--(HISTORY) License and Permit Procedures**

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2. **APPLICABILITY.** This section shall apply to written leases or written rental agreements between residential landlords and tenants only. Words and terms used in this section shall be defined and construed in conformity with the provisions of Ch. ATCP 134, Wis. Adm. Code; ch. 704 and s. 990.001 (1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not in itself act as a bar to prosecution under this section.

3. **PROCEDURE.** A peace officer may issue a citation for either offense only when the complainant provides the following:

a. The name and current or last known address of the tenant, a copy of the subject written lease agreement or written rental agreement.

b. The amount of rent due, date it was due, date the tenant vacated the premises and testimony that the rent remained unpaid for not less than 5 days after vacating and that the tenant did not notify or attempt to notify the complainant of tenant's new address or that tenant knowingly gave complainant a false address.

c. For violations under sub.1-b, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof of service of the written demand pursuant to s. 704.21, Wis. Stats., and testimony that at least 5 days have elapsed since the date of service and no payment has been made.

4. **PENALTY.** a. Any person who violates this section shall upon conviction forfeit not less than \$250 nor more than \$1,000 together with costs of prosecution, or, in default of payment, may be imprisoned for not more than 40 days. In addition, the court may order such person to make full or partial restitution, in accordance with s. 800.093, Wis. Stats.

b. In accordance with s. 800.09, Wis. Stats., community service work may be imposed in lieu of making restitution or paying the forfeiture or both.

**106-51. Residency Restrictions for Sex Offenders.**

1. **FINDINGS AND INTENT.** The common council finds that repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use

physical violence and to repeat their offenses; and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society, while incalculable, clearly exorbitant. It is the intent of this section not to impose a criminal penalty but to serve the city's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing temporary or permanent residence.

2. **DEFINITIONS.** For the purposes of this section: a. "Child" means a person under the age of 16 years.

b. "Designated offender" means any person who is required to register under s. 301.45, Wis. Stats., for any offense against a child or any person who is required to register under s. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to s. 301.46(2) and (2m), Wis. Stats.

c. "Permanent residence" means a place where the person abides, lodges or resides for 14 or more consecutive days.

d. "Temporary residence" means a place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges or resides for a period of 4 or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

3. **RESIDENCY RESTRICTION.** a. **Restriction.** A designated offender shall not establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

b. **Measurement of Distance.** b-1. The distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of a school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

## 106-53 Morals and Welfare

b-2. The city clerk shall maintain an official map showing prohibited locations. The city clerk shall update the map at least annually to reflect any changes in the prohibited locations. These prohibited locations shall be designated on the map as child safety zones.

**4. RESIDENCY RESTRICTION EXCEPTIONS.** A designated offender residing within a prohibited area as specified in sub. 3 does not commit a violation of this section if any of the following applies:

a. The person established a permanent residence or temporary residence and reported and registered the residence as provided in s. 301.45 Wis. Stats., before the effective day of this section.

b. The person was under 17 years of age and is not required to register under s. 301.45 or 301.46, Wis. Stats.

c. The school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate within 2,000 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and reported and registered the residence as provided in s. 301.45, Wis. Stats.

d. The residence is also the primary residence of the person's spouse, parents, grandparents, siblings or children provided that the spouse, parents, grandparents, siblings or children established the residence at least 2 years before the designated offender established residence at the location.

**5. ORIGINAL DOMICILE RESTRICTION.** In addition to the restrictions of sub. 3, but subject to sub. 4, no person who has been convicted of a sexually violent offense or a crime against a child shall be permitted to reside in the city, unless such person was domiciled in the city at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense or crime against a child.

**6. PENALTIES.** a. A designated offender who violates sub. 3, shall be subject to a forfeiture of not less than \$1,000 not more than \$2,500 for each violation and in default of payment may be imprisoned as provided by law. Each day a violation continues shall constitute a separate offense. The city may also seek equitable relief.

## 106-53. Loitering of Sex Offenders.

**1. LOITERING.** It shall be unlawful for any person defined as a designated offender under s. 106-51-2-b, to loiter or prowl, in the locations specified in s. 106-51-3-a, in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct at the locations specified in s. 106-51-3-a. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

**2. EXCEPTIONS.** This section shall not apply where the actor was by his or her parent, guardian or other adult person having his or her care, custody or control, or where that actor was exercising First Amendment rights protected by the U. S. constitution or Wisconsin constitution, including freedom of speech, the free exercise of religion, or the right of assembly.

