

**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 file:

160192 A substitute ordinance relating to temporary changes to plans of operation.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #354)				iii-iv v-vi	iii-iv v-vi
68-11-5	rp	160192	10/7/2016	151-152	151-152
68-21-6-a	am	160192	10/7/2016	155-156	155-156
68-21-6-d	cr	160192	10/7/2016	"	"
68-31-1-b-1	am	160192	10/7/2016	161-162	161-162
75-1-6	rc	160192	10/7/2016	189-190	189-190
75-21-6	rc	160192	10/7/2016	202c-202f	202c-202f
75-23-8	rc	160192	10/7/2016	"	"
Ch. 81 Table				251-252	251-252
81-56-1-d	rp	160192	10/7/2016	261-262	261-262
81-121-2-c	am	160192	10/7/2016	269-272	269-272
81-126.5	rc	160192	10/7/2016	"	"
82-14-5	rc	160192	10/7/2016	277-282	277-282
84-7-8	rc	160192	10/7/2016	299-306	299-306
84-20-5	rc	160192	10/7/2016	"	"
84-43-5	rc	160192	10/7/2016	"	"
84-45-6	rc	160192	10/7/2016	"	"
Ch. 84 (hist.)				309-314	309-314
Ch. 85 Table				323-324	323-324
85-2-3.5	am	160192	10/7/2016	"	"
85-35	cr	160192	10/7/2016	335-340	335-340b
85-36	rn to 85-41	160192	10/7/2016	"	"
85-37	cr	160192	10/7/2016	"	"
85-39	cr	160192	10/7/2016	"	"
Ch. 85 (hist.)				"	"

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
90-4-2-c-2	am	160192	10/7/2016	361-366	361-366
90-4-2-7.8	rp	160192	10/7/2016	"	"
90-5-13	rc	160192	10/7/2016	373-374	373-374
92-1-3-e	rn to 92-1-3-f	160192	10/7/2016	399-406	399-406
92-1-3-e	cr	160192	10/7/2016	"	"
92-1-5-f	cr	160192	10/7/2016	"	"
92-2-3-e	rn to 92-2-3-f	160192	10/7/2016	"	"
92-2-3-e	cr	160192	10/7/2016	"	"
92-2-5-f	cr	160192	10/7/2016	"	"
92-3-11	rc	160192	10/7/2016	"	"
92-10-5-h	cr	160192	10/7/2016	"	"
Ch. 92 (hist.)				409-412b	409-412b
93-29-1	rc	160192	10/7/2016	417-418	417-418
Ch. 93 (hist.)				425-426	425-426
108-5-4	rc	160192	10/7/2016	639-640	639-640
108-5-5-a	am	160192	10/7/2016	"	"
Ch. 108 (hist.)				642c-642f	642c-642f
115-32.6-5	rc	160192	10/7/2016	749-750	749-750
Ch. 115 (hist.)				761-762	761-762

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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MILWAUKEE CODE OF ORDINANCES

VOLUME 1

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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through September 20, 2016.

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submitted for review and approval prior to implementation of the operational change or initiation of any remodeling. Implementing a process specified in the Wisconsin Food Code as requiring a HACCP plan or requiring regulatory approval prior to implementation shall be considered a substantial operational change requiring plan submission. At the discretion of the commissioner, the requirement for plan submission may be waived for minor alterations to a food operation or establishment. Requests for modifications to an operational plan or food establishment shall be submitted on the forms provided by the department and are subject to the plan review fees specified in s. 81-55.3. Once a modification request has been approved, further changes to the plan shall not be made unless approval of the amended request shall have first been obtained from the commissioner, and the common council member in whose district the food establishment is located.

b. Modification of a food establishment or a food establishment operational plan when required prior to the approval of the department shall be considered a violation and shall be subject to progressive enforcement.

4. SHARED KITCHEN AGREEMENT. A signed shared kitchen agreement shall be submitted with any application proposing to share space in a commercial kitchen operated by an agent other than the applicant.

6. FEES. Plan examination and modification fees shall be submitted and paid prior to the plan examination as required in ss. 81-55 and 81-55.3. Fees shall be nonrefundable and include the cost of all inspections required for a plan, if applicable.

7. SITE EVALUATION. a. Site evaluations are optional and conducted upon request. The purpose of a site evaluation is to assess the general suitability of a facility for use as a food establishment prior to an operator developing a site-specific operational or facilities plan. A site evaluation identifies general modifications to the facility that would be needed to meet current health code requirements.

b. If a site evaluation has already been conducted for a particular location based on the current version of the food code, the evaluation shall be provided free of charge upon request of the operator.

c. A site evaluation provides general guidance rather than guidance based on a food establishment's planned operation and does not replace the need to submit and obtain approval for a food establishment operation or facilities plan.

d. Request for a site evaluation shall be made to the department. Site evaluation fees shall be paid as required in s. 81-55.3.

8. VARIANCE. For processes identified in the Wisconsin Food Code as requiring a variance or at the commissioner's discretion, where strict adherence to any public health-related provision of this chapter, ch. 214, or any state regulations adopted in s. 68-3 is impractical for a particular food operation or establishment, the commissioner may approve a variance for that food operation or establishment if the commissioner is provided with satisfactory proof that the granting of the variance will not jeopardize public health, safety or welfare.

a. Application for a variance shall be submitted in writing to the commissioner on a form provided by the department. The application shall be accompanied by the documentation specified in par. d.

b. Upon receipt of a complete application, the commissioner shall review the request and grant or deny the request in writing within 30 days. If a variance is granted, the commissioner shall maintain a copy of the variance in the food operation or establishment's file.

c. A variance shall be considered a change to a food operation or establishment's operational plan requiring review and approval. No variance application shall be considered complete until the applicant has, obtained approval by the common council member in whose district the food establishment is located, and paid the application fee specified in s. 81-55.3.

d. Documentation supporting a proposed variance shall include each of the following information:

d-1. A description of the proposed variance from this chapter, ch. 214 or state regulations, citing relevant section numbers.

d-2. A description of how the potential public health hazards and nuisances addressed by the code requirement from which the variance is sought will be alternatively addressed if the variance is granted.

68-13 Food License Regulations

d-3. A hazard analysis and critical control points plan if relevant to the variance request or required by the commissioner.

e. A variance to health regulatory requirements shall be valid for 5 years from the date of issuance unless revoked for non-compliance. An operator wishing to extend a variance approval shall be required to submit a variance renewal request. Failure to file a request for variance renewal prior to expiration shall result in the application being considered a new application.

f. Failure by an operator to adhere to the terms of modification or variance approval shall be grounds for progressive enforcement, including revocation of the variance approval.

68-13. Food License Review Board.

1. ESTABLISHMENT. There is established a food license review board consisting of 3 professional environmental health personnel, including sanitarians, appointed by the commissioner. Board members shall be appointed to serve 4-year terms and shall not be required to be city residents. Elected officials and municipal employees who serve on the board shall do so without remuneration.

2. DUTIES. The food license review board shall serve as an appeal board to all petitions for the reinstatement of food dealers' licenses which have been suspended or revoked by the commissioner of health under the provisions of this chapter.

68-14. Food Safety Advisory Committee.

1. ESTABLISHMENT. The commissioner of health shall appoint and maintain a food safety advisory committee.

2. PURPOSE. The food safety advisory committee shall assist the city and the department in developing policies and regulations that enhance food safety and create an environment that is supportive for the continued growth of the food industry. The committee shall provide guidance to the commissioner on licensing, inspection fees, inspection criteria, grading of food establishments, and compliance and enforcement activities for the department.

3. COMPOSITION. This committee shall be comprised of representatives from restaurants, retail food establishments, peddlers, seasonal market and temporary event vendors, food manufacturers, consumers and academia.

68-15. State Food Protection Practices Certificate Required for Food Service Operations.

1. DEFINITIONS. In this section:

a. "Certificate holder" means a person who holds a valid, current certificate of food protection practices issued by the Wisconsin department of health and social services under s. 254.71, Wis. Stats.

b. "Food handler" means a person engaged in the preparation, processing or service of food.

c. "Food protection practices certificate" means a current, valid certificate of food protection practices issued by the Wisconsin department of health and social services under s. 254.71, Wis. Stats.

d. "Food service operation" means a regular restaurant, as that term is defined under ch. DHS 196, Wis. Adm. Code, or a retail food establishment, as that term is defined under s. 97.30, Wis. Stats., except that the term does not include a retail food establishment that processes non-potentially hazardous food or sells prepackaged potentially hazardous food obtained from an approved source.

e. "Potentially hazardous food" has the meaning given to that term under ch. ATCP 75, appendix, and ch. DHS 196, appendix, of the Wis. Adm. Code.

f. "Ready-to-eat food" means restaurant-style food that is offered or prepared for sale and is ready for consumption, regardless of whether consumption is on the premises where the food is sold.

g. "Serious food-handling sanitation violation" means a violation that is the basis of a citation by the department and that involves a potentially hazardous food temperature violation, a food or equipment cross-contamination violation, a poor hygienic practice by a food handler violation or a confirmed case of food-borne illness.

2. CERTIFICATE HOLDER REQUIREMENT. a. Each person who is licensed to operate a food service operation shall employ, or shall personally be, a person who is a certificate holder.

b. Whenever potentially hazardous food is being processed at a retail food establishment or being prepared or served at a regular restaurant, the person who is licensed to

SUBCHAPTER 2
FOOD DEALER LICENSE

68-21. Food Dealer License. 1. REQUIRED.

a. No person, partnership, association or corporation may establish a food operation, manufacture, offer for sale, store, distribute or sell food within the city without first having obtained a food dealer license or license with conditions allowing temporary or seasonal operation of a food establishment. The license shall be required of any person selling or distributing food, with the exception that a license shall not be required of a person holding a food peddler license or temporary or seasonal food license issued by the commissioner.

b. Only a person, association or corporation in compliance with the applicable requirements of this section shall be eligible to receive and retain a food dealer license.

c. A food dealer license may not be transferred from one person or entity to another or from one premise to another except an individual may transfer a license to an immediate family member, as defined in s. 254.64(4)(1)2, Wis. Stats., if the individual is transferring operation of the restaurant. See s. 85-19 for additional provisions relating to the transfer of licenses.

d. The commissioner or an authorized agent may grant a license with conditions for the temporary operation of a food establishment prior to the completion of orders and the issuance of a regular food dealer license, provided that the business is in substantial compliance with this section and the operation of the food establishment will not jeopardize the life, health and safety of the public and property, and the department of neighborhood services has approved an occupancy permit. The issuance of a license with conditions shall be revoked after 30 days, and the operation shall cease unless all conditions are met and a regular license issued. The regular license application shall be granted or denied before the license with conditions expires. The issuance of a license with conditions shall not apply to renewals.

e. No person may sell food door-to-door, except for occasional sales by representatives of a religious, fraternal, youth, civic or patriotic organization, service club or church. In this paragraph, "occasional sales" means that food is offered for sale for not more than 3 days in any 12-month period.

2. LICENSE NOT REQUIRED. A food dealer license shall not be required for the following:

a. A person selling only bottled or canned non-alcohol drinks that do not require refrigeration and no other food items.

b. A stand, not connected with any temporary event as defined in s. 68-1-58, located on private property in a residential area operated by a child under the age of 14 who sells homemade beverages or food items not requiring heating or refrigeration.

c. A community food program, provided all of the following conditions are met:

c-1 All food is provided free of cost to persons in need or organizations serving persons in need.

c-2. The community food program registers bi-annually with the department and pays the registration and inspection fees specified in s. 81-55.5.

c-3. Upon initial registration with the department, a community food program submits plans in compliance with s. 68-11 for review and approval, and undergoes pre-inspection prior to operating.

c-4. A community food program undergoes an annual inspection. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.

d. Any public or private primary and secondary school meal program, provided all of the following conditions are met:

d-1. Food service is limited to students who attend the school or to children as part of a free summer meal program.

d-2. All food preparation and service is performed by staff directly employed by the school.

d-3. The school registers annually with the department at least 10 days prior to operating or prior to the first day of the school year and pays the registration and inspection fees specified in s. 81-55.5.

d-4. Prior to initial operation, a school meal program submits plans in compliance with s. 68-11 for review and approval, and undergoes pre-inspection.

d-5. A school meal program undergoes 2 inspections administered by the department per school year. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.

e. A food manufacturer that derives 25% or more of its gross sales from wholesale trade, has obtained a food processing plant license from the state, and does not serve meals to the public.

68-21-3 Food License Regulations

f. A food distributor that derives 25% or more of its gross sales from wholesale trade, has obtained a food warehouse license from the state, and does not serve meals to the public.

3. APPLICATION. Applications for a food dealer license shall be made in writing to the office of the city clerk on forms provided by the city clerk and shall contain the following information:

a. The name, address and date of birth of the applicant.

b. The trade name and address of the food service establishment.

c. Whether the applicant is a person, corporation or partnership.

c-1. If the applicant is a corporation, the application shall contain the registered agent's name, address and date of birth, and verification that the corporation has been registered with the secretary of state as provided in ch. 180, Wis. Stats.

c-2. If the applicant is a partnership, the application shall include the names and addresses of the partners.

d. Such other reasonable or pertinent information the city clerk, commissioner or chief of police may require.

3.5. FINGERPRINTING. All applicants for food dealer licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

4. PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. a. The commissioner shall issue a license to each applicant for a new or renewal license who meets all the requirements of this section and has paid to the city treasurer the fee specified in s. 81-55 unless there is an objection by the commissioner, the department of neighborhood services, the common council member in whose district the food establishment is located, or any person affected by the operation or proposed operation of the applicant.

b. If either the common council member or the commissioner objects to 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 commissioner and the common council member. Appeals shall be forwarded to the licensing committee for its recommendation as to whether a license should be granted or renewed. The procedure for considering an appeal shall be as provided in sub 8.

c. If there is an objection to the renewal of a license, the procedure for considering the renewal license application shall be as specified in sub. 7.

d. The late renewal fee for a license issued under this chapter may not be waived unless definite proof exists that the delay is the fault of the health department or the city clerk.

5. POSTING. Each licensee shall post his or her license in a conspicuous place on the food establishment premises.

6. CHANGES TO BE REPORTED.

a. Changes in the food facility or operational plan submitted as part of a supplemental application shall be submitted in accordance with s. 68-11.

b. The owner of any premises for which a license has been granted shall promptly notify the city clerk in writing of his or her intention to cease operations.

c. An individual applicant or licensee who resides outside Wisconsin or who leaves the state for more than 30 days shall provide the commissioner or the commissioner's authorized agent with the name, address and telephone number of a responsible person or agent within the state of Wisconsin upon whom any process, notice or demand required or permitted under this section to be served upon the licensee may be served, and the commissioner shall notify the city clerk. Violation of this subsection may result in suspension or revocation of the license.

d. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

7. SUSPENSION FOR NONRENEWAL. The city clerk shall notify the appropriate city officials, and the commissioner shall order the immediate enforcement of this section in cases involving failure to renew a food dealer's license. The licensee shall be prohibited from manufacturing, offering for sale, distributing or selling food until a valid license has been applied for and obtained under this section.

8. PROCEDURE FOR DENIAL OR NONRENEWAL OF LICENSE. If there is an objection to an application for a new or renewal license, the application shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 to 85-5.

9. CAUSES FOR COUNCIL DENIAL, REVOCATION OR SUSPENSION OF LICENSE. An application for a new or renewal food dealer license may be denied, or any license issued

SUBCHAPTER 3
FOOD DEALER LICENSE
TEMPORARY AND SEASONAL

68-31. Temporary Food Dealer License.

1. LICENSES. a. General. Each individual temporary food operation, site, location or stand where food is prepared, processed, served or sold shall be connected to a temporary event or a fundraiser for a nonprofit organization when issued a temporary food dealer's license and be assessed fees in accordance with this section.

b. Exemption. The following shall be exempt from the requirement provided in par. a:

b-1. A licensed food establishment that extends its operation to the outside on a temporary basis and has obtained a temporary change of plan permit.

b-2. A food peddler with a food peddler license who operates on private property as part of a festival as defined in s. 261-103-6, street festival as defined in s. 95-1-2, or special event as defined in s. 105-55.5, provided the food operation remains unchanged from that conducted routinely under the operator's existing food peddler license.

b-3. A food peddler holding a state mobile retail food establishment license valid for the food being sold.

b-4. A food peddler holding a state mobile restaurant license valid for the food being sold.

b-5. A nonprofit organization, as defined in s. 68-1, operating three or less days per year.

c. Application and Issuance. Applications for a temporary food dealer license shall be made pursuant to the procedures set forth in s. 68-21-3 and 4. An individual who has applied for, but has not been issued, a food dealer license pursuant to s. 68-21, shall not be issued a temporary food dealer license at the location where the food dealer license application is pending, unless the common council member in whose district the food dealer license is pending has approved the temporary food dealer license application. Licenses shall be issued for the following categories:

c-1. Restaurant.

c-2. Retail.

d. Application Deadline. Failure to pay for and obtain a license to operate a temporary event one business day prior to the event occurring may result in the applicant not being allowed to participate in the event. The city clerk's office may accept an application on the initial day of the event or after the event has started and charge an expedited application fee in addition to the late fee specified in s. 81-56. An application shall not be

made or paid at the location of the temporary event. Any applicant who has failed to pay for a previous temporary event and has not withdrawn the application prior to the previous event shall pay any outstanding fee prior to any other temporary event application being accepted. An application, license or registration fee is nonrefundable unless the application is withdrawn prior to issuance or approval.

e. Fees. Application for a temporary food dealer license shall be accompanied by the fees specified in s. 81-56.

68-33. Seasonal Food Dealer License.

1. LICENSES. a. General. Each individual seasonal food operation, site, location or stand where food is prepared, processed, served or sold shall be connected to a seasonal market, community garden or commercial farming enterprise when issued a seasonal food dealer license and be assessed fees in accordance with this section.

b. Exemptions. The following shall be exempt from the requirement provided in par. a:

b-1. A food peddler with a valid food dealer license who operates within the limits of the existing peddler license and food is prepared and sold from his or her permitted carried container or food peddler vehicle. If a booth or stand is set up other than for the display of food, a separate seasonal food dealer's license shall be required.

b-2. Fresh produce grown on a private residence, provided processing is limited to that needed to harvest the product and the produce is sold on site at the residence where the produce was grown by the individual who grew it.

b-3. A food peddler holding a state mobile retail food establishment license valid for the food being sold.

b-4. A food peddler holding a state mobile restaurant license valid for the food being sold.

c. Application and Issuance. Applications for a seasonal food dealer license shall be made pursuant to the procedures set forth in s. 68-21-3 and 4. Licenses shall be issued for the following categories:

c-1. Seasonal market food vendor.

c-2. Farm stand.

d. Application Deadline. Applications shall be submitted at least 15 days prior to the initial date of operation or late fee shall apply. Applications filed less than one day prior to the initial date of operation shall be assessed the late fee and an expedited application fee shall be required as specified in s. 81-56.

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e. Fees. Application for a seasonal food dealer license shall be accompanied by the fees specified in s. 81-56.

f. Limitations and Expiration. f-1. A license shall be valid for only the markets listed on the operational plan on file with the department.

f-2. Any license issued before January 1, 2015, shall be valid for 180 days. Any license issued on or after January 1, 2015, shall be valid for one year.

2. SEASONAL MARKET REGULATIONS.

a. Seasonal food dealer licenses shall only be issued for locations where seasonal markets are a permitted use, as provided in s. 295-603-2-x, or for locations on city or county property.

b. A seasonal market food dealer license shall be valid at markets listed on the approved operational plan. A separate license is required for each stand or booth operated concurrently.

c. A single stand or booth may be no larger than 100 square feet.

d. Food sales shall be limited to fresh produce or other retail food items. The sale of meals shall require a temporary event license.

e. Other than cutting produce to offer free food samples of not more than 2 ounces each, including packaging, an operator may not process any food at a seasonal market. Any other onsite processing shall require a temporary event license. Any offsite processing other than the production of cottage food products shall be done in a licensed food establishment.

f. At the time of inspection, operators may be required to show proof that processed food products were purchased from or prepared in licensed food establishments. Failure to provide documentation shall result in a food item being prohibited from sale until the proper documentation is provided to the department.

