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

191363  A substitute ordinance relating to regulations, requirements, and procedures for various licenses and permits.

191495  A substitute ordinance relating to temporary variance permits to exceed noise and vibration standards.

191574  A substitute ordinance relating to special event permits.

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*Note relating to Part II of Common Council File No. 171671 indicating footnote expiring 3/16/20.

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 Municipal Research Library, (414) 286-2297.

Abbreviations:
am=amended  ra=renumbered and amended  rn=renumbered
  cr=created  rc=recreated  rp=repealed

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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through March 3, 2020.
30. ICE CREAM VENDING VEHICLE means any pushed, pedaled, pulled or motorized vehicle from which ice cream or similar frozen confections are prepared or sold.

31. IMMINENT HEALTH HAZARD means a product, practice, circumstance, or event posing a significant threat or danger to health and creating a situation that requires immediate correction or cessation of operation to prevent injury or illness, as determined by the department.

32. INSPECTION means an evaluation of an establishment to assure that the equipment, facilities, and operational plan are code-compliant and adequate for the operation. This definition shall include the following:
   a. Pre-inspection, or a preoperational evaluation performed prior to approval to operate or implement a modification to an establishment’s operational plan.
   b. Re-inspection, or an evaluation performed to determine if a food establishment has obtained compliance with findings or orders issued by the department.
   c. Routine inspection, or the thorough periodic examination of an operation to determine compliance with code provisions, laws and regulations.

33. INSPECTION PLACARD means a graded notice that describes the compliance status of a food establishment at the most recent inspection, re-inspection, or investigation.

34. INVESTIGATION means the process of assessing the credibility of a complaint made against an individual or food establishment related to licensure, sanitation or foodborne illness.

35. MICRO MARKET, as provided in s. 97.01(9m), Wis. Stats., means any indoor, unstaffed, self-service area that is accessible only to persons authorized by the person in control of the premises and not accessible to the general public, where a customer may obtain unit servings of food or beverage either in bulk or in package before payment at an automated kiosk or by other automated method, without the necessity of replenishing the area between each transaction. “Micro market” does not include a vending machine, a device which dispenses only bottled, prepackaged, or canned soft drinks, a one-cent vending device, a device dispensing only candy, gum, nuts, nut meats, cookies, or crackers, or a device dispensing only prepackaged Grade A pasteurized milk or milk products.

36. MOTORIZED VEHICLE means a vehicle which uses a mechanical engine to propel it.

37. NONPROFIT ORGANIZATION shall have the definition provided in s. 101-23.7-1-c.

38. OCCASIONAL SALE means offered for sale for not more than 3 days in any 12-month period.

39. PERSON means any individual, firm or corporation.

40. POTENTIALLY HAZARDOUS FOOD shall have the definition provided in ch. ATCP 75, Appendix, Wis. Adm. Code.

41. PRIORITY FOUNDATION ITEM shall have the definition provided in ch. ATCP 75, Appendix, Wis. Adm. Code.

42. PRIORITY FOUNDATION VIOLATION means a violation of a priority foundation item.

43. PRIORITY ITEM shall have the definition provided in ch. ATCP 75, Appendix, Wis. Adm. Code.

44. PRIORITY VIOLATION means violation of a priority item.

45. PROCESSING means any manipulation of food, including assembling, grinding, cutting, mixing, baking, grilling, frying, coating, stuffing, packing, bottling, packaging, canning, fermenting, distilling, pickling, freezing, drying or smoking. Processing does not include the act of harvesting, washing, and packing of raw agricultural products.

46. PRODUCTION KITCHEN means a kitchen in a school in which food preparation activities beyond reheating, portioning and hot and cold holding are performed.

47. PUSHED, PEDALED OR PULLED VEHICLE means a vehicle which does not have a mechanical engine to propel it and is moved by human power.

48. 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.

49. RECURRING VIOLATION means the same violation on any 3 inspections or investigations in the previous 24-month period. Inspections or investigations do not need to be consecutive.

50. RE-INSPECTION means an inspection to determine if a food establishment has obtained compliance with findings or orders issued by the department.

51. REPEAT VIOLATION means the same violation on 2 successive routine inspections.
52. **RISK CONTROL PLAN** means a written document developed by an establishment in cooperation with the department for the purpose of identifying and implementing controls to address a repeat or recurring violation.

53. **SATELLITE KITCHEN** means a kitchen in a school in which the food handling activities are limited to the reheating or holding of cooked food that has been delivered from a production kitchen, storage of cold ready-to-eat food items and portioning and serving of bulk products either delivered from a production kitchen or requiring no on-site preparation for service.

54. **SELF-INSPECTION** means the use of a department developed checklist on either a daily or weekly basis to monitor ongoing establishment compliance.

55. **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 foodborne illness.

56. **SHARED KITCHEN** means a commercial kitchen in which more than one food establishment or operation with different license holders is using the same commercial kitchen facilities for the storage or production of food or as an operational base, ware-washing facility, commissary for a food peddler, seasonal market, temporary event vendor, food manufacturer or caterer.

57. **TEMPORARY EVENT** means a single event held at a fixed location not lasting more than 14 consecutive days. This definition shall include a fair, festival, fundraiser for a nonprofit organization, carnival, circus, public exhibition, anniversary sale or occasional sale.

58. **VARIANCE** means a written document approved by the department that authorizes a modification or waiver of one or more regulatory requirements, provided that, in the opinion of the department, the modification will not result in a health hazard or nuisance.

59. **VENDING MACHINE** shall have the definition provided in s. ATCP 75.203(14), Wis. Adm. Code. A food display case, including a case with temperature control, which allows a user to access multiple items simultaneously is not considered a vending machine, even if the items are purchased through a self-checkout process.

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68-3 **Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. 97, 98 and 254, Wis. Stats., and chs. ATCP 74, 75, 80, and 88, Wis. Adm. Code, as amended, and where pertaining specifically to food establishments, chs. SPS 314, 316, and 361 to 365 Wis. Adm. Code, as amended, as part of this code. Adoption of ATCP 74 and 75, Wis Adm. Code, includes the adoption of the Wisconsin Food Code, which is an appendix to both chapters. Wherever the term "regulatory authority" is used in the Wisconsin Food Code it shall be held to mean the commissioner.

68-5 **Authority.** 1. **TO REGULATE.** The commissioner may adopt written rules and regulations as necessary for the enforcement of this chapter and shall file with the city clerk a certified copy of all such rules and regulations. A certified copy of the rules and regulations shall also be kept on file in the office of the commissioner. The rules and regulations shall have the same force and effect as the provisions of this section, and the penalty for violations thereof shall be the same as the penalty for violations of this chapter. In addition, unless otherwise provided in this chapter, the commissioner shall have the authority to enforce the provisions of ch. 214 pertaining specifically to fire prevention in food establishments.

2. **TO ENFORCE.** a. The commissioner shall enforce the regulations of this chapter and may issue orders to effect corrections of violations. The commissioner shall issue citations pursuant to the procedure set forth in s. 50-25, except orders to correct violations of ch. 214 shall be enforced as specified in ch. 200.

b. If the conditions imposed by any provision of the code of ordinances are either more restrictive or less restrictive than comparable conditions imposed by the Wisconsin Food Code, or any other law, statute, rule, resolution, ordinance, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3. **TO INSPECT.** a. Except for an establishment exempted from inspection by state law, a representative of the department, after presentation of proper identification, shall be permitted to enter any food establishment at any reasonable time to make inspections in accordance with this chapter.
SUBCHAPTER 2
LICENSING PROCEDURES

68-21. Licensure of Food Establishments; General. 1. LICENSE REQUIRED. Unless otherwise provided in this chapter, no person may carry on the business of a food establishment without first having obtained a license under this chapter.

2. EXCEPTIONS. A license shall not be required of any of the following:
   a. A person selling only bottled or canned non-alcoholic drinks that do not require refrigeration.
   b. A stand offering homemade beverages or food items not requiring heating or refrigeration, provided the stand is:
      b-1. Not connected with any temporary event.
      b-2. Located on private property in a residential area.
      b-3. Operated by a child under the age of 14.
   c. A community food program, provided all food is provided free of cost to persons in need or organizations serving persons in need.
   d. Any primary or secondary school meal program, whether public or private, 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, the program submits plans in compliance with s. 68-7, and undergoes inspection prior to operating.
      d-5. The program undergoes 2 inspections 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.
   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.
   g. A retail food establishment exempt from licensure under s. 97.30(2)(b), Wis. Stats., or s. ATCP 75.03(9), Wis. Adm. Code, including:
      g-1. A retail food establishment selling only packaged foods or fresh fruits and vegetables, provided the establishment does not sell potentially hazardous food and does not engage in food processing.
      g-2. A temporary retail food establishment operated by a religious, charitable or nonprofit organization for no more than 12 days in any license year.
      g-3. A food peddler with a food peddler license who operates on private property as part of a festival as defined in s. 108-1-2.5, 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.
   h. A bakery, as defined in s. 97.29 (1) (b), Wis. Stats., selling only non-potentially hazardous, flour-based goods baked out of a home and sold directly to consumers. This does not include the cooking and drying of candies or other confectionaries.

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

4. FINGERPRINTING. a. All applicants for food dealer and temporary food dealer licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.
   b. All applicants for food peddler licenses and ice cream peddler licenses shall be fingerprinted, as provided in s. 85-21-1.

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation. In addition:
   a. Changes in the food facility or operational plan submitted as part of a supplemental application shall be submitted in accordance with s. 68-7.
   b. A licensee shall promptly notify the city clerk in writing of his or her intention to cease operations.

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

7. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures provided in ss. 85-13, 85-15 and 85-17 shall apply.

8. INVESTIGATION. Each application for a license under this chapter, except for an application for a food dealer license by a micro market or an application for a temporary food dealer license, shall comply with the requirements of s. 85-21-2. In addition to the requirements of s. 85-21-2, if applicable:
68-23 Food License Regulations

a. Each application for a new food dealer license shall be referred to the commissioner and the department of neighborhood services for inspection.

b. Each application for a new food peddler license shall be referred to the commissioner for inspection.

c. Each application for a temporary food dealer license shall be referred to the commissioner for inspection.

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 food establishment.

11. TRANSFER. A license may not be transferred from one person or entity to another, from one premises to another, or from one food peddler vehicle, cart or carried container to another, except:

   a. An individual may transfer a license to an immediate family member, as defined in s. 97.608(4)(a)2, Wis. Stats., if the individual is transferring operation of a restaurant, as defined in s. 254.61(5), Wis. Stats.

   b. A food peddler changing operational bases may amend a food peddler license to reflect the new operational base.

12. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. Except for an application for a food dealer license by a micro market or an application for a temporary food dealer license, 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 there is an objection by the commissioner, the department of neighborhood services, the common council member in whose district the food establishment would be located, or any person affected by the operation or proposed operation of the applicant.

   b. If the common council member objects to an application, the applicant may request 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. Appeals shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

3. TEMPORARY OPERATION. a. No food establishment may operate at any temporary site, location, stand or event without having obtained a temporary food dealers license.

   b. A temporary food dealer license shall authorize a food establishment to prepare, process, serve or sell food at temporary events for one year from the date of issuance. This authority shall be contingent upon the license holder also obtaining any other special privileges or licenses required for the conduct of a temporary food dealer.

   c. A food dealer seeking a temporary change of plan to a licensed premises shall comply with s. 85-39.

   d. The following license holders shall be exempt from the requirement provided in par. a, provided the activities of the food establishment remain unchanged from those allowed under the existing license:

      d-1. Food peddlers operating on private property at a festival grounds as defined in s. 295-201-187, a street festival as defined in s. 95-1-1-I, or a special event as defined in s. 105-55.5.

      d-2. Mobile or temporary retail food establishments licensed under s. ATCP 75.03, Wis. Stats.

      d-3. Mobile restaurants licensed under s. ATCP 75.104, Wis. Stats.

   e. The procedures for issuance of a temporary food dealer license shall be as set forth in sub. 2. An individual who has applied for, but has not been issued, a food dealer license shall not be issued a temporary food dealer license at the location where the food dealer license application is pending.

68-23. Food Dealers. 1. LICENSE REQUIRED. Unless otherwise provided in this chapter, no person may manufacture, offer for sale, store, distribute or sell food within the city without first having obtained a food dealer license.

2. PROCEDURE FOR ISSUING NEW LICENSE. a. The city clerk shall issue a license to each applicant for a new 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 would be located, or any person affected by the operation or proposed operation of the applicant.
f. Failure to pay for and obtain any license necessary to operate a temporary event at least one business day prior to the event occurring may result in the applicant for a temporary food dealers license not being allowed to participate in the event.

4. MICRO MARKETS. At the commissioner’s discretion, a food dealer license for a micro market may be issued prior to inspection.

68-25. Food Peddlers. 1. FINDINGS. The common council finds that regulation of the health conditions of food sold by food peddlers is necessary for the prevention of disease and sickness within Milwaukee, and that such regulation is vital to the health, safety and welfare of residents of and visitors to the city.

2. LICENSE REQUIRED. No person shall engage in the sale of any food from any vehicle, cart or carried container on a public street without first obtaining a food peddler license issued under this chapter or a mobile food license issued by the state of Wisconsin for the food being sold. A separate license shall be required for each vehicle, cart or carried container from which food is sold.

3. APPLICATION. In addition to the information required under s. 85-12, application for a food peddler license shall contain the following:
   a. A description of the locations where the applicant intends to sell food.
   b. The hours of the day during which the applicant intends to sell food.
   c. A physical description of the unit proposed to be licensed, including, if a motor vehicle, the license plate number or vehicle identification number.
   d. A menu of the food items to be sold, along with information on the food processing to be performed.
   e. If using a shared kitchen as an operational base, a signed copy of the shared kitchen agreement. If the operational base is outside the city, a copy of the food license and the most recent inspection report.

4. PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. a. A food peddler application received by the city clerk shall be forwarded to the chief of police for review.
   b. Upon review and report of the chief of police and subject to the requirements of s. 111.335, Wis. Stats., the license shall be granted to an applicant who has not been required to register as a sex offender pursuant to s. 301.45, Wis. Stats., or who has not been convicted of violating s. 940.22(2), 940.225(1), (2) or (3), 944.06, 948.02(1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11(2)(a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31, Wis. Stats., if

68-27. Ice Cream Peddlers. 1. FINDINGS. The common council finds that an individual involved in the business of ice cream peddling comes into frequent and substantial contact with children. Additionally, an individual peddling ice cream from an ice cream vending vehicle makes frequent stops, deals with customers congregating near the path of the vehicle, and is responsible for driving safely when operating a motor vehicle. Therefore, the common council finds it necessary for the safety and welfare of the public to license individuals peddling ice cream.

2. LICENSE REQUIRED. No person shall operate or act as an ice cream peddler within the city without first having obtained an ice cream peddler license. The ice cream peddler license required by this section shall be in addition to the food peddler license required in s. 68-41. No ice cream peddler license shall be required if all retail sales are conducted at a temporary event, as defined in s. 68-1-57, provided that average daily attendance is estimated at 5,000 persons or more.

3. APPLICATION. In addition to the information required under s. 85-12, application for an ice cream peddler license shall contain one recent photograph suitable in size and form, as determined by the city clerk, for inclusion on the applicant’s official license.

4. PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. a. An application for a food peddler permit shall be referred to the commissioner, who shall cause an investigation to be made. If the commissioner approves the application, the city clerk shall issue the license, provided the applicant meets all the requirements of this section and has paid to the city treasurer the applicable fees.

b. If the commissioner objects to an application, the applicant may request 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 of the commissioner. An appeal shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.
the victim was a minor, or who has not been convicted of operating a vehicle under the influence of an intoxicant or other drug pursuant to s. 346.63, Wis. Stats., in the past 3 years. These provisions shall also apply to the granting of this license to any applicant who has been convicted pursuant to similar statutes in other states or foreign jurisdictions.

c. In addition to the provisions of par. b, the chief of police may object to granting of the license based on the applicant’s criminal history, including whether 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.

d. If the chief of police or another interested party objects to an application, the applicant may request 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 of the chief of police. An appeal shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

e. If the chief of police approves an application, the city clerk shall issue the license, provided the applicant meets all the requirements of this section and has paid to the city treasurer the applicable fees.
c. In the event of the occurrence of all the provisions set forth in par. a., the costs of the investigation, administration and enforcement of the second and all subsequent charged violations referred to in par. a-3, may be charged to the owner or operator and in whole or in part and collected as a city receivable. The city shall establish a reasonable charge for the costs of administration and enforcement of this subsection.

d. Appeal of the determination of the chief of police imposing costs against the owner or operator may be submitted to the administrative review appeals board as provided by s. 320-11.