**3. PENALTY.** Any person violating this section upon conviction shall forfeit not less than \$500 nor more than \$5,000, and in default of payment may be imprisoned as provided by law.

**Morals and Welfare 106--(HISTORY)**

|              |                        |        |           |           |
|--------------|------------------------|--------|-----------|-----------|
| 106-34-0     | am                     | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-1-a   | rn to 106-34-1-b       | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-1-a   | cr                     | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-1-b   | rc                     | 940273 | 7/15/94   | 7/29/94   |
| 106-34-1-b   | rn to 106-34-1-c       | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-1-c   | rc                     | 940273 | 7/15/94   | 7/29/94   |
| 106-34-1-c   | rn to 106-34-1-d       | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-2     | am                     | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-3-0   | am                     | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-3-a   | rc                     | 940273 | 7/15/94   | 7/29/94   |
| 106-34-3-b   | rc                     | 940273 | 7/15/94   | 7/29/94   |
| 106-34-3-b   | am                     | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-3-c   | am                     | 041220 | 2/1/2005  | 2/18/2005 |
| 106-34-3-d   | cr                     | 940273 | 7/15/94   | 7/29/94   |
| 106-34.5     | cr                     | 140163 | 6/3/2014  | 6/20/2014 |
| 106-35       | cr                     | 890662 | 12/19/89  | 1/13/90   |
| 106-35-2     | am                     | 910784 | 8/2/91    | 8/21/91   |
| 106-35.6     | cr                     | 930544 | 10/19/93  | 11/5/93   |
| 106-36       | cr                     | 882206 | 1/19/90   | 1/23/90   |
| 106-36       | rc                     | 051409 | 4/11/2006 | 4/29/2006 |
| 106-37       | cr                     | 051691 | 5/31/2006 | 6/17/2006 |
| 106-38       | cr                     | 970136 | 5/13/97   | 5/31/97   |
| 106-38-2     | am                     | 001458 | 2/27/2001 | 3/16/2001 |
| 106-38-2     | am                     | 140697 | 6/2/2015  | 6/19/2015 |
| 106-38-3-a   | ra to<br>106-38-3-a--1 | 140697 | 6/2/2015  | 6/19/2015 |
| 106-38-3-a-2 | cr                     | 140697 | 6/2/2015  | 6/19/2015 |
| 106-41       | cr                     | 941972 | 7/14/95   | 7/29/95   |
| 106-41       | am                     | 970262 | 6/3/97    | 6/20/97   |
| 106-41       | am                     | 991994 | 5/19/2000 | 6/8/2000  |
| 106-51       | cr                     | 140364 | 7/22/2014 | 10/7/2014 |
| 106-51-3-a   | am                     | 141122 | 11/5/2014 | 11/7/2014 |
| 106-51-5     | rn to 106-51-6         | 150773 | 1/19/2016 | 1/23/2016 |
| 106-51-5     | cr                     | 150773 | 1/19/2016 | 1/23/2016 |
| 106-53       | cr                     | 140364 | 7/22/2014 | 10/7/2014 |

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portions thereof customarily incidental and subordinate to the principal use of the primary building site and located on the same lot with the principal use.

j. Festivals held in public parks or playgrounds or public or quasi-public premises.

k. Festivals which require the issuance of permits or licenses by the state of Wisconsin, Milwaukee county or any other governmental jurisdiction.

L. Festivals which require occupancy permits from the department of public works for occupancy of the city right-of-way.

**3. APPLICATION.** a. Filing. Application for a public entertainment premises license shall be filed with the city clerk on a form provided therefor.

b. Content. The application shall require:

b-1. The name and permanent address of the applicant.

b-2. The name and address of the premise for which the license or permit is to be granted, including the aldermanic district in which it is situated.

b-3. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the name and address of each of its officers, directors and designated managers, if any; the application shall be verified by an officer of the corporation.

b-4. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this paragraph pertaining to a corporate applicant shall apply to the corporate partners.

b-5. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and resident addresses of all officers and be verified by an officer of the club, association or organization.

b-6. The date of birth of the applicant.

b-7. A completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall require:

b-7-a. The planned hours of operation for the premises.