3. FARM STAND REGULATIONS.

a. A seasonal farm stand food dealer license may only be issued for a location where a community garden or commercial farming enterprise is a permitted use as provided in s. 295-423, or on city or county property.

b. Food sales shall be limited to fresh produce, herbs, nuts, honey, cider, maple syrup, sorghum and cottage food products.

c. All food items may not require temperature control for food safety.

d. Other than cutting produce to offer free food samples of not more than 2 ounces each, including packaging, the operator may not process any food at a farm stand. Any processing after

harvesting other than preparation of cottage food products shall be done in a licensed food establishment.

e. A seasonal farm stand may not be located on the public way. If operated on public property, permission from the appropriate city department shall be obtained.

f. A farm stand shall be built in accordance with requirements established by the department of neighborhood services. Food display areas shall meet the requirements of the Wisconsin Food Code.

g. A farm stand may have one sign that shall comply with the provisions provided in ch. 244. The sign may only be displayed when the stand is in operation.

h. A temporary hand-washing station shall be maintained at all times a stand is in operation. If restrooms are unavailable onsite, the operator shall have and maintain a plan on how to access restrooms.

**CHAPTER 75
MISCELLANEOUS HEALTH PROVISIONS**

TABLE

75-01	Definition
75-1	Self-service Laundries; Hours
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75-20	Swimming Pools and Places
75-21	Massage Establishment Regulation
75-23	Tattooing and Body-Piercing
75-30	Reinspection
75-40	Environmental Health Board

75-01. Definitions. In this chapter:

1. COMMISSIONER means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

2. DEPARTMENT means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

75-1. Self-service Laundries; Hours.

1. DEFINITIONS. The following definitions shall apply in the interpretations and enforcement of this chapter:

a. "Attended" as used in relation to self-service laundries shall mean that either the applicant, or his employees, or other designated responsible persons are present in the establishment during all hours it is open to the public.

c. "Self-service laundry" shall mean, unless specifically stated otherwise, to include all establishments or parts thereof used by the general public for the purpose of washing or drying clothing or other fabrics.

d. "Unattended" as used in relation to self-service laundries means all those that are not attended.

2. REGISTRATION REQUIRED.

a. It shall be unlawful for any person to establish, maintain or operate a self-service laundry at a specific location in the city without a current and valid registration issued by the city clerk.

b. The person establishing, maintaining or operating a self-service laundry shall pay a registration certificate fee specified in s. 81-67. An additional weighing and measuring license fee specified in s. 81-135 shall be paid for each timing device used to establish self-laundry charges.

3. EXEMPTION. This section shall not apply to a self-service laundry in a residential building if the facilities of the laundry are intended for use by the residential occupants of that building, except that it shall apply to store units occupied in part for residential purposes.

4. APPLICATION. See s. 85-12 for application requirements.

5. PLAN OF OPERATION. An application for a registration certificate 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.

75-1-6 Miscellaneous Health Provisions

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. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

7. REGISTRATION FEE. See ch. 81 for the required registration certificate fee.

8. AGE QUALIFICATION. No registration certificate 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 registration certificate 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. INVESTIGATION. Each application for a new registration certificate shall be referred to the chief of police and the commissioner of neighborhood services for investigation in accordance with s. 85-21-2.

11. OBJECTION. If the local common council member, chief of police or commissioner recommends against an application, no registration certificate 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 certificate 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 registration certificate.

13. POSTING. Each registration certificate shall be posted in a conspicuous place on the premises.

14. TRANSFER. See s. 85-19 for provisions relating to the transfer of a registration certificate and the change of certificate holder names.

15. RENEWAL. Application for renewal of a registration certificate 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 certificate shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the certificate, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

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

17. SAFETY AND SANITARY REGULATIONS.

a. Washers and dryers shall be so constructed that they will cease to function when the door is open, with the exception of the fill and agitate cycles in top-load washers. Washers and dryers shall be installed under the provisions of the national electric code except where it is specifically provided otherwise by the city. Provision shall also be made so that in case of a blower motor or gas control failure, the dryer will shut off automatically.

Miscellaneous Health Provisions 75-21-2

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. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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 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.

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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 massage 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 massage 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 massage 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 massage establishment license if the situation warrants an emergency suspension.

22. PENALTY. a. Any person violating this section shall be subject to a forfeiture specified under s. 61-15.

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

75-23. Tattooing and Body-Piercing.

1. COMMON COUNCIL FINDINGS.

The common council finds that:

a. It is important to the health, safety and welfare of all residents of Milwaukee to promote safe and adequate care and treatment for individuals who receive tattoos or body piercing.

b. Tattooing and body piercing can expose individuals to communicable disease or infection unless great care is taken to ensure the cleanliness of the instruments and techniques used.

c. Some tattooing and body-piercing activities may be performed in such a dangerous and unsafe manner that protection of public health and safety requires the city to immediately abate the danger and suspend the activities without notice.

2. DEFINITIONS. In this section:

a. "Body piercer" means a person who performs body piercing on another.

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

c. "Dentist" means an individual licensed under s. 447.03(1), Wis. Stats.

d. "Department" means the health department.

e. "Physician" means an individual licensed to practice medicine and surgery under s. 448.03(1), Wis. Stats.

f. "Tattoo" has the meaning given in s. 948.70(1)(b), Wis. Stats.

g. "Tattooist" means a person who tattoos another.

3. STATE STATUTES AND ADMINISTRATIVE CODE ADOPTED. The city of Milwaukee adopts ch. DHS 173, Wis. Adm. Code, as amended, as part of this code. The city of Milwaukee adopts ss. 252.23, 252.24, 252.245 and 948.70, Wis. Stats., as part of this code.

4. DEPARTMENT AS AGENT OF STATE. The department is authorized to act as an agent of the Wisconsin department of health and family services, as authorized under ss. 52.23, 252.24 and 252.245, Wis. Stats., and ch. DHS 173, Wis. Admin. Code subject to the agreement required under s. 252.245(1), Wis. Stats. The department is authorized, as agent of the state, to enforce the tattooing and body-piercing regulations of ss. 252.23, 252.24, 252.245 and 948.70, Wis. Stats., and ch. DHS 173, Wis. Adm. Code subject to the agreement required under s. 252.245(1), Wis. Stats.

5. LICENSE REQUIRED. a. Except as provided in par. b, no person may tattoo or attempt to tattoo another, designate or represent himself or herself as a tattooist or use or assume the title "tattooist" and no tattoo establishment may be operated unless the person and the establishment are licensed under this section or applicable Wisconsin statute. No person may pierce the body of or attempt to pierce the body of another, designate or represent himself or herself as a body piercer or use or assume the title "body piercer" and no body-piercing establishment may be operated unless the person and the establishment are licensed under this section or applicable Wisconsin statute.

b. The licensure requirement of par. a does not apply to a dentist or to a physician who, in the course of the dentist's or physician's professional practice, tattoos or offers to tattoo an individual or who pierces the body of or offers to pierce the body of an individual.

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

7. 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 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.

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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. Information required by the health department to complete a public health plan review, which shall include:

j-1. A floor plan indicating the procedure areas, restroom, hand washing sinks, customer lounge /reception area, equipment sterilization room with associated sinks and sterilization equipment, mop sink and utility sink area.

j-2. An equipment list of all items to be used during a tattoo or body art procedure or used for sterilization.

j-3. A list of all finish materials used on floors, walls, ceilings, counter tops, storage cabinets and procedural tables and surfaces.

j-4. A lighting plan, showing locations of light fixtures and specifications of fixtures to be used.

j-5. A plan for sharps disposal.

j-6. An insect and rodent control plan.

j-7. An infection prevention and control plan, including either a copy of the initial spore test results or a request for a variance if all disposable equipment is to be used .

j-8. A copy of the practitioner licenses for all artists.

j-9. A copy of the client log, consent form, aftercare instructions, and age limitation sign to be used.

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

8. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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. 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.

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 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.

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. 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.

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.

**CHAPTER 81
LICENSE AND PERMIT FEES**

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License and Permit Fees 81-55.3

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$ 525
\$20,001 - \$200,000	800
\$200,001 - \$2,000,00	1,250
Over \$2,000,000	1,725

c. Food Stores - Processing:

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$ 350
\$20,001 - \$200,000	575
\$200,001 - \$2,000,000	1,325
Over \$2,000,000	2,050

d. Food Stores - No Processing:

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$200
\$20,001 - \$200,000	300
\$200,001 - \$2,000,000	575
Over \$2,000,000	875

e. Mobile peddler food base: \$150 new; \$125 renewal.

4. If multiple independent restaurant locations are operated at the same address and by the same person, a separate fee shall be charged for each additional location. An additional restaurant location shall be considered independent if it is physically separated from any other food preparation areas. The annual fee for each additional location shall be \$100.

5. Each license shall be valid for one year from the date of issuance.

6. A renewal shall be filed by the deadline established by the city clerk as provided in s. 85-26. There shall be an additional fee for the filing of a late renewal application in the amount of \$75.

7. The fee for a duplicate license shall be \$11.

8. A portion of the fee will shall be used to pay the state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection.

9. a. The fee for a licensed food establishment that extends its operation to the outside on a permanent basis shall be \$50.

b. Locations filing for alcohol beverage extensions under s. 81-90 at the same time shall be charged a total fee of \$75.

10. After issuance, the fee for filing an amendment to the license resulting in the need to issue a revised license shall be s. 81-55.3. The amendment fee is in addition to plan review and inspection fees for changes to the facilities or plan of operation specified in s. 81-55.3.

81-55.3. Food Operation – Public Health Plan Review and Site Evaluation.

1. The fee for a food establishment making operational or food processing equipment changes without any remodeling shall be:

a. \$75, when a variance or HACCP plan is not required.

b. \$150, if a variance or HACCP plan are required.

2. The fee for a food establishment undergoing remodeling or renovation with or without operational changes shall be \$250. The fee for submitting operational changes shall be waived if submitted at the same time.

3. The fee for the request for renewal of a variance shall be \$75. Failure to file the request for renewal prior to expiration shall result in the application being considered new.

4. a. The fee for a risk control or compliance plan when ordered by the department as part of progressive enforcement shall be \$150.

b. The fee shall be waived for an operator who voluntarily submits a risk control plan or compliance plan for review by the department.

5. The public health plan review fee shall double for any food establishment that initiates operational changes or infrastructure changes requiring plan review as specified in s. 68-11 prior to obtaining health department approval.

6. Public health plan review fees shall include the cost of all inspections required for plan validation, approval or verification.

7. The public health plan review fee for a new establishment shall be included in the initial application fee.

8. The fee for a food operation site evaluation shall be \$100.

9. Fees under this section shall be nonrefundable unless the plan is withdrawn prior to plan review being performed.

(See s. 68-11)

81-55.5 License and Permit Fees

81-55.5. Food Operation – Exempt Establishments Requiring Registration.

1. COMMUNITY FOOD PROGRAM.
 - a. The registration fee for a community food program shall be \$35.
 - b. Registration shall be valid for 24 months.
 - c. A single inspection within the registration period may be provided. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.
 - d. Payment shall be due at the time of registration.
 - e. A fee of \$75 shall be assessed if a community food program is found to be operating prior to its registration with the department.
 - f. A late fee of \$75 shall be assessed if a community food program is found to be operating its after registration has expired.
2. SCHOOL MEAL PROGRAM. a. The annual registration and inspection fees for a primary or secondary school meal program operated by the school exempt from licensure shall be:
 - a-1. \$75 for a satellite kitchen.
 - a-2. \$125 for a production kitchen.
 - b. The initial application fee for a school meal program that is exempt from licensure shall be \$50.
 - c. Two routine inspections within the registration period shall be provided. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.
 - d. Payment shall be due at the time of registration.
 - e. A fee of \$75 shall be assessed if a school meal program is found to be operating prior to its registration with the department.
 - f. A late fee of \$75 shall be assessed if a school meal program is found to be operating its after registration has expired.
(See s. 68-21)

81-56. Food Dealer's License, Temporary and Seasonal. 1. FEES. a. Restaurants. The fee for a temporary food establishment shall be \$100.

b. Retail. b-1. The fee for temporary food operations that process food at the point of sale shall be \$100.

b-2. The fee for temporary food operations that do not process food at the point of sale shall be \$75.

c. Seasonal Market and Farm Stand. The fee for vendors whose food sales are limited to whole fresh uncut produce, cottage food products, honey, cider, sorghum, and maple syrup produced by the operator, provided that no other processing is performed shall be \$35.

2. APPLICATION DEADLINE. Any application filed less than 15 days prior to the first day of operation shall pay a late fee of \$75 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary or seasonal event. Any application if accepted one day or less prior to the proposed first day of operation shall pay an additional \$75 expedited application fee. Applications shall not be processed without payment of all applicable fees.

3. LATE FEE. Any person who does not meet the application deadline in sub. 2 shall pay a late application fee of \$75 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary event. Any person meeting the application deadline for a temporary food dealer's license shall pay the fee for the temporary food dealer's license within 10 days of application or be assessed a late fee of \$75.

4. DUPLICATE LICENSE. The fee for a duplicate license shall be \$11.

5. STATE FEES. 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 or department of agriculture, trade and consumer protection.
(See s. 68-4.)

81-56.3. Food Peddler Licenses 1. The fee for each food peddler license shall be as follows:

- a. For each motorized vehicle: \$305.
- b. For each pushed, pedaled or pulled vehicle: \$275.
- c. For each person carrying containers: \$185.

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 body-piercing 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 Change of Plan Permit. The fee for a temporary change of plan permit shall be \$50.

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 employees 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.
 - 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

81-135-3 License and Permit Fees

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]

2. STANDARD DRY MEASURE. All dry commodities not otherwise specified in this section shall be bought or sold only by standard dry measures, standard weights or numerical count except where parties otherwise agree in writing. (*File #9722, Oct. 25, 1915.*)

82-4. Standard Bushel. The bushel in struck measure shall contain 2,150.42 cubic inches. The 1/2 bushel and parts thereof shall correspond in capacity to that of the bushel and shall be the standard measure for fruits, vegetables and other dry commodities customarily sold by heaped measure, in measuring such commodities; the 1/2 bushel or other smaller measure shall be heaped as high as may be without special effort or design. (*File #5723, Feb. 2, 1914.*)

82-5. Packaged Food Articles. 1. QUANTITY TO BE MARKED. All articles or food sold or exchanged, or kept, exposed or offered for sale or exchange within the city in package form shall have the same actual quantity of the contents plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count; reasonable variations shall be permitted from such stated weight, measure or numerical count in accordance with the tolerances and the rules and regulations established by the Wisconsin state department of agriculture, trade and consumer protection.

2. PENALTY. Any person violating this section shall forfeit a penalty of not less than \$25 nor more than \$500 for each offense. (*File #64-3148-a, Jan. 12, 1965.*)

82-6. Sale of Milk or Cream in Bottles.

1. STANDARD MEASUREMENTS. Bottles or jars used for the sale of milk or cream shall be of the capacity of 1/2 gallon, 3 pints, one quart, one pint, 1/2 pint, one gill, when filled full to the bottom of the cap seat, stopple or other designating mark.

2. VARIATIONS. a. The following variations on individual bottles or jars may be allowed, but the average contents of not less than 25 bottles selected at random from at least 4 times the number tested must not be in error by more than 1/4 of the tolerances:

a-1. 6 drams above and 6 drams below on the 1/2 gallon.

a-2. 5 drams above and 5 drams below on the 3-pint.

a-3. 4 drams above and 4 drams below on the quart.

a-4. 3 drams above and 3 drams below on the pint.

a-5. 2 drams above and 2 drams below on the 1/2 pint.

a-6. 2 drams above and 2 drams below on the gill.

b. When milk or cream is pasteurized in the bottle in which it is to be sold or delivered, such bottle must have a capacity sufficient to permit of the expansion of the contents in the process of heating, but such bottle shall have clearly marked thereon by a line or other designating mark the points to which such bottle is filled when containing the respective capacities provided for in this section, at 68° F or 20° C.

3. SEALER. The sealer shall enforce the rules and regulations prescribed and adopted by the state superintendent of weights and measures and measures relating to the capacity of bottles used for the sale of milk and cream. Bottles or jars used for the sale of milk shall have clearly blown or otherwise permanently marked in the side of the bottle the capacity of the bottle and the word "sealed," and in the side or bottom of the bottle the name, initials or the trademark of the manufacturer and the designating number, as provided for in ch. 566, laws of Wisconsin, 1911.

5. COMPLIANCE. The sealer of weights or measures is not required to seal bottles or jars for milk or cream marked as provided in this section, but he shall from time to time make tests on individual bottles used by the various dealers in the city in order to ascertain whether the provisions [in this section] are being complied with. (*File #9722, Oct. 25, 1915.*

82-6-4 rp File #131559, 5/13/2014; eff. 7/1/2014)

82-7. Standard Barrels and Boxes. 1. A liquid barrel shall contain 31-1/2 gallons and a hogshead, 2 barrels; aliquot parts of a barrel shall contain the proportionate number of gallons. A barrel for beer, ale, porter or other similar fermented liquors shall contain 31 gallons. Each gallon to contain 231 cubic inches; a 1/2 barrel 15-1/2 gallons; a 1/4 barrel 7-3/4 gallons; an 1/8 barrel 3-7/8 gallons. The capacities of the barrel and its subdivisions enumerated shall apply to all containers in which beer, ale, porter or other similar fermented liquors are commonly sold, known as barrels, kegs, casks, or any other container made of staves, hoops and flat heads.

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2. A liquid gallon shall contain 231 cubic inches.

3. A barrel of flour measured by weight shall contain 196 pounds.

4. A barrel of potatoes or other vegetables shall be the same as the standard barrel for apples or pears or other fruits, as provided in sub. 6.

5. A barrel of unslaked lime shall contain 200 pounds.

6. The standard barrel for apples or pears or other fruit, unless otherwise specifically defined, shall have an inner capacity of 7,056 cubic inches and shall not be less than 26 inches between the heads inside; the diameter of the heads shall be 17-1/8 inches, including the beveled edge; the outside bilge or circumference shall not be less than 64 inches, the thickness of the staves being 4/10ths of an inch; provided, however, that any barrel of a different form but of an interior capacity of 7,056 cubic inches shall be a legal barrel.

7. The standard barrel for cranberries shall measure not less than 25-1/4 inches between the heads inside; the diameter of the head shall be 16-1/4 inches, including the beveled edge; the outside bilge, or circumference, shall measure not less than 58-1/2 inches, the thickness of the staves being 4/10th of an inch. But any barrel of different form, but of the same interior capacity, shall be considered a legal barrel. (*File #9722, Oct. 25, 1915.*)

82-8. Standard Crates. 1. A standard crate for apples, pears, plums, peaches and other fruits, not secondarily contained in quart or other boxes within such crate, shall have an interior capacity of not less than 2,150 cubic inches exclusive of cover. (*File #51-3300, Mar. 25, 1952.*)

2. A bushel crate of cranberries and blueberries shall have an interior capacity of one bushel struck measure.

3. All sales of blackberries, blueberries, currants, gooseberries, raspberries, cherries, strawberries and similar berries in quantities of less than one bushel shall be by the quart, pint, or 1/2 pint dry measure, and all berry boxes or baskets sold, used or offered for sale within the city shall be of the interior capacity of not less than one quart, one pint, or 1/2 pint dry measure.

4. All sales of fresh fruits or vegetables in containers of less than one bushel dry capacity measure shall be in containers of the standard capacity of one quart, 2 quarts, 3 quarts, 4 quarts, 5 quarts, 6 quarts, 8 quarts, 16 quarts, or 24 quarts standard dry measure, and such receptacles shall in fact contain the full capacity of such fresh fruits or vegetables, or if in other than standard containers, such receptacles for fresh fruits or vegetables shall be plainly and conspicuously marked to indicate the true net weight, measure or numerical count of such fruits or vegetables. (*File #9722, Oct. 25, 1915.*)

82-9. Fruit and Berry Containers.

1. **STANDARDS.** All contracts for the sale of fruits, berries or vegetables by the barrel or crate, unless otherwise expressly stipulated in writing, shall be construed to mean barrels or crates of the capacity herein prescribed. The sealer of weights and measures shall not be required to seal the containers designated in this section.

2. **FULL CAPACITY.** It shall be and is declared unlawful for any person or persons to sell, offer for sale or otherwise dispose of for profit, unless otherwise expressly stipulated in writing, any berries or fruit within the city unless the crates, baskets, boxes, barrels or packages wherein the same are contained shall be of full interior capacity required for sale in the state of Wisconsin.

3. **PENALTY.** Any person violating this section shall forfeit a penalty of not less than \$25 nor more than \$100; and the illegal crates, boxes, barrels, packages or baskets, and the fruit or vegetables contained may be confiscated. (*File #9722, Oct. 25, 1915.*)

82-10. Weight to Mean Net Weight. When any commodity is sold by weight it shall be understood to mean net weight, and all contracts concerning goods or commodities sold by weight shall be construed accordingly unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. When any commodity is sold by the ton, it shall be understood to mean the net weight of 2,000 avoirdupois pounds unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. (*File #5723, Feb. 2, 1914.*)

82-11. Grain Measure, Bushel. No person shall sell, buy or receive in store for profit any grain at any weight or measure per bushel other than the standard weight or measure per bushel fixed by law, unless otherwise expressly stipulated in writing, and for any violation hereof the offender shall forfeit not less than \$5 nor more than \$50. *(File #5723, Feb. 2, 1914.)*

82-12. Sale of Fruits and Berries, Quality. All fruits and berries, fresh or dried, sold or offered for sale in the city in packages, shall be of equally good quality in every part of the package. Any person violating this section shall upon conviction thereof be fined not less than \$5 nor more than \$25.