80-64. Criteria to Determine Excessive Noise.

1. NOISE LIMITATIONS. The following noise limitations are established for any premises in the following zoning districts, as measured at the lot line:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>NOISE RATING NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts</td>
<td>55      45</td>
</tr>
<tr>
<td>Neighborhood Shopping</td>
<td>55      45</td>
</tr>
<tr>
<td>Other Commercial Districts</td>
<td>60      50</td>
</tr>
<tr>
<td>Downtown Districts</td>
<td>60      60</td>
</tr>
<tr>
<td>Industrial Districts</td>
<td>65      55</td>
</tr>
<tr>
<td>Parks</td>
<td>55      45</td>
</tr>
<tr>
<td>Institutional</td>
<td>55      45</td>
</tr>
<tr>
<td>Planned Development</td>
<td>65      55</td>
</tr>
<tr>
<td>adjacent to an IH or IM district</td>
<td>55   45</td>
</tr>
<tr>
<td>Other Planned Development</td>
<td>55      45</td>
</tr>
</tbody>
</table>

2. PURE TONE AND IMPULSIVE NOISES ARE FACTORS. Five noise rating numbers shall be subtracted from the table in sub. 1 if the subject noise consists primarily of a pure tone or if it is impulsive in character.

3. AMBIENT NOISE IS A FACTOR. The subject noise must exceed the ambient noise by five Db or more, in any octave band, to be declared excessive.


1. EQUIPMENT. Noise measurements shall be made with a sound level meter and compatible octave band analyzer manufactured according to the specifications of the American National Standards Institute, USA Standard Specification for General Purpose Sound Level Meters (S1.4-1971) and Preferred Center Frequencies for Acoustical Measurements (S1.6-1960) or any other subsequent nationally adopted standard superseding the above standards.

2. LOCATION AND INTERPRETATION. Noise measurements shall be made at the nearest lot line of premises from which noise complaints are received and shall be made at a height of at least 3 feet above the ground and at least 3 feet away from walls, barriers, obstructions or sound reflective surfaces. Where the nature of the noise permits, the slow response setting shall be used to obtain the noise level on the sound level meter. The sound analysis curve shall be plotted in dB upon the noise rating numbers chart (chart 1), and the highest portion of the curve in any octave band above a noise rating curve shall be the noise rating number for the measurement. The average curve of several noise measurements may be used to plot the sound analysis curve.

3. ALTERNATIVE METHOD. When detailed sound analysis measurements cannot be made, a measurement of the noise using the A scale of a standard sound level meter may be made and the noise rating number shall be determined by this measurement minus 8 dB.

4. NOISE NUISANCES (AMPLIFIERS, AIR CONDITIONERS, OTHER INTERMITTENT, RANDOM AND DISRUPTIVE NOISE, etc.).

a. Purpose. Certain noises are impractical to measure to determine compliance with the community noise standards as described in s. 80-64 and this section. These noises may occur randomly or at unpredictable times or be of short duration. Whenever such noises occur and constitute a nuisance as defined in s. 80-60-11, alternate methods of processing and relief shall be applied as follows:

a-1. The chief of police or commissioner may commence prosecution for a noise nuisance violation upon the observation by a police officer or department inspector of noise or upon direct evidence of activities constituting a noise nuisance as defined in s. 80-60-11 or prohibited noise violation as set forth in s. 80-63-1.
a-2. Complaint by member of the public. As an alternative to commencement of prosecution based upon the direct observation of a police officer or department inspector, the chief of police or commissioner may commence prosecution upon receipt of a complaint submitted by a member of the public that complies with the requirements of subd. 3 and which alleges conduct that is boisterous and unreasonably loud as described in par. b.

a-3. Information contained in a complaint. A complaint by a member of the public, sufficient to authorize the commencement of a noise nuisance prosecution in the absence of direct observation of the noise by a police officer or department inspector shall include relevant information relating to the date, time and place of the alleged noise nuisance, the nature of the noise nuisance, and shall identify the person or persons responsible for or allowing the human or mechanically created noise, or alternatively, shall include information leading to the identification of the person or persons by police or a department inspector. Information included in the complaint shall also identify one or more persons who witnessed or were affected by the noise, at least one of whom is an adult available to testify in court.

b-2. Sound-producing devices. The operation of any radio, television, musical instrument, compact disc or tape player, phonograph or other machine or device for producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of the neighboring occupants, or at any time with louder volume than is necessary for convenient hearing for voluntary listeners without hearing impairment who are in the room, vehicle or area in which the machine or device is operated.

b-3. Distance of greater than 50 feet. The operation of any radio, television, musical instrument, compact disc or tape player, phonograph or other machine or device in a manner that tends to disturb the peace, quiet and comfort of the neighboring occupants at a distance of greater than 50 feet from the site, building, structure or vehicle where the machine or device is located.

b-4. Disorderly conduct. Noises created by human behavior which may also constitute disorderly conduct.

80-66. Variance Permit. Variance permits may be issued by the commissioner to exceed the noise standards set forth in this subchapter as follows:

1. TEMPORARY VARIANCE PERMITS.

a. General. A temporary variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

b. Special Community Events. A temporary variance permit may be issued for special events, such as circuses, 4th of July celebrations and similar community events, which are limited in duration, provided that precautions are taken to maintain the noises produced at the lowest practical level.

c. Procedure to Obtain a Variance Permit. Applications for temporary variance permits must be made in writing to the
80-70. Noisy Equipment. 1. SALE OR RENTAL OF EQUIPMENT. No person shall sell, offer, distribute, lease or rent any new or used vehicle, device or equipment intended for use within the limits of the city which does not comply with this subchapter or with rules and regulations adopted by the commissioner pursuant to this subchapter, or with any federal or state standards which apply to such equipment and are intended to reduce or minimize the noise emission from such equipment or device.

2. RULES AND REGULATIONS. The commissioner is empowered to adopt rules and regulations relative to the sale, distribution, rental or lease of new and used vehicles, devices and equipment which emit noise for the purpose of limiting such noise emission to the lowest practical level. Such rules shall be reasonably consistent with federal and state standards which regulate the noise emission of such equipment and devices. These rules shall have the same force and effect as law and shall be enforced in accordance with this subchapter. The commissioner shall submit a copy of the rules and regulations to the common council for approval prior to his adoption of the same. He shall file a copy of the adopted rules and regulations in the office of the city’s legislative reference bureau.

80-71. City of Milwaukee Contracts and Purchases. 1. COMPLIANCE OF CITY CONTRACTORS AND SUBCONTRACTORS. It is the policy of the city to comply with the noise emission standards, as set forth in this subchapter, in its own operations and the operations of its contractors and subcontractors. All contractors and subcontractors shall be notified of and required to comply with the provisions of this section.

2. CITY PURCHASES. It is the policy of the city to purchase only equipment which complies to the standards established for the same by this subchapter.

80-72. Issuance of Building and Occupancy Permits. The procedures set forth in s. 200-26 shall be followed before any permit is granted for any nonresidential building or structure or a change in occupancy thereof, the ultimate use of which may result in the creation of noises which could be in violation of this subchapter.

80-73. Excessive Vibration Prohibited.

1. STATIONARY SOURCES. No person in the operation of a business in a fixed location shall produce earthborn vibration which, when measured at the foundation or basement floor of any dwelling structure, exceeds the following criteria:

   Displacement

<table>
<thead>
<tr>
<th>Frequency (Hertz)</th>
<th>Amplitude (In Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.05</td>
</tr>
<tr>
<td>2</td>
<td>.01</td>
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<td>40</td>
<td>.00012</td>
</tr>
<tr>
<td>50</td>
<td>.00010</td>
</tr>
</tbody>
</table>

2. TEMPORARY AND MOBILE SOURCES. No person shall produce vibration of a temporary nature such as, but not limited to, blasting, demolition, pavement breaking and pile driving which, when measured at the foundation or basement floor of any dwelling structure, exceeds the following limitations:

   Displacement

<table>
<thead>
<tr>
<th>Frequency (Hertz)</th>
<th>Amplitude (In inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>.1</td>
</tr>
<tr>
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<td>.01</td>
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<td>50</td>
<td>.0006</td>
</tr>
<tr>
<td>60</td>
<td>.0005</td>
</tr>
</tbody>
</table>

3. VARIANCE PERMIT MAY BE GRANTED. Variance permits may be issued by the commissioner to exceed the vibration standards set forth in this section as follows:

   a. Temporary Variance Permits.

   a-1. General. A temporary variance permit may be issued upon request provided that the work producing such vibration is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such vibrations at the lowest possible practical level.
a-2. Special Community Events. A temporary variance permit may be issued for special events, such as 4th of July celebrations, which are limited in duration; provided that precautions are taken to restrict the vibrations produced to the lowest practical level.

a-3. Procedure to Obtain a Variance Permit. Applications for temporary variance permits must be made in writing to the commissioner and shall contain all of the following pertinent information:

a-3-a. Date requested.
a-3-b. Time and place of operation.
a-3-c. Equipment and operation involved.
a-3-d. Necessity for such permit.
a-3-e. Steps to be taken to minimize vibrations, and

a-3-f. Name of responsible person who will be present at the operation site while the vibrations are produced.

b. Variance Permits of Indefinite Duration. b-1. It is recognized that it is not technically or economically feasible for certain business operations and equipment to comply with the standards set forth herein as of the date of this section. The commissioner shall therefor issue a variance permit on existing business operations and equipment which produces excessive vibrations if it is found that it is not technically or economically feasible to alter such operations to reduce vibrations to within the prescribed standards set forth in this section. Applications for such variances must be made to the commissioner by an affected party in a letter setting forth the reasons that such variance should be granted. The commissioner, after review of all circumstances and the degree of nuisance, shall reply in writing giving the variance, denying the variance or setting forth conditions or limitations under which the variance will be granted.

b-2. In the event the commissioner cites an existing business operation and equipment and the party cited applies for a variance within 10 days of such citation, then all penalties provided shall be tolled from the date the application is filed until a final order or decision has been issued on the merits of the application.

80-75. Sound-Producing Devices: Impoundment, Seizure and Forfeiture.

1. IMPOUNDMENT. a. A police officer shall, at the time of issuing a citation for a violation of s. 346.94(16), Wis. Stats., or ss. 80-63, 80-64 or 80-65, impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with the violation is the owner of the radio, electric sound amplification device or other sound-producing device and has 2 or more prior convictions within a 3-year period of s. 346.94(16), Wis. Stats., or ss. 80-63, 80-64 or 80-65.

b. The police department may impound a vehicle for not more than 5 working days to permit the police department or its agent to remove a radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its owner.

c. Upon disposition of the forfeiture action for the violation of this section, the radio, electric sound amplification device or other sound-producing device shall be returned to its owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.

d. The police department may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under s. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of 90 days after disposition of the forfeiture action.

2. SEIZURE. a. A police officer shall, at the time of issuing a citation for a violation of s. 346.94(16), Wis. Stats., or ss. 80-63, 80-64 or 80-65, seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with the violation is the owner of the radio, electric sound amplification device or other sound-producing device and has 3 or more prior convictions within a 3-year period of s. 346.94(16), Wis. Stats., or ss. 80-63, 80-64 or 80-65.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
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<td>Definition</td>
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<td>Alarm Licenses</td>
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<td>81-2.5</td>
<td>Alarm Service</td>
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<td>Amusement Machine Distributor License</td>
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<td>Service Charges for Appraisal and Inspection</td>
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<td>81-10.5</td>
<td>Bicycle Locker Fees</td>
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<td>81-11</td>
<td>Bicycle Parking Facility Permit</td>
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<td>Boating Permits</td>
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<td>Building Mover License</td>
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<td>Building Mover Permits</td>
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<td>Bulky Waste Collection Charge</td>
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<td>81-16</td>
<td>Campground and Camping Resort Fees</td>
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<tr>
<td>81-17.5</td>
<td>Catch Basin/Storm Inlet Equity Fee</td>
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<td>81-17.7</td>
<td>Center for the Visual and Performing Arts</td>
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<td>81-19</td>
<td>Certified Survey Map Filing Fee</td>
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<td>81-19.2</td>
<td>Change of Circumstances</td>
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<td>81-19.5</td>
<td>Checks; Bad Check Charges</td>
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<td>81-21</td>
<td>Cigarette and Tobacco License</td>
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<td>“Class A” Cider License</td>
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81-01. Definition. In this chapter "calendar year" means January 1 to December 31.

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

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

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

3. REFUND OF FEES BY CITY CLERK’S OFFICE. a. Except where otherwise provided, if a permit or license application for a permit or license issued through the city clerk’s office is withdrawn or denied, or in the event of nonissuance, the fee shall be refunded by the city treasurer upon surrender of the deposit receipt or affidavit certified by the city clerk.

b. The refundable portion of the fee shall be refunded by the city treasurer upon surrender of the deposit receipt or affidavit certified by the city clerk, provided that the receipt or affidavit is presented no later than one year after the date of withdrawal or denial of the application, or in the event of nonissuance, one year from the date of application for the license or permit, or in the event of nonissuance, one year from the date of granting of the license or permit. No refund shall be made after one year from the date of withdrawal or denial of the application, or in the event of nonissuance, one year from the date of application or granting, whichever is applicable.

3.5. LATE FILING FEE. Except where otherwise provided:

a. Any person who does not meet any application filing deadline as established by the city clerk for any license or permit issued by the city clerk’s office shall pay a late application fee of $25.

b. Any person filing more than one late application at the same time for licenses or permits with concurrent expiration dates for the same person or premises shall pay a single late filing fee in the highest applicable amount.

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

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

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

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

5. LATE FILING FEE. Except where otherwise provided:

a. Any person who does not meet any application filing deadline as established by the city clerk for any license or permit issued by the city clerk’s office shall pay a late application fee of $25.

b. Any person filing more than one late application at the same time for licenses or permits with concurrent expiration dates for the same person or premises shall pay a single late filing fee in the highest applicable amount.

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

7. TRANSFER FEE. Except where otherwise provided, any person filing an application for the transfer of any license or permit issued through the city clerk’s office shall pay a transfer application fee of $25.
81-1.5 License and Permit Fees

8. INSUFFICIENCY OF FUNDS; NONPAYMENT OF FEES. a. Except where otherwise provided, if payment for a license or permit fee issued through the city clerk’s office is made by check or other draft drawn upon an account containing insufficient funds, the applicant shall, within 15 days from the date of the letter from the city clerk of the insufficiency, pay by cashier’s check or other certified draft, money order or cash, the fees, late fees and processing charges as specified by city code. Nonpayment of all applicable fees, late fees and processing charges within 15 days from the date of the letter from the city clerk shall deem the license or permit suspended. The establishment shall not perform any activities authorized under the license until the license is reinstated or issued.

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

9. WAIVER FEE. The fee to apply for a waiver under s. 85-18 shall be $55.

81-1.5. Administrative Review Appeals Board. A fee of $25 is required to file an appeal with the administrative review appeals board. Fees shall not be refunded once an appeal is filed unless it has been determined by a city department that the appeal is not necessary based upon the action, for which the appeal was filed, was undertaken by that department in error. (See s. 320-11).

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

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

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

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

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

4. The fee to file an application for change of officers, directors or agents for a corporation shall be $25. (See s. 105-75.)

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

2. The subscriber’s fee for the city’s hold up alarm system shall be:
   a. For each primary alarm movement connection: $850.
   b. For each secondary alarm movement connection: $225.

(See s. 105-73.)

81-4. Amusement Machine Distributor License. 1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for a new or renewal amusement machine distributor license shall be $850. (See s. 107-13.)

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

1. NEW CONSTRUCTION.
   a. One-family: $259.
   b. Two-family: $391.
   c. Multi-family: $463 plus $115 per unit over 2 units.
   d. Commercial, industrial or public: $0.05 per square foot, with a minimum charge of $572.