b-7-b. The number of patrons expected on a daily basis at the premises.

b-7-c. The legal occupancy limit of the premises.

b-7-d. The number of off-street parking spaces available at the premises.

b-7-e. Whether or not the public entertainment premises will make use of sound amplification equipment and, if so, what kind.

b-7-f. What plans the applicant has to provide security for the premises. This shall include a description of any proposed security provisions for off-street parking and loading areas, the number of security personnel expected to be on the premises, their responsibilities of these guards, the equipment they will use in carrying out their duties and their licensing, certification or training credentials.

b-7-g. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise. This shall include a description of designated or likely outdoor smoking areas, the number and placement of exterior and interior trash receptacles, crowd control barriers and sanitation facilities, as well as a description of how applicable noise standards will be met for the subject premises.

b-7-h. Any other licenses held by the applicant or attached to the premises.

b-7-i. A description, with particularity, of the type of entertainment, exhibition, music, dancing, singing, floor show or other performances to be held on the premises, in order for the common council to determine whether or not the applicant's proposed operations are basically compatible with the normal activity of the neighborhood in which the licensed premises is to be located.

b-7-j. A description of any provisions made for clean-up of the premises, including identification of the solid waste contractor to be used by the applicant.

b-7-k. For a carnival to be held outside, what plans the applicant has in the event of inclement weather, including alternative dates and times during which the carnival may be set up, maintained or operated.

b-8. A site plan showing:

b-8-a. The locations of all entrances and exits. This shall include a description of how patrons will enter and leave the premises, the proposed location of the waiting line, estimated waiting time, and the location where security searches or identification verification will occur at the entrance to the premises.

b-8-b. The locations and dimensions of any off-street parking and loading areas for customers and entertainers available at the premises.

## 108-5-4 Public Entertainment Premises

b-9 Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

c. Fingerprinting. All applicants shall be fingerprinted as provided in s. 85-21-1.

d. Investigation. Applications shall be referred to the chief of police and the commissioner of neighborhood services, both of whom shall cause an investigation to be made and report their findings to the licensing committee in accordance with the provisions of s. 85-21-2. The commissioner of neighborhood services shall include information regarding whether the premises is located in a residential district.

### 4. CHANGES TO BE REPORTED.

a. General. A licensee shall notify the city clerk whenever there is a change in any information, not including a change in the plan of operation, that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Change in Plan of Operation. If, after the license has been granted or issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council, unless the deviation is to last not longer than 4 consecutive days, in which case the request for deviation shall be processed in the same manner as an application for a temporary public entertainment premises permit under sub. 5. The common council's approval shall be given only if it determines, in accordance with ss. 85-2.7 and 85-5, that the new entertainment is compatible with the normal activity of the neighborhood in which the licensed premises is located.

### 5. TEMPORARY PUBLIC ENTERTAINMENT PREMISES PERMIT.

a. Authority. The granting of a temporary public entertainment premises permit shall authorize the permit holder to operate public entertainment lasting no longer than 4 consecutive days, except in the case of a carnival or festival, in which case the public entertainment may be offered up to 14 consecutive days, but only between the hours of 8 a.m. and midnight. This authority shall be contingent upon the permit holder also obtaining any other special privileges or licenses required for the conduct of a public entertainment.

b. Application. Application for a temporary public entertainment premises permit and the review of the permit application shall be conducted as set forth in sub. 3 provided that application for a temporary public entertainment premises permit shall be made to the city clerk by the filing deadline established by the city clerk for the date for which the permit is sought.

c. Approval by Council Member. The completed application shall be referred to the common council member representing the district in which the site for which the permit is sought is located. The common council member shall determine whether to grant each permit and shall inform the city clerk of his or her decision. In making his or her determination, the common council member shall consider the following factors:

c-1. The appropriateness of the location and site for which the permit is sought and whether the event for which the permit is sought will create undesirable neighborhood problems.

c-2. The hours during which the public entertainment would be operated on the site and the likely effect of the event on the surrounding area.

c-3. Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.

c-4. Whether the applicant has been charged or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity for which the permit is sought.

c-5. Any other factors which reasonably relate to the public health, safety and welfare.

d. The decision of the council member regarding the applicant shall not be based on the type or content of any music or entertainment that will be provided at the event for which a permit is sought.