82-13. Sale of Coal or Coke. 1. REGULATIONS. It shall be unlawful to sell or offer to sell in the city any coal, charcoal or coke in any other manner than by weights.

a. **Receipt Required.** No person, firm or corporation shall deliver any coal, charcoal, or coke without each such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, and the quantity or quantities of coal, charcoal or coke contained in the cart, wagon or other vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures, or his deputy or inspectors, upon demand, for his inspection, and the duplicate ticket or weight slip issued by the dealer shall be delivered to said purchaser of said coal, or his agent or representative, at the time of the delivery of the fuel.

b. **Carry Out Purchase; Content.** When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered over to the purchaser must be given to the purchaser at the time the sale is made. No coal or coke shall be sold in the city which contains more water or other liquid substance than that due to the natural condition of the coal or coke at the time the weight is taken for the purpose of sale.

2. **VERIFICATION OF WEIGHT.** a. Whenever the sealer or his deputy or inspectors shall demand that the weight shown by any coal delivery ticket be verified, it shall thereupon become the duty of the persons, firm or corporation delivering such fuel to convey the same forthwith to the nearest public scale, to be selected by the sealer, or his deputy, or inspectors in the particular locality where the coal or coke is to be delivered, or to the nearest scale in the particular locality where the owner thereof shall consent to such use, and permit the weighing of the coal or coke, together with the conveyance and equipment for the purpose of ascertaining the gross weight thereof, and shall, after the delivery of such fuel, return forthwith with the conveyance and equipment used in the delivery of such coal or coke to the same scale and permit the weighing of the said conveyance and equipment for the purpose of verifying the net weight of the coal or coke as shown by said ticket.

b. When any coal or coke is sold in bags or packages of any kind, such bags or packages shall have plainly marked thereon the quantity contained therein. In the event that coal or coke is sold or offered for sale by a peddler, such peddlers shall deliver to the purchaser or intended purchaser, or to the sealer of weights and measures, or his deputy or inspectors, upon his demand, a delivery ticket bearing the name of such peddler, his license number, if any, and showing the net weight of the fuel sold or offered for sale.

3. **PENALTY.** Any person who, either as principal, agent or servant, shall deliver or attempt to deliver a less quantity of coal or coke than that shown upon the delivery ticket in sub. 1-a shall forfeit to the city a penalty of not less than \$25 nor more than \$200; and any person who shall violate any of the provisions of this section shall forfeit to said city a penalty of not less than \$25 nor more than \$100. *(File #5723, Feb. 2, 1914.)*

82-14. Weighing or Measuring Device License. 1. REQUIRED.

a. **General.** No person, firm or corporation may operate or maintain weights and

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measures, weighing or measuring devices and systems and accessories relating thereto which are used commercially within the city in determining the weight, measure or count of commodities or cost of services or things bought or sold or offered or exposed for sale on the basis of weight, measure or count unless each such device is specifically licensed, is accurate and is operated in compliance with this section. No device may be operated without a current license and seal.

2. EXEMPTIONS. The following shall be exempt from the license requirement of this section:

b-1. A public or nonpublic vehicle scale which has a valid license or registration certificate as set forth in s. 82-30.

b-2. A public utility system that operates meters, other weighing and measuring devices and is regulated by the Wisconsin public service commission as set forth in s. 196.16, Wis. Stats.

b-3. Postal scales under the control of the state or federal government.

b-4. A vehicle tank meter which has a valid license or inspection certification issued by another city within the state or by the state of Wisconsin, provided the operator provides proof of licensing or inspection.

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

4. 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.

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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

7. 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.

8. 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.

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

10. 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, police 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 license.

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

13. TRANSFERABILITY. Licenses are not transferable between owners, meters, vehicles, vehicle scales or establishments. No device may be moved or transferred to another premises in the city and put into service, whether operated by the same owner or not, unless application is made first, a new fee paid and a license issued. See s. 85-19 for additional provisions relating to the transfer of a license and change of licensee names.

14. 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.

15. 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. (*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 m. 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.)

82-14-5 am. File #160192, Sept. 20, 2016; eff. Oct. 7, 2016.)

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

82-20 Weights and Measures

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.*)

**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.

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

8. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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.

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

4. 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.

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

6. 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.

7. 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.

8. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If any interested party objects to the 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 objection. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license 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. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and the change of licensee names.

12. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. 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.

13. 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 permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

14. REGULATIONS. a. In all instances a permit must be obtained from the department of city development for the posting of each and every sign, except for the posting of posters within business establishments, as provided for in s. 244-2.

b. No person shall post or maintain any sign or advertisement on a billboard, building, or structure which does not fully comply with the regulations set forth in ch. 244.

c. It shall be unlawful to post any advertisement on any premises in the city without the consent of the owner of such premises.

d. It shall be unlawful for any person engaged in the bill posting business to permit any refuse resulting from this work to accumulate anywhere in the city except by placing it in properly established refuse receptacles.

15. PENALTY. Any person or firm violating this section shall upon conviction, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution; and, in default of payment, may be imprisoned as provided by law.

84-20. Parking Lots or Places. 1. DEFINITIONS.

a. "Parking place" shall be construed to mean any garage or other building or any plot, piece or parcel of land in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee, but excluding the renting of private garages or private parking space and parking places that have parking spaces for 15 cars or less.

b. "Person" shall be construed to mean any individual, partnership, firm, association or corporation.

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2. LICENSE REQUIRED. a. No person shall conduct a business storing motor vehicles for hire in a parking place within the limits of the city without first having obtained a license therefor, except that no license shall be required for a parking place in a residential district and operating under a temporary conditional permit issued after a hearing by the board of appeals.

b. The person conducting such a business shall pay the fee specified in ch. 81. An additional weighing and measuring license fee shall be paid for each timing device used to establish parking charges.

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

4. PLAN OF OPERATION. An application for a parking lot or place 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.

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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

5.2. 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.

5.3. 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.

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

5.5. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If there is an objection to the 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 objection. 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.

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

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

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

5.9. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. 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.

6. 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.

7. SIGNS POSTED. a. All owners, operators or maintainers of parking places shall post prominently, at the entrances thereof, signs bearing the names of the owners, operators or maintainers and designating the rates of charges for parking privileges. The rates shall be displayed before 8:00 a.m. and shall not be increased for 24 hours thereafter.

b. All signs posted shall be a minimum size of 18 by 24 inches. The vertical height of the lettering for the rates shall be a minimum 3 inches, and the vertical height of other lettering shall be a minimum of 1.5 inches.

8. CLAIM CHECKS TO BE FURNISHED. At the time of accepting a motor vehicle for storing or parking in a parking place, the person conducting the same, his agent or employe, shall furnish to such person parking his motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the place owning or operating such parking place. These provisions shall not apply where cars are stored on a weekly or monthly fee basis.

9. FINANCIAL RESPONSIBILITY. All owners, operators or maintainers of parking places shall satisfy all final judgments arising out of or because of the operation or maintenance of parking places, in favor of and obtained by patrons within 15 days after the entry of judgment and, in default of compliance with this section and such judgment, the license of the owner, operator or maintainer shall be suspended until the judgment has been satisfied of record and satisfactory evidence of the financial responsibility of the owner, operator or maintainer has been furnished to the city clerk. Satisfactory evidence shall consist of the furnishing of a \$2,000 bond, on condition that the owner, operator or maintainer of a parking place will pay all final judgments recovered by the bailor according to law for damages arising from the operation or care of motor vehicles in the parking place and for the loss, damage, theft or conversion of any motor vehicle, except for personal property left in a car. The city clerk shall cancel the license for the operation of any parking place upon failure of any owner, operator or maintainer of a parking place to comply with this subsection.

10. BARRIERS. Persons operating parking places shall keep the same enclosed with a proper or suitable fence, wall or other barrier along streets upon which parking places front, so that motor vehicles cannot be removed from such place except at the regular established entrances and exits. Each licensee shall keep the sidewalks surrounding the parking places free from dirt, ice, sleet and snow, and shall keep the sidewalks in safe condition for the travel of pedestrians.

11. PARKED VEHICLES NOT TO BE USED WITHOUT AUTHORITY. It shall be unlawful to make any use for any purpose or purposes whatsoever of any motor vehicle parked on the premises of any parking place unless such use shall first be authorized by the owner or person having control of such vehicle.

12. VEHICLES NOT TO BE MOVED ONTO PUBLIC STREET. It shall be unlawful for any parking lot operator to park any motor vehicle, for which a fee has been charged, on the public highways or any location other than the parking lot under his control.

13. PARKING LOT EGRESS REQUIRED. a. Any person, firm or corporation offering parking service, whether licensed or not, upon any premises within the city shall provide for the egress or removal from said premises within 30 minutes of notification by the owner or operator of any vehicle for which a fee for parking has been paid.

b. Such person, firm or corporation offering parking for a fee shall post and maintain in a conspicuous place on the parking premises the name, address, and phone number of a party who shall be available at all times parking service is offered to serve as agent for notification under par. a.

14. PENALTY. Any person, firm or corporation violating this section shall be subject to a fine of not less than \$10 nor more than \$100, or in default of payment thereof to imprisonment in the county jail or house of correction, Milwaukee county, for not less than 10 days nor more than 30 days.

15. FRAUD OF PARKING LOT OPERATORS. a. Payment of Fees. It shall be unlawful for a parking lot patron to remove his car from a parking lot without paying any due parking fees.

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b. Posting of Ordinance. The owner or operator of every parking lot shall post or cause to be posted a copy of this section, or a summary thereof, in a conspicuous place within said parking lot.

c. Penalty. Any person violating par. a shall be punished by a fine of not less than \$50 nor more than \$500 and in default of payment thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 60 days.

d. Exception. The provisions of pars. a and c shall not apply if the operators of the parking lot have not met the provisions of sub. 13-b.

84-43. Cigarette and Tobacco License.

1. DEFINITIONS. In this section:

a. "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.

b. "Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes.

2. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation in any manner, or upon any pretense, or by any device, directly or indirectly, to sell, exchange, barter, dispose of or give away, any cigarettes or tobacco products without first obtaining a license therefor.

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

4. PLAN OF OPERATION. An application for a cigarette and tobacco 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.

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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

7. 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.

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

9. TRANSFER OF LICENSE OR CHANGE OF NAME. No cigarette and tobacco license may be transferred from one licensee to another or from one premises to another. The city clerk may, however, change the name of a licensee as provided in s. 85-19 upon receiving information that the name of the licensee has been lawfully changed by marriage, order of a court or administrative determination by the Wisconsin department of financial institutions.

10. RECORDS TO BE KEPT. Every retailer licensed under this section shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. The records shall be preserved on the licensed premises for 2 years in a manner to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.

11. SUSPENSION, NONRENEWAL AND REVOCATION. The city adopts s.134.65 (6), (7) and (8), Wis. Stats.

12. PENALTIES. a. Any person violating this section shall be fined not less than \$25 nor more than \$100 for the first offense or, in lieu of nonpayment or default of such fine, costs and disbursements, may be imprisoned as provided by law; and for a second or subsequent offense not less than \$25 nor more than \$200 or, in lieu of nonpayment or default of such fine, costs and disbursements, may be imprisoned as provided by law.

b. If upon conviction of a 2nd or subsequent violation, the person violating this section is found personally guilty of a failure to exercise due care to prevent the violation, the person shall be fined not less than \$25 nor more than \$300 or, in lieu of nonpayment or default of such fine, costs and disbursements, may be imprisoned as provided by law. Conviction under this paragraph shall result in immediate termination of the license of the person convicted of being personally guilty of failure to exercise due care and the person shall not be entitled to another license under this section for a period of 5 years after conviction, nor shall the person in that period act as the servant or agent of a person licensed under this section in the performance of acts authorized by the license.

84-45. Filling Stations. 1. PURPOSE. In order to protect the health, safety and general welfare of the community and environment and prevent potential harm and nuisance that could result from the location and operation of filling stations, the common council enacts the following regulations.

2. DEFINITION. In this section, "filling station" (gas station) means a place, building, pump or device maintained and used on private premises for the purpose of dispensing to the public gasoline or other fuels for use in motor vehicles of any kind.

3. LICENSE REQUIRED. a. No person, firm or corporation shall operate a filling station unless the person, firm or corporation possesses a valid license issued pursuant to this section. See s. 81-51.6 for the required fee.

b. An additional weighing and measuring license fee specified in ch. 81 shall be paid for each pump or device used to establish charges for gasoline or other fuels.

3.5. SECURITY CAMERA REQUIRED. All filling stations open to customers on a 24-hour basis shall:

a. Install, maintain in proper working order and operate during all hours the store is open to customers a security camera which can produce reproducible digital color images.

b. The camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face, either entering, exiting or at the cash register. Hanging displays shall not obstruct views of the individual's face.

c. If a time-lapse digital video camera is operated, recorded images shall not be recorded at a slower speed than 24 hours.

d. Recorded digital image files shall be kept for a minimum of 72 hours.

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 filling station 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. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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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. INVESTIGATION. 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. 85-21-2. All applicants for filling station licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

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 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.

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 the 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. ENFORCEMENT, PENALTY.

a. A person who violates any provision of this section or fails to comply with an order of the commissioner that was issued under this section or otherwise issued concerning the operation of a filling station shall be liable upon conviction to a Class J penalty under s. 61-16. Each day of a continued violation is a separate offense.

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

**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

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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
84-7-8	rc	160192	9/20/2016	10/7/2016
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

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84-7-16	rc	031497	2/16/2004	2/21/2004
84-7-16	rc	131559	5/13/2014	7/1/2014
84-7-17	cr	131559	5/13/2014	7/1/2014
84-7-18	cr	131559	5/13/2014	7/1/2014
84-7-19	cr	131559	5/13/2014	7/1/2014
84-10-3	cr	131559	5/13/2014	7/1/2014
84-10-4	cr	131559	5/13/2014	7/1/2014
84-10-4-a	am	951346	1/23/96	2/9/96
84-10-4-a	am	980963	12/18/98	1/1/99
84-10-5	cr	131559	5/13/2014	7/1/2014
84-10-6	cr	131559	5/13/2014	7/1/2014
84-10-7	cr	131559	5/13/2014	7/1/2014
84-10-8	cr	131559	5/13/2014	7/1/2014
84-10-9	cr	131559	5/13/2014	7/1/2014
84-10-10	cr	131559	5/13/2014	7/1/2014
84-10-11	cr	131559	5/13/2014	7/1/2014
84-10-12	cr	131559	5/13/2014	7/1/2014
84-10-13	cr	131559	5/13/2014	7/1/2014
84-10-14	cr	131559	5/13/2014	7/1/2014
84-10-15	cr	131559	5/13/2014	7/1/2014
84-20-2	rc	131559	5/13/2014	7/1/2014
84-20-3	rc	131559	5/13/2014	7/1/2014
84-20-3-d	rp	121521	4/30/2013	5/17/2013
84-20-4	rc	131559	5/13/2014	7/1/2014
84-20-4-b	am	110624	4/11/2012	4/28/2012
84-20-5	rc	131559	5/13/2014	7/1/2014
84-20-5	rc	160192	9/20/2016	10/7/2016
84-20-5.1	cr	131559	5/13/2014	7/1/2014
84-20-5.2	cr	131559	5/13/2014	7/1/2014
84-20-5.3	cr	131559	5/13/2014	7/1/2014
84-20-5.4	cr	131559	5/13/2014	7/1/2014
84-20-5.5	cr	131559	5/13/2014	7/1/2014
84-20-5.6	cr	131559	5/13/2014	7/1/2014
84-20-5.7	cr	131559	5/13/2014	7/1/2014
84-20-5.8	cr	131559	5/13/2014	7/1/2014
84-20-5.9	cr	131559	5/13/2014	7/1/2014
84-20-6	rn to 84-20-7	131559	5/13/2014	7/1/2014
84-20-6	cr	131559	5/13/2014	7/1/2014
84-20-6-b	am	041442	2/22/2005	3/11/2005
84-20-7	rn to 84-20-8	131559	5/13/2014	7/1/2014
84-20-8	am	891785	1/16/90	2/3/90
84-20-8	rn to 84-20-9	131559	5/13/2014	7/1/2014
84-20-9	rp	131559	5/13/2014	7/1/2014
84-33	rc	091371	5/25/2010	6/12/2010
84-33	rp	150078	6/2/2015	6/19/2015
84-33-2-0	am	131559	5/13/2014	7/1/2014
84-33-4	am	951346	1/23/96	2/9/96
84-33-4	am	980963	12/18/98	1/1/99
84-33-4	rc	131559	5/13/2014	7/1/2014
84-33-5	rc	131559	5/13/2014	7/1/2014
84-33-5-0	am	121521	4/30/2013	5/17/2013
84-33-5-c	rp	941797	6/6/95	6/23/95
84-33-5-c	am	130708	10/15/2013	11/1/2013
84-33-6	rc	131559	5/13/2014	7/1/2014
84-33-7	am	951346	1/23/96	2/9/96
84-33-7	am	980963	12/18/98	1/1/99
84-33-7	rc	131559	5/13/2014	7/1/2014
84-33-10	rc	131502	5/13/2014	5/9/2014

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84-34	rp	091371	5/25/2010	6/12/2010
84-34-3	rp	021691	3/25/2003	4/11/2003
84-33-7	rc	110991	4/11/2012	4/28/2012
84-33-8	rc	131559	5/13/2014	7/1/2014
84-33-9	rc	131559	5/13/2014	7/1/2014
84-33-10	rc	131559	5/13/2014	7/1/2014
84-33-11	rc	131559	5/13/2014	7/1/2014
84-33-12	rc	111624	4/11/2012	4/28/2012
84-33-12	rc	131559	5/13/2014	7/1/2014
84-33-13	rc	131559	5/13/2014	7/1/2014
84-33-14	rc	131559	5/13/2014	7/1/2014
84-33-15	rc	131559	5/13/2014	7/1/2014
84-33-16	rc	131559	5/13/2014	7/1/2014
84-33-17	rc	131559	5/13/2014	7/1/2014
84-40	rc	020963	2/11/2003	2/15/2003
84-40	rp	091371	5/25/2010	6/12/2010
84-40-2-b	am	070109	5/8/2007	5/25/2007
84-40-5-a	am	070109	5/8/2007	5/25/2007
84-40-12-b	rc	080009	5/20/2008	6/7/2008
84-40-12-c	rp	080009	5/20/2008	6/7/2008
84-40-12-c	rp	080189	7/1/2008	7/19/2008
84-40-12-d	rn to 84-40-12-c	080009	5/20/2008	6/7/2008
84-40-12-d	rp	080189	7/1/2008	7/19/2008
84-40-12-e	rn to 84-40-12-d	080009	5/20/2008	6/7/2008
84-40-12.5	cr	080189	7/1/2008	7/19/2008
84-40-13-c	rc	080009	5/20/2008	6/7/2008
84-40-13-d	rp	080009	5/20/2008	6/7/2008
84-40-13-e	rp	080009	5/20/2008	6/7/2008
84-40-13-f	rp	080009	5/20/2008	6/7/2008
84-40-14	rc	080009	5/20/2008	6/7/2008
84-40-14-f-5	am	040631	9/21/2004	10/8/2004
84-40-15	am	041379	2/22/2005	3/11/2005
84-41	rp	091371	5/25/2010	6/12/2010
84-43	rc	961523	2/11/97	2/28/97
84-43-2	am	871998	1/26/88	2/13/88
84-43-3	am	890828	9/1989	10/7/89
84-43-3	am	020238	6/4/2002	6/24/2002
84-43-3	rc	131559	5/13/2014	7/1/2014
84-43-3.5	cr	111624	4/11/2012	4/28/2012
84-43-3.5	rc	120349	7/24/2012	8/10/2012
84-43-3.5	rn to 84-43-9	131559	5/13/2014	7/1/2014
84-43-3.7	cr	120397	7/24/2012	8/10/2012
84-43-3.7	rn to 84-43-10	131559	5/13/2014	7/1/2014
84-43-4	am	120397	7/24/2012	8/10/2012
84-43-4	rn to 84-43-11	131559	5/13/2014	7/1/2014
84-43-4	cr	131559	5/13/2014	7/1/2014
84-43-4-b	cr	120397	7/24/2012	8/10/2012
84-43-5	cr	131559	5/13/2014	7/1/2014
84-43-6	cr	131559	5/13/2014	7/1/2014
84-43-8	cr	131559	5/13/2014	7/1/2014
84-43-4	cr	131559	5/13/2014	7/1/2014
84-43-5	rc	160192	9/20/2016	10/7/2016
84-43-11	rn to 84-43-12	160245	7/6/2016	7/23/2016
84-43-11	cr	160245	7/6/2016	7/23/2016
84-45	rc	931861	4/26/94	5/13/94
84-45	rc	960167	7/30/96	8/16/96
84-45-2	rc	131559	5/13/2014	1/1/2015
84-45-2-a	rc	980963	12/18/98	1/1/99