2. ALTERATIONS AND ADDITIONS.
   a. Residential: 0.37% of construction cost, with a minimum charge of $13.
   b. Commercial: 0.37% of construction cost, with a minimum charge of $23.
   c. Siding, deck, garage, air conditioning, fireplace or razing: $18.

(See s. 307-6.)

3. PLUMBING.
   a. Residential: 28% of the plumbing permit cost imposed under s. 200-33-43.
   b. Commercial: 28% of the plumbing permit cost imposed under s. 200-33-43.

81-9.5 Bed and Breakfast Establishment Permit. 1. A non-refundable fee of $200 shall be charged at the time of application to anyone intending to operate a bed and breakfast establishment.
2. The fee for renewal shall be $100.
   a. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.
   b. Each bed and breakfast permit shall be valid for one year from the date of issuance.
      (See s. 75-5).

81-10. Bicycle License. 1. Each license shall be valid for the life of the bicycle for which the license is issued or for the time the owner owns the bicycle.
   2. There shall be no fee charged for a bicycle license.
      (See s. 102-5.)

81-10.5. Bicycle Locker Fees. 1. The permit fee for the use of a city-installed bicycle locker for the period April 1 through October 31 shall be $25.
   2. The permit fee for the use of a city-installed bicycle locker for the calendar year shall be $40.
   3. A key deposit of $25 shall be paid prior to issuance of a key for a bicycle locker. This deposit shall be returned to the locker user upon receipt of the key by the city before the end of the permit period.
      (See s. 101-33.5.)

   1. Each bicycle parking facility permit shall be issued for a license year commencing on July 1 and expiring on the following June 30.
   2. The fee for each permit shall be $16.
      (See s. 115-32.5.)

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

81-12. Bill Posting License. 1. Each license shall be valid for 2 years from the date of issuance.
   2. The fee for each license shall be $400.
      (See s. 84-10.)

81-12.5 Boating Permits. 1. For exhibition speedboat trials the fee shall be $80 per day.
   2. For motorboat races the fee shall be $70 per day.

3. For scuba diving the fee shall be $30 per day. Seasonal permits for underwater work may be obtained from the harbor master at no charge.
4. For water ski or aquaplane exhibits or aquatic events the fee shall be $70 per day.
   (See s. 118-80.)

81-14. Building Mover License. 1. Each building mover license shall be issued for the calendar year.
   2. The fee for each license shall be $84.
      (See s. 116-19.)

81-15. Building Mover Permits. 1. ON ROLLERS. For the moving of buildings or structures on rollers, the fee charged per building or structure shall be determined at the following rate:
   a. For the first 2 city blocks or part thereof: $262.
   b. For each additional city block or part thereof: $76.
   2. ON PNEUMATIC TIRE TRAILERS.
   a. Except as provided in par. b, for the moving of buildings or structures on pneumatic tire trailers the total fee per structure shall be $240.
   b. For any subsequent moving by the same owner of a building or structure that is similar to the original building or structure for which a moving permit was obtained, and is moved over the same route for the same location to the same site as the original building or structure, the fee shall be assessed at the following rate:
      b-1. For the first 5 miles in the city of Milwaukee or fraction thereof: $94.
      b-2. For each additional 5 miles in the city of Milwaukee or fraction thereof: $76.
   3. INSPECTION. An additional fee shall be charged for each building mover permit processed to cover costs of inspection in the amount of $55.
   4. PROCESSING FEE. There shall be a processing fee of $10 for each permit issued.
      (See s. 116-19.)

81-15.5 Bulky Waste Collection Charge. The bulky waste collection charge authorized under s. 79-6.5-3-c shall be as follows:
   1. $50 for bulky waste in excess of one cubic yard, but not in excess of 4 cubic yards.
   2. $150 for bulky waste in excess of 4 cubic yards, but not in excess of 6 cubic yards.
81-16 License and Permit Fees

81-16. Campground and Camping Resort Fees. 1. A non-refundable of $350 shall be charged at the time of new application.
2. The renewal fee for a campground or camping resort shall be as follows:
   a. 1-25 sites: $200.
   b. 26-50 sites: $275.
   c. 51-100 sites: $325.
   d. Over 100 sites: $400.
3. 20% of the fee will shall be used to pay the state of Wisconsin administrative fee under sub. 2.
4. Each campground and camping resort permit shall be valid for a one-year period following the date of issuance. (See s. 64-01.)

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

81-17.7. Center for the Visual and Performing Arts. 1. Each center for the visual and performing arts license shall be issued and shall expire on the same date as the public entertainment premises license held by the same premises.
2. The fee for each license shall be based on the maximum capacity of the premises established by the common council under s. 108-7-3:
   a. 25 or fewer persons, or a premises without a specified capacity: $150.
   b. 26-79 persons: $250.
   c. 80-99 persons: $375.
   d. 100-149 persons: $500.
   e. 150-179 persons: $700.
   f. 180-299 persons: $1,000.
   g. 300-499 persons: $1,500.
   h. 500 or more persons: $2,000.
(See s. 90-37.)

81-19. Certified Survey Map Filing Fee. 1. The fee for each certified survey map shall be $260.
2. In addition, a fee of $380 shall be paid for each certified survey map. This fee is intended to cover the cost of map review by the department of public works.
3. All fees under this section are nonrefundable. (See s. 119-4.)

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

81-19.5. Checks; Bad Check Charges. The processing charge for each bad check issued to the city of Milwaukee shall be $35. (See s. 304-37.)

81-21. Cigarette and Tobacco License. 1. Each cigarette and tobacco license shall be issued for a period of one year from the date of issuance.
2. The fee for each license shall be $100. (See s. 84-43.)

81-21.5. “Class A” Cider License. 1. There shall be no fee for a “Class A” cider license. However, the applicant shall pay all publication fees associated with the license.
2. A “Class A” cider license shall be valid for the same period as the Class “A” fermented malt beverage retailer license issued for the same premises. (See s. 90-5.5.)

81-22. Class "A" Fermented Malt Beverage Retailer's License (Package Store). 1. The fee for each Class "A" fermented malt beverage retailer's license shall be $350.
2. Each license shall be valid for one year effective from the date the license is issued. (See s. 90-4.)

81-23. “Class A” Retailer's Intoxicating Liquor License. 1. The fee for each “Class A” retailer's intoxicating liquor license shall be $500.
2. Each license shall be valid for one year effective from the date the license is issued. (See s. 90-4.)

81-24. Class "B" Fermented Malt Beverage Retailer's License. 1. The fee for each Class "B" fermented malt beverage retailer's license shall be $100.
2. Each license shall be valid for one year effective from the date the license is issued. (See s. 90-4.)
81-25. **Class "B" Manager's License.**
1. The fee for each Class "B" manager's license shall be $25.
2. Each license shall be issued for a one-year period beginning on July 1 and ending on the following June 30.
(See s. 90-4.)

81-26. **Class "B" Retailer's Intoxicating Liquor License.**
1. The fee for each Class "B" retailer's Intoxicating liquor license shall be $500.
2. Each license shall be valid for one year effective from the date the license is issued.
(See s. 90-4.)

81-27. **Class "B" Retailer's Service Bar License.**
1. The fee for a service bar license shall be $600.
2. Each license shall be valid for one year effective from the date the license is issued.
(See s. 90-4.)

81-28. **Special Class "B" License.**
1. The fee for each special "Class B" license shall be $10.
(See s. 90-4.)

81-30.5. **"Class C" Wine Retailer's License.**
1. The fee for each "Class C" wine retailer's license shall be $100.
2. Each license shall be valid for one year effective from the date the license is issued.
(See s. 90-4.)

81-31. **Class "D" Operator's License.**
1a. The fee for each original Class "D" operator's license shall be $75.
1b. The fee for renewal of each license shall be $50.
2. A new class "D" operator's license granted during an even-numbered year shall expire on December 31 of the following odd-numbered year. A new Class "D" operator's license granted during an odd-numbered year shall expire on December 31 of the following even-numbered year.
3. The fee for each certified copy of a Class "D" operator's license shall be $5.
4. A renewal Class "D" operator's license shall expire 2 years from the expiration date of the license being renewed.
(See s. 90-4.)

81-31.3. **Class "D" Provisional Operator's License.** The fee for each Class "D" provisional operator's license shall be $15.
(See s. 90-4.)

81-31.5. **Class "D" Special Temporary Operator's License.** The fee for each Class "D" special temporary operator's license shall be $15.
(See s. 90-4.)

81-35.5. **Code and Charter.** The fees charged for the sale of the city charter and code shall be:
1. Amendment service:
   a. Charter: $20 per year.
   b. Code, Volume 1: $60 per year.
   c. Code, Volume 2: $40 per year.
   d. Code, Volume 3: $40 per year.
(See s. 50-20.)

81-35.7. **Commercial Driver License Testing Fees.**
1. The department of public works operations division, as a third-party tester authorized by the Wisconsin department of transportation in accordance with s. 343.16, Wis. Stats., and ch. Trans 115, Wis. Adm. Code, to conduct a commercial driver license skill testing program, shall collect fees for classroom training sessions, pre-trip inspections and road skills tests, as well as for any incidental rental of vehicles used in conjunction with the testing program.
2. The fees for classroom training sessions and for the rental of "class A," "class B" and "class C" vehicles shall be as determined by the operations division.
3. In accordance with s. Trans 115.04, Wis. Adm. Code, the fee for a pre-trip inspection and a road skills test shall not exceed the maximum fee specified by the Wisconsin department of transportation.
4. All fees relating to commercial driver license testing, including vehicle rental fees, shall be paid by the commercial license applicant prior to administration of a test.
5. Payment of fees relating to commercial driver license testing shall be made by check or money order. Cash or credit card payments shall not be accepted.

81-38. **Concrete Contractor.**
1. Each concrete contractor license for work in a public way shall be issued for the calendar year.
2. The fee for each license shall be $81.
81-38.5 License and Permit Fees

3. There shall be a processing fee of $10 for each license issued.  
   (See s. 115-26.)

81-38.5. Copies of Records and Record Searches. 1. Each department shall impose a fee upon the requestor of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.
2. The fee imposed by all departments for black and white photocopies of paper records not exceeding 8.5 inches by 14 inches in size shall be 25 cents per page or 50 cents per double-sided copy.
3. Each department shall impose a fee upon the requestor of a copy of a photographic record for the actual, necessary and direct cost of photographing and photographic processing.
4. Except as otherwise provided by law, each department shall impose a fee upon a requestor for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is $50 or more.
5. Each department shall impose a fee upon a requestor for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is $50 or more.
6. Additional charges shall be added as required to cover the costs of complying with the request.
7. A department may waive or reduce fees under this section when in the public interest.
8. A list of the fees charged under this section shall be posted within each department.

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

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

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

81-43.5. Dock Engineering Survey Fee.  
1. The basic fee for the survey of dock engineering shall be $155.
2. In addition to the basic fee, a charge sufficient to cover costs incurred and overhead shall be made for each dock survey.
3. The dock engineering survey fee shall be imposed in addition to the fee for a dock alteration or repair permit or that of a dock construction permit whenever such a survey is made.  
   (See s. 118-7.)

81-43.7 Dockless Mobility Device Redemption Fee. The fee for redemption of a dockless mobility device that has been impounded shall be $100.  
   (See s. 101-53)

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

81-44.5. Driver Training Course.  
1. The registration fee for a defensive driving course sponsored by the police department shall be $30.
2. Any city of Milwaukee employee who enrolls in the defensive driving course on a voluntary basis for attendance on the employee's own time shall be exempt from the payment of the registration fee.
3. Any city of Milwaukee employee who has been convicted of traffic violations and has been directed by the courts to attend the defensive driving course shall be required to pay the registration fee and attend the course on his or her own time.  
   (See ss. 312-23 and 340-23.)

81-44.7. Driver's License, Public Passenger Vehicle.  
1. Each license shall be valid for 2 years from the date of issuance.
2. The fee for each original license shall be $75.
3. The fee for each provisional license shall be $15.
4. The fee for renewal of each license shall be $50.
5. The fee for processing each request for change of license classification during the license period shall be $25.
6. The registration fee for any public passenger vehicle driver examination administered by the police department regarding knowledge of city streets, places, regulations and sufficient command of the English language shall be $10.  
(See s. 100-54.)

81-45. Driveway Permit. 1. The application fee for a permit to install a driveway shall be $155.
   2. An additional fee shall be charged for each driveway permit processed to cover the costs of plan review and inspection in the amount of $72.
   3. There shall be a processing fee of $10 for each permit issued. 
(See s. 115-23.)

1. There shall be a fee of $10.96 for each report of registered voters. 
2. There shall be an additional charge for a report based on the type of media by which such report is provided:
   a. $0.62 per floppy disk.
   b. $0.70 per compact disk.
   c. $0.10 per hard copy page. 
(See s. 302-3.)

81-48.5. Emerging Business Enterprise Certification and Recertification. The fee for certification or recertification of a city emerging business enterprise shall be $50. 
(See s. 360-07.)

81-49. Engineer Service Fees. Fees shall be charged for the following department of public works infrastructure services division services:
1. Preparation of an agreement to allow construction over sewer easements: $900.
2. Answer of an inquiry with respect to a deferred sewer, water or special assessment charge: $22.
3. Preparation of a preliminary sewer design and furnishing information with respect to sewers for proposed development: $44 per hour or fraction thereof.
4. Review of a certified survey or subdivision plat: $39 per hour or fraction thereof.
5. Special investigation fee for excessive size, weight and load permits: $39 per hour or fraction thereof.

81-49.8. Escort License. 1. Each license shall be valid for one year from the date of issuance.
   2. The fee for each license shall be $75. 
(See s. 89-8.)

81-49.9. Escort Service License. 1. Each license shall be valid for one year from the date of issuance.
   2. The fee for each license shall be $130. 
(See s. 89-5.)

81-50. Excavation Permit and Inspection Fees for Work in the Public Right of Way. 
1. GENERAL. For the excavation required for the construction or repair of an individual storm building sewer, sanitary building sewer, combined building sewer, water service, or any combination thereof laid simultaneously in a single excavation or in more than one excavation connected by tunneling or boring, the fee shall be $125.
   2. MAIN OR CONDUIT. For the excavation required for the laying or repair of a main or conduit in each block, the fee shall be $86.
   3. REPAIR. For the excavation required for the laying or repair of utility building services in each block, the fee shall be $86.
   4. OTHER. For any other excavation or any installation the fee shall be $86.
   5. INSPECTION. a. The fee for inspection services for each permit, except permits issued to city forces, public utilities, or to persons engaged in work under a city contract for which inspectional services have been otherwise provided shall be $64.
   b. An additional fee shall be charged for permits for public utilities in accordance with a schedule of the actual costs of inspection services prepared by the commissioner of public works.
   6. PUBLIC UTILITIES. The fee for the inspection services for permits issued to public utilities in accordance with a schedule of the actual cost of inspection services prepared by the commissioner of public works shall be a sum equivalent to the actual cost of such inspection services. 
   7. PROCESSING FEE. There shall be a processing fee of $10 for each permit issued. 
(See s. 115-7.)
81-50.5 License and Permit Fees

81-50.5. Excessive Size, Weight and Load Vehicle Permit. 1. The fee for each oversize or overweight single trip permit without police department escort shall be $112.
   2. The fee for each oversize or overweight single trip permit with police department escort shall be $272.
   3. The fee for each oversize or overweight multiple trip permit for one month shall be $180.
   4. The fee for each oversize or overweight multiple trip permit for 12 months shall be $300.
   5. The fee for each oversize or overweight multiple trip permit for 6 months that is transferred to another vehicle shall be $30.
   6.a. The fee for a multiple trip permit requiring a traffic officer escort shall be:
      a-1. For a one-month permit: $366.
      a-2. For a 2-month permit: $426.
      b. There shall be an additional traffic officer vehicle escort fee of $144 per vehicle, per trip.

81-51. Extended Hours Establishments. 1. Each license shall be valid for one year from the date of issuance.
   2. The fee for each new license shall be $250.
   3. The fee for each renewal license shall be $225.
   4. The fee to file an application for change of officers, directors or agents for a corporation or limited liability company shall be $25.