e. Committee Action. e-1. If the common council member grants the application for a temporary public entertainment premises permit, the city clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the permit shall be in effect. The document shall also contain any restrictions or conditions which the common council may place on approvals. The city clerk

shall, within 24 hours after the issuance of the approving document, inform the chief of police of the date, place and event for which the permit was issued.

e-2. If an application filed prior to the deadline set by the city clerk is denied by a common council member under par. c, the city clerk shall forward the application to the licensing committee for a hearing on the appeal of the decision of a common council member.

e-3. Notwithstanding the provisions of sub. 1, if a written objection to the application is filed by an interested person, the city clerk shall forward the application to the licensing committee for a hearing.

f. Hearing Procedure. f-1. Any hearing required under the subsection shall be conducted in accordance with ss. 85-2.7 and 85-5.

f-2. The committee may make a recommendation immediately following the hearing or on a later date. In making the recommendation, committee members may consider the factors set forth in par. c.

f-3. Written notice of the committee's recommendation shall be provided if the decision is made at a later date or if the applicant was not present. The recommendation of the licensing committee shall be final, and the applicant shall have no right to be heard before the common council.

g. Limit. No more than 4 temporary public entertainment premises permits shall be issued for the same premises in any calendar month. No more than 20 temporary public entertainment premises permits shall be issued for the same premises in any license year.

h. New Year's Holiday. No permit shall be required for entertainment, exhibitions or dancing on New Year's Eve or New Year's Day.

i. Display of Permit. i-1. Every person issued a temporary public entertainment premises permit pursuant to this subsection shall post the permit in a conspicuous place in the premises during those times when entertainment, exhibitions or dancing is taking place. i-2. It shall be unlawful for any person to post a permit or certificate or to be permitted to post a permit or certificate upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

i-3. Failure to appropriately post a permit or certificate shall be treated in the same manner as operating without a permit.

6. FEE. All applications shall be accompanied by the fee specified in s. 81-101.2.

7. QUALIFICATION. No public entertainment premises license shall be granted to any person who is not a resident of the state of Wisconsin.

**108-7. Issuance of License. 1. COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE.** An application for a new public entertainment premises license shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

2. DISQUALIFICATION. Whenever any application is denied, or license non-renewed, revoked or surrendered, or renewal application withdrawn, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall govern.

3. AUTHORIZED OCCUPANCY. Every premises authorized for a public entertainment premises license shall, notwithstanding the legal occupancy limit of the premises specified on the plan of operation under s. 108-5-3-b-7-c, be authorized by the common council to serve a specified occupancy. In determining the specified occupancy, the council shall consider the legal occupancy limit set forth on the plan of operation, other information provided in the plan of operation, evidence concerning the character of the surrounding neighborhood and evidence concerning traffic and parking patterns. The council shall authorize one of the following occupancies for each licensed premises:

- a. 25 or fewer persons, or a premises without a specified capacity.
- b. 26-79 persons.
- c. 80-99 persons.
- d. 100-149 persons.
- e. 150-179 persons.
- f. 180-299 persons.
- g. 300-499 persons.
- h. 500 or more persons.

4. TRANSFER OF LICENSE OR CHANGE OF NAME. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

## 108-9 Public Entertainment Premises

### 108-9. Renewal Of Licenses.

1. PROCEDURE FOR RENEWAL. Applications for the renewal of a public entertainment premises license shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police and the commissioner of neighborhood services for review. If the chief of police and the commissioner of neighborhood services indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires, provided that the renewal was filed by the date established by the city clerk. If the applicant fails to file within the time frame established by the city clerk, an objection may be filed within 10 days of the filing of the renewal application. An objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

2. Procedure for Nonrenewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

### 108-11. Nonrenewal, Revocation or Suspension of Licenses.

1. PROCEDURE. a. Procedures for Revocation or Suspension. Any license issued under this chapter may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

2. REQUEST TO SURRENDER A LICENSE OR WITHDRAW A RENEWAL

APPLICATION. Whenever any licensee wishes to surrender a license or withdraw a renewal application, the procedures for disqualification of a license provided in s. 85-13 shall apply.

3. GROUNDS FOR NONRENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of circumstances cited in s. 85-4-4.

4. COUNCIL ACTION. Following the receipt of a report and recommendation of the committee, the common council shall consider the report and recommendations pursuant to the procedures provided in s. 85-5.