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84-45-3	am	961523	2/11/97	2/28/97
84-45-3	rc	131559	5/13/2014	1/1/2015
84-45-3.5	cr	971141	1/20/98	2/6/98
84-45-3.5-a	am	050735	10/18/2005	11/4/2006
84-45-3.5-c	am	050735	10/18/2005	11/4/2006
84-45-3.5-d	am	050735	10/18/2005	11/4/2006
84-45-4	rc	131559	5/13/2014	1/1/2015
84-45-4-a	am	111235	2/28/2012	3/16/2012
84-45-4-b-7	am	080009	5/20/2008	6/7/2008
84-45-4-c-2	am	980963	12/18/98	1/1/99
84-45-5	rc	131559	5/13/2014	1/1/2015
84-45-5-c	am	890828	9/19/89	10/7/89
84-45-6	rc	131502	5/13/2014	5/9/2014
84-45-6	rc	131559	5/13/2014	1/1/2015
84-45-6	rc	160192	9/20/2016	10/7/2016
84-45-6-a	am	080009	5/20/2008	6/7/2008
84-45-6-d	rn to 84-45-6-e	981367	6/2/99	7/1/99
84-45-6-d	cr	981367	6/2/99	7/1/99
84-45-6-d	am	080009	5/20/2008	6/7/2008
84-45-6-e	rn to 84-45-6-f	981367	6/2/99	7/1/99
84-45-6-e	rc	080009	5/20/2008	6/7/2008
84-45-6-f	rn to 84-45-6-g	981367	6/2/99	7/1/99
84-45-6-f	rc	080009	5/20/2008	6/7/2008
84-45-6-g	rn to 84-45-6-h	981367	6/2/99	7/1/99
84-45-6-g	rp	080009	5/20/2008	6/7/2008
84-45-6-h	rn to 84-45-6-g	080009	5/20/2008	6/7/2008
84-45-7	rc	981367	6/2/99	7/1/99
84-45-7	rp	131502	5/13/2014	5/9/2014
84-45-7	rc	131559	5/13/2014	1/1/2015
84-45-8	rc	131559	5/13/2014	1/1/2015
84-45-9	rc	131559	5/13/2014	1/1/2015
84-45-10	rc	080189	7/1/2008	7/19/2008
84-45-10	rc	131559	5/13/2014	1/1/2015
84-45-10	am	150634	9/22/2015	10/9/2015
84-45-11	rp	981367	6/2/99	7/1/99
84-45-11	am	080009	5/20/2008	6/7/2008
84-45-11	rc	131559	5/13/2014	1/1/2015
84-45-12	rn to 84-45-11	981367	6/2/99	7/1/99
85-45-12	rc	080009	5/20/2008	6/7/2008
84-45-12	rc	131559	5/13/2014	1/1/2015
84-45-12-c	rn to 84-45-12-d	981367	6/2/99	7/1/99
84-45-12-c	cr	981367	6/2/99	7/1/99
84-45-12-d	rn to 84-45-12-e	981367	6/2/99	7/1/99
84-45-12-e	rn to 84-45-12-f	981367	6/2/99	7/1/99
84-45-13	rn to 84-45-12	981367	6/2/99	7/1/99
84-45-13	am	080009	5/20/2008	6/7/2008
84-45-13	rc	131559	5/13/2014	1/1/2015
84-45-14	rn to 84-45-13	981367	6/2/99	7/1/99
85-45-14	rp	080189	7/1/2008	7/19/2008
84-45-14	rc	131559	5/13/2014	1/1/2015
84-45-15	rn to 84-45-14	981367	6/2/99	7/1/99
84-45-15	am	080009	5/20/2008	6/7/2008
84-45-15	rn to 84-45-14	080189	7/1/2008	7/19/2008
84-45-15	rn to 84-45-17	131559	5/13/2014	1/1/2015
84-45-15	cr	131559	5/13/2014	1/1/2015
84-45-16	rn to 84-45-15	981367	6/2/99	7/1/99
84-45-16	rn to 84-45-15	080189	7/1/2008	7/19/2008
84-45-16	cr	131559	5/13/2014	1/1/2015

84--(HISTORY) Miscellaneous Licenses

84-45-17	rn to 84-45-16	981367	6/2/99	7/1/99
84-48	rc	950773	10/17/93	11/3/95
84-48	rp	141893	9/22/2015	10/9/2015
84-48-1-a	rn to 84-48-1-c	980963	12/18/98	1/1/99
84-48-1-a	cr	980963	12/18/98	1/1/99
84-48-1-a	rp	131559	5/13/2014	8/1/2015
84-48-1-b	rn to 84-48-1-d	980963	12/18/98	1/1/99
84-48-1-b	cr	980963	12/18/98	1/1/99
84-48-1-b	rp	131559	5/13/2014	8/1/2015
84-48-1-c	rn to 84-48-1-e	980963	12/18/98	1/1/99
84-48-1-c	rc	001799	5/8/2001	5/28/2001
84-48-1-c	rp	131559	5/13/2014	8/1/2015
84-48-1-d	rn to 84-48-1-f	980963	12/18/98	1/1/99
84-48-1-d	rn to 84-48-1-a	131559	5/13/2014	8/1/2015
84-48-1-e	rc	882315	4/25/89	5/13/89
84-48-1-e	rn to 84-48-1-g	980963	12/18/98	1/1/99
84-48-1-e	rn to 84-48-1-b	131559	5/13/2014	8/1/2015
84-48-1-f	rn to 84-48-1-h	980963	12/18/98	1/1/99
84-48-1-f	rn to 84-48-1-c	131559	5/13/2014	8/1/2015
84-48-1-g	rc	001799	5/8/2001	5/25/2001
84-48-1-g	rn to 84-48-1-d	131559	5/13/2014	8/1/2015
84-48-1-h	rc	001799	5/8/2001	5/25/2001
84-48-1-h	rn to 84-48-1-e	131559	5/13/2014	8/1/2015
84-48-2-b-1	am	001799	5/8/2001	5/25/2001
84-48-2-b-3	cr	001799	5/8/2001	5/25/2001
84-48-3	rc	131559	5/13/2014	8/1/2015
84-48-3-a-0	am	930785	9/28/93	10/15/93
84-48-3-a-0	am	980963	12/18/98	1/1/99
84-48-3-a-1	rc	001799	5/8/2001	5/25/2001
84-48-3-a-6	am	930785	9/28/93	10/15/93
84-48-3-a-6	am	980963	12/18/98	1/1/99
84-48-3-c	rp	882315	4/25/89	5/13/89
84-48-4	rc	131559	5/13/2014	8/1/2015
84-48-4-a	am	930451	7/27/93	8/13/93
84-48-4-a	am	930785	9/28/93	10/15/93
84-48-4-a	am	980963	12/18/98	1/1/99
84-48-4-c	am	930785	9/28/93	10/15/93
84-48-5	rn to 84-48-17	131559	5/13/2014	8/1/2015
84-48-5	cr	131559	5/13/2014	8/1/2015
84-48-5-a	am	001799	5/8/2001	5/25/2001
84-48-5-b	am	001799	5/8/2001	5/25/2001
84-48-5-c	am	001799	5/8/2001	5/25/2001
84-48-5-d	am	001799	5/8/2001	5/25/2001
84-48-5-e	am	980963	12/18/98	1/1/99
84-48-5-e	am	001799	5/8/2001	5/25/2001
84-48-5-f	am	001799	5/8/2001	5/25/2001
84-48-5-h	am	980963	12/18/98	1/1/99
84-48-5-h	am	001799	5/8/2001	5/25/2001
84-48-5-i	cr	001799	5/8/2001	5/25/2001
84-48-6	am	930785	9/28/93	10/15/93
84-48-6	am	980963	12/18/98	1/1/99
84-48-6	am	001799	5/8/2001	5/25/2001
84-48-6	rc	131559	5/13/2014	8/1/2015
84-48-7	am	930785	9/28/93	10/15/93
84-48-7	rn to 84-48-18	131559	5/13/2014	8/1/2015
84-48-7	cr	131559	5/13/2014	8/1/2015
84-48-7-a	am	980963	12/18/98	1/1/99

**CHAPTER 85
LICENSE AND PERMIT PROCEDURES**

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**SUBCHAPTER 1
PROCEDURES FOR COMMITTEE
HEARINGS AND COMMON COUNCIL REVIEW**

85-1. Purpose and Scope. 1. PURPOSE. It is the purpose of the common council to assure uniformity and clarity in the procedures under which certain licenses and permits are considered for approval, denial, renewal, non-renewal, suspension and revocation. It is the further purpose of the common council to guarantee to licensees, permittees and members of the public those protections of due process of law respecting a full and fair right to be heard upon adequate notice, to confront and cross-examine witnesses, to have the benefit of rules of evidence, and to present evidence and arguments of law and fact.

2. SCOPE AND APPLICATION. The provisions of this chapter shall not supercede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for notice, committee hearing or council action are otherwise silent.

85-2. Definitions. 1. APPLICANT means any person, partnership, corporation, limited liability company or other firm causing, either directly or by agent or counsel, a written application for license or license renewal or for a permit or permit renewal to be filed with an office of the city for consideration and determination by the common council. For purposes of this chapter, applicant shall also mean a licensee or permittee subject to suspension or revocation proceedings.

2. COMMITTEE means the licensing committee or permitting committee designated by common council ordinance or rule to review and hear matters related to identified licenses or permits.

3. COMPLAINANT means a person or party who asserts an interest affected by the operation or proposed operation of a licensee, or the issuance or continuance of a permit, who files a written complaint in compliance with the provisions of this code or the provisions of state law with respect to the license or permit.

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3.5. LICENSEE or PERMITTEE means a person licensed, permitted or otherwise approved under the provisions of this code to operate a particular type of business or to conduct a certain activity for which the code requires that a license, permit or other approval be granted or issued by the city before any person may operate that type of business or conduct that activity.

4. OBJECTION means a written statement submitted by an interested party to the city clerk that includes information personally known to the objector that could form the basis for nonrenewal or suspension of a license or permit as provided in s. 85-4-4, or as expressly provided elsewhere in this code for a license or permit as a basis for denying renewal or suspension of the license.

5. OBJECTOR means a person or party affected by the operation or proposed operation of a licensee, or who is or may be affected by the issuance or continuance of a permit, whose written objection is sufficient under this code to initiate proceedings for non-renewal, suspension or revocation of a license or permit.

6. PERSON means any individual, firm, partnership, association, corporation, limited liability company or limited liability partnership.

85-2.5. Notice of Hearing Upon Council Member Request.

1. CITY CLERK TO NOTIFY. Upon request of the local council member, the city clerk may provide, by mail, written notice, regarding an application for any business license processed by the city clerk, which is scheduled for a hearing before the licensing committee of the common council, to up to 100 single-family residences in the immediate area of the property for which a license is sought, or to each resident of the circular area having a radius of 250 feet, centered on the property for which a license is sought, whichever is greater.

2. EXCEPTION. Notwithstanding sub. 1, those interested parties who have made written requests to the city clerk to be notified of a hearing for a particular license application shall be provided notice by the city clerk regardless of their residence.

85-2.7. Hearing Procedure, New License. **1.** HEARING; NOTICE. The licensing committee shall make a recommendation on whether or not

to grant each new license. If there is a possibility of denial, the licensing committee shall hold a hearing. No hearing shall be heard unless the city clerk, or other city official or department authorized to receive applications for licenses, has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

a. The date, time and place of the hearing.

b. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the notice shall also be served upon the owner of the premises so that the owner has at least 3 days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.

c. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

d. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

2. POSSIBILITY OF DENIAL. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

3. DUE PROCESS. A due process hearing shall be conducted in the following manner:

a. All witnesses shall be sworn in.

b. The chair shall ask those opposed to the granting of the license to proceed first.

c. The applicant shall be permitted an opportunity to cross-examine.

d. After the conclusion of the opponent's testimony, the applicant shall be

- 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 income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a

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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.

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.

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. 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.

85-35. Changes to 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.

85-37. Changes to Plan of Operation, Permanent. If, after a license has been issued, the licensee wishes to permanently 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.

85-39. Changes to Plan of Operation, Temporary. **1. AUTHORITY.** The granting of a temporary change of plan permit shall authorize the permittee or licensee to deviate from the plan of operation specified on the existing license or permit. Such authority shall be contingent on the licensee also obtaining any other special privileges or permits required to effectuate the additional action or activity sought in the change of plan permit application.

2. ELIGIBLE AREAS. Areas included in any temporary change of plan permit shall be owned by or under the control of the permittee or licensee. If the applicant seeks to encroach upon public property or a public thoroughfare, the applicant shall also obtain the applicable special privilege permit.

3. APPLICATION. a. Application for a temporary change of plan permit shall be made by an individual, or authorized agent in the case of a corporation, who shall be personally responsible for compliance with all of the provisions of this section.

b. Application for the temporary change of plan permit shall be filed on or before the deadline established by the city clerk on forms provided by the city clerk. The application shall include:

b-2. The name, business address and telephone number of the applicant.

b-3. The address of the existing licensed premises, the aldermanic district in which the premises is located, and a specific description of the site for which the temporary change is sought.

b-4. The name of the particular event or function for which the temporary change of the licensed premises is sought.

b-5. The date and period of time for which the particular event or function will be operated.

b-6. Such other reasonable and pertinent information as the common council or licensing committee may require.

c. The city clerk shall accept applications filed after the filing deadline established by the city clerk, provided the applicant affirms the applicant's understanding that any decision made by a common council member under sub. 4 is final and not subject to further review.

4. APPROVAL BY COUNCIL MEMBER. a. The completed application shall be referred to the common council member representing the district in which the premises for which the permit is sought is located. The common council member shall determine whether to approve the permit and shall inform the city clerk of his or her decision.

b. In making a determination, the common council member shall consider each of the following factors:

b-1. The appropriateness of the location and site for which the permit is sought, and whether the activity for which the permit is sought will create undesirable neighborhood problems.

b-2. The hours during which the activity would take place on the site and the likely effect of the activity on the surrounding area.

b-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.

b-4. Any other factors which reasonably relate to the public health, safety and welfare.

5. COMMITTEE ACTION. a. If an application filed prior to the deadline set by the city clerk is denied approval by a common council member under sub. 4-a, the applicant may appeal the decision to the licensing committee.

b. If a written objection to an application is filed by any interested person, the city clerk shall forward the application to the licensing committee for a hearing.

6. HEARING PROCEDURE. a. Any hearing required under sub. 5 shall be conducted as set forth in s. 85-2.7.

b. No hearing shall be heard unless the city clerk provides the applicant written notice in the manner set forth in s. 85-3 so that the applicant has at least 3 days notice of the hearing.

7. ISSUANCE. a. If the common council member approves or the common council grants the application for a temporary change of plan 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 temporary change of plan shall be in effect. The document shall also contain any restrictions or conditions which the common council member or common council may place on the approvals.

b. The city clerk shall not issue a temporary change of plan permit if the commissioner of neighborhood services has provided the city clerk with a request to hold the issuance on the basis that the applicant has not obtained all required permits for the premises or final inspection of the premises has not yet occurred.

c. 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 temporary change of plan was issued.

8. ON-PREMISES SALE. a. A licensee granted a temporary change of plan permit and in possession of a current Class "B" tavern license, Class "B" fermented malt beverage retailer's license, or Class "C" wine retailer's license may not sell any alcohol or non-alcohol beverages for consumption in bottles, cans and glass containers in the temporary location of the change of plan. Beverages may only be sold in single-service cups for on-premises consumption in the location of the temporary extension of the licensed premises.

b. An exception to the limitation on sale of alcohol beverages to single-service cups in par. a may be permitted by the chief of police upon application of an event sponsor or the licensee of the temporary change of plan made at least 60 days prior to the special event. In an application for such an exception, the applicant shall provide all of the following to the chief of police:

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b-1. A copy of the change of plan application or permit, if issued, and information identifying the sponsor or sponsors of the special event, if any.

b-2. The reason or reasons for which an exception is sought.

b-3. The security plan proposed for the event, including a specific description of the procedures and policies for ensuring the safety of the public.

b-4. A description of the entertainment or amusement to be provided during the special event.

b-5. The type and estimated quantity of single-service beverage containers proposed for sale or possession upon the extended premises.

b-6. Any other information the chief of police may require.

c. The chief of police may permit beverage containers other than single-service cups when, in his or her discretion, considering information in the application and other factors consistent with the health, safety and welfare of the public and of police officers, it is determined that the exception poses no appreciable risk. These factors may include past experience with the same or similar special events, the estimated number of participants in the special event, and neighborhood circumstances.

d. The chief of police may, upon cause clearly shown in the application, waive the requirement that an application be made at least 60 days prior to the event.

9. DISPLAY OF PERMIT. a. Every person issued a temporary change of plan permit pursuant to this section shall post the permit in a conspicuous place in the premises during those times when the activity is taking place.

b. It shall be unlawful for any person to post a permit or to be permitted to post a permit upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

c. Failure to appropriately post a permit shall be treated in the same manner as operating without a permit.

10. FEE. Each application shall be accompanied by the fee specified in s. 81-126.5.

85-41. Penalty, General. Any person who violates any of the provisions of this chapter shall, where no other provisions are expressly made for the enforcement of any forfeitures or penalties under this chapter, upon conviction be subject to a forfeiture of not more than \$500 and in default of payment thereof, shall be imprisoned as provided by law.

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
85-2-3.5	am	160192	9/20/2016	10/7/2016
85-2-4	rn to 85-2-5	091207	5/4/2010	5/21/2010
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

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85-12.7	cr	130324	7/23/2013	8/10/2013
85-13	cr	080189	7/1/2008	7/19/2008
85-13-3	rn to 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 85-13-5	110227	7/6/2011	7/23/2011
85-13-5	rn to 85-13-6	110227	7/6/2011	7/23/2011
85-13-6	rn to 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

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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
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
85-29-4	rp	151751	4/15/2016	5/4/2016
85-32	cr	130644	9/24/2013	10/11/2013
85-32-3	rp	151751	4/15/2016	5/4/2016
85-34	cr	131800	7/22/2014	9/1/2014
85-34-4	rp	151751	4/15/2016	5/4/2016
85-34-5	rn to 85-34-4	151751	4/15/2016	5/4/2016
85-35	cr	160192	9/20/2016	10/7/2016
85-36	cr	151751	4/15/2016	5/4/2016
85-36	rn to 85-41	160192	9/20/2016	10/7/2016
85-37	cr	160192	9/20/2016	10/7/2016
85-39	cr	160192	9/20/2016	10/7/2016

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any Class "B" tavern premises shall be prohibited from consuming its contents, either in part or in whole, on such premises. The provisions of this section shall not apply to hotels, restaurants, clubs and fraternal organizations which are the holders of a Class "B" license.

b-3. See s. 90-15-3-b of the code for the closing hour requirement restricting off-premise sales.

c. License Restrictions. In order to preserve the distinction between businesses conducted under Class "A" retail intoxicating liquor license, and those conducted under the Class "B" tavern license, the following regulations shall govern the conduct of businesses operated in the city of Milwaukee under the Class "B" tavern license:

c-1. The licensee shall not cause the delivery of intoxicating liquors or fermented malt beverages from the licensed premises by truck or any other means.

c-2. No patron shall be suffered or permitted by any person licensed under this chapter to remove intoxicants or fermented malt beverages in open containers, whether in bottles, cans, or glasses, from the Class "B" licensed tavern, except in the case where the licensed tavern premises is contiguous to another licensed tavern premises, both licensed tavern premises are contiguous to a recognized festival being held and at least one of the licensed tavern premises has been granted a temporary change of plan permit.

c-3. Notwithstanding the restrictions upon permitting patrons to remove intoxicants in open containers in subd. 2, a restaurant operating under a Class "B" tavern license is authorized to sell wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold at retail if all of the following apply:

c-3-a. The licensee provides a dated receipt that identifies the purchase of food and the purchase of the bottle of wine.

c-3-b. Prior to removing a partially consumed bottle of wine from the premises, the licensee shall securely reinsert the cork into the bottle to the point where the top of the cork is even with the top of the bottle.

c-3-c. The cork is reinserted after 6 a.m. and before 12 midnight on any day of licensed operation.

c-4. See sub. 4 for the circumstances when a Class "B" manager's license is required for a Class "B" tavern.

d. Prerequisite. Pursuant to s. 125.51 (3)(f), Wis. Stats., no Class B retailer's intoxicating liquor license shall be granted to any person who does not hold a Class "B" retailer's license to sell fermented malt beverages.