81-51.5 Extra Garbage Cart Charge. The extra garbage cart charge shall be $17.51 per quarter for each extra garbage cart provided under s. 79-4-1.3.

81-51.6. Filling Station License. 1. a. The fee for each new license shall be $275.
      b. The fee for each renewal license shall be $250.
   2. Each filling station license shall be valid for a one year period following the date of issuance.

81-51.7. Fingerprinting by Police Department. 1. The fee for fingerprinting by the police department, when requested by any resident of the city, shall be $10 per card.
   2. The fee for fingerprinting by the police department, when requested by any person who is not a city resident, shall be $15 per card.

81-52. Fire Department Instruction and Training. The fee for out-of-city personnel to attend training courses sponsored by the fire department shall be computed at the rate of $100 per day, per person.

81-52.5. Fire Service. The fee for every unit of fire department equipment requested in excess of reciprocal fire service agreements entered into with other municipalities shall be $5,000 per hour or fraction thereof. The charges shall be computed from the time the equipment leaves its assigned quarters until the time such equipment returns to service in its assigned quarters.

81-52.7. Flower Pot Holders. The permit fee for each flower pot holder applicant shall be $40 and shall be in effect from April 1 of each year to the following March 31.

81-55. Food Dealer's License. 1. Each individual food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a food dealer's license and be assessed fees in accordance with this section.
   2. A fee of $300 shall be charged at the time of new application. This fee shall be non-refundable if an inspection is performed prior to withdrawal or denial of the application.
   3. The annual food dealer's license fee shall be as follows:
      a. Prepack restaurants: For each license renewal year: $250.
      b. All other restaurants:

Anticipated Gross Annual Sales for All Food Operations

<table>
<thead>
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<th>Sales Range</th>
<th>License Fee</th>
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<td>1,250</td>
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<tr>
<td>Over $2,000,000</td>
<td>1,725</td>
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c. Food Stores - Processing:

**Anticipated Gross Annual Sales for All Food Operations**

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d. Food Stores - No Processing:

**Anticipated Gross Annual Sales for All Food Operations**

<table>
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<th>Sales Range</th>
<th>Fee</th>
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<td>$575</td>
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<tr>
<td>Over $2,000,000</td>
<td>$875</td>
</tr>
</tbody>
</table>

e. Mobile peddler food base:

- $150 new; $125 renewal.

f. Micro markets:

- f-1. For one micro market located in a building: $40.
- f-2. For 2 or more micro markets located in the same building: $60.

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 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.
81-56 License and Permit Fees

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 due at the time of registration.

f. A late fee of $75 shall be assessed if a community food program is found to be operating after its 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 after its registration has expired.

(See s. 68-23.)

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.
   2. DUPLICATE LICENSE. The fee for a duplicate license shall be $11.
   3. 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.

2. A surcharge for a food peddler license to allow night operation by a food peddler shall be $45.

3. Each food peddler license shall be valid for one year from the date of issuance.

4. A veteran, as defined in s. 45.01(12), Wis. Stats., shall be granted a food peddler license without payment of any fee. The veteran shall be the operator of the food peddler vehicle or carried container for which the fee has been waived.

5. The fee for a duplicate license or identifying device shall be $11.

6. 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. 68-41.)

81-57. Franchise. The fee for the introduction of each ordinance or resolution granting a franchise shall be $525.

81-59. Harbor Island Fee. 1. The permit fee for use of Harbor Island shall be $300, plus $60 per day, per acre used for an event.

2. There shall be a participation fee of $0.29 per participant for groups with over 500 persons. (See s. 118-70.)

81-59.5. Historic Preservation Nomination Fee. The fee for nomination for historic designation of a structure, site or district is $25. (See s. 320-21-9-a-4.)

81-60. Home Improvement Contractors and Salespersons License. 1. Each license shall be valid for 2 years from the date of issuance.
2. a. The fee for each new home improvement contractor’s license shall be $250.
   b. The fee for each renewal home improvement contractor’s license shall be $225.
   c. The fee for each new salesperson’s license shall be $75.
   d. The fee for the renewal of each salesperson’s license shall be $50.
   (See s. 95-14.)

81-60.7. Ice Cream Peddler License.
1. The fee for each ice cream peddler license shall be $75.
2. Each license shall be issued for one year from the date of issuance.
3. The fee for a duplicate license shall be $11.
   (See s. 68-43.)

81-61. Industrial Development Revenue Bond Fees. 1. APPLICATION FEE. The fee for any application filed with the department of city development to finance a project through tax-exempt industrial development revenue bonds shall be $1,000. This fee shall be non-refundable.
2. ISSUANCE FEE. A fee of 0.5% of the initial principal amount of the bond issue shall be paid to the city upon issuance of the bonds.

81-67. Laundry, Self-Service Registration Certificate. 1. Each self-service laundry registration certificate shall be issued for a specific location for a one-year period beginning from the date of issuance.
2. The fee for each new certificate shall be $125.
3. The fee for each renewal certificate shall be $100.
   (See s. 75-21.)

81-70. Loading Zone Permit.
1. Each permit shall be valid for 2 years from the date of issuance.
2. a. The fee for each original loading zone permit, except a permit issued to a disabled person as defined in s. 101-23.7-1-b, shall be computed at the rate of $275 for every 30 feet of curb space or fraction thereof.
   b. The fee for each original loading zone permit issued to a disabled person shall be $50, with all such permits being for 30-foot loading zones.
3. The fee for each renewal loading zone permit shall be computed at the rate of $150 for every 30 feet of curb space or fraction thereof.
4. a. No fee for the renewal of a loading zone permit shall be charged to any nonprofit organization or any disabled person, as these terms are defined in s. 101-23.7.
   b. The common council may grant a late renewal of a loading zone permit to a disabled person as defined in s. 101-23.7-1-b, at no charge, if evidence is submitted that the medical condition that qualifies the person as disabled under that section still exists.

81-73. Lobbying License.
1. Each license for a lobbyist or principal to engage in lobbying shall be issued for the calendar year and shall expire on December 31 of each year, irrespective of the date of issuance.
2. The fee for each license shall be $125 per lobbyist per principal, payable at the time of registration.
   (See subch. 3 of ch. 305.)

81-74. Massage Establishment License.
1. Each massage establishment license shall be valid for one year from the date of issuance.
2. The fee for each new license shall be $350.
3. The fee for each renewal license shall be $325.
   (See s. 75-21.)

81.74.5 Mobile Seller's License.
1. Each license shall be valid for one year from the date of issuance.
2. a. The fee for each license shall be $130, except as provided in par. b.
   b. The fee for each license for a nonprofit organization shall be $15.
3. a. The fee for the renewal of a license shall be $50, except as provided in par. b.
   b. There shall be no fee for the renewal of a license for a nonprofit organization.
4. Any disabled veteran, as defined in s. 230.03(9m), Wis. Stats., upon presenting proof to the city clerk that he or she satisfies these conditions, shall be exempted from payment of any fee under this section.
   (See subch. 1 of ch. 92.)
81-75 License and Permit Fees

81-75. Mooring Permits. 1. The fee for a mooring permit shall be $35.
   2. Each permit shall be applicable for one boat and one mooring and shall be issued for a one-year period which begins July 1 and ends the following June 30.
   3. Each permit may be renewed annually upon payment of a $20 fee.
   4. A permit may be transferred for use by a boat other than one originally listed on the application, by completion of a transfer form provided by the harbor commission and payment of a $25 fee.
(See s. 118-80-9.)

81-76. Municipal Identification Card.
   1. The fee for each municipal identification card shall be $10.
   2. The replacement fee for each municipal identification card shall be $5.

81-78. Newspaper Vending Box Retrieval Fee. The fee for retrieving a newspaper vending box from the designated holding place shall be $35 per box.
(See s. 115-33.5.)

81-81. Parking Lot or Place 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. 84-20.)

81-82. Parking Meter or Parking Space Marker Permanent Removal.
   1. REMOVAL FOR LOADING ZONES.
      The fee for the removal of each parking meter or space marker needed to accommodate loading zones shall be sufficient to cover the costs of labor, materials and overhead and if necessary the costs of relocating a multi-space meter.
   2. REMOVAL FOR FACILITIES OTHER THAN LOADING ZONES.
      a. The fee for the removal of each single-space parking meter or space marker needed to accommodate facilities other than loading zones shall be $60.
      b. The fee for the removal of each multi-space parking meter shall be sufficient to cover the costs of labor, materials and overhead, and if necessary the costs of relocating a multi-space meter.
(See s. 101-50.)

81-83. Parking Meter or Parking Space Marker Temporary Removal or Hooding.
   1. The fee for the temporary hoarding of each parking meter space per day shall be $9.
   2. The fee for the temporary removal of single-space parking meters or space markers shall be $60 per metered space.
   3. The fee for the temporary removal of each multi-space parking meter shall be sufficient to cover the costs of labor, materials and overhead and reinstallation of the meter.
   4. The fee for the temporary and seasonal hoarding or removal of a parking meter for purpose of installation of a parklet shall be $250 per metered space.

81-85. Parking Permit. On-Street All Night; Off-Street Municipal Parking Lot.
   1. The fee for a 4-month permit including sales tax shall be $20.
   2. The fee for the annual permit including sales tax purchased in the first 4 months of the year shall be $55.
   3. The fee for the annual permit including sales tax purchased in the second 4 months of the year shall be $40.
   4. There shall be a $1 fee for each permit purchased online.
(See ss. 101-27 and 101-33.)

81-86. Parking Permit: On-Street Daytime Residential. 1. The fee for each annual on-street, daytime, residential parking permit shall be $15.
(See s. 101-27.5.)

81-87. Parking Permit: On-Street Commuter Parking, Impacted Areas. There shall be no fees charged for on-street commuter parking permits for impacted areas issued on an annual basis.
(See s. 101-27.7.)

81-90. Permanent Extension of Alcohol Beverage Licensed Premises. The fee for a permanent extension of alcohol beverage licensed premises shall be $50. Locations filing for the extension of operations to the outside on a permanent basis under s. 81-55-9-b shall be charged a total fee of $75.
(See s. 90-4.)

81-96. Plat Filing Fee. The nonrefundable filing fee for submission of any preliminary or final subdivision plat shall be $405.
(See s. 119-4.)
81-97. Plat or Map Correction Instrument. The nonrefundable fee for filing each plat or map correction instrument shall be $50. (See s. 119-4.)

81-100. Provisional Renewal License. The fee for each provisional renewal license shall be $15. (See s. 85-20)

81-101.2. Public Entertainment Premises License. 1. REGULAR LICENSE. a. Each public entertainment premises license shall be valid for a one-year period commencing on the date of the issuance of the license. If a premises is also licensed as a retail alcohol beverage establishment, the public entertainment premises license shall be valid for one year or part thereof, effective from the date the license is issued, and shall expire on the same date as the retail alcohol beverage license.
   b. The fee for each license shall be based on the maximum capacity of the premises established by the common council under s. 108-7-4:
      b-1. 25 or fewer persons, or a premises without a specified capacity: $150.
      b-3. 80-99 persons: $375.
      b-4. 100-149 persons: $500.
      b-5. 150-179 persons: $700.
      b-6. 180-299 persons: $1,000.
      b-7. 300-499 persons: $1,500.
      b-8. 500 or more persons: $2,000.

2. TEMPORARY PERMIT. The fee for each temporary permit shall be $50. (See 108-5.)

81-101.5. Public Passenger Vehicle Permit. 1. Each permit shall be valid for 2 years from the date of issuance.
   2. The fee for each new permit, except a taxicab permit, shall be $284.
   2.5. The fee for each new taxicab permit shall be $400.
   3. The fee for renewal of each permit, except a taxicab permit, shall be $209.
   3.5. The fee for renewal of each taxicab permit shall be $325.
   4. The fee for each provisional permit shall be $15.
   5. The fee for filing a notice of change of taxicab affiliation shall be $25.

6. The fee for changing the agent or officers of a corporation holding a public passenger vehicle permit shall be $25.

7. The fee for any special inspection of a public passenger vehicle, as provided in s. 100-51, shall be $125. (See s. 100-50.)

81-102. Public Ways: Permits for Temporary Occupancy or Use as Public Ways.
1. DEFINITIONS. In this section:
   a. “Parking lane” means that portion of the roadway along the curb, generally 8 feet in width, for which the primary purpose is parking. Should this area function for vehicular travel, it shall be identified as a traffic lane.
   b. “Roadway area” means that portion of highway between the regularly established curb lines.
   c. “Sidewalk area” means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines.
   d. “Traffic lane” means that portion of the roadway area used for the movement of vehicular traffic.
2. CALCULATION OF FEES. The fees charged in subs. 3 to 5 are charged for each area that is occupied. The fees shall be charged for every 30 feet of street front or fractional part thereof that is to be temporarily occupied or used. Fees for seasonal parklet occupancy of the parking lane shall be charged per 20 feet of street front or marked parking space, or fractional part thereof that is to be occupied. Fees for occupancy of parking lanes and traffic lanes are based on the classification of the street, as indicated on the street classification map maintained by the city engineer.
3. SIDEWALKS. a. For the temporary occupancy of all of a sidewalk area or occupancy that results in a sidewalk that is less than 4 feet wide at any point, where no temporary walkway is provided on the same side of the street:
   a-1. The fee for a period of 7 days or less shall be $143.
   a-2. The fee for a period of 8 to 30 days shall be $222.
   a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $222.
b. For the temporary occupancy of a portion of a sidewalk area, where the portion remaining open to pedestrian traffic is at least 4 feet wide at all points or where a temporary walkway is provided on the same side of the street.

b-1. The fee for a period of 7 days or less shall be $72.

b-2. The fee for a period of 8 to 30 days shall be $112.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $112.

4. PARKING LANES. For the temporary occupancy of all or a portion of a parking lane, where the parking lane is not available for public use:

a. Arterial Street.

a-1. The fee for a period of 7 days or less shall be $167.

a-2. The fee for a period of 8 to 30 days shall be $269.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $269.

b. Collector Street.

b-1. The fee for a period of 7 days or less shall be $112.

b-2. The fee for a period of 8 to 30 days shall be $182.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $182.

c. Local Street.

c-1. The fee for a period of 7 days or less shall be $55.

c-2. The fee for a period of 8 to 30 days shall be $94.

c-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $94.

4.5. PARKLETS. For the seasonal installation of a parklet in the public right-of-way parking lane, the fee shall be $250 per 20 linear feet or per parking space.

5. TRAFFIC LANES AND ALLEYS. For the temporary occupancy of all or a portion of a traffic lane or alley, where the traffic lane or alley is not available for public use:

a. Arterial Street.

a-1. The fee for a period of 7 days or less shall be $189.

a-2. The fee for a period of 8 to 30 days shall be $348.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $348.

b. Collector Street.

b-1. The fee for a period of 7 days or less shall be $126.

b-2. The fee for a period of 8 to 30 days shall be $238.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $238.

c. Local Street or Alley.

b-1. The fee for a period of 7 days or less shall be $62.50.

b-2. The fee for a period of 8 to 30 days shall be $118.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be $118.

6. INSPECTION. An additional fee shall be charged per month or portion thereof for each permit processed to cover costs of inspection in the following amounts:

a. Sidewalks: $75.

b. Parking lanes: $75.


(See s. 115-11.)


1. CURB AND GUTTER. The fee for restoration of curb and gutter with respect to the removal of a driveway shall be $167.

2. DRIVEWAYS-TEMPORARY. The fee for installation of a temporary driveway (driveover curb) shall be $143.

3. FENCES. The fee for installation of a fence encroaching on the public right of way shall be $143.

4. HOLLOW WALKS. The fee for performance of any work on a sidewalk situated over a hollow walk shall be $149.

5. POLES. The fee for installing, replacing and removing utility poles shall be computed at $149 per block face. A block face shall consist of both sides of the street and not exceed 100 house numbers. In instances when a block face of 100 house numbers is divided by one or more intersecting public ways, each subdivision shall constitute a block face.

6. SIDEWALKS.

a. The fee for replacing sidewalks shall be computed at $139 for regular walks per block face and $244 for full walks per block face. A block face shall consist of both sides of the street and not exceed 100 house numbers. If a block face of 100 house numbers is divided by one or more intersecting public ways, each subdivision shall constitute a block face.

b. The fee for replacing a sidewalk adjacent to a single parcel, up to 150 feet in frontage, shall be $32.