5. WHEN ALCOHOL BEVERAGE LICENSE SUSPENDED. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

108-12. Appeal Rights. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council's denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 68.13, Wis. Stats.

108-14. Standards for Festivals. All festivals shall meet the following standards:

1. No festivals, including those identified in s. 108-5-2-h to k, may be approved or held unless they meet the requirements of the health department specified in ch. 68, and the requirements of the department of public works, specified in ss. 105-55.5 to 105-59, and have obtained the necessary licenses or permits required by city code.

2. The festival use of land or buildings shall be a permitted use within the district as regulated by ch. 295.

3. The festival use of land or buildings shall not include rummage sales or the retail sales of any used goods or secondhand merchandise.

4. Each temporary public entertainment premises permit application for a festival shall contain a statement that: "The applicant agrees to indemnify and save harmless the city from and against all liabilities, claims, demands, judgments, losses and all

**Public Entertainment Premises 108—(HISTORY)**

**LEGISLATIVE HISTORY**

**CHAPTER 108**

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

| <u>Section</u>  | <u>Action</u>     | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
|-----------------|-------------------|-------------|---------------|------------------|
| Ch. 108         | rc                | 021318      | 4/15/2003     | 4/25/2003        |
| Ch. 108         | rc                | 091371      | 5/25/2010     | 6/12/2010        |
| Ch. 108 (title) | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-1           | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-1           | am                | 140669      | 9/23/2014     | 10/10/2014       |
| 108-2-3         | rp                | 951346      | 1/23/96       | 2/9/96           |
| 108-2-3-b       | am                | 872294      | 3/29/88       | 4/16/88          |
| 108-2-4-b       | rp                | 951346      | 1/23/96       | 2/9/96           |
| 108-2-4-h       | rep               | 870914      | 10/6/87       | 10/23/87         |
| 108-2-4-i       | am                | 880147      | 6/28/88       | 7/16/88          |
| 108-2-4-i       | am                | 951622      | 3/5/96        | 3/22/96          |
| 108-2.5         | am                | 881801      | 4/25/89       | 5/13/89          |
| 108-2.5         | am                | 951622      | 3/5/96        | 3/22/96          |
| 108-3           | am                | 951346      | 1/23/96       | 2/9/96           |
| 108-3           | am                | 980963      | 12/18/98      | 1/1/99           |
| 108-3           | rc                | 011237      | 5/14/2002     | 6/1/2002         |
| 108-3           | rc                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-3-2.5       | cr                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-3-6         | am                | 140669      | 9/23/2014     | 10/10/2014       |
| 108-3-6         | am                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-3-7.5       | cr                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-5-1-a       | am                | 140669      | 9/23/2014     | 10/10/2014       |
| 108-5-1-b       | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-1-b       | rc                | 140669      | 9/23/2014     | 10/10/2014       |
| 108-5-1-b       | am                | 141411      | 1/21/2015     | 2/7/2015         |
| 108-5-1-b       | am                | 150486      | 9/22/2015     | 10/9/2015        |
| 108-5-1-c       | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-2-0       | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-2-a       | rc                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-2-c       | rc                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-2-f       | cr                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-2-f-0     | am                | 140669      | 9/23/2014     | 10/10/2014       |
| 108-5-2-g       | cr                | 121592      | 3/21/2013     | 3/26/2013        |
| 108-5-2-h       | cr                | 140130      | 6/3/2014      | 6/20/2014        |
| 108-5-2-i       | cr                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-5-2-j       | cr                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-5-2-k       | cr                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-5-2-L       | cr                | 131559      | 5/13/2014     | 8/1/2015         |
| 108-5-3-a       | rc                | 070109      | 5/8/2007      | 5/25/2007        |
| 108-5-3-a       | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-3-a       | am                | 121521      | 4/30/2013     | 5/17/2013        |
| 108-5-3-b-6     | rp                | 110346      | 9/20/2011     | 10/7/2011        |
| 108-5-3-b-7     | rn to 108-5-3-b-6 | 110346      | 9/20/2011     | 10/7/2011        |
| 108-5-3-b-7-e   | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-3-b-7-f   | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-3-b-7-g   | am                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-3-b-7-j   | cr                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-3-b-7-k   | cr                | 110326      | 11/2/2011     | 3/1/2012         |
| 108-5-3-b-8     | rn to 108-5-3-b-7 | 110346      | 9/20/2011     | 10/7/2011        |
| 108-5-3-b-8     | cr                | 110346      | 11/2/2011     | 3/1/2012         |