3. CLASS "B" RETAILER'S SERVICE BAR LICENSE. A Class "B" retailer's service bar licensee shall have the same rights and privileges granted to any other Class "B" licensee except that all intoxicating liquors or fermented malt beverages served for consumption on the premises so licensed shall be served only to patrons seated at tables. No stools, chairs or other articles of furniture shall be placed at the service bar for patrons to sit upon.

4. CLASS "B" MANAGER'S LICENSE. a. When Required. A manager shall be required for each establishment holding a Class "B" or Class "C" retailer's license if the individual proprietor, or partnership, or agent for the corporation or limited liability company is not the manager of the business. The manager shall be appointed in writing by the licensee and shall obtain a Class "B" manager's license from the city clerk.

b. Manager's Responsibilities. Pursuant to s. 125.32(1), Wis. Stats., the Class "B" manager shall have responsibility or authority for:

b-1. Personnel management of all employees, without regard to whether the person is authorized to sign employment contracts.

b-2. The terms of contracts for the purchase or sale of goods or services without regard to whether the person is authorized to sign contracts for goods or services; or

b-3. The daily operation of the licensed premises.

c. Licensee's Responsibility. The appointment of a manager shall not relieve the licensee of his responsibility for the licensed premises under this chapter; the licensee shall be subject to suspension or revocation proceedings as provided for in s. 90-12.

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e. Application; Issuance. The application and issuance of such a license shall be made in accordance with s. 90-5. A manager's license shall be issued for a period not to exceed one year and shall expire on June 30. The license shall not be transferable.

f. Termination of Manager's Manager Status or Employment. If the licensee terminates the appointment of the manager as manager of the establishment, or if the manager leaves employment with the licensee, the licensee shall notify the city clerk of such action in writing within 10 days of the termination or separation. The manager shall surrender the manager's license and return the license to the city clerk not later than 10 days following the day on which the manager appointment was terminated or separation from employment occurred.

5. CLASS "A" FERMENTED MALT BEVERAGE RETAILER LICENSE (PACKAGE STORE). A Class "A" fermented malt beverage retailer licensee shall sell at retail fermented malt beverages only for consumption away from the licensed premises and in the original packages, containers, or bottles in quantities of no more than 4 1/2 gallons. The limitation of quantities of no more than 4 1/2 gallons does not apply to a Class "A" fermented malt beverage retail licensee if the licensee also holds a Class "A" liquor license for the same premises. The licensee shall not be authorized to sell nonintoxicating liquors containing less than 1/2 of 1% of alcohol by volume. No holder of said license shall sell fermented malt beverages between 9:00 p.m. and 8:00 a.m.

6. CLASS "B" FERMENTED MALT BEVERAGE RETAILER LICENSE. A Class "B" fermented malt beverage retailer license shall authorize the licensee to sell fermented malt beverages to be consumed by the glass only on the premises, and in the original unopened package or containers to be consumed off the licensed premises; however, no person may sell between 9:00 p.m. and 8:00 a.m. on any Class "B" licensed premises fermented malt beverages in an original unopened package, container or bottle for consumption away from the premises.

7. CLASS "B" SPECIAL LICENSE. (A SHORT-TERM LICENSE FOR CLUBS.) a. Authority. A Class "B" special license shall authorize the licensee to sell at retail fermented malt beverages, wine and soda water beverages at a particular picnic or similar gathering, or at a meeting of a veterans' post or during a fair conducted by fair associations or agricultural societies.

b. Eligibility Requirement. The Class "B" special license shall only be issued to bona fide clubs, organized labor unions, county, or local fair associations, or agricultural societies, churches, lodges or societies that have been in existence for not less than 6 months prior to the date of application, or to posts established by veterans' organizations.

c. Applicant's Responsibility. Application for such a license shall be made by an officer or officers who shall appoint an agent who shall be personally responsible for compliance with all of the terms and provisions of this section.

d. Application. Application for a Class "B" special license shall be filed on or before the filing deadline established by the city clerk. Applicants may at the time of application specify on the application alternative dates for which the license is sought.

e. The city clerk shall accept an application from an applicant who files the application after the filing deadline established by the city clerk, provided the applicant affirms the applicant's understanding that, if a written objection is received as provided in par. f, it may not be possible to conduct a hearing before the date for which the license is sought due to the late filing of the application.

f. Objections.

f-1. The city clerk shall issue the license unless a written objection regarding the licensee or the location has been filed with the city clerk. The objection may be filed by any interested person. If a written objection is filed, the application shall be forwarded to the licensing committee for its recommendation to the common council.

f-2. The written objection must address one or more of the following factors:

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f-2-a. The appropriateness of the location and site for which the license is sought and whether the event for which the license is sought will create undesirable neighborhood problems.

f-2-b. The hours during which the event would be operated on the site and the likely effect of the event on the surrounding area.

f-2-c. Whether previous licenses 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.

f-2-d. 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 license is sought.

f-2-e. Any other factors which reasonably relate to the public health, safety and welfare.

g. Issuance. If no written objection has been filed and upon payment of the license fee specified in s. 81-28, the city clerk shall issue the Class "B" special license for a period of time set by the local common council member.

h. Hearing Procedure. h-1. In the event there is a written objection filed regarding an application for a Class "B" special license the application shall be forwarded to the licensing committee. A hearing of an appeal shall be conducted as set forth in s. 90-5-8-b. The committee may make a decision immediately following the hearing or on a later date. In making its decision, committee members may consider the factors set forth in par. e-2. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present. In these instances, the decision of the licensing committee shall be final and the applicant shall have no right of appeal to the common council.

h-2. An applicant may appeal the decision of the licensing committee to the common council. In the case of an appeal, the committee shall forward its decision in writing to the common council for vote at the next meeting at which such matter will be considered. In making its decision, common council members may consider the factors set forth in par. e-2.

i. Chief of Police Notified. The city clerk shall within 24 hours after the issuance of any such license inform the chief of police of the date, place and event for which such a license has been issued. The Milwaukee police department shall check such event and report any violations of law to the common council.

j. City Clerk's Annual Report. The city clerk shall submit to the common council every year a report of all Class "B" special licenses issued by the city clerk.

k. Number of Licenses. No more than 2 Class "B" special licenses shall be issued under this subsection to any club, organized labor union, county or local fair association, agricultural association, church, lodge, society or veterans' post in any 12-month period.

7.9. PERMANENT EXTENSION OF PREMISES. a. Authority. The granting of a permanent extension of licensed premises shall constitute an amendment of the primary license and plan of operation and shall authorize the licensee to sell or serve intoxicating liquors or fermented malt beverages, as permitted by the specific license held, in the area described in the application for permanent extension, as expressly approved by the common council.

b. Eligibility. Any person holding a valid Class "A" fermented malt beverage, Class "A" intoxicating liquor, Class "B" tavern, Class "B" fermented malt beverage, or Class "C" wine license may apply for permanent extension of the licensed premises. The area which the licensee wishes to include in a permanent extension of the licensed premises shall be owned by or under the control of the licensee.

c. Applicant's Responsibility. Application for the permanent extension of licensed premises shall be made by an individual licensee, partner or the authorized agent in the case of a corporation or limited liability company, who shall be personally responsible for compliance with all of the terms and provisions of this chapter.

d. Application. Application for the permanent extension of licensed premises shall be made in writing to the city clerk on forms provided by the city clerk. The application shall contain the name of the licensee, the address of the existing licensed premises, including the aldermanic district in which it is situated, a specific description of the area for which the

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permanent extension is sought, and such other reasonable and pertinent information as the common council, licensing committee, or city clerk may require. The city clerk shall forward all applications to the licensing committee.

e. **Committee Action.** The licensing committee shall hold a hearing on whether or not to grant each application for a permanent extension of licensed premises. If any interested person objects to the granting of a particular application, the licensee shall receive at least 3 days' notice of the hearing date and the nature of the objection to the application. The applicant shall have an opportunity to appear at the hearing and be represented by counsel and to cross-examine witnesses opposed to the granting of the application for permanent extension of the licensed premises, and to present evidence in favor of the granting of the application. At the conclusion of the hearing, the committee shall make a recommendation to the common council on whether to grant the application. In making its recommendation, the committee may consider, among other factors, the appropriateness of the location for which a permanent extension of licensed premises is sought, whether the location will create an adverse impact on other property in the neighborhood, and any other factors which reasonably relate to the public health, safety and welfare. The common council shall act on the committee's recommendation without further hearing.

f. **Issuance.** If the common council grants the application for a permanent extension of licensed premises, and upon receipt of information that the department of neighborhood services has approved occupancy of the extended premises, the city clerk shall issue an appropriate confirming document to the applicant specifying the area of extension. The city clerk shall accept an amended plan of operation, subject to any conditions established by the common council, and shall amend the license accordingly. Operations on extended premises are not permitted prior to posting of the amended license.

9. CLASS "C" WINE RETAILER LICENSE. a. **Authority.** A Class "C" wine retailer license shall authorize the licensee to sell or offer for sale wine by the glass or in an opened original container for consumption on the premises where sold.

b. Notwithstanding the limitation on consumption of wine on the licensed premises in par. a, a restaurant operating under a Class "C" wine retailer license may sell wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold at retail if all of the following apply:

b-1. The licensee provides a dated receipt that identifies the purchase of food and the purchase of the bottle of wine.

b-2. Prior to removing a partially consumed bottle of wine from the premises, the licensee shall securely reinsert the cork into the bottle to the point where the top of the cork is even with the top of the bottle.

b-3. The cork is reinserted after 6 a.m. and before 12 midnight on any day of licensed operation.

c. **Eligibility.** A Class "C" license may be issued to a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. In this paragraph, "barroom" shall mean a room that is primarily used for the sale or consumption of alcohol beverages.

d. **Prohibition.** A Class "C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

10. CLASS "D" OPERATOR'S LICENSE. a. **Authority.** A Class "D" operator's license shall authorize the operator to draw or remove from any barrel, keg, cask, bottle, or any other container, fermented malt beverages and to serve them in any place operated under a Class "B" fermented malt beverage retailer's license; to sell or serve intoxicating liquors in any place operated under a Class "B" intoxicating liquor retailer's license; or to sell or serve wine in any place operated under a Class "C" wine retailer's license; or to sell intoxicating liquor or fermented malt beverages in any place operated under a Class "A" retailer's intoxicating liquor license or a Class "A" fermented malt beverage retailer's license.

b. **Applicable to Family Members.** Any member of the immediate family and household of the licensee 21 years or older shall be considered as holding a Class "D" Operator's License so long as he or she is working only on the family premises. An underage member of the immediate family and household of the licensee may perform the duties of a Class "D" operator if he or she is at least 18 years of age, is working only on the family premises, and is under the immediate supervision of any of the following persons who must be on the premises at the time of service: the licensee, an agent, a Class "B" manager, a person holding an operator's license, or a member of the immediate family and household who is at least 21 years of age.

c. **Prohibition.** No person other than the licensee, certain members of the licensee's family and household, a Class "B" manager, or a licensed operator, or a person under the immediate supervision of the licensee, certain members of the licensee's family and household, an agent or a person holding an operator's license who is on the premises at the time of service, shall function as a Class "D" operator. See s. 90-26 for serving restrictions.

11. CLASS "D" PROVISIONAL OPERATOR'S LICENSE. a. **Authority; Duration.** A provisional Class "D" operator's license shall authorize the operator to perform those activities permitted a person holding a Class "D" operator's license under sub. 10. Except as provided in par. d, a provisional license shall expire 60 days after its issuance or when a Class "D" operator's license is issued to the holder, whichever is sooner. A provisional license may not be renewed.

b. **Application.** Application for a license shall be made to the city clerk pursuant to s. 90-5-1. An applicant for a provisional Class "D" operator's license may only apply for the provisional license upon application for the Class "D" operator's license. All matters submitted in writing to the city clerk shall be true and subject to s. 90-5-2. Applicants shall be fingerprinted pursuant to s. 85-21-1. In addition, all applications shall be referred to the chief of police for investigation who shall report findings to the city clerk.

c. **Issuance of License.** Except as provided in par. d, the city clerk may only issue a provisional Class "D" operator's license to an applicant meeting the following criteria:

c-1. The applicant upon applying for a provisional Class "D" operator's license has also applied for a Class "D" operator's license.

c-2. The applicant complies with s. 90-6-1-b and c.

c-3. The police chief, pursuant to the chief's investigation under par. b, does not find that the applicant has been charged with or convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the licensed activity.

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and testimony. At any time, the chair may overrule or prohibit redundant testimony or argument found unnecessary to substantiate or corroborate testimony and argument previously presented.

b. Hearing. Upon certification by the city clerk as provided in par. a-2, all new applications for Class "A," Class "B" and Class "C" retail licenses shall be timely scheduled for hearing by the licensing committee on a date prior to the expiration of 3 full periods of time between regularly scheduled meetings of the common council. Licensing committee hearings on all new applications under this section shall be conducted in the following manner:

b-1. If there is a possibility of denial, at the hearing the committee chairman shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chairman shall advise the applicant that the applicant 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 applicant may simply make a statement to the committee.

b-2. A due process hearing shall be conducted in the following manner:

b-2-a. All witnesses will be sworn in.

b-2-b. Any report prepared under sub. 7 and offered by the chief of police, the commissioner of health or the commissioner of neighborhood services shall be entered into the permanent record of the hearing without motion. Information contained in the report shall be admissible and considered by the committee as a public report to the extent that the report sets forth the activities of department personnel, or provides information about matters observed by department personnel under a duty imposed by law, or contains factual findings resulting from an investigation made under authority of law, unless the sources of information or other circumstances indicate lack of trustworthiness.

b-2-c. The chair shall then ask those opposed to the granting of the license to proceed.

b-2-d. The applicant shall be permitted an opportunity to cross-examine.

b-2-e. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

b-2-f. Committee members may ask questions of witnesses.

b-2-g. Both proponents and opponents shall be permitted a brief summary statement.

c. Recommendations. c-1. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

c-1-a. Whether or not the applicant meets the statutory and municipal requirements.

c-1-b. The appropriateness of the location and premises to be licensed and whether the location will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the floor plan and plan of operation submitted pursuant to sub. 1-c and shall include information provided by the chief of police pursuant to sub. 7 of calls for service, complaints or criminal activity occurring on the premises that may be formally documented in a regular police department record such as a PA 33, summary or equivalent record that is proposed for licensing as a Class "A" or Class "B" retail establishment or a Class "C" retail establishment or incidents associated with the premises during the 5-year period prior to the date of application.

c-1-c. Whether there is an over-concentration of licensed establishments in the neighborhood. A concentration map placed in the applicant's file prior to certification for hearing may be admitted to the record upon motion of any interested party.

c-1-d. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

c-1-e. Any other factors which reasonably relate to the public health, safety and welfare.

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c-2. The committee may make a recommendation immediately following the hearing or at a later date. This recommendation may include such revisions to the floor plan and plan of operation submitted pursuant to sub. 1-c as the committee may deem necessary and which are agreed to by the applicant. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the full common council for vote at the next meeting at which such matter will be considered.

9. DISQUALIFICATION.

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

b. Whenever a new application for a Class "A" retailer's intoxicating liquor license, a Class "B" retailer's intoxicating liquor license, a Class "B" retailer's service bar license, a Class "B" manager's license, a Class "A" fermented malt beverage retailer license, a Class "B" fermented malt beverage retailer license, a Class "C" wine retailer license, a Class "D" operator's license, a tavern amusement, dancing and music license, or a center for the visual and performing arts license, is withdrawn after commencement of the hearing of the licensing committee procedures for withdrawal provided in s. 85-13-3 shall apply.

10. ISSUANCE OF LICENSE BY CITY CLERK. It shall be the duty of the city clerk, whenever a license for the sale of intoxicating liquors, or fermented malt beverages shall have been granted by the common council, and the applicant shall have produced and filed with the city clerk a receipt showing payment of the sum required for such license to the city treasurer, to prepare and deliver to such applicant a license in accordance with this chapter and of the laws of the state of Wisconsin. Such license shall specifically state the premises to be licensed. Such license shall not be transferable from one person to another, except as otherwise provided in s. 90-10, and it shall not authorize the sale of intoxicating liquors or fermented malt beverages in any other manner than that specified in the license. It shall not inure to the benefit of any person other than

the licensee therein named and shall not authorize the sale of intoxicating liquors or fermented malt beverages in any other place than that specified in the license. It shall bear the signature of the city clerk and the corporate seal of the city.

11. LICENSE PERIOD; FEES. See ch. 81 for the required license fees and the date of expiration.

12. CHANGES TO BE REPORTED.

a. A licensee shall notify the city clerk whenever there is a change in any information 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. A licensee, or an applicant if action has not been taken on an application, shall advise the city clerk upon receiving information that the right of the applicant or licensee to occupy the licensed premises will be interrupted or terminated prior to the expiration of the license period. Notification shall be made in writing within 10 days after the information becomes known to the licensee or applicant. The city clerk shall forward the communication to the member of the common council in whose district the licensed premises is located.

13. CHANGE IN PLAN OF OPERATION. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

90-5.5. License for Cider Sales Only.

1. GRANTING AND ISSUANCE.

Notwithstanding s. 90-14, upon application, the common council shall grant, and the city clerk shall issue, a "Class A" license to the applicant if the following apply:

a. The application is made for a "Class A" license containing the condition that retail sales of intoxicating liquor are limited to cider.

B The applicant holds a Class "A" fermented malt beverage retailer license issued for the same premises for which the "Class A" license application is made.

2. SALES LIMITED TO CIDER.

Notwithstanding s. 125.51(2)(a), Wis. Stats., and s. 90-3-5 of this code, a person issued a "Class A" license under sub. 1 may not make retail sales, or provide taste samples, of any intoxicating liquor other than cider.

CHAPTER 92
SECONDHAND DEALERS

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92-1. Pawnbroker's License. 1. DEFINITION. "Pawnbroker" shall mean a person, firm or corporation engaged in the business of lending money on personal property or goods which are pledged as security for the loan on the condition that if the loan is not repaid within a specified period of time the goods used as security may be sold to compensate for nonpayment.

2. LICENSE REQUIRED. No person, firm or corporation shall carry on or operate within the city the business of pawnbroker without being duly licensed as herein provided and in accordance with s. 138.10, Wis. Stats.

3. APPLICATION. Application for a pawnbroker's license shall be made to the city clerk upon forms provided by the city clerk for such purpose. Each application for a license shall state:

- a. Name and address of applicant.
- b. The trade name and address of the business sought to be licensed.
- c. Name of person, officers and their residence where the applicant is an association or corporation, together with the state of incorporation. It shall also contain the names of one or more persons whom such corporation or association shall designate as manager or person in charge, with the address or addresses of the same.
- d. That such application for a license is not made for and on behalf of any other person by the applicant acting as an agent for or in the employ of another.
- e. A completed plan of operation on a form provided by the city clerk.

f. Such other reasonable and pertinent information as the city clerk may from time to time require.

4. INVESTIGATION. The chief of police shall investigate each applicant as provided in s. 85-21-2.

5. ISSUANCE; TERMS. a. The common council may authorize or deny the license.

b. No license shall be granted to any person who is not of good moral character and who has not resided in the state of Wisconsin continuously for a period of at least 90 days prior to the date of filing an application, nor shall any such license be granted or issued to any person who has habitually been a petty law offender or has been convicted of an offense against the laws of the United States or any laws of this state punishable by imprisonment in the state prison or other penal institution as felonies unless the person so convicted has been duly pardoned, subject to s. 111.335, Wis. Stats.

c. See s. 81-88 for the required license fee.

d. Every person so licensed shall prior to the time of receiving such license enter with 2 sufficient sureties into a joint and several bond to the city of Milwaukee in the penal sum of \$500 for the due observation of all ordinances of the common council as may be passed or enforced respecting pawnbrokers.

e. No pawnbroker license issued may be transferred.

f. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

6. REGULATIONS. a. Pawn Receipt. Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging any item a pawn receipt signed by the licensee or designee containing the name and business address of the pawnbroker, a brief description of the item, the amount of money loaned, and the date and time of pawning or pledging. There shall be no charge for issuing a pawn receipt. Every pawn receipt shall be numbered serially, a copy shall be retained by the pawnbroker and pawn receipts shall be open to inspection by the chief of police, or the chief's designee, at any reasonable time.