7. STREET CUTS. The fee for replacing and filling street cuts shall be $244.
8. **INSPECTION COSTS.**
   a. An additional fee shall be charged for each permit under subs. 1 to 4, 6-6-a and 7 to cover costs of inspection in the amount of $134.
   b. An additional fee shall be charged for each permit under sub. 6-b to cover costs of inspection in the amount of $32.
   c. An additional fee shall be charged for permits for public utilities under sub. 5 in accordance with a schedule of the actual costs of inspection services prepared by the commissioner of public works in an amount equivalent to the actual cost of the inspection services.

81-102.3. **Purchasing Appeals.** The fee required for a vendor to appeal bid specifications and recommendations for awards pursuant to s. 16-05 of the charter and s. 310-19 of the code shall be 1.25% of the amount of the bid being appealed.

81-102.4. **Purchasing-Restoration to Bidders Lists.** The fee required for a vendor to be restored to bidders lists maintained by the purchasing division - department of administration, subsequent to the division's removal of a vendor's name if the vendor does not respond on 3 consecutive bids, shall be $100.

81-102.6. **Recycling, Salvaging or Towing Premises License.**
   1. Each license shall be valid for 2 years from the date of issuance.
   2. The fee for each license shall be $344.
   3. The fee for each additional building or other fixed place for storage, as provided in s. 93-5-3, shall be $63. (See ch. 93.)

81-102.8. **Recycling, Salvaging or Towing Vehicle License.**
   1. Each license shall be valid for 2 years from the date of issuance.
   2. The fee for each license shall be $188.
   3. For a business with 2 or more vehicles, as provided in s. 93-5-2-a-2, the fee shall be $344.
   4. The fee to change the motor vehicle used in the conduct of a recycling, salvaging or towing business shall be $15. (See ch. 93.)

81-103.2. **Salary Advances.**
   1. Upon the approval of department heads, city employees may receive advances on salaries in order to address unforeseen emergencies. The first such advance in a calendar year shall be provided without charge.
   2. The processing charge for all subsequent advances in the calendar year shall be $25.

81-103.5. **Statement of Income Duplicates.**
   1. Upon written request, one copy or duplicate set of statements of income (form 1099) shall be provided to city vendors without charge through April 15 for the preceding calendar year.
   2. The processing charge for requests beyond April 15, or for additional copies or duplicates shall be $15 and $25 respectively for each item requested.

81-104. **Secondhand Dealer's License.**
   1. Each license shall be valid for 2 years from the date of issuance.
   2.a. The fee for each license shall be $275, except as provided in par. b.
   b. The fee for each license for businesses dealing exclusively in secondhand bicycles shall be $75. (See subch. 2 of ch. 92.)

81-104.6. **Secondhand Motor Vehicle Dealer's License.**
   1. Each license shall be valid for 2 years from the date of issuance.
   2. The fee for each license shall be $290. (See subch. 3 of ch. 92.)

81-104.7. **Sewer Connection.**
   1. The fee for connecting a private drain to a public sewer shall be $60.
   2. There shall be a processing fee of $10 for each permit issued. (See s. 12-20, charter.)

81-105. **Shooting Gallery License.**
   1. Each shooting gallery license shall be issued for a period not to exceed 14 days.
   2. The fee for each license shall be $100. (See s. 105-39.)
81-106.7 License and Permit Fees

81-106.7. Sidewalk Area Dining Permit.
1. The fee for a sidewalk area dining permit shall be based on the total area, in square feet, of the dining area:
   a. 0-100 square feet: $25
   b. 101-200 square feet: $50
   c. 201-300 square feet: $75
   d. 301-400 square feet: $100
   e. 401-500 square feet: $150
   f. 501-1,000 square feet: $225
   g. 1,001-1,500 square feet: $300
   h. 1,501 or greater square feet: $500
2. In addition to the fee specified in sub. 1, an initial application fee of $100 shall be required for each new application.
   (See s. 115-32.6.)

81-107. Signs or Decorations Attached to City-owned Poles. The fee for the attachment of each sign or decoration as provided for in s. 101-50-6 shall be $15 per attachment.
   (See s. 101-50.)

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

81-108.2. Signs; Historic District Identification.
1. The application fee for historic district identification signs shall be $100.
2. The fee for installation of each historic district identification sign shall be $100.
   (See s. 116-5.)

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

81-109. Signs; "No Parking to Driveway". When the installation of a "no parking to driveway" sign is requested by the owner, lessee, manager or tenant of the property involved, the fee chargeable to the requester 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 $10.
   (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 AA Event: The actual hourly cost for police and public works services, as documented by the chief of police and commissioner of public works.
2. Class A Event: $3,700.
5. Class D Event: No fee for issuance of a permit; however a fee shall be charged for services provided under sub. 5.
6. 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 $300.
   2. The fee for the introduction of each ordinance or resolution amending a special privilege for the purpose of adding items shall be $150.
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, 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. (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.)

81-129.7. 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. 252-60.)

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.)

   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. The processing charge for requests beyond April 15, or for additional copies or duplicates shall be $15 and $25, respectively, for each item requested.

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 $10 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 bulk plant meter licenses, shall be valid for 24 months from the date of issuance.
      b-1. The fee shall be based on the maximum flow rate of a liquid measuring device.
      b-2. The following schedule of fees shall apply to a liquid measuring device license:
         
         | Capacity                  | Fee  |
         |---------------------------|------|
         | 0 – 30 gallons per minute | $60  |
         | 31 – 200 gallons per minute | $250 |
         | Over 200 gallons per minute | $250 |
         (See s. 82-14)

3. SCALES.
   a. Scale licenses shall be valid for 24 months from the date of issuance.
   b. The fee for each scale license shall be $55.
      (See s. 82-14)

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. 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 Municipal Research Library.
81-- License and Permit Fees

Pages 272-274 are blank.
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 tobaccos; 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.

5. 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.
# License and Permit Procedures 85-1

## 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.
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
1. For any license or permit issued by the city clerk for which insurance is required, an insurance policy shall continuously remain in effect for the duration of the license period. Failure to comply with this paragraph shall be grounds for suspension of the license or permit.
2. If a license or permit is suspended under par. a, the licensee or permittee shall pay the fee specified in s. 81-1-6 prior to reinstatement of the license or permit.

1. ELIGIBILITY. a-1. Except as provided in pars. b and c, whenever an application accompanied by the fee specified under s. 81-19.2 and a written statement of changed circumstances is filed with the city clerk setting forth the change in circumstances relating to the fitness of the location of the proposed premises since the prior denial, nonrenewal or revocation, the committee shall hold a hearing to determine if changed circumstances exist.
   a-2. Except as provided in pars. b and c, whenever the owner of the premises has filed with the city clerk the fee specified under s. 81-19.2 and a written statement of changed circumstances setting forth the change in circumstances relating to the fitness of the location of the proposed premises since the prior denial, nonrenewal or revocation, and no application for a license or permit has been filed the committee shall hold a hearing to determine if changed circumstances exist sufficient for removal of the disqualification.
2. HEARING. a. At the hearing, testimony and other evidence shall be limited to that offered by the applicant or owner, appearing in person or by counsel, to demonstrate a change in circumstances. The committee may also entertain relevant evidence offered by city officers and employees.
   b. If the committee determines that the applicant or owner has failed to demonstrate that a sufficient change in circumstances exists, the period of disqualification shall remain in effect. If an application has been filed under sub. 1-a-1, then the committee shall recommend that the application be denied.
   c. If the committee determines that a sufficient change in circumstances has been demonstrated, the period of disqualification shall be terminated. If an application has been filed under sub. 1-a-1, then the committee shall schedule a separate hearing on whether the application should be recommended for approval or denial.
   d. In considering whether changed circumstances exist, the committee shall consider, among other factors:
      d-1. A change in the type of license sought by an applicant.
      d-2. A change in the number of premises holding the same license in the neighborhood.
      d-3. A change in zoning applicable to the subject property.
      d-4. New developments or land uses in the vicinity of the subject property.

85-17. Request to Surrender a License.
1. If a licensee wishes to surrender his or her license or withdraw a renewal application after receiving a notice for a hearing on nonrenewal, revocation or suspension, the licensee shall request, in writing, permission from the licensing committee prior to the date of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.
2. If a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to sub. 1, the licensee shall request, in writing at least 45 days prior to the expiration date of the license, permission from the licensing committee to do so prior to the date of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.
3. The committee may approve the request and return the license without further action by the common council, provided that the period for which the license was originally granted has not expired, or make a recommendation to the common council to deny
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the request based on the same grounds set forth for nonrenewal or revocation of the license. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth for nonrenewal or revocation.

85-18. License or Permit Not Issued.

1. No person shall be issued any license or permit after one year from the date of granting or approval of the license or permit.

2. The common council may waive the requirement of sub. 1 upon demonstration of unusual circumstances and payment of the fee provided in s. 81-1-9. A waiver shall be effective for one year from the date of approval by the common council.

3. If a waiver is filed under sub. 2, the hearing procedures of s. 85-2.7 and the investigation requirements of 85-21-2 shall apply.

85-19. Transfer of License or Permit or Change of Name. 1. GENERAL REQUIREMENT. Unless otherwise provided in this code, no license or permit shall be transferable whether as to licensee, permittee or location except as herein provided.

2. CHANGE OF PREMISES. Every license or permit issued under this code may be transferred from one premises to another within the city upon payment of the fees required in ch. 60 or ch. 81, as the case may be, but no licensee or permittee shall be entitled to more than one transfer in any one license or permit year. The application and proceedings for such transfer shall be made in the same form and manner as the original application.

3. CHANGE OF NAME. The city clerk is authorized to change the name on a license or permit whenever there is a death in the family, a marriage, or a divorce with an award by court decree, provided the name change will not transfer the license or permit outside the family.

4. DEATH. a. Death of Licensee or Permittee. In case of death of the licensee or permittee, the license or permit may in the discretion of the common council be transferred to the executor, administrator or next of kin of the deceased licensee or permittee. In such event, the executor, administrator or next of kin of the deceased licensee or permittee shall report the death of the original licensee or permittee to the city clerk, together with the name and address of the person by whom the licensed or permitted business is to be conducted. The transfer of a license or permit under such circumstances may be made only if it is approved by the common council and the new licensee or permittee is in full compliance with the applicable provisions of this code.

   b. Death or Withdrawal of Partner. In the case of the death or withdrawal of one or more members of a partnership to which a license or permit has been issued, the city clerk shall upon request allow the remaining partner or partners to operate the business for the remainder of the license or permit year.

5. DISABILITY. If a licensee or permittee becomes disabled, the common council may in its discretion, upon application, transfer the license or permit to the licensee's or permittee's spouse if that spouse may hold a license or permit under applicable license or permit qualifications and complies with all requirements under this code applicable to original applicants, except that the spouse is exempt from payment of the license or permit fee for the year in which the transfer takes place.

6. BANKRUPTCY. If any licensee or permittee becomes bankrupt or makes an assignment for the benefit of creditors, the receiver or creditor may continue or sell the business. The transfer of a license or permit under such circumstances may be made only if it is approved by the common council and the new licensee or permittee is in full compliance with the applicable provisions of this code.

7. TRANSFER OF STOCK. The transfer of stock in any corporate licensee or permittee when the effect of the transfer would constitute a change in a stockholder list required by this code shall be reported to the city clerk within 10 days of the transfer. The transfer of corporate stock shall not require the payment of any transfer of license or permit fee.

8. SOLE PROPRIETORSHIP OR BUSINESS ENTITY REORGANIZATION. A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a license or permit for operation of an establishment to the newly-formed business entity or sole proprietorship if the following conditions are satisfied:

   a. The establishment remains at the location for which the license or permit was issued.
b. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license or permit was issued has an ownership interest in the newly-formed sole proprietorship or business entity.

9. NOTIFICATION. a. The city clerk shall be notified of any changes made in the name of a licensed or permitted business within 10 days of the change.
   b. The city clerk shall notify the chief of police, the licensing committee and the Wisconsin department of revenue of any name change or license transfer involving an alcohol beverage licensee or permittee.

85-20. Provisional Renewal Licenses.
1. ISSUANCE. If a licensee files a renewal application but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license whenever:
   a. The renewal application contains all required information.
   b. The licensee has submitted all required supporting documentation.
   c. The licensee has paid the required fee for the renewal license and provisional renewal license specified in ch. 81.
   d. Except in the case of a Class “D” operator’s license or a Class “B” manager’s license, the local common council member has approved the application for a provisional renewal license.
   e. Issuance of the provisional license would not be contrary to state law.
   f. The renewal application is filed before the end of the license period subsequent to the expiration date of the license.
2. EXCEPTION. If a licensee files a renewal application by the date established by the city clerk but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license and the licensee shall not be subject to pars. 1-c and d.
3. APPEAL. If an application is denied approval by a common council member under sub. 1-d, the city clerk shall forward the application to the licensing committee for a hearing on the appeal of the decision of the common council member.
4. EXPIRATION DATE. A provisional renewal license shall expire 60 days after the date of issuance by the city clerk or upon issuance, non-renewal or suspension of the regular license, whichever is sooner, and shall not be renewable.

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

1. FINGERPRINTING REQUIREMENT. a. Each applicant for a license or permit subject to review by a licensing committee of the common council shall be fingerprinted in a manner directed by the chief of police unless otherwise provided in this code.
   a-1. If the applicant is a partnership, each partner shall be fingerprinted.
   a-2. If the applicant is a corporation, limited liability company or similar firm or business recognized in law, the agent as well as any persons holding 20% or more ownership in the legal entity shall be fingerprinted.
   b. If there is a change of agent by the licensee, the new agent shall be fingerprinted within 10 days of the change.
   c. If there is change of ownership where the change results in any person holding 20% or more ownership in the legal entity, that person shall be fingerprinted within 10 days of the change, if not already fingerprinted under this section.
   d. Exemption. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for verification.
2. INVESTIGATION REQUIREMENT. a. Each application for a license or permit subject to review by a licensing committee of the common council shall be referred to the chief of police who shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the applicant’s compliance with background investigation requirements.
   b. The report provided by the chief of police shall include information for the preceding 10 years related to any criminal or ordinance convictions and any pending criminal charges and ordinance citations of the applicant; each partner, if the applicant is a partnership; or agent, as well as any persons holding 20% or
more ownership in the legal entity, if the applicant is a corporation, limited liability company or similar firm or business recognized in law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The applicant is the holder of or exempt from holding a seller’s permit or use tax registration certificate issued by the Wisconsin department of revenue.
b. The applicant is registered with the Wisconsin department of revenue to collect, report and remit use tax under subch. III of ch. 77, Wis. Stats.
c. The applicant has been informed by an employee of the Wisconsin department of revenue that the department will issue a seller's permit or use tax registration certificate to the applicant or register the applicant to collect, report and remit use tax.

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. No holder of a dwelling facility license issued by the city may willfully refuse services or add charges or require deposits not required of the general public under the dwelling license because of a person’s place of residence.

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 member of the military service, whether dressed in uniform or not. All applications submitted by persons seeking a dwelling facility license shall also contain the following declaration: (name of applicant) shall not willfully refuse to provide those services offered under this license or add charges or require deposits not required of the general public because of a person's place of residence.

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.

85-30. Collusive Agreements Prohibited. Any person licensed in the city who shall permit any other person to conduct business under the licensee’s license, or in the name of said licensee, or who shall connive, collude, or agree with any other person to enable such other person to conduct any business under the licensee’s license or in the name of the licensee, and any person who shall conduct any business within the city under a license issued to another person, or in the name of another person, or who shall connive, collude, or agree with any licensee to enable such person to conduct business in the name, or under the license of such licensee, shall be subject to the penalty specified in s. 85-41-2. This section shall not apply to holders of Class “B” special fermented malt beverage licenses issued under s. 90-4-7.

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 permitee 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 permitee 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.
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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:

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. 1. 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.

2. Any person who violates s. 85-30 shall upon conviction be subject to a forfeiture of not less than $2,500 and not more than $5,000, and in default of payment thereof, shall be imprisoned as provided by law.