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|              |                   |        |            |            |
|--------------|-------------------|--------|------------|------------|
| 108-5-3-b-9  | rn to 108-5-3-b-8 | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-3-b-11 | am                | 080009 | 5/20/2008  | 6/7/2008   |
| 108-5-3-c    | rc                | 110991 | 4/11/2012  | 4/28/2012  |
| 108-5-3-d    | am                | 130324 | 7/23/2013  | 8/10/2013  |
| 108-5-4      | rc                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-4-b    | am                | 120676 | 10/16/2012 | 11/2/2012  |
| 108-5-4-b    | am                | 151320 | 1/19/2016  | 2/5/2016   |
| 108-5-5-0    | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-5-a    | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-5-a    | am                | 131559 | 5/13/2014  | 8/1/2015   |
| 108-5-5-b    | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-5-e-1  | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-5-f-1  | am                | 151320 | 1/19/2016  | 2/5/2016   |
| 108-5-5-g    | rc                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-5-h    | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-5-i    | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-5-7      | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-7-1      | rc                | 131502 | 4/22/2014  | 5/9/2014   |
| 108-7-1-a    | am                | 040973 | 11/23/2004 | 12/14/2004 |
| 108-7-1-d-2  | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-7-1-g    | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-7-2      | rc                | 080189 | 7/1/2008   | 7/19/2008  |
| 108-7-3      | rc                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-7-3-0    | am                | 111678 | 5/22/2012  | 6/12/2012  |
| 108-7-4      | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-7-4      | rc                | 111624 | 4/11/2012  | 4/28/2012  |
| 108-9-a      | ra to 108-9-1     | 110326 | 11/2/2011  | 3/1/2012   |
| 108-9-b      | rn to 108-9-2     | 110326 | 11/2/2011  | 3/1/2012   |
| 108-9-1      | am                | 040973 | 11/23/2004 | 12/14/2004 |
| 108-9-2      | rc                | 080009 | 5/20/2008  | 6/7/2008   |
| 108-11       | am                | 991763 | 5/14/2002  | 10/1/2002  |
| 108-11-1     | rc                | 080009 | 5/20/2008  | 6/7/2008   |
| 108-11-1-b   | am                | 081724 | 5/5/2009   | 5/22/2009  |
| 108-11-1-c   | rc                | 030306 | 6/24/2003  | 7/11/2003  |
| 108-11-1-d   | rc                | 030306 | 6/24/2003  | 7/11/2003  |
| 108-11-1-e   | am                | 030306 | 6/24/2003  | 7/11/2003  |
| 108-11-2     | rp                | 080189 | 7/1/2008   | 7/19/2008  |
| 108-11-3     | rp                | 080189 | 7/1/2008   | 7/19/2008  |
| 108-11-4     | cr                | 080009 | 5/20/2008  | 6/7/2008   |
| 108-11-5     | cr                | 080009 | 5/20/2008  | 6/7/2008   |
| 108-11-5     | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-12       | cr                | 140669 | 9/23/2014  | 10/10/2014 |
| 108-13       | rp                | 960621 | 7/30/96    | 8/16/96    |
| 108-13       | rp                | 080009 | 5/20/2008  | 6/7/2008   |
| 108-13-6-e   | am                | 040631 | 9/21/2004  | 10/8/2004  |
| 108-13-7     | am                | 041379 | 2/22/2005  | 3/11/2005  |
| 108-14       | cr                | 131559 | 5/13/2014  | 8/1/2015   |
| 108-16       | cr                | 131559 | 5/13/2014  | 8/1/2015   |
| 108-17       | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-18       | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-19       | am                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-20       | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-21       | rp                | 071158 | 1/15/2008  | 2/2/2008   |
| 108-22       | cr                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-23       | rp                | 071158 | 1/15/2008  | 2/2/2008   |
| 108-23       | rc                | 110326 | 11/2/2011  | 3/1/2012   |
| 108-25       | rp                | 071158 | 1/15/2008  | 2/2/2008   |