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b. Altered or Obliterated Serial Number. No licensee shall receive any item or property with an altered or obliterated serial number, or from which a serial number has been removed.

c. Identification. Licensed pawnbrokers shall obtain adequate identification as stipulated in s. 92-11 from every person pawning, pledging, exchanging or selling any item.

d. Recordkeeping. Every pawnbroker shall keep a transaction description record as stipulated in s. 92-12 for every item pawned, pledged, exchanged or bought.

e. Transaction Record Reporting. Every pawnbroker shall report all transaction description records as stipulated in s. 92-13.

f. Every item pawned, pledged, exchanged or purchased by a licensed pawnbroker shall be open for inspection by the chief of police, or the chief's designee, at any reasonable time.

g. Holding Period. Every pawnbroker shall hold all items pawned or pledged for security on a loan, or exchanged or purchased, separate and apart from any other items, unchanged and unaltered from the form it was received for 30 days for inspection by the chief of police, or the chief's designee.

h. Additional Holding Period. The chief of police may, at the chief's sole discretion, cause any item pawned, pledged, or purchased, which the police chief has reason to believe was not pawned, pledged or disposed of by the lawful owner, to be held for an additional holding period deemed reasonable by the chief of police after the elapse of the initial 30-day holding period for identification by the lawful owner.

i. Minors. No pawnbroker shall have any business dealings as a pawnbroker with any person less than 18 years of age, unless the pawnbroker obtains a written consent for each transaction signed in the dealer's presence by the parent or guardian granting permission for that person to transact business with the dealer.

j. Intoxicated Persons. No pawnbroker shall bargain for, take, purchase or receive in pawn any item including a bond, note or security from any intoxicated person.

k. Stolen Goods. Every pawnbroker shall report to the police any item presented to the pawnbroker during the course of business the pawnbroker has reason to believe was stolen, either by the person presenting the item or another party.

7. LICENSE REVOCATION. The common council may revoke any license issued

under the provisions of this section for fraud, misrepresentation, or false statement contained in the application for a license or in the course of conducting the business of pawnbroker, or for any violation of this section.

8. PENALTY. Any person or firm violating this section shall, upon conviction, forfeit not less than \$250 nor more than \$1,000, together with the costs of prosecution; and, in default of payment, shall be imprisoned in the house of correction or the county jail not to exceed 90 days, or until such forfeiture costs are paid.

92-2. Secondhand Dealer's License.

1. DEFINITIONS. a. "Articles of personal property" means any and all articles of personal property except those specifically excluded in this section.

b. "Bicycle" means any vehicle propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 inches in diameter.

c. "Large appliances and furniture" means beds, tables, chairs, bureaus, dressers, desks, bookcases, refrigerators, freezers and all other household furnishings and appliances occupying a space greater than 8 cubic feet.

d. "Member of the general public" means individuals, partnerships, firms, corporations or other associations.

e. "Secondhand" means previously owned by a member of the general public immediately prior to the transaction at hand. It does not mean previously owned by a wholesaler, retailer or another secondhand dealer.

f. "Secondhand dealer" means any person, firm, partnership, corporation or association operating, owning or leasing a fixed place of business for the purchase, sale or exchange of any secondhand articles of personal property.

g. "Secondhand dealer mall" means a fixed location where 2 or more secondhand dealers operate their business as described in sub. 8.

2. LICENSE REQUIRED; EXCEPTION. a. It shall be unlawful to operate or carry on the business of being a secondhand dealer without having first obtained a secondhand dealer's license.

b. No individual secondhand license shall be required of a secondhand dealer operating his or her business on premises with a secondhand dealer's mall license as described in sub. 8.

c. This section does not apply to parties dealing in motor vehicles, coins, stamps, gold and silver bullion, secondhand jewelry, videos, cassettes, compact discs, baseball cards, secondhand books and magazines, works of fine art and secondhand industrial machinery and equipment.

d. This section does not apply to any party operating a business as a licensed precious metal and gem dealer, pawnbroker, or secondhand motor vehicle dealer, or any individual registered as an auctioneer under ch. 480, Wis. Stats.

e. This section does not apply to transactions at occasional garage or yard sales, estate sales, coin, gem, stamp or antique shows, gun shows, conventions or auctions.

f. This section does not apply to any charitable organization or to any person conducting a sale the proceeds of which are donated to a charitable organization.

3. APPLICATION. Application for a secondhand dealer's license shall be made to the city clerk on forms furnished by the city clerk, and shall contain the following:

a. The name, place and date of birth and street residence of the applicant.

b. The trade name and address of the business and the name and address of the owner of the premises.

c. Whether the applicant is a natural person, corporation or partnership.

c-1. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors.

c-2. If the applicant is a partnership, the names and addresses of all partners.

d. The name of the manager or proprietor of the business.

e. A completed plan of operation on a form provided by the city clerk.

f. Such other reasonable and pertinent information as the city clerk may from time to time require.

4. FINGERPRINTING AND INVESTIGATION REQUIRED. a. Except for applicants dealing exclusively in secondhand bicycles, all applicants for secondhand dealer's licenses shall be fingerprinted as provided in s. 85-21-1.

b. The chief of police shall investigate each applicant as provided in s. 85-21-2.

5. ISSUANCE; TERMS. a. The common council may authorize or deny the license in accordance with the appropriate provisions of ss. 85-2.7 to 85-5.

b. No license shall be granted to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of being a secondhand dealer. In this paragraph "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

c. No secondhand dealer's license shall be granted to any person who has not resided in the state of Wisconsin continuously for a period of at least 90 days prior to the filing of his or her application.

d. See s. 81-104 for the required license fee.

e. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

f. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

6. REGULATIONS. a. Altered or Obliterated Serial Number. No licensee shall receive any item or property with an altered or obliterated serial number, or from which a serial number has been removed.

b. Identification. No secondhand dealer shall purchase, or exchange, or accept on consignment any item without first obtaining adequate identification from the seller, exchanger or consignor as stipulated in s. 92-11.

c. Recordkeeping. For every item purchased or exchanged by a secondhand dealer on the dealer's premises, or in the city but off the dealer's premises, and for every item consigned to a secondhand dealer for sale on the dealer's premises, the secondhand dealer shall keep a transaction description record as stipulated in s. 92-12 with the exception of secondhand videos, cassettes, compact discs, vinyl records, large furniture and appliances, clothing and clothing accessories.

d. Transaction Record Reporting. Every secondhand dealer, regardless of whether items are purchased or exchanged on or off the dealer's premises, or consigned for sale on the dealer's premises, except purchases and exchanges of secondhand videos, cassettes, compact discs, vinyl records, large furniture and appliances, clothing and clothing accessories, shall report transaction description records as stipulated in s. 92-13, including color photographs and color video recordings as required in s. 92-12-3.

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e. Every item purchased, or taken in exchange, or accepted on consignment by a licensed secondhand dealer shall be open for inspection by the chief of police, or the chief's designee, at any reasonable time.

f. Holding Period. Except for secondhand videos, cassettes, compact discs, vinyl records, large furniture and appliances, clothing and clothing accessories, a secondhand dealer shall hold all items purchased, exchanged or accepted in consignment separate and apart from any other items, unchanged and unaltered from the form it was received for 10 days for inspection by the chief of police, or the chief's designee.

g. Additional Holding Period. The chief of police may, at the chief's sole discretion, cause any item purchased or exchanged, which the police chief has reason to believe was not sold or exchanged by the lawful owner, to be held for an additional holding period deemed reasonable by the chief of police after the elapse of the initial 10-day holding period for identification by the lawful owner.

h. Every secondhand dealer shall report to the police any item presented to the secondhand dealer during the course of business the secondhand dealer has reason to believe was stolen, either by the person presenting the item or another party.

7. BUYING FROM MINORS. No secondhand dealer shall have any business dealings as a secondhand dealer with any person less than 18 years of age, unless that person is with a parent or guardian or the parent or guardian appears with that person and files a signed consent form indicating permission for that person to transact business with the dealer. Such written consent may be retained by the dealer and used for subsequent transactions with the minor without the presence of the parent or guardian.

8. a. The owner of a business, at which 2 or more secondhand dealers are engaged in business by maintaining separate sales space and identifying themselves to the public as individual dealers, may obtain a secondhand dealer mall license for that location. No individual secondhand dealer license is required of the tenant occupants of such premises.

b. No mall license shall be issued unless the following requirements are met:

b-1. The business shall have a single name and address.

b-2. The business shall be under the unified control of one person, partnership, firm,

corporation or association, which shall hold the mall license.

b-3. All sales shall be consummated at a central point or register operated by the owner of the business, and the owner shall maintain a comprehensive account of all sales.

c. The holder of a secondhand dealer mall license and each tenant dealer occupying space in such mall shall comply with the requirements of this section, including the responsibilities for police reporting and recordkeeping, in the same manner as any other dealer licensed under this section.

d. See s. 81-104.5 for the secondhand dealer mall license fee.

9. PENALTY. a. Any person, firm, partnership, corporation or association violating this section shall, upon conviction for a first offense, forfeit not less than \$50 nor more than \$1,000, together with the costs of prosecution and, in default of payment, shall be imprisoned in the house of correction or county jail not to exceed 6 months or until such forfeiture costs are paid in full.

b. Any person, firm, partnership, corporation or association violating this section shall upon conviction for the second and subsequent offenses, forfeit not less than \$500 nor more than \$2,000, together with the costs of prosecution, and in default of payment, shall be imprisoned in the house of correction or county jail not to exceed 6 months, or until such forfeiture costs are paid in full.

92-3. Secondhand Motor Vehicle Dealers.

1. DEFINITIONS. In this section:

a. "Business" means engaging in activities for the purpose of earning a livelihood or a profit therefrom on a full- or part-time basis.

b. "Motor vehicle" has the meaning given in s. 340.01(35), Wis. Stats., as amended.

c. "Retail" means the business of buying and selling, exchanging or dealing motor vehicles, including, but not exclusively, secondhand parts of motor vehicles.

d. "Secondhand" means previously owned, sold, traded or used by a member of the general public on a retail basis.

e. "Wholesale" means the business of buying and selling, exchanging or dealing motor vehicles, including, but not exclusively, secondhand parts of motor vehicles, to a licensed retailer or to another person who holds a permit or license or to the end user, but not operating a lot licensed for that purpose.

2. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the business of buying, selling, exchanging or dealing in secondhand motor vehicles, including secondhand parts of motor vehicles, either retail or wholesale, without first having obtained a secondhand motor vehicle dealer's license.

3. EXCEPTION. Any business buying, selling, exchanging or dealing exclusively in secondhand parts of motor vehicles shall not be required to obtain a license under this section, but shall obtain a recycling, salvaging or towing license.

4. APPLICATION. Application for a license shall be filed with the city clerk on forms provided therefor and shall contain, in addition to the information specified in s. 85-12, the following information:

a. Whether the application is for wholesale or retail business operations.

b. Whether the applicant has ever had a license or permit relating to the activities licensed in this section denied, not renewed, suspended or revoked, with a brief statement of the circumstances associated with the event, and the jurisdiction in which the event occurred. This information shall also include a record of any actions from the state departments of transportation and financial institutions relating to suspensions, revocations, forfeitures and warnings imposed by these departments relating to the operation of any automotive sales business by the applicant.

c. A completed plan of operation on a form provided by the city clerk. The plan of operation shall require:

c-1. The planned hours of operation of the premises.

c-2. What plans, if any, the applicant has to ensure that all motor vehicles associated with the business will be stored on the licensed premises, that all maintenance and repair work related to these vehicles will be confined to the licensed premises, and that the business will not violate any code provisions relating to littering of the public right-of-way.

5. FEE. Each license application shall be accompanied by the fee specified in s. 81-104.6.

6. FINGERPRINTING. All applicants for secondhand motor vehicle dealers licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

7. TRUTH OF STATEMENTS AND AFFIDAVITS. See s. 85-34 for matters relating to truth of statements and affidavits.

8. INVESTIGATION; HEARING.

a. Every license application 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 s. 85-21-2.

b. No license shall be granted to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of being a secondhand motor vehicle dealer. In this paragraph "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

c. Each application for a new license shall be referred to the licensing committee for a hearing in accordance with s. 85-2.7.

9. RENEWAL, NONRENEWAL, REVOCATION OR SUSPENSION.

a. Application for the renewal of a secondhand motor vehicle dealer's license shall be made to the city clerk. The clerk shall refer the application to the chief of police and the commissioner of neighborhood services for review

b. 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.

c. Any interested person may file an objection. If an 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 a hearing on whether the application should be recommended to the common council for renewal or nonrenewal.

d. Any license issued under this chapter may be not renewed, suspended or revoked for cause by the common council after notice to the licensee and a hearing. If there is a possibility that the licensing committee will not recommend renewal of the license, or if suspension or revocation 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 apply.

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e. Suspension or revocation proceedings may be initiated 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.

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

11. CHANGES TO BE REPORTED.

a. See s. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

b. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

12. RECORD TO BE KEPT ON TRADE-INS. Any person, firm or corporation licensed under this section shall, whenever a secondhand motor vehicle is taken in trade as part of a transaction, maintain records of the transaction in accordance with ch. Trans 138, Wis. Adm. Code, as amended.

13. RECORD TO BE KEPT ON SALES. Any person, firm or corporation licensed under this section to buy, sell or exchange or trade in secondhand motor vehicles shall furnish, upon the sale of a secondhand motor vehicle, the information required under ch. Trans 139, Wis. Adm. Code, as amended.

14. ELIGIBILITY FOR SALE CERTIFICATES. No secondhand motor vehicle dealer licensed under this chapter may apply for a certificate issued pursuant to s. 101-29 to leave a vehicle that is for sale on public property.

15. NO SALE ON SUNDAYS. It shall be unlawful for any license holder to sell, barter, exchange, demonstrate or loan any motor vehicle, whether new or secondhand, on Sunday.

15.5. KEY SECURITY. All keys to used motor vehicle offered for sale at a business licensed under this section shall be placed in a secure lockbox inside the dealership building at all times when the dealership is not open for business.

16. EXCEPTION. This section shall not apply to any premises used for retail sales for a period of 30 days or less.

17. PENALTY. a. Any person violating this section shall, upon conviction for a first offense, forfeit not less than \$50 nor more than \$1,000, together with the costs of prosecution and, in default of payment, may be imprisoned as provided by law.

b. Any person violating this section shall, upon conviction for a second or subsequent offense, forfeit not less than \$500 nor more than \$2,000, together with the costs of prosecution, and, in default of payment, may be imprisoned as provided by law.

92-6. Bicycle Records. Pawnbrokers and secondhand dealers shall record, as part of each dealer's required transaction description record, the serial number of any bicycle, bicycle frame or part of a bicycle that is received in the course of business to the extent that all or a portion of the serial number remains visible.

92-10. Precious Metal and Gem Dealer's License. 1. DEFINITIONS. In this section:

a. "Jewelry" means any tangible article of personal property ordinarily wearable on the person consisting in whole or in part of gold, silver, platinum, aluminum, lead, brass, copper, pewter, alexandrite, diamonds, emeralds, garnets, opals, rubies, pearls, jade, and such other metals, minerals or gems customarily regarded as precious or semiprecious.

b. "Member of the general public" means individuals, partnerships, corporations or other associations.

c. "Precious metal and gem dealer" means any person, corporation, partnership or association which engages in any transaction of buying, selling or receiving secondhand jewelry, sterling silverware or gold or silver coins or bullion to and from the public. "Precious metal and gem dealer" does not include a business which smelts, refines, assays or manufactures precious metals, gems or valuable articles and has no retail operation open to the public.

d. "Secondhand" means previously owned by a member of the general public immediately prior to the transaction at hand. It does not mean previously owned by a wholesaler, retailer or by a secondhand dealer licensed under s. 92-2.

2. LICENSE REQUIRED. a. No person, corporation, partnership or association shall engage in the business of dealing in, selling and exchanging secondhand jewelry, sterling silverware or gold and silver coins or bullion without having first obtained a license as provided in this section or without having first obtained a license issued by another municipality as provided in s. 134.71, Wis. Stats.

b. The requirements of this section shall not apply to:

b-1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

b-2. Any transaction with a licensed secondhand jewelry dealer.

b-3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

b-4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves the return of the jewelry or the exchange of the jewelry for different, new jewelry.

b-5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

b-6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

3. APPLICATION. Application for a precious metal and gem dealer's license shall be made to the city clerk on forms furnished by the city clerk, and shall contain the following:

a. Name, place and date of birth and street residence of the applicant.

b. The trade name, address of the business and name and address of the owner of the premises.

c. Whether the applicant is a natural person, corporation or partnership.

c-1. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors.

c-2. If the applicant is a partnership, the names and addresses of all partners.

d. The name of the manager or proprietor of the business.

e. A plan of operation that includes, in addition to the information required in pars. a to d, the following:

e-1. The principal location of the applicant's business within the city at which all records required under s. 92-12 are kept and available for inspection.

e-2. The location or locations at which the applicant will conduct business as a precious metal and gem dealer within the city.

e-3. If transactions involving the sale, purchase or exchange of precious metals or gems are conducted at locations in addition to the identified business premises, a description of the manner in which such transactions shall be conducted, including whether transactions will occur at temporary locations, door-to-door or otherwise.

e-4. The hours of business operation.

e-5. The status of all permits relating to occupancy and business operations upon business premises.

e-6. Plans the applicant has to ensure that business is not conducted with minors, except as provided in sub. 6-h.

e-7. Plans the applicant has to provide security for the business premises, for business records and for transactions and transportation involving precious metals and gems conducted at locations other than identified business premises.

e-8. A description of the anticipated proportion of the business, in volume of sales or monetary value, that will involve transactions in precious metals and gems during the license period, and the proportion of any transactions by percentage that will constitute sales, purchases or other exchanges of gold.

e-9. Identification of any other licenses held by the applicant or attached to the premises.

f. Such other reasonable and pertinent information as the city clerk may from time to time require.

4. INVESTIGATION. The chief of police shall investigate each applicant as provided in s. 85-21-2.

5. ISSUANCE; TERMS. a. The common council may authorize or deny the license and, upon authorizing issuance of a license, may require amendment of a plan of operation for promotion and protection of the health, welfare and safety of the public.

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b. No license shall be granted to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of being a precious metal and gem dealer. In this paragraph, "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

c. No precious metal and gem dealer's license shall be granted to an individual, partnership or a corporate applicant, unless the individual applicant, each of the partners, or the corporate agent has been a resident of Wisconsin continuously for at least 90 days prior to the date of the application.

d. In authorizing the issuance, denial, nonrenewal or revocation of a license, or conditioning the issuance of a license upon amendment to the plan of operation, the common council may consider factors affecting the health, welfare and safety of the public that include probative evidence of factors provided in s. 85-4-4-c relating to activities of persons who congregate or may congregate on or around the business premises.

e. No new or renewal license may be granted to an applicant if the application does not include the plan of operation required in sub. 3-f.

f. See s. 81-99.5 for the required license fee.

g. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names

h. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

6. REGULATIONS. a. Altered or Obliterated Serial Number. No licensee shall receive any item or property with an altered or obliterated serial number, or from which a serial number has been removed.

b. Identification. No precious metal and gem dealer shall purchase or exchange any property without first securing adequate identification from the seller as stipulated in s. 92-11.

c. Recordkeeping. Every licensed precious metal and gem dealer shall keep a transaction description record as stipulated in s. 92-12 for any property purchased or exchanged and shall maintain required records at the location identified in the application and plan of operation.

d. Transaction Record Reporting. Every dealer shall report each transaction description record as required in s. 92-13.

e. Every item purchased or exchanged by a licensed precious metal and gem dealer shall be open for inspection by the chief of police, or the chief's designee, at any reasonable time.

f. Holding Period. Every property exchanged or purchased by a precious metal and gem dealer, except gold coins or bullion, or silver coins or bullion, shall be kept on the dealer's premises separate and apart from any other property, unchanged and unaltered from the form it was received for 30 days for inspection by the chief of police, or the chief's designee.

g. Additional Holding Period. The chief of police may, at the chief's sole discretion, cause any property exchanged or purchased, which the police chief has reason to believe was not exchanged or purchased by the lawful owner, to be held for an additional holding period deemed reasonable by the chief of police after the elapse of the initial 30-day holding period for identification by the lawful owner.

h. Minors. No precious metal and gem dealer shall have any business dealings as a precious metal and gem dealer with any person less than 18 years of age, unless that person is with the parent or guardian, or the dealer obtains or has on file a written consent signed in the dealer's presence by the parent or guardian granting permission for that person to transact business with the dealer.

i. Stolen Goods. Every precious metal and gem dealer shall report to the police any item presented to the precious metal and gem dealer during the course of business the precious metal and gem dealer has reason to believe was stolen, either by the person presenting the item or another party.

j. Changes to be reported. Any change to information contained in the application or plan of operation shall be reported to the city clerk within 10 days.