For legislative history of chapter 85, contact the Municipal Research Library.

Pages 339 and 340 are blank.
b-7. 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 residence addresses of all officers and be verified by an officer of the club, association, or organization.

b-8. The date of birth.

b-9. Such other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

c. Additional Requirements. In any application for an alcohol beverage retail establishment license, excepting the short-term Class "B" special fermented malt beverage license, the applicant shall file a detailed floor plan on a 8-1/2 inch x 11 inch sized sheet of paper for each floor of the premises and a completed plan of operation on forms provided therefor by the city clerk.

c-1. Floor Plan. In this paragraph, “floor plan” means a blueprint or detailed sketch of the alcohol beverage retail establishment and shall include:

c-1-a. Area in square feet and dimensions of the premises.

c-1-b. Locations of all entrances and exits to the premises. This shall include a description of how patrons will enter 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.

c-1-c. Locations of all seating areas, bars and, if applicable, food preparation areas for applications for Class “B” and “Class C” alcohol beverage retail establishment licenses.

c-1-d. Locations and dimensions of any alcohol beverage storage and display areas.

c-1-e. Locations and dimensions of any outdoor areas available at the premises for the sale or service of alcohol beverages.

c-1-f. Locations and dimensions of any off-street parking and loading areas for patrons, employees and entertainers available at the premises.

c-1-g. North point and date.

b. Any other reasonable and pertinent information the common council may from time to time require.

c-2. Plan of Operation. The plan of operation shall require:

c-2-a. The current or planned hours of operation for the premises.

c-2-b. The number of patrons expected on a daily basis at the premises.

c-2-c. The legal occupancy capacity of the premises, if known by the applicant.

c-2-d. The number of off-street parking spaces available at the premises.

c-2-e. 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.

c-2-f. What other types of business enterprises, if any, are planned or currently conducted at the premises.

c-2-g. What other types of licenses and permits, if any, are planned or currently issued for the premises.

c-2-h. Whether or not, pursuant to s. 90-14, the premises is less than 300 feet from any church, school or hospital.

c-2-i. What, if any, age distinctions are planned or currently conducted at the premises.

c-2-j. A description of any proposed security provisions for off-street parking and loading areas.

c-2-k. The number of security personnel expected to be on the premises, their responsibilities, the equipment they will use in carrying out their duties and their licensing, certification or training credentials.

c-2-l. 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.

c-2-m. Any other reasonable and pertinent information the common council may from time to time require.

c-3. Right to Occupy. An applicant for an alcohol beverage retail establishment license shall provide any information that may be requested by the city clerk relating to the terms and conditions of occupancy of the premises for which the license is sought.

c-3-a. Documents establishing a right to occupy include deeds, leases, accepted offers to purchase and similar documents including agreements that are contingent upon issuance of the requested license.
c-3-b. An applicant shall provide any additional information that may be requested by the city clerk relating to the terms and conditions of occupancy of the premises for which the license is sought.

c-4. Exemptions. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application pursuant to this paragraph, the licensee may file a written statement to that effect with the city clerk and, having done so, shall not be required to file a new floor plan and plan of operation with the renewal application.

d. Number of Licenses. In any application for an alcohol beverage retail establishment license, the applicant shall state whether the applicant currently holds any alcohol beverage retail establishment license in any other location in the state.

1.5. POLICE REVIEW OF FLOOR PLAN, PLAN OF OPERATION AND CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN SURVEY. Following submission of the floor plan and plan of operation required by s. 90-5-1-c, but prior to the scheduling of a licensing committee hearing under s. 90-5-8-a-2, the applicant for a new Class "A," Class "B" or "Class C" retail license shall meet in person with a police department community liaison officer or other designee of the chief of police to review the floor plan and plan of operation and to conduct a crime prevention through environmental design (CPTED) survey.

2. TRUTH OF STATEMENTS AND AFFIDAVITS; PENALTY. a. All matters submitted in writing to the city by any applicant or licensee pertaining to an intoxicating liquor or fermented malt beverage license shall be true. Any person who submits in writing any untrue statement or affidavit to the city in connection with any such license or application shall be fined not to exceed $500 or in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 90 days; and that license, if granted, shall be subject to revocation and no intoxicating liquor or fermented malt beverage license of any kind or nature whatsoever shall thereafter be granted to such a person for a period of one year from the date of such revocation.

b. There shall be contained on each individual application for an intoxicating liquor or fermented malt beverage license of any kind information to the effect that a penalty is provided for any false statement or false affidavit supplied by any such applicant or licensee.

3. TIME OF FILING; LEGAL NOTICE AND FEE. a. Filing Time. Application shall be filed for all liquor and beer licenses at least 30 days prior to the date of granting by the common council. When an application has been on file at least 14 days prior to the date of granting, and the police investigation has been completed with no police objection, and there are no other objections to the granting of the license, the common council may grant such licenses prior to the passage of the full 30 days.

b. Legal Notice and Fee. A notice of the application for an alcohol beverage retail establishment license containing the name and address of the applicant and the kind of license applied for and the location of the premises to be licensed shall, prior to the granting of such license be published in a daily paper which shall have been regularly and continuously published daily in the city for a period of at least 3 times successively. At the time of filing an application the applicant shall pay to the city clerk such sum as computed by the rate per folio for legal notices or publications as created, established, and applied in the counties of this state by provisions of Wisconsin statutes, would be required to pay for such publication.

4. DEPOSIT OF FEE; REFUND.

a. Prior to issuance of a license, each applicant shall deposit with the city treasurer the full amount of the fee required in ch. 81 for the specific license or licenses applied for.

b. It shall be the duty of the city treasurer to accept the deposit, issue a receipt therefor, and cause a record to be kept thereof. When a license is granted by the common council, it shall be the duty of the city treasurer to apply such deposit as full payment of the license fee, upon receipt of certification thereof by the city clerk.

c. It shall be the duty of the city clerk to enter on all applications filed with him the amount deposited with the city treasurer, the date of the deposit and the number of the treasurer's receipt.
other depository, in payment of established charges for food, beverages of any kind, or other service, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

90-37. Centers for the Visual and Performing Arts. 1. FINDINGS. The Wisconsin state statutes create the designation “centers for the visual and performing arts” and exempt them from certain restrictions relating to the presence of underage persons on licensed Class “B” alcohol beverage premises. The state statutes do not, however, provide a definition for “centers for the visual and performing arts.” The prevention of the underage consumption of alcohol and the regulation of alcohol beverage premises where underage persons congregate is a primary concern of the common council, given its responsibility to protect its most vulnerable residents. The common council finds, therefore, that it is essential to define and license “centers for the visual and performing arts” to help ensure the health, safety and welfare of the people of the city of Milwaukee and, in this light, to grant this license infrequently and only after careful consideration, review and deliberation.

2. LICENSE REQUIRED. No premise shall be deemed a center for the visual and performing arts without first obtaining a license as required in this section, except that no license shall be required of centers for the visual and performing arts operated by nonprofit organizations which, for the purposes of this provision, shall mean a federal, state or local unit of government or agency thereof, a public or private elementary, secondary or post-secondary school, or an organization that is described in s. 501(c)(3) of the internal revenue code of the United States of America and is exempt from taxation under s. 501(a) of this code.

3. MINIMUM QUALIFICATIONS. No premise shall be licensed as a center for the visual and performing arts unless it fulfills all the relevant criteria of pars. a to d.

a. The operator of the premises shall hold a valid public entertainment premises license for the same premises issued under ch. 108.

b. A center for the visual and performing arts shall have either of the following:

   b-1. At least one stage or designated performance space.

b-2. A collection of recognized works of art placed on regular public display, as testified to before the licensing committee of the common council by recognized experts or art critics.

c. At a center for the visual and performing arts that is also a theater, the service of alcohol beverages shall be incidental to the main function of the licensed premise as evidenced by the service of alcohol beverages no earlier than 2 hours before a given day’s scheduled performance, no later than 2 hours after a given day’s scheduled performance and only in a designated lobby area.

d. At a center for the visual and performing arts that provides live music performances on a stage or designated performance space less than 1200 square feet in size to an all-ages audience, which is subject to the curfew limitations set forth in s. 106-23 and the employment limitations of minors set forth in s. 103.78, Wis. Stats., underage patrons shall enter the premises no earlier than one hour before a scheduled performance and shall leave the premises no later than one half hour after completion of the performance.

4. APPLICATION. a. Application for a center for the visual and performing arts license shall be filed with the city clerk on a form provided therefor.

b. 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 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 names 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 section 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. What plans, if any, the applicant has to insure underage persons are not served alcohol beverages at the premise and that alcohol beverages are not consumed by underage persons at the premise.
    b-7-e. What plans, if any, the applicant has to insure that underage persons are not on the premise in violation of the city's curfew ordinance as set forth in s. 106-23.
    b-7-f. The number of off-street parking spaces available at the premises.
    b-7-g. Whether or not the premises will make use of sound amplification equipment and, if so, what kind.
    b-7-h. What plans, if any, the applicant has to provide security for the premises.
    b-7-i. What plans, if any, the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise.
  b-8. Any other licenses held by the applicant or attached to the premises.
  b-9. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

5. ISSUANCE. a. An application shall be referred to the chief of police and the commissioner of neighborhood services, each of whom shall cause an investigation to be made and report their findings to the licensing committee in accordance with the provisions of s. 85-2.5 and 85-2.7.

b. The licensing committee shall hold a hearing on whether or not to issue each new license. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office 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:
  b-1. The date, time and place of the hearing.
  b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.
  b-3. 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.
  b-4. 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.

c. 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 counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:
  d-1. All witnesses will be sworn in.
  d-2. The chair shall ask those opposed to the granting of the license to proceed first.
  d-3. The applicant shall be permitted an opportunity to cross-examine.
  d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.
  d-5. Committee members may ask questions of witnesses.
  d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. 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:
  e-1. Whether or not the applicant meets the municipal requirements, including those in sub. 3.
  e-2. The appropriateness of the location and premises where the center for the visual and performing arts is to be located and whether the location will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the plan of operation submitted pursuant to sub. 4-b-8, but not the content of any performance.
  e-3. The applicant's record in operating similarly licensed premises.
CHAPTER 93
RECYCLING, SALVAGING AND TOWING REGULATIONS

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SUBCHAPTER 1
GENERAL PROVISIONS

93-1. Purpose. For the purpose of promoting and protecting the public health, safety and welfare, and for the purpose of protecting consumers from hazardous conditions, unlawful practices and the risk of harm or injury to persons or property, it is declared to be in the public interest and necessary to regulate and license the establishment, operation and maintenance of recycling, salvaging and towing businesses within the city. It is further determined and declared that regulations in this chapter relating to recording of sales are specified for purposes of suppression and prevention of crime. It is further declared and determined that the provisions of this chapter are supplemental to statutory provisions applicable to businesses licensed in this chapter.

93-3. Definitions. In this chapter:
1. ADEQUATE IDENTIFICATION means any one of the following current and unexpired forms of identification:
   a. A Milwaukee county identification card.
   b. A state identification card, containing a photograph, issued by the state of Wisconsin or another state.
   c. A motor vehicle operator's license, containing a photograph, issued by the state of Wisconsin or another state.
   d. A military identification card.
   e. A passport.
   f. An alien registration card.
   g. A non-photograph identification document issued by a state or the federal government, if the licensee also obtains a clear imprint of the seller's right index finger.
   h. A senior citizen's identification card containing a photograph.
2. APPLICANT means any individual or partner, and any officer, director or agent of any corporate applicant.
3. APPLICATION means a formal written request filed with the city clerk for the issuance of a license, supported by a verified statement of facts.
4. 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.
5. BUSINESS means engaging in activities over time for the purpose of sustained financial gain. This definition does not include environmental clean-up activities organized by individuals or sponsored by nonprofit organizations. Also excluded from this definition are individuals engaged exclusively in the collection of aluminum cans.
6. CONSENSUAL TOWING means the towing of a motor vehicle initiated by the owner or authorized operator of the vehicle or by a person who has lawful possession, custody or control of the vehicle. This definition does not include the towing of a motor vehicle owned by the business performing the tow, but includes the towing of a motor vehicle at the direction of a law enforcement officer in an emergency.
7. COMMERCIAL MOTOR VEHICLE has the meaning given in s. 340.01(8), Wis. Stats., as amended.
8. DROP FEE means a payment charged to the owner or authorized operator of a motor vehicle for disconnecting a tow truck under the provisions of s. 93-47-3.
9. FERROUS METAL means any metal containing a significant quantity of iron or steel.
10. FULLY HOOKED UP means a vehicle to be towed by a licensed tow truck operator is fully prepared for transport by attachment to a tow truck, lifted in tow position, with tow lights and safety chains attached and, if required, placed on a dolly in a raised position, and the only action remaining is for the tow truck operator to drive away.
11. JUNK means any secondhand materials or products recovered or diverted from solid waste, as defined in s. 79-1-12, that may be reused or converted to new materials or products, including materials or products made of wood, paper, glass, plastic, fabric, earthenware or rubber. This definition does not include valuable metal, as defined in sub. 30; recyclable material, as defined in s. 79-23-23; or secondhand articles of personal property for resale that are subject to the provisions of subch. 2 of ch. 92.
12. LICENSE means the document embodying formal permission from the city to carry on a certain activity, the conduct of which would otherwise be illegal.
13. MOTOR VEHICLE has the meaning given in s. 340.01(35), Wis. Stats., as amended.
14. NON-CONSENSUAL TOWING means the towing of a repossessed vehicle or the towing of an illegally-parked motor vehicle at the request of the property owner, the property owner’s authorized agent or a parking or law enforcement officer, without the prior consent or authorization of the owner or authorized operator of the vehicle.
15. NON-FERROUS METAL means metal not containing a significant quantity of iron or steel, including copper, brass, aluminum, bronze, lead, zinc, nickel and alloys thereof.
16. OBJECTION means any information that could form the basis of a license denial, non-renewal, suspension or revocation. An objection may result from probative information provided by any resident or from the written reports summarizing the arrests and convictions of an applicant filed by the chief of police under this chapter.
17. OPERATOR means any person engaged in the activities of owning or operating any recycling, salvaging or towing business.
18. PERSON means any individual, firm, corporation, limited liability company, partnership or association acting in a fiduciary capacity.
19. PREMISES means any portion of a platted or unplatted lot, parcel or plot of land either occupied or unoccupied by any building or structure, equipment or property of any kind.
20. RECYCLING, SALVAGING OR TOWING PREMISES means any premises which is used in the business of recycling, salvaging or towing.
21. RECYCLING, SALVAGING OR TOWING VEHICLE means any motor vehicle used in the business of recycling, salvaging or towing.
22. REGULATED PROPERTY means any of the following:
   a. Valuable metals stamped, engraved, stenciled or otherwise marked to identify the metal as the property of a government entity, telecommunications provider, public utility, cable operator or an entity that produces, transmits, delivers or furnishes electricity, transportation, shipbuilding or mining.
   b. Copper, including conductors, bus bars, cables or wires, whether stranded or solid.
   c. Aluminum conductors, cables or wires, whether stranded or solid, and aluminum or copper siding, gutters, downspouts, screens, windows, window frames and doors.
   d. Metal beer kegs.
   e. Manhole covers, including lids, grates and frames.
   f. Metal bathtubs, sinks, water heaters and non-plastic or copper pipes.
   g. Metal grave markers, sculptures, plaques, vases and other cemetery monuments.
   h. Fixtures from houses of worship, including stained glass.
   i. Rails, switch components, spikes, angle bars, tie plates or bolts used to construct rail tracks.
   j. Non-ferrous metal items other than aluminum cans.
   k. Traffic signs, guardrails and aluminum light poles.
   L. Water meters.
   m. Condensing or evaporator coils from heating or air conditioning units.
   n. Catalytic converters.
   o. Bicycles and bicycle frames.
p. Any coated metal wire that has been smelted, burned or melted, thereby removing the manufacturer's or owner's identifying marks.

q. Small engines or motors used to power home tools or equipment, including generators and lawn mowers.

23. **SALVAGE VEHICLE** has the meaning given in s. 340.01(55g), Wis. Stats., as amended.

24. **SECONDHAND** means previously owned by a member of the general public on a retail basis.