7. LICENSE REVOCATION. The common council may revoke any license issued under this section for fraud, misrepresentation or false statement contained in the application for a license or in the course of conducting the business of precious metal and gem dealer or for any violation of this section.

92-13. Transaction Description Records Reporting.

1. WEBSITE REPORTING. a. All transaction description records, except for signed declarations of ownership and patron signatures on transaction description records, shall be reported not later than the close of each business day by posting and uploading all transaction description records to the Internet website approved by the chief of police, or the chief's designee, according to the protocols of the website. All transaction description record postings and uploads shall be complete and accurate.

b. Each licensee shall display a sign, provided by the police department, of sufficient size and in a conspicuous place on the premises informing patrons all transactions are reported to the police department daily through website postings.

2. Access to Transaction Description Records. The police department may allow access to transaction description records posted or uploaded to its approved Internet website or provide copies of transaction description records and provide copies of declarations of ownership to any other law enforcement agency.

3. Website Record Entry Failures. a. Any transaction description record which cannot be posted or uploaded to the police-approved Internet website by the close of the business day due to technical malfunction shall be posted or uploaded by 12 noon the next business day; and failing that, a hardcopy of the transaction description record including photographs or video recordings shall be delivered to the chief of police, or the chief's designee, in a format approved by the chief of police, or the chief's designee, by 12 noon the next business day following the initial post or upload failure. Licensees shall continue to deliver hardcopies of transaction description records to the police chief, or the chief's designee, so long as website record post or upload failures persist.

b. If website post or upload failures are determined to be due to the licensee's system or Internet connection, a licensee shall be charged a \$100 daily penalty beginning on the fourth business day following the initial post or upload failure and continuing until transaction description records are again posted and uploaded to the police-approved Internet website. The police department may delay, reduce or forego daily reporting penalties for posting or uploading failures as the chief of police, or the chief's designee, sees fit without cause.

c. A licensee shall post or upload to the police-approved Internet website all transaction description records described in par. a not later than the close of the second business day following correction of the technical malfunction. Licensees shall be charged a \$100 daily penalty beginning on the third business day following correction of the technical malfunction and continuing until all transaction description records in arrears are properly posted and uploaded to the police-approved Internet website. The police department may delay, reduce or forego daily reporting penalties for posting or uploading failures as the chief of police, or the chief's designee, sees fit without cause.

92--(HISTORY) Secondhand Dealers

**LEGISLATIVE HISTORY
CHAPTER 92**

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>
92-1	rc	79-191	6/28/79	7/14/79
92-1-3-e	rn to 92-1-3-f	160192	9/20/2016	10/7/2016
92-1-3-e	cr	160192	9/20/2016	10/7/2016
92-1-4	rc	110991	4/11/2012	4/28/2012
92-1-5-b	am	911767	1/21/92	2/7/92
92-1-5-b	am	160068	6/14/2016	7/1/2016
92-1-5-e	rc	111624	4/11/2012	4/28/2012
92-1-5-e	rc	120706	3/21/2013	4/10/2013
92-1-5-f	cr	160192	9/20/2016	10/7/2016
92-1-6	rc	100208	7/7/2010	7/24/2010
92-1-6-a-3	cr	83-1869	11/13/84	12/5/84
92-1-6-b	ra to 92-1-6-b-1	83-1869	11/13/84	12/5/84
92-1-6-b-2	cr	83-1869	11/13/84	12/5/84
92-1-6-b-3	cr	83-1869	11/13/84	12/5/84
92-1-8	am	81-283	1/5/83	1/22/83
92-2	rc	83-1868	1/22/85	2/9/85
92-2-1-b	rn to 92-2-1-c	131641	5/13/2014	5/31/2014
92-2-1-b	cr	131641	5/13/2014	5/31/2014
92-2-1-b	rn to 92-2-1-c	141893	9/22/2015	10/9/2015
92-2-1-b	cr	141893	9/22/2015	10/9/2015
92-2-1-c	rn to 92-2-1-d	131641	5/13/2014	5/31/2014
92-2-1-c	rn to 92-2-1-d	141893	9/22/2015	10/9/2015
92-2-1-d	rn to 92-2-1-e	131641	5/13/2014	5/31/2014
92-2-1-d	rn to 92-2-1-e	141893	9/22/2015	10/9/2015
92-2-1-e	rn to 92-2-1-f	131641	5/13/2014	5/31/2014
92-2-1-e	rn to 92-2-1-f	141893	9/22/2015	10/9/2015
92-2-1-f	rn to 92-2-1-g	141893	9/22/2015	10/9/2015
92-2-2-c	am	921955	4/8/93	4/28/93
92-2-2-c	am	930107	5/25/93	6/12/93
92-2-2-c	am	121052	12/18/2012	1/10/2013
92-2-2-d	am	141893	9/22/2015	10/9/2015
92-2-2-e	am	090222	7/7/2009	7/24/2009
92-2-3-c	rp	110346	9/20/2011	10/7/2011
92-2-3-d	rn to 92-2-3-c	110346	9/20/2011	10/7/2011
92-2-3-d-2	am	84-1989	4/19/85	5/9/85
92-2-3-e	rn to 92-2-3-d	110346	9/20/2011	10/7/2011
92-2-3-e	rn to 92-2-3-f	160192	9/20/2016	10/7/2016
92-2-3-e	cr	160192	9/20/2016	10/7/2016
92-2-3-f	rn to 92-2-3-e	110346	9/20/2011	10/7/2011
92-2-4	am	110346	9/20/2011	10/7/2011
92-2-4	rc	110991	4/11/2012	4/28/2012
92-2-5-a	am	131502	4/22/2014	5/9/2014
92-2-5-c	am	160068	6/14/2016	7/1/2016
92-2-5-e	cr	111624	4/11/2012	4/28/2012
92-2-5-f	cr	160192	9/20/2016	10/7/2016
92-2-6	rc	100208	7/7/2010	7/24/2010
92-2-6-c	rc	131641	5/13/2014	5/31/2014
92-2-6-d	am	121478	3/21/2013	4/10/2013
92-2-6-d	am	131641	5/13/2014	5/31/2014

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92-2-6-f	am	131641	5/13/2014	5/31/2014
92-2-6-h	rp	131368	2/11/2014	2/28/2014
92-2-6-i	rn to 92-2-6-h	131368	2/11/2014	2/28/2014
92-2-7	rc	100208	7/7/2010	7/24/2010
92-2-8	rc	100208	7/7/2010	7/24/2010
92-3	cr	80-1081	10/21/80	11/6/80
92-3	rc	141893	9/22/2015	10/9/2015
92-3-1	rc	070144	5/8/2007	5/25/2007
92-3-2-a	am	85-1780	3/4/86	3/21/86
92-3-2-a	am	070144	5/8/2007	5/25/2007
92-3-2-a	am	070789	7/7/2010	7/24/2010
92-3-2-c	am	070789	7/7/2010	7/24/2010
92-3-2-d	cr	070144	5/8/2007	5/25/2007
92-3-2-e	cr	100208	7/7/2010	7/24/2010
92-3-2-f	cr	100365	5/3/2011	5/20/2011
92-3-3-c	cr	070789	7/7/2010	7/24/2010
92-3-3-d	cr	111273	2/28/2012	3/16/2012
92-3-3-e	rn to 92-3-3-f	111273	2/28/2012	3/16/2012
92-3-3-e	cr	111273	2/28/2012	3/16/2012
92-3-4.3	cr	070789	7/7/2010	7/24/2010
92-3-4.3	rc	110991	4/11/2012	4/28/2012
92-3-4.5	cr	090255	7/28/2009	8/14/2009
92-3-5	rc	051418	2/28/2006	3/17/2006
92-3-5-0	am	080009	5/20/2008	6/7/2008
92-3-5-a	am	080009	5/20/2008	6/7/2008
92-3-5-a	am	090255	7/28/2009	8/14/2009
92-3-5-b	rc	131502	4/22/2014	5/9/2014
92-3-5-b-2	am	090255	7/28/2009	8/14/2009
92-3-5-c	rp	131502	4/22/2014	5/9/2014
92-3-5-d	rp	131502	4/22/2014	5/9/2014
92-3-5-e	rp	131502	4/22/2014	5/9/2014
92-3-5-e-2	am	090255	7/28/2009	8/14/2009
92-3-5-e-7	cr	090255	7/28/2009	8/14/2009
92-3-6-e	am	111273	2/28/2012	3/16/2012
92-3-6-e	rc	111624	4/11/2012	4/28/2012
92-3-5-f	rp	131502	4/22/2014	5/9/2014
92-3-5-g	rp	131502	4/22/2014	5/9/2014
92-3-5-h	rp	131502	4/22/2014	5/9/2014
92-3-7	rc	882248	4/25/89	5/13/89
92-3-7	rn to 92-3-8	051418	2/28/2006	3/17/2006
92-3-7	cr	051418	2/28/2006	3/17/2006
92-3-7	rc	080189	7/1/2008	7/19/2008
92-3-7-a	am	85-1780	3/4/86	3/21/86
93-3-7-a	rc	991039	11/29/99	12/16/99
92-3-7-c	am	901207	1/22/91	2/8/91
92-3-7-h	am	902041	4/23/91	5/10/91
92-3-7-h	am	041442	2/22/2005	3/11/2005
92-3-8	rc	911935	11/9/93	11/30/93
92-3-8	rn to 92-3-9	051418	2/28/2006	3/17/2006
92-3-8	rc	100208	7/7/2010	7/24/2010
92-3-8-d-5	am	100365	5/3/2011	5/20/2011
92-3-8-e	rc	100365	5/3/2011	5/20/2011
92-3-8-f-0	am	100365	5/3/2011	5/20/2011
92-3-8-g	rn to 92-3-8-h	100365	5/3/2011	5/20/2011
92-3-8-g	cr	100365	5/3/2011	5/20/2011
92-3-8-h	am	061035	5/8/2007	7/1/2007

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92-3-8-h	rn to 92-3-8-i	100365	5/3/2011	5/20/2011
92-3-8-i	rn to 92-3-8-j	061146	7/11/2007	7/28/2007
92-3-8-i	cr	061146	7/11/2007	7/28/2007
92-3-8-i	rn to 92-3-8-j	100365	5/3/2011	5/20/2011
92-3-8-i	rc	100365	5/3/2011	5/20/2011
92-3-8-j	rn to 92-3-8-k	100365	5/3/2011	5/20/2011
92-3-8-j	am	100365	5/3/2011	5/20/2011
92-3-8-k	rn to 92-3-8-L	100365	5/3/2011	5/20/2011
92-3-8-L	rn to 92-3-8-m	100365	5/3/2011	5/20/2011
92-3-8-m	rn to 92-3-8-n	100365	5/3/2011	5/20/2011
92-3-8-n	rn to 92-3-8-o	100365	5/3/2011	5/20/2011
92-3-8-n-3	cr	131726	6/24/2014	7/12/2014
92-3-8-o	rn to 92-3-8-p	100365	5/3/2011	5/20/2011
92-3-8-q	cr	111273	2/28/2012	3/16/2012
92-3-8-r	cr	131726	6/24/2014	7/12/2014
92-3-9	am	81-283	1/5/83	1/22/83
92-3-9	rc	031615	6/15/2004	7/2/2004
92-3-9	rn to 92-3-10	051418	2/28/2006	3/17/2006
92-3-9	rc	051418	2/28/2006	3/17/2006
92-3-9-b	rc	080009	5/20/2008	6/7/2008
92-3-9-c	rc	080009	5/20/2008	6/7/2008
92-3-9-d	rc	080009	5/20/2008	6/7/2008
92-3-9-e	cr	080009	5/20/2008	6/7/2008
92-3-9-e	rp	080189	7/1/2008	7/19/2008
92-3-9-e	cr	090255	7/28/2009	8/14/2009
92-3-9-f	cr	080009	5/20/2008	6/7/2008
92-3-9-f	rp	080189	7/1/2008	7/19/2008
92-3-10	am	061146	7/11/2007	7/28/2007
92-3-11	rc	160192	9/20/2016	10/7/2016
92-3-15.5	cr	160183	7/26/2016	8/12/2016
92-4	cr	83-495	1/4/84	1/20/84
92-4	rp	141893	9/22/2015	10/9/2015
92-4-3	rp	131559	4/22/2014	7/1/2014
92-6	cr	090465	12/22/2009	1/9/2010
92-6	rc	100208	7/7/2010	7/24/2010
92-6	am	141893	9/22/2015	10/9/2015
92-10	cr	84-731	1/22/85	2/9/85
92-10-1-c	am	84-731-a	1/21/86	2/7/86
92-10-1-c	am	86-1120	2/3/87	2/20/87
92-10-1-c	am	110384	5/22/2012	6/12/2012
92-10-2	rc	110384	5/22/2012	6/12/2012
92-10-2-a	am	84-731-b	3/25/86	4/12/86
92-10-2-a	am	86-1120	2/3/87	2/20/87
92-10-2-b-4	rp	84-731-a	1/21/86	2/7/86
92-10-2-b-5	rn	84-731-a	1/21/86	2/7/86
92-10-2-b-5	cr	84-731-b	3/25/86	4/12/86
92-10-2.5	cr	100121	6/15/2010	7/1/2010
92-10-2.5	rp	100991	5/24/2011	6/14/2011
92-10-3-c	rp	110346	9/20/2011	10/7/2011
92-10-3-d	rn to 92-1-3-c	110346	9/20/2011	10/7/2011
92-10-3-e	rn to 92-1-3-d	110346	9/20/2011	10/7/2011
92-10-3-e	m to 92-10-3-f	110384	5/22/2012	6/12/2012
92-10-3-e	cr	110384	5/22/2012	6/12/2012
92-10-3-f	rn to 92-1-3-e	110346	9/20/2011	10/7/2011
92-10-4	am	110346	9/20/2011	10/7/2011
92-10-4	rc	110991	4/11/2012	4/28/2012
92-10-5-a	am	110384	5/22/2012	6/12/2012

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92-10-5-c	rc	081128	2/10/09	2/27/09
92-10-5-d	rn to 92-10-5-f	110384	5/22/2012	6/12/2012
92-10-5-d	cr	110384	5/22/2012	6/12/2012
92-10-5-e	cr	111624	4/11/2012	4/28/2012
92-10-5-e	rn to 92-10-5-g	110384	5/22/2012	6/12/2012
92-10-5-e	cr	110384	5/22/2012	6/12/2012
92-10-5-h	cr	160192	9/20/2016	10/7/2016
92-10-6	rc	100208	7/7/2010	7/24/2010
92-10-6-a-0	am	84-731-a	1/21/86	2/7/86
92-10-6-a-0	am	86-1120	2/3/87	2/20/87
92-10-6-c	am	110384	5/22/2012	6/12/2012
92-10-6-c-2	am	84-731-a	1/21/86	2/7/86
92-10-6-c-2	am	86-1120	2/3/87	2/20/87
92-10-6-c-5	cr	84-731-a	1/21/86	2/7/86
92-10-6-d-1	am	86-1120	2/3/87	2/20/87
92-10-6-d-2	am	86-1120	2/3/87	2/20/87
92-10-6-d-3	cr	84-731-a	1/21/86	2/7/86
92-10-6-e-1	am	84-731-a	1/21/86	2/7/86
92-10-6-e-1	am	86-1120	2/3/87	2/20/87
92-10-6-j	cr	110384	5/22/2012	6/12/2012
92-10-8	am	110384	5/22/2012	6/12/2012
92-11	cr	100208	7/7/2010	7/24/2010
92-11-a-0	rn to 92-11-1-0	120348	7/24/2012	8/10/2012
92-11-a-1	rn to 92-11-1-a	120348	7/24/2012	8/10/2012
92-11-a-2	rn to 92-11-1-b	120348	7/24/2012	8/10/2012
92-11-a-3	rn to 92-11-1-c	120348	7/24/2012	8/10/2012
92-11-a-4	rn to 92-11-1-d	120348	7/24/2012	8/10/2012
92-11-a-5	rn to 92-11-1-e	120348	7/24/2012	8/10/2012
92-11-a-6	rn to 92-11-1-f	120348	7/24/2012	8/10/2012
92-11-a-7	rn to 92-11-1-g	120348	7/24/2012	8/10/2012
92-11-a-8	rn to 92-11-1-h	120348	7/24/2012	8/10/2012
92-11-a-9	rn to 92-11-1-i	120348	7/24/2012	8/10/2012
92-11-b	rn to 92-11-2	120348	7/24/2012	8/10/2012
92-11-1	am	151199	3/29/2016	4/15/2016
92-11-3	cr	120348	7/24/2012	8/10/2012
92-11.5	cr	120348	7/24/2012	8/10/2012
92-11.5-1	am	141893	9/22/2015	10/9/2015
92-11.5-2	am	141893	9/22/2015	10/9/2015
92-12	cr	100208	7/7/2010	7/24/2010
92-12-3-a-3	cr	121478	3/21/2013	4/10/2013
92-13	cr	100208	7/7/2010	7/24/2010
92-13	Sunset repealed	100991	5/24/2010	6/14/2010
92-13-1	rc	141893	9/22/2015	10/9/2015

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SUBCHAPTER 2
LICENSING

93-21. Licensing, General.

1. APPLICATION. Application for a license shall be filed with the city clerk on forms provided therefor and shall contain, in addition to the information specified in s. 85-12, the following information:

a. The number of recycling, salvaging and towing vehicles owned, operated or controlled by the applicant to be used in the conduct of recycling, salvaging or towing, including each vehicle's identification number, make, model, year, license plate number and, if applicable, towing weight capacity, U.S. DOT number or Wisconsin DOT operating authority.

b. Whether the applicant has the capability to provide information to the police department relative to the recordkeeping, reporting and other business regulations set forth in subch. 3.

c. Whether the applicant has ever had a license, permit or authority relating to the activities licensed in this chapter denied, not renewed, suspended or revoked, with a brief statement of the circumstances associated with this event, and the jurisdiction in which this event occurred.

d. For recycling, salvaging or towing premises, a completed plan of operation on a form provided by the city clerk. The plan of operation shall require each of the following:

d-1. The planned hours of operation of the premises.

d-2. What plans, if any, the applicant has to ensure the orderly appearance and operation of premises with respect to litter and noise, including plans the applicant has to ensure that all motor vehicles associated with the business will be stored on the licensed premises and that all maintenance and repair work related to these vehicles will be confined to the licensed premises and will not violate any code provisions relating to littering of the public right-of-way.

d-3. What plans, if any, the applicant has to provide security for the premise with respect to the theft of valuable metal and other articles of personal property.

d-4. Any other types of licenses or permits planned or currently held by the applicant or issued for the premises.

d-5. Any other types of business enterprises planned or currently conducted at the premises.

e. For recycling, salvaging or towing vehicles, what plans, if any, the applicant has to ensure that all vehicles owned, operated or controlled by the applicant, including all junk, motor vehicles, valuable metals or other materials attached to or located within these vehicles, will be stored in a secured lot or facility, and the exact location of this lot or facility.

2. FEE. a. Premises. Each application for a recycling, salvaging or towing premises license shall be accompanied by the fee specified in s. 81-102.6.

b. Vehicle. Each application for a recycling, salvaging or towing vehicle license shall be accompanied by the fee specified in s. 81-102.8.

3. FINGERPRINTING. All applicants shall be fingerprinted as provided in s. 85-21-1.

93-23. New License. 1. INVESTIGATION.

a. Every application for a new license 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 s. 85-21-2.

b. No license shall be granted to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of being a recycling, salvaging or towing business.

2. HEARING. Each application for a new license shall be referred to the licensing committee for a hearing in accordance with s. 85-2.7.

93-25. Renewal, Nonrenewal, Revocation or Suspension. 1. RENEWAL; INVESTIGATION.

a. Application for the renewal of a recycling, salvaging or towing license shall be made to the city clerk. The clerk shall refer the application to the chief of police and the commissioner of neighborhood services for review.

b. 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.

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c. If the city clerk determines that there is cause to question the renewal of the license on the basis of one or more written complaints related to operation of the licensee during the current license period, or if the chief of police objects on the basis of police reports of incidents and activities on or related to the licensed premises or vehicle not previously considered by the licensing committee establishing cause to question whether renewal of the license may have an adverse impact on the health, safety and welfare of the public and the neighborhood, or if the applicant has been issued a warning letter or been subject to administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection, the city clerk shall cause the application to be scheduled for hearing. A written objection shall meet the definition in s. 85-2-4 and shall comply with the requirements of s. 85-3-3.

2. SUSPENSION; REVOCATION. Suspension or revocation proceedings may be initiated 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.

3. HEARING. Any license issued under this chapter may be not renewed, suspended or revoked for cause by the common council after notice to the licensee and a hearing. If there is a possibility that the licensing committee will not recommend renewal of the license, or if suspension or revocation 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 apply.

4. PROBATIVE EVIDENCE. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the licensee to meet the statutory and municipal requirements.

b. Pending charges against or the conviction of a felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees, or subcontractors.

c. The licensee, or any employee or lessee of the licensee, having violated any of the regulations or prohibitions set forth in this chapter.

d. Whether the applicant has been issued a warning letter or been subject to administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection.

e. Any other factors which reasonably relate to the public health, safety and welfare.

93-27. Additional Storage. The application for, and issuance of, a premises license shall be conducted in accordance with ss. 93-21 to 93-25, except that for an application for additional storage, the report to the licensing committee by the commissioner of neighborhood services shall include information related to the zoning district in which the principal place of business, or additional fixed place of storage, of the recycling, salvaging or towing business is to be located and shall be made within 14 days.

93-29. Changes to be Reported.

1. APPLICATION; PLAN OF OPERATION. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

2. TRANSFER OF LICENSES; CHANGE OF NAMES. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

93-31. Change of Vehicle. A licensee may change the motor vehicles used in the conduct of the recycling, salvaging or towing business if the licensee files with the city clerk the information required on the form provided by the city clerk and pays the applicable fee specified in s. 81-102.8. Every motor vehicle involved in the recycling, salvaging or towing business as of October 9, 2015, shall comply with the sticker, signage and other applicable requirements of subch. 3.

93-33. Disqualification; Change of Circumstances. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

4. REPORTING. Each waste tire transporter shall submit to the city clerk a semi-annual report of waste tire collections. The city clerk shall determine the type of information required in the report and shall specify the date by which each semi-annual report shall be submitted.

5. NUISANCE ABATEMENT. a. Any violation of this section or disposal of waste tires in violation of ss. 79-9 to 79-12 may be ordered corrected by the police department or the department of neighborhood services. If the property owner or licensee fails to comply with the order to correct the conditions which are in violation, the city may correct the conditions. The property owner or licensee, or both, shall be personally liable for any expenses to the city for correcting the conditions of the violation, except for a licensee described in par. b.

b. A waste tire transporter or waste tire generator whose tires have been disposed of in violation of this section or ss. 79-9 to 79-12 shall not be personally liable under par. a if the transporter or generator did not know in advance about, participate in, or otherwise assist the illegal disposal and if the transporter or generator is properly licensed and otherwise in compliance with this section.

6. EXCEPTIONS. A recycling, salvaging or towing license shall be required for each premises and each vehicle dealing in waste tires, except that the licensing requirements of this chapter shall not apply to the following:

a. Any vehicle containing 5 or fewer waste tires unless the transporter is hauling waste tires for a waste tire generator.

b. Any vehicle which originates outside of the city and is designated for transport outside of the city, provided that no waste tires are loaded or unloaded within the city.

c. A fleet owner that takes its vehicles to an outside tire vendor's facility for service, provided the facility is within the city of Milwaukee. In this situation, the tire vendor shall be considered the waste tire generator.

7. PENALTY. Any person violating this section shall be subject to the penalty provided in s. 93-7-3.

93-(HISTORY) Recycling, Salvaging and Towing Regulations

LEGISLATIVE HISTORY CHAPTER 93

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. 93	rc	011725	5/13/2003	5/30/2003
Ch. 93	rc	141893	9/22/2015	10/9/2015
93-5-2-a	rc	151458	2/9/2016	2/26/2016
93-5-4-f	cr	151458	2/9/2016	2/26/2016
93-7	am	890828	9/19/89	10/7/89
93-7-2-0	am	121521	4/30/2013	5/17/2013
93-7-2-i	rp	110346	9/20/2011	10/7/2011
93-7-2-j	rn to 93-7-2-i	110346	9/20/2011	10/7/2011
93-7-3	rc	110991	4/11/2012	4/28/2012
93-7-5	am	080009	5/20/2008	6/7/2008
93-8	am	890828	9/19/89	10/7/89
93-9	rc	131502	4/22/2014	5/9/2014
93-9-1	am	031619	9/25/2007	10/12/2007
93-9-1-b-2	am	031619	9/25/2007	10/12/2007
93-9-4	rc	080189	7/1/2008	7/19/2008
93-11	rc	080009	5/20/2008	6/7/2008
93-11-2-a-1	am	031619	9/25/2007	10/12/2007
93-11-2-a-2-b	am	031619	9/25/2007	10/12/2007
93-11-5	rp	080189	7/1/2008	7/19/2008
93-11-6	rp	080189	7/1/2008	7/19/2008
93-13	rp	080009	5/20/2008	6/7/2008
93-13-3-a	rc	030306	6/24/2003	7/11/2003
93-13-3-b-1	rc	030306	6/24/2003	7/11/2003
93-13-3-b-3	am	030306	6/24/2003	7/11/2003
93-13-3-d-2	am	040631	9/21/2004	10/8/2004
93-13-4	am	041379	2/22/2005	3/11/2005
93-17	rc	111624	4/11/2012	4/28/2012
93-20-11	am	980963	12/18/98	1/1/99
93-26*	cr	030701	11/5/2003	11/22/2003
93-26	cr	040130	6/15/2004	7/2/2004
93-29-1	rc	160192	9/20/2016	10/7/2016
93-43-9-b	am	151458	2/9/2016	2/26/2016
93-45-1-b	am	151458	2/9/2016	2/26/2016
93-47-3-b	am	151458	2/9/2016	2/26/2016
93-47-3-c	am	151458	2/9/2016	2/26/2016
93-47-4-d	am	151458	2/9/2016	2/26/2016

*93-26 became null and void on 5/23/2004 per the sunset provisions of File #030701.

[Pages 427 to 428 are blank]

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.

108-5-4 Public Entertainment Premises

b-8-b. The locations and dimensions of any off-street parking and loading areas for customers and entertainers available at the 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. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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. An existing public entertainment premises license holder seeking a temporary change of plan shall comply with s. 85-39.

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

108-23. Hours for Public Entertainment.

1. PREMISES WITH ALCOHOL BEVERAGE LICENSE. a. Indoor Public Entertainment. Indoor public entertainment shall be discontinued no later than the closing time for the alcohol beverage establishment, unless an earlier time of discontinuation is established by the common council in its approval of the licensee's plan of operation.

b. Outdoor Public Entertainment. Outdoor public entertainment shall be discontinued no later than 10:00 p.m. Sunday through Thursday nights and no later than 12:00 a.m. on Friday and Saturday nights, unless a different time of discontinuation, either earlier or later, is established by the common council in its approval of the licensee's plan of operation.

2. PREMISES WITHOUT ALCOHOL BEVERAGE LICENSE. a. Indoor public entertainment shall be discontinued no later than 1:00 a.m. Sunday through Thursday nights and

1:30 a.m. on Friday and Saturday nights, and shall not resume before 10:30 a.m., unless an earlier time of discontinuation is established by the common council in its approval of the licensee's plan of operation.

b. Outdoor Public Entertainment. Outdoor public entertainment shall be discontinued no later than 10:00 p.m. Sunday through Thursday nights and no later than 12:00 a.m. on Friday and Saturday nights, unless a different time of discontinuation, either earlier or later, is established by the common council in its approval of the licensee's plan of operation.

108-25. Penalty. Any person convicted of violating this chapter shall forfeit not less than \$500 nor more than \$2,000 for each violation, plus costs of prosecution, and, in default thereof, be imprisoned for a period not to exceed 80 days, or until forfeiture costs are paid.

108—(HISTORY) Public Entertainment Premises

**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

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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
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	rc	160192	9/20/2016	10/7/2016
108-5-4-b	am	120676	10/16/2012	11/2/2012
108-5-4-b	am	151320	1/19/2016	2/5/2016
108-5-4-b	am	151199	3/29/2016	4/15/2016
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-a	am	160192	9/20/2016	10/7/2016
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—(HISTORY) Public Entertainment Premises

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

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Work On Public Ways 115-32.5-5**

b-3. When the commissioner of public works determines that the permit should not be issued, the applicant shall have the right to appeal the decision in accordance with s. 115-41.

c. Fee. c-1. See s. 81-11 for the required permit fee.

c-2. The permit shall expire on the 30th day of June after the granting thereof, unless sooner revoked. The permit shall automatically renew upon payment of an annual fee and the filing of the location of all bicycle parking facilities relocated since the last renewal date.

d. Revocation. At any time that the permittee shall violate any of the conditions upon which said permit was issued, the commissioner of public works or his/her agent shall forthwith serve a written notice upon the permittee specifying the nature of the violation and ordering correction or removal within 30 days. Upon noncompliance with this order to correct a violation, the commissioner of public works shall notify the common council, which shall hold a public hearing thereon, after the permittee shall have had 10 days written notice of such hearing. Thereafter, for cause shown, the common council may revoke such permit and require the removal of the bicycle parking facility. If the common council revokes such permit and approves a new application for the same permittee during the same year, it shall be in the same manner and after payment of the same fee as provided for in the original issuance of a permit. Nothing contained in this subsection shall be construed to limit the power of any enforcement officer in prosecuting violations of the code.

e. Display of Permit. The permit shall be displayed conspicuously upon the premises adjacent to the bicycle parking facility at all times.

5. REGULATIONS. a. The permittee shall maintain the bicycle parking facility in good repair and keep it in such condition that it does not become a hazard to pedestrians.

b. The permittee shall keep the sidewalk adjacent to his property free from obstructions to pedestrians by placing the bicycle parking facility so that a walk space not less than 6 feet wide shall at all times be kept open for pedestrians.

c. The bicycle parking facility shall be installed and maintained in the public way immediately adjacent to the permittee's property.

d. The permittee shall be fully liable for damages to persons or property by reason of the granting of said permit, and the city shall be held harmless of any damages arising with regard to bicycle parking facilities.

6. REMOVAL. a. If the bicycle parking facility becomes a hazard or an obstruction to pedestrians, the commissioner of public works shall order the permittee to repair or remove the bicycle parking facility in the public way or public place by a certain date, not less than 3 nor more than 30 days from the date of service of the order. If the permittee fails to comply with the order, it shall be the duty of the commissioner to immediately deliver a certified copy of the order to the chief of police together with the demand for compliance within not less than 3 and not more than 30 days after service of the order. The chief of police shall within 3 days after the receipt of the order, serve or cause to be served by a police officer a copy of said order upon the owner or person named in the order. After being notified of the order, the owner or his or her agent named in such order shall repair, remove, or cause to be removed, at his expense, the obstruction from the public way or public place within the time specified in the order. If the owner or his or her agent named in the order fails to comply with such order, the commissioner shall remove the obstruction and charge the cost of removal to the owner. If the charge becomes delinquent, the charge shall be placed on the tax roll and become a lien upon the property for payment, settlement and collection as provided in ch. 19 of the city charter.

b. The permittee shall temporarily or permanently remove, at his expense, a bicycle parking facility within a reasonable time after being ordered to do so by the city if the removal becomes necessary or appropriate to the accomplishment of any public improvement or to the operations of any city forces. If the permittee fails to do so within a reasonable time, city forces shall do so and bill the permittee for the cost of removal. Failure of the permittee to pay the bill shall cause the delinquent charge to be levied as a special charge against the property and to be placed on the tax roll and become a lien upon the property for payment, settlement and collection as provided in ch. 19 of the city charter.

115-32.6 Street Construction And Work On Public Ways

7. PENALTY. Any person who shall violate this section shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$250 for each violation, and upon default of payment thereof, be punished by imprisonment in the house of correction for a period of not more than 60 days. Where the violation consists of failing to do a required act, each day shall be regarded as a separate offense.

115-32.6. Sidewalk Area Dining Facilities;

Permits. 1. PURPOSE. The purpose of this section is to establish reasonable rules and regulations governing placement, operation and maintenance of sidewalk area dining facilities in the public right-of-way. The city welcomes such uses in the public way but must also ensure that convenience, safety and general access for pedestrians will be maintained.

2. DEFINITION. A "sidewalk area dining facility" shall mean an open air space located in the public right-of-way and created for the purpose of consuming food or beverages prepared on private property adjacent thereto.

3. PERMIT REQUIRED. It shall be unlawful for any person to use the public right-of-way as a sidewalk area dining facility without first obtaining a permit therefore. The application and annual space rental fee for sidewalk area dining facilities shall be as specified in s. 81-106.7.

4. APPLICATION. Application for a permit shall be made to the city clerk in accordance with s. 85-12. An application shall include both a written plan of operation and a plan drawing.

a. The plan of operation shall, at a minimum, indicate:

a-1. The expected starting date and ending date of the sidewalk area dining facility.

a-2. The proposed daily hours.

a-3. The planned capacity of the sidewalk area dining facility.

a-4. Whether any of the proposed sidewalk area dining facility improvements would be physically attached to public infrastructure and, if so, how.

a-5. The number of customers expected on a daily basis at the premises.

a-6. The legal occupancy limit of the premises.

a-7. Plans the applicant has to provide security for the premises.

a-8. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

a-9. A description of any provisions made for clean-up of the premises.

b. The plan drawing shall be legible, submitted on 8.5" x 11" paper and include, at a minimum, the following:

b-1. The business name, address, phone number, contact person's name and contact person's phone number.

b-2. The length and width of each proposed sidewalk seating area.

b-3. The curb line, property line and building face.

b-4. All tables, chairs, benches, planters, server stations, umbrellas, heating lamps and other furniture or fixtures.

b-5. The names of all streets shown on the drawing.

b-6. A north arrow.

b-7. Any other information the city clerk would from time to time require.

c. The application shall be signed by both the applicant and the property owner (if other than the applicant).

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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

7. INSURANCE. a.. Requirements. Prior to issuance of a permit, every person applying for a permit shall file with the city clerk a certificate of general liability and property damage insurance that maintains the minimum insurance coverages specified in s. 245-12-3-b. The certificate shall provide that the company shall give 30 days' written notice to the city clerk

**Street Construction And
Work On Public Ways 115- (HISTORY)**

**LEGISLATIVE HISTORY
CHAPTER 115**

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. 115	rn from ch. 5	881465	11/18/88	12/9/88
115-1-11	am	990108	5/11/99	5/28/99
115-1-17	cr	060658	12/12/2006	1/4/2007
115-3-1	am	001675	12/21/2001	1/15/2002
115-3-2	am	881930	3/7/89	3/25/89
115-3-2	am	891613	12/19/89	1/13/90
115-3-2	am	951008	12/19/95	1/13/96
115-4-3	am	891613	12/19/89	1/13/90
115-4-3	am	951008	12/19/95	1/13/96
115-4-5	cr	001675	12/21/2001	1/15/2002
115-4.5	cr	890910	10/10/89	10/28/89
115-4.5-3	rc	001675	12/21/2001	1/15/2002
115-5	rc	020404	7/16/2002	8/2/2002
115-5-2	rc	030862	11/5/2003	11/22/2003
115-8-8	cr	031015	4/11/2006	4/29/2006
115-10-2-k	cr	920371	7/7/92	1/1/93
115-11.5	cr	030819	11/25/2003	12/16/2003
115-14	cr	080195	7/30/2008	8/16/2008
115-18	am	990108	5/11/99	5/28/99
115-18.5	cr	990108	5/11/99	5/28/99
115-20-3	rc	920371	7/7/92	1/1/93
115-22.5	cr	080195	7/30/2008	8/16/2008
115-23	am	080195	7/30/2008	8/16/2008
115-24-1	am	080195	7/30/2008	8/16/2008
115-25	am	980693	12/18/98	1/1/99
115-27	am	130366	9/24/2013	10/11/2013
115-28-2	am	130366	9/24/2013	10/11/2013
115-32-1-d	rp	100991	5/24/2011	6/14/2011
115-32-1-n	cr	980249	6/16/98	7/3/98
115-32-2	am	881930	3/7/89	3/25/89
115-32-2	am	891613	12/19/89	1/13/90
115-32-2	am	951008	12/19/95	1/13/96
115-32-2	rn to 115-32-3	990108	5/11/99	5/28/99
115-32-2	cr	990108	5/11/99	5/28/99
115-32-2	rc	091615	5/25/2010	6/12/2010
115-32-2-a	am	121803	7/23/2013	8/10/2013
115-32-2-b	am	121803	7/23/2013	8/10/2013
115-32.5-2-a	rn	971444	1/20/98	2/6/98
115-32.5-2-a	cr	971444	1/20/98	2/6/98
115-32.5-2-b	rn	971444	1/20/98	2/6/98
115-32.5-2-b	am	971444	1/20/98	2/6/98
115-32.5-2-c	rn	971444	1/20/98	2/6/98
115-32.5-2-d	rn	971444	1/20/98	2/6/98
115-32.5-2-e	rn	971444	1/20/98	2/6/98
115-32.5-2-f	rn	971444	1/20/98	2/6/98

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115-32.5-3	am	971444	1/20/98	2/6/98
115-32.5-4-b-1	am	980693	12/18/98	1/1/99
115-32.5-6-a	am	121803	7/23/2013	8/10/2013
115-32.5-6-b	am	121803	7/23/2013	8/10/2013
115-32.6	cr	980249	6/16/98	7/3/98
115-32.6-4	rc	131559	5/13/2014	1/1/2015
115-32.6-5	rn to 115-32.6-19	131559	5/13/2014	1/1/2015
115-32.6-5	cr	131559	5/13/2014	1/1/2015
115-32.6-5	rc	160192	9/20/2016	10/7/2016
115-32.6-6	rn to 115-32.6-7	061340	4/17/2007	5/4/2007
115-32.6-6	cr	061340	4/17/2007	5/4/2007
115-32.6-6	rn to 115-32.6-20	131559	5/13/2014	1/1/2015
115-32.6-6	cr	131559	5/13/2014	1/1/2015
115-32.6-7	rn to 115-32.6-8	061340	4/17/2007	5/4/2007
115-32.6-7	rn to 115-32.6-21	131559	5/13/2014	1/1/2015
115-32.6-7	cr	131559	5/13/2014	1/1/2015
115-32.6-8	rn to 115-32.6-9	061340	4/17/2007	5/4/2007
115-32.6-8	rn to 115-32.6-22	131559	5/13/2014	1/1/2015
115-32.6-8	cr	131559	5/13/2014	1/1/2015
115-32.6-9	rn to 115-32.6-23	131559	5/13/2014	1/1/2015
115-32.6-9	cr	131559	5/13/2014	1/1/2015
115-32.6-10	cr	131559	5/13/2014	1/1/2015
115-32.6-11	cr	131559	5/13/2014	1/1/2015
115-32.6-12	cr	131559	5/13/2014	1/1/2015
115-32.6-13	cr	131559	5/13/2014	1/1/2015
115-32.6-14	cr	131559	5/13/2014	1/1/2015
115-32.6-15	cr	131559	5/13/2014	1/1/2015
115-32.6-16	cr	131559	5/13/2014	1/1/2015
115-32.6-17	cr	131559	5/13/2014	1/1/2015
115-32.6-18	cr	131559	5/13/2014	1/1/2015
115-33.5	rc	051631	10/24/2006	11/10/2006
115-33.5-0	am	001458	2/27/2001	3/16/2001
115-33.5-1-c	am	001458	2/27/2001	3/16/2001
115-33.5-3-c	rp	121521	4/30/2013	5/17/2013
115-33.5-4-c	rn to 115-33.5-4-d	131559	4/22/2014	7/1/2014
115-33.5-4-c	cr	131599	4/22/2014	7/1/2014
115-33.5-4-d	rn to 115-33.5-4-e	131559	4/22/2014	7/1/2014
115-33.5-8-a-12	am	061156	1/17/2007	2/3/2007
115-33.5-10	rc	131599	4/22/2014	7/1/2014
115-34	am	980963	12/18/98	1/1/99
115-34	am	121803	7/23/2013	8/10/2013
115-35	rp	091665	5/4/2010	7/20/2010
115-35-0	am	001458	2/27/2001	3/16/2001
115-35-1-e	am	001458	2/27/2001	3/16/2001
115-35-2-b	am	980848	1/17/2007	2/3/2007
115-36-3	am	121803	7/23/2013	8/10/2013
115-39-1	am	130644	9/24/2013	10/11/2013
115-39-2	am	921114	11/20/92	12/11/92
115-39-4	am	891613	12/19/89	1/13/90
115-39-4	am	921114	11/20/92	12/11/92
115-39-4	am	951008	12/19/95	1/13/96
115-39-5	rc	921114	11/20/92	12/11/92
115-39-7	am	130644	9/24/2013	10/11/2013