25. **TIRE DISPOSER** means any person who, in compliance with all applicable state, federal and local laws, rules and regulations disposes of or converts tires to another purpose including, without limitation, any person who is engaged in any of the following activities:
   a. Incinerating or disposing of tires as waste or fuel.
   b. Reducing tires into basic components for oil, steel, carbon black, rubber, road paving or other marketable salvage materials by shredding, grinding, chemical treatment or other means.
   c. Converting tires into other useful items such as, but not limited to, doormats, pads and shoe soles.

26. **TIRE REPROCESSOR** means any person who regrooves, recaps, retreads or otherwise remanufactures waste tires.

27. **TOWING** means pulling, pushing, hauling, lifting or transporting motor vehicles from one location to another using another motor vehicle.

28. **TOW TRUCK** means any motor vehicle equipped with mechanical, hydraulic or other lifting devices or winches used for the recovery or transport of motor vehicles.

29. **VALUABLE METAL** means any ferrous or non-ferrous material or product made of metal that readily may be resold. This definition shall include motor vehicles and bicycles, or the parts thereof, but shall not include precious metals or articles of personal property for resale that are subject to the provisions of chapter 92.

30. **WASTE TIRE** means any tire which is worn (less than 2/32 inch tread depth anywhere along a major tread groove), defective, damaged (cut or snagged tread, exposed body cords, bumps, knots, bulges or separated sidewall) or is not fit for use upon a public way, or any new or secondhand tire that is destined for a tire disposer or tire reprocessor.

31. **WASTE TIRE GENERATOR** means any person who, in the course of normal business activities, generates or removes 25 or more waste tires per calendar year, including:
   a. Any person engaged in the sale or mounting of new, secondhand or remanufactured automobile, truck or equipment tires, who receives waste tires in the exchange process associated therewith.
   b. Any person who requires or allows customers to take waste tires.
   c. Fleet owners.

32. **WASTE TIRE TRANSPORTER** means any person who does any of the following:
   a. Engages in the business of transporting waste tires on a public way.
   b. At any one time transports more than 5 waste tires on a public way.
   c. Transports waste tires for a waste tire generator, irrespective of the number of tires being transported.

33. **WHOLESALE AND BULK PURCHASES** means the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items or property when purchased. Truckload and bulk purchases shall be at least 6 discrete items if purchased in quantity and not less than 200 pounds if purchased by weight.

93-5. **License Required.** 1. **GENERAL REQUIREMENT.** It shall be unlawful for any person, without first obtaining a city license, to engage in the business of recycling, salvaging or towing, including any of the following activities:
   a. Buying, selling, exchanging, storing, transporting or otherwise dealing in junk or valuable metal.
   b. Buying, selling, exchanging, storing, transporting or otherwise dealing in motor vehicles for the purpose of dismantling or dealing in the parts thereof, including secondhand tires or batteries.
   c. Transporting, generating or otherwise disposing of waste tires.
   d. Towing, whether consensual, non-consensual or for the purpose of repossession, salvaging or recycling.
2. SEPARATE LICENSE REQUIRED.  a. A separate license shall be required for each recycling, salvaging or towing premises and for each vehicle, except that:
   a-1. If a valid premises license is held by a recycling, salvaging or towing premises, no separate or additional license shall be required for any motor vehicle owned and operated by the premises license holder as part of the authorized business activities for the licensed premises.
   a-2. If a business owns and operates 2 or more recycling, salvaging or towing vehicles, no separate or additional license shall be required for each motor vehicle owned and operated by the business.

3. ADDITIONAL STORAGE YARD. A licensed recycling, salvaging or towing premises shall make separate application for any extension of the operation of the original recycling, salvaging or towing premises license beyond the business premises identified in the original application to an additional building or other fixed place, whether contiguous or non-contiguous with the licensed premises, provided that the additional building or other fixed place is only used for storage of junk, motor vehicles, valuable metal or other recycled, salvaged or towed materials.

4. EXCEPTIONS. a. Any business licensed and operating as a private waste collector, as provided in s. 79-9, shall not be required to obtain a license under this chapter.
   b. Any business exclusively performing consensual towing shall not be required to obtain a license under this chapter.
   c. Any person selling any junk, valuable metal or waste tires on 4 or fewer occasions during a 30-day period shall not be required to obtain a license under this chapter. This shall not permit the collection of junk, valuable metal or waste tires without a license.
   d. Any person holding a valid license or permit to operate a business dealing in junk, valuable metal or waste tires in a Wisconsin municipality and solely selling junk, valuable metal or waste tires shall not be required to obtain a license under this chapter. This shall not permit the collection of junk, valuable metal or waste tires without a license.
   e. Any business located outside the city and buying, selling, exchanging or transporting any junk, valuable metal or waste tires exclusively through the use of commercial motor vehicles shall not be required to obtain a license under this chapter. This shall not permit the collection of junk, valuable metal or waste tires without a license.
   f. Any business licensed and operating solely as a secondhand motor vehicle dealer, as provided in subch. 3 of ch. 92, shall not be required to obtain a license under this chapter. This shall not exempt secondhand motor vehicle dealers from the provisions of s. 93-49.

93-7. Penalty. 1. GENERAL. Unless otherwise provided, any person violating this chapter shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment, may be imprisoned as provided by law:
   a. A forfeiture not less than $50 nor more than $1,000, upon conviction for a first offense.
   b. A forfeiture not less than $500 nor more than $2,000, upon conviction for a second or subsequent offense.

2. LICENSURE, NON-CONSENSUAL TOWING. Any person who violates any provision of s. 93-5 or s. 93-47-2-e or f shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment, may be imprisoned as provided by law:
   a. A forfeiture not less than $1,500 nor more than $2,500 if the person has not committed a previous violation within 24 months of the violation.
   b. A forfeiture not less than $2,500 nor more than $4,000 if the person has committed a previous violation within 24 months of the violation.
   c. A forfeiture not less than $4,000 nor more than $5,000 if the person has committed 2 or more previous violations within 24 months of the violation.

3. WASTE TIRES. a. Any person violating any provision of s. 93-49 or failing to comply with an order issued under s. 93-49 shall, upon conviction, be subject to a Class J penalty as provided in s. 61-16.
   b. A citation may be issued for any violation of s. 93-49, with or without prior notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

4. MULTIPLE VIOLATIONS. Multiple violations for the same offense, though occurring on the same date, may be treated as separate violations under this section.
95-14. Home Improvement Contractor and Salesperson Licenses.

1. DEFINITIONS. In this section:
   a. “Person” means any person, firm, partnership, corporation or limited liability company.
   b. “Contractor” means any person engaged in the business of installing, repairing, servicing, improving or remodeling any permanent installation or improvement attached to an existing home or building used for residence purposes but not exceeding 6 living units, accessory buildings, or any appurtenance thereto, or any sidewalks, driveways or other approaches to such building. This shall include, but not be limited to, roofing, walls, siding, windows, doors, floors, partitions, ceilings, porches, awnings, heating, furnace cleaning, air conditioning, chimneys, water softeners, humidifiers, purifiers, electrical installations, plumbing installations, concrete work, painting and sheet metal work.
   c. “Salesperson” means any person who solicits or sells at any place within the city, other than within a building or structure used as a place of business, any home improvement or permanent installation or similar improvement attached to an existing home or building used for residence purposes, but not exceeding 6 living units, accessory buildings, or any appurtenance thereto, or any sidewalks, driveways, or other approaches to such building. This shall include, but not be limited to, roofing, walls, siding, windows, doors, floors, partitions, ceilings, porches, awnings, heating, furnace cleaning, air conditioning, chimneys, water softeners, humidifiers, purifiers, electrical installations, plumbing installations, concrete work, painting and sheet metal work. Any person performing emergency services requiring the installation of parts where the total cost does not exceed $100 shall not be considered a salesperson under this section.

2. LICENSE REQUIRED.
   a. Requirement. No person shall within the city engage in the business of salesperson or act as a contractor without first having obtained a contractor or salesperson’s license as provided in this section.
   b. Exemptions.
      b-1. A master plumber licensed under the statutes of the state of Wisconsin or an electrical contractor licensed under the statutes of the state of Wisconsin need not obtain a contractor’s or a salesperson’s license, but shall in all other respects comply with this section.
      b-2. Individuals, corporations which include only one person, or limited liability companies having only one member, which have been issued a contractor’s license as provided in this section, need not have a salesperson’s license, but shall in all other respects comply with this section.
      b-3. Any company or industry regulated under ch. 196, Wis. Stats., and any persons who are employees thereof shall be exempt from this section.

3. APPLICATION.
   a. Applications for new and renewal contractor or salesperson licenses shall be filed with the city clerk on forms provided therefor.
   b. The application shall require:
      b-1. The name and permanent address of the applicant.
      b-2. The name and permanent address of the applicant’s employer.
      b-3. If the applicant is a corporation or limited liability company, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and permanent address of each of its officers, directors and designated managers, if any; the application shall be verified by an officer of the corporation. If one or more of the officers is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate officers.
b-4. If the applicant is a partnership, the application shall set forth the name and permanent address of each of the partners, including limited partners, and each partner shall verify the application. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-5. If the applicant is a club, association or other organization that is neither a corporation nor partnership, the application shall set forth the exact name of the entity together with the names and permanent 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. Whether the applicant has prior to the date of application been licensed in this city as a contractor or salesperson as defined in this section.

b-8. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

c. Post office box numbers shall not be acceptable for addresses required on applications for home improvement contractor and salesperson licenses.

d. Photos. Each individual applicant for a home improvement or salesperson license shall present one recent photograph to the city clerk.

e. Fingerprinting. All applicants for home improvement contractor or salesperson licenses shall be fingerprinted as provided in s. 85-21-1.

f. Changes, Transfers.

f-1. Changes to be Reported. All persons licensed under this section shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form within 10 days after the change occurs.

f-2. Transfer of License or Change of Name. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

4. LICENSE FEE; PERIOD. All applications shall be accompanied by the fee specified in s. 81-60. See s. 81-60 for the required license fees and the date of expiration.

5. INSURANCE. Upon application, every person applying for a contractor's license shall file with the city clerk a certificate of insurance. The certificate of a contractor's general liability and property damage insurance shall be in the sum of not less than $25,000 per person, $50,000 per accident, bodily injury liability, and $10,000 property damage liability or combined single limit of not less than $60,000 per occurrence.

6. INVESTIGATION AND COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE. Each license application shall be referred to the chief of police, who shall cause an investigation to be made and report his or her findings to the city clerk. If the chief files no written report summarizing the arrests and convictions of the application which could form a basis for denial, the city clerk shall issue the license. If the chief files a written report summarizing the arrests and convictions of the applicant which could form a basis for denial, the application shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.5 and 85-2.7.

7. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license provided in s. 85-13 shall apply.

8. ISSUANCE OF LICENSE.

a. If the common council grants the application for a home improvement contractor or salesperson license, the city clerk shall issue an appropriate document to the applicant confirming that fact. The license shall contain the person's true first name, surname and middle initial, the picture of the applicant if individual, the number of the license, the period of time for which the license is valid, and a statement that issuance of the license does not constitute an endorsement by the city of the person or product. The license shall be in such form as to avoid alteration.

b. The license shall be carried on the person of the salesperson or contractor and shall be exhibited to any person requesting to see the same at any time while the person is engaged in selling or soliciting business.

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d. 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 counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

e. A due process hearing shall be conducted in the following manner:
   e-1. All witnesses will be sworn in.
   e-2. The chair shall ask those opposed to the granting of the permit to proceed first.
   e-3. The applicant shall be permitted an opportunity to cross-examine.
   e-4. After the conclusion of the opponents’ testimony, the applicant shall be permitted to present the applicant’s own witnesses, subject to cross-examination.
   e-5. Committee members may ask questions of witnesses.
   e-6. Both proponents and opponents shall be permitted a brief summary statement.

f. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether the permit should be granted may be presented on the following subjects:
   f-1. Whether the applicant meets the municipal requirements.
   f-2. Any of the factors enumerated in par. b.

6. FEES. See s. 81-70 for the required permit fees and terms. Non-profit organizations and disabled persons shall be exempt from paying the loading and unloading zone permit fee at the time that an original permit expires and must be renewed, as well as at subsequent renewals.

7. RENEWAL OF PERMITS.
   a. Procedure for Renewal. Applications for renewal of loading and unloading zone permits shall be made to the city clerk. The application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 30 days prior to the date on which the permit expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made by either the city clerk or the commissioner that the applicant no longer meets the permitting qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.
   b. Procedure for Non-Renewal. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, hearing and review by the common council provided in sub. 9 shall govern.
   c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 9.
   d. Disqualification. Whenever any permit is denied renewal, it shall be entered on the record by the city clerk and no loading and unloading permit shall be granted to the same person for that location for a period of 12 months following the date of non-renewal.
   e. Surrender. When any permit is surrendered in lieu of a pending non-renewal proceeding, no other loading and unloading permit shall be granted to the same person for that location for a period of 12 months following the date of its surrender.
8. REVOCATION OF PERMITS. Any permit issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

9. DUE PROCESS HEARING AND COMMON COUNCIL REVIEW.
   a. Committee Hearing and Review. If there is a possibility that the permitting committee will not recommend renewal of the permit, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.
   b. Grounds for Non-renewal. The recommendation of the committee regarding the permit shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:
      b-1. Failure of the permittee to meet the municipal qualifications.
      b-2. Permitting the loading and unloading zone to be used as a parking space by vehicles not actually engaged in loading or unloading.
      b-3. The death of the disabled person for whom the loading and unloading zone permit was issued.
      b-4. Evidence related by the department of public works that the circumstances for which the permit was first issued no longer pertain.
      b-5. Any other factor which reasonably relates to the public health, safety and welfare.

10. REQUEST TO SURRENDER A PERMIT. If a permittee wishes to surrender his or her permit after receiving a notice for a hearing on non-renewal or revocation, the permittee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

11. CHANGE OF CIRCUMSTANCE.
   a. When a disabled person for whom a loading and unloading zone permit is issued dies or is no longer disabled as defined by this section, the loading and unloading zone permit issued for this person shall be surrendered to the city clerk within 30 days of the change of circumstance, unless the permit is transferred under s. 85-19.
   b. Any permittee wishing to alter the length of an existing loading and unloading zone or alter the hours during which an existing loading and unloading zone is in effect, shall file a new application and pay the appropriate fee as required by sub. 4.

12. TRANSFER OF LICENSE OR CHANGE OF NAME.
   a. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.
   b. Except for permits issued to disabled persons, permits issued under this section shall not be transferred from one premises to another under s. 85-19-2. The common council may approve the transfer of a loading zone permit issued to a disabled person to another location in the city at no charge if the permittee moves to a different residence during the period for which the permit was issued and the permittee submits a new loading zone permit application to the city clerk.
   c. A loading zone permit issued to a disabled person may be transferred to another member of the person’s household at no charge. Such transfer may occur only if the permittee or the person to whom the permit is being transferred submits to the common council evidence that the person to whom the permit is being transferred is a disabled person as defined in s. 101-23.7-1-b.

   1. LOCATIONS. There shall be no stopping or standing of vehicles in the following locations which shall be defined as “tow-away zones” which shall be in effect during the times indicated and as “snow emergency tow-away zones” which shall be in effect during a snow emergency declared under s. 101-26. The provisions of s. 101-27-3-a relating to alternate
side parking do not apply to these locations. Specific locations are to be found in the common council proceedings; the official record on file in the city clerk’s office, and the code on file in the legislative reference bureau.

2. POSTING OF SIGNS. The commissioner of public works is directed to post signs at appropriate places in each such area to inform the public of the provisions of this section.

101-24.1. Blocking a Driveway. It shall be unlawful for any vehicle to be parked on or blocking the entrance to any private driveway or garage without the consent of the owner of such driveway so as to prevent free passage of vehicles.

101-24.2. Blocking Traffic. It shall be unlawful for any vehicle to be parked or left standing on a highway in such a manner as to obstruct traffic.

1. DEFINITION. In this section:
   a. “Chief of police” means the police chief or any employee of the police department acting on the chief’s behalf.
   b. “Commissioner of public works” means the commissioner of public works or any employee of the department of public works acting on the commissioner’s behalf.
   c. “Identification number” means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the Wisconsin department of transportation and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification. This term does not include the letters, numbers or combination thereof on vehicle license plates.
   d. “Owner” shall include the lessee of a vehicle if the vehicle is registered or required to be registered by the lessee pursuant to ch. 341, Wis. Stats.

2. PROHIBITED.
   a. No person may remove, alter or obliterate an identification number.
   b. No person may make it impossible to read a motor vehicle’s identification number from outside the vehicle.

3. REMOVAL OF VEHICLE. If the chief of police or commissioner of public works finds, on any alley, street, highway or public place within the city, any vehicle on which the identification number has been removed, altered, obliterated or made impossible to read, including any vehicle on which the identification number is not readily visible when observed from outside the vehicle, the chief or commissioner may have the vehicle immediately removed to a suitable place of impoundment. If the identification number cannot be identified, the impounded vehicle shall be presumed to be contraband. If the identification number can be identified, a notice informing the registered owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of an informal hearing before the city attorney shall be sent to the registered owner’s last known address as registered by the owner with the state department of motor vehicles within 72 hours after removal.

4. DISPOSAL OF UNCLAIMED VEHICLES. As soon as practical after removal and impoundment of a vehicle under sub. 3, a duly authorized representative of the commissioner of public works shall appraise the value of such motor vehicle based on the prevailing market. Such vehicle shall be disposed of according to s. 105-65.
Traffic Code --

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5. OWNER RESPONSIBLE FOR COSTS. The owner of any motor vehicle on which the identification number has been removed, altered, obliterated or made impossible to read, or is not readily visible from outside the vehicle, is responsible for all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the city against the owner.

6. RELEASE OF VEHICLE; CONDITIONS. Notwithstanding sub. 4, the owner of a vehicle that is impounded under this section may secure release of the vehicle by doing all of the following:
   a. Paying any forfeiture imposed for violation of this section established pursuant to s.101-34 and the reasonable costs of impounding the motor vehicle.
   b. Providing satisfactory evidence that the motor vehicle is currently registered in the state of Wisconsin or that, at the time of impoundment, a complete application for registration of the vehicle, including evidence of inspection under s. 110.20, Wis. Stats., when required, accompanied by the required fee had been delivered to the Wisconsin department of transportation or deposited in the mail properly addressed with prepaid postage, or the vehicle is exempt from registration under ch. 341, Wis. Stats.
   c. Providing a current, valid driver’s license and current certificate of title for the vehicle. If the vehicle’s owner does not have a valid driver’s license, the vehicle may be released to another person with a valid driver’s license provided the licensed individual is accompanied by the vehicle’s owner or can present a signed affidavit from the vehicle’s owner authorizing the vehicle’s release to the licensed individual.
   d. If the vehicle’s identification number was removed, altered, obliterated or otherwise made impossible to read, even from inside the vehicle, providing satisfactory evidence that an application to replace the identification number has been made to the Wisconsin department of transportation pursuant to s. 342.30(1m), Wis. Stats.

101-24.7 Unregistered Motor Vehicles.
1. DEFINITIONS. In this section: a. "Improperly registered motor vehicle" means an unregistered motor vehicle for which an application and payment for registration are current and complete as reflected in the records of the Wisconsin department of transportation, but which does not display evidence of current registration or registration expiring within the preceding 31 days.
   b. "Unregistered motor vehicle" means any motor vehicle that is located upon any alley, street, highway, public way or thoroughfare and that is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under s. 341.18(1), Wis. Stats., for the vehicle’s current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

2. PROHIBITED AND PENALTIES.
   a. Prohibition of Unregistered Vehicles. No unregistered motor vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. The stipulated forfeiture provided in s. 101-34-2-j and the penalty provided in s. 101-34-7-j shall apply, except as provided in par. b.
   b. Prohibition of Improperly Registered Vehicles. No improperly registered vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. If a showing is made by any party that the records of the Wisconsin department of transportation contain information that application and payment for registration of the motor vehicle were complete and current at the time of the violation, the stipulated forfeiture provided in s. 101-34-2-a and the penalty provided in s. 101-34-7-a shall apply.

3. REMOVAL OF VEHICLE; NOTICE.
   a. The chief of police or the commissioner of public works or any person acting on their behalf may cause any unregistered motor vehicle located upon any alley, street, highway or public place or thoroughfare within the city to be removed to a suitable place of impoundment.
b. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle, and the availability of an informal hearing before the city attorney shall be mailed to the owner’s last known address within 24 hours after removal.

4. OWNER RESPONSIBLE FOR COSTS. The owner of any unregistered motor vehicle shall be responsible for all costs of impounding and disposing of the motor vehicle. Costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the city against the owner.

5. RELEASE OF VEHICLE. Notwithstanding sub. 6, the owner of an unregistered motor vehicle that is impounded under this section may secure release of the motor vehicle by paying any forfeiture imposed for violation of this section and the reasonable costs of impounding the motor vehicle and providing satisfactory evidence of one of the following:

a. That the motor vehicle is currently registered in the state of Wisconsin.

b. That a complete application for registration for the motor vehicle, including evidence of inspection under s. 110.20, Wis. Stats., when required, accompanied by the required fee has been delivered to the Wisconsin department of transportation or deposited in the mail properly addressed with postage paid.

6. DISPOSAL OF UNCLAIMED VEHICLES AND TRAILERS. As soon as practical after the removal, a duly authorized representative of the commissioner of public works shall appraise the value of such motor vehicle based on the prevailing market. Such vehicle shall be disposed of according to s. 105-65.

7. PROCEDURE. Notwithstanding the provisions of sub. 6, a vehicle removed and impounded pursuant to this section shall not be disposed of under s. 105-65 while an informal hearing, requested following notice under sub. 3-b, is pending or before the expiration of 30 days. Neither shall disposition of the vehicle be made prior to the conclusion of court proceedings where timely application is made to the municipal court or other court of competent jurisdiction contesting the basis for removal of the vehicle or seeking to secure the release of the vehicle. In addition to the forfeiture provided in s. 101-34, the owner shall pay the city to cover the city’s cost of impoundment, storage or disposal of the motor vehicle, or both.

101-25. Towing Away of Vehicles.

1. AUTHORITY.

a. General. Whenever any police officer, the commissioner of public works or any of the commissioner’s designees finds a vehicle standing upon any highway in violation of s. 101-3, 101-22.5, 101-23, 101-23.2, 101-24, 101-24.1, 101-24.2, 101-26, 101-26.5, 101-26.7, 101-27, 101-27.8, 101-29 or 101-32, the officer, commissioner of public works or commissioner’s designee is authorized to remove the vehicle to a secure impound lot or to a place where parking is permitted. The removal may be performed by or under the direction of the officer, the commissioner of public works or the commissioner’s designee, or a towing contractor under contract with the city. Any removal under this section to a location other than a secure impound lot by a towing contractor under contract with the city shall be performed under the direction of the officer, the commissioner of public works or the commissioner’s designee. Nothing in this section shall prohibit removing a vehicle to a secure impound lot that has previously been removed to a place other than a secure impound lot.

b. Removal to a Secure Impound Lot. The vehicle reclamation charge that is imposed in order to reclaim a vehicle under this section from a secure impound lot shall be $105 per vehicle for standard towing, and $125 for flatbed towing. The charge for outdoor storage shall be $20 for each day of storage, and the charge for indoor storage shall be $30 per vehicle for each day of storage. An additional reclamation charge shall be imposed for the actual costs, including costs of labor incurred in the treatment, disposal, removal or abatement or any substance, chemical or other material contained within or upon a vehicle when, in the judgment of the commissioner or the commissioner’s designee, such action is necessary to render the vehicle into a safe and sanitary condition. The vehicle reclamation charge shall be paid to the commissioner of public works at the storage facility and the vehicle may be released from storage upon payment of all vehicle reclamation charges and presentation of proper identification. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of a review before the city attorney
b. “Smokeless tobacco” means any product that contains cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity for purposes other than smoking, including chewing tobacco, dipping tobacco, dissolvable tobacco products, snuff and snus, but does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

c. “Sporting event venue” means any venue in which sporting events occur. This includes the entire physical area in which the sporting event occurs, including open, semi-open and enclosed spaces and structures, playing fields, dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator seating areas, pedestrian walkways, bathrooms, dining areas, vendor areas, offices, recreational areas, parking lots and designated tailgating areas.

d. “Sporting event” means any professional, collegiate, high school or organized amateur game or athletic competition organized by a league or association of persons, including but not limited to baseball, softball, football, basketball, hockey, track and field, field hockey, lacrosse or soccer.

2. USE OF SMOKELESS TOBACCO PROHIBITED. The use of smokeless tobacco is prohibited at sporting event venues.

3. RESPONSIBILITY OF PERSONS IN CHARGE.

a. No person in charge may allow any person to use smokeless tobacco in violation of sub. 2 at a location that is under the control or direction of the person in charge.

b. A person in charge shall comply with par. a by doing all of the following:

b-1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

b-2. Refusing to serve food or drink to a person who is in violation of sub. 2.

b-3. Asking a person who is in violation of sub. 2 to refrain from using smokeless tobacco and, if the person refuses to do so, asking the person to leave the sporting event venue.

b-4. If a person refuses to leave a sporting event venue after being requested to do so as provided in subd. 3, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

4. PENALTIES.

a. Any person violating the prohibition set forth in sub. 2 shall be subject to a forfeiture of not less than $100 nor more than $250.

b. Except as provided in par. c or d, any person in charge who violates sub. 3 shall be subject to a forfeiture of $100 for each violation.

c. For violations subject to the forfeiture under par. b, if the person in charge has not previously received a warning notice for a violation of sub. 3, the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

d. No person in charge may be required under par. b to forfeit more than $100 in total for all violations of sub. 3 occurring on a single day.

105-50. Synthetic Marijuana

1. POSSESSION, SALE AND USE PROHIBITED. No person shall possess, purchase, display for sale, attempt to sell, sell, give, barter or use any chemical derivative of marijuana, or any other substance, designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

2. MEDICAL AND DENTAL USE ALLOWED. Acts prohibited under par. 1 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

3. PENALTIES. Persons violating this section shall be subject to a forfeiture of not less than $100 nor more than $500 together with the cost of prosecution, and upon default shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture costs are paid.

105-51. Hate Literature

1. DEFINITIONS. The word "person" when used in this section shall mean any person, individual, firm, partnership, corporation, organization or any officer, employee or agent thereof.

2. ANONYMOUS PUBLICATIONS PROHIBITED. It shall be unlawful for any person to print, post, publish, distribute, exhibit or cause to be printed, posted, published, distributed or exhibited, by any means or in any manner whatsoever, any handbill, dodger, circular, booklet, pamphlet, leaflet, card, sticker, periodical, pictorial print, picture, painting, literature or paper which tends to expose any individual or any racial or religious group to hatred,
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contempt, ridicule or obloquy, or tends to incite religious or racial hatred, unless the same has clearly printed or written thereon:

a. The true name and post office address of the person, individual, firm, partnership, corporation, or organization causing the same to be printed, posted, published, distributed or exhibited; and

b. If such name is that of a firm, corporation, or organization, the name and post office address of any individual acting in its behalf in causing such printing, posting, publication, distribution or exhibition.

3. PENALTY. Any person who shall violate, or cause to be violated, any provisions of this section shall upon conviction thereof be fined not less than $10 nor more than $500 together with the costs of prosecution, and, in default of payment of either such fine or costs, shall be confined in the house of correction of Milwaukee county for not less than 10 days and not more than 6 months.

105-52. Kratom and Kava Prohibited

1. POSSESSION, SALE, AND USE PROHIBITED. No person shall possess, purchase, display for sale, attempt to sell, sell, give, barter or use any chemical derivative of kratom or kava.

2. MEDICAL AND DENTAL USE ALLOWED. Acts prohibited under par. 1 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

3. PENALTIES. Any person violating this section shall, upon conviction, be subject to a forfeiture of not less than $100 nor more than $500 together with the cost of prosecution, and upon default shall be imprisoned as provided by law.

105-53. Entrance to Government Pier.

1. WARNING SIGNS. It shall be unlawful for any person to enter upon or remain on the government breakwater, known as government pier, located in the McKinley beach area at the point where E. Brady Street extended east intersects the shore of Lake Michigan, at such times as warning signals or signs are displayed at or near the entrances indicating admission onto the breakwater as closed to all persons. Such warning devices shall consist of a red light, the sounding of a siren, or the posting of a sign at or near the entrances to the government breakwater. Nothing contained in this section shall be construed as to interfere with interstate commerce or with the federal government's paramount right to the use of said government breakwater.

2. PENALTY. Any person who violates the provisions of this section shall be punished by a fine of not less than $10 nor more than $50 or by imprisonment in the house of correction of Milwaukee county for not more than 30 days.

105-55. Soliciting of Magazines on Public Streets.

1. UNLAWFUL. It shall be unlawful to engage in the business of soliciting or taking subscriptions for any magazines or periodicals for future delivery in or upon any public street or alley, or sidewalk, or in any area or doorway or entranceway immediately abutting thereon.

2. PENALTY. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed $100, or, in default of payment thereof, be committed to the county jail or house of correction of Milwaukee county not to exceed 30 days or until such fine and costs shall have been paid.

105-55.5. Special Event Permits.

1. DEFINITIONS. In this section:

a. “Class AA event” means a special event authorized by the common council and mayor by separate agreement or resolution for purposes of safely facilitating large public gatherings of people by restricting vehicular and pedestrian access and use within a designated area larger than one contiguous city block and within a defined timeframe in excess of 2 days, and that requires more than 150 hours of services as determined and documented by the police department and the department of public works based on the size, nature and location of the event.

b. “Class A event” means a special event, other than a Class AA event, requiring at least 100 hours of service as determined by the police department, based on the size, nature and location of the event.

c. “Class B event” means a special event requiring a minimum of 25 and a maximum of 99 hours of service as determined by the police department, based on the size, nature and location of the event.
d. "Class C event" means a special event requiring less than 25 hours of service as determined by the police department, based on the size, nature and location of the event.

e. "Class D event" means a special event requiring no hours of service as determined by the police department, based on the size, nature and location of the event, or:

e-1. Special events sponsored by the city or veterans groups.

e-2. Elementary and secondary school events under the direction and supervision of school authorities.

e-3. Demonstrations conducted for the purpose of indicating approval or disapproval of governmental policies or practices, expressing a view on public issues, or bringing into public notice any issue or other matter.

f. "Special event" means any planned extraordinary, temporary use of the public right-of-way or public premises, including sidewalks, streets, alleys, designated parking spaces and loading zones, or any other public space under the jurisdiction of the department of public works, for any of the following:

f-1. A parade, procession, demonstration, race or festival.

f-2. A block party for residents of one contiguous block.

f-3. A photo, film or video shoot.

f-4. The parking, loading, unloading and idling of motor buses, semi-truck tractors and trailers, cargo trucks, passenger or cargo vehicles, or cargo trailers associated with an event at a licensed public entertainment premises or other permitted event, or associated with nearby lodging or a civic, social, familial or business event.

f-5. The storage of equipment, materials or supplies associated with an event at a licensed public entertainment premises or other permitted event or associated with nearby lodging or a civic, social, familial or business event.

f-6. A school recess play area.

f-7. A pedestrian and vehicular traffic safety zone imposing directional requirements and exclusive use and access restrictions.

2. APPLICATION.

a. Filing of Application. Any person, group, organization or association, other than a city official for city business, desiring to hold a special event on the public right-of-way or public premises shall make written application and file same in duplicate with the commissioner of public works not less than 7 calendar days prior to Class D events, except not less than 2 working days prior to demonstrations as specified in sub. 1-d-3; not more than 365 nor fewer than 60 days prior to Class A, B, and C events; and not more than 365 nor fewer than 90 days prior to Class AA events and to Class A, B and C events classified as “downtown events.” For purposes of this section, “downtown events” are those special events to be held on the public right-of-way or public premises in the area bounded by St. Paul Avenue on the south and Juneau Avenue on the north, Prospect Avenue on the east and north 10th Street on the west, and shall also include the Civic Center Plaza, bounded by west Wells Street on the south and west State Street on the north, north 7th Street on the east and north 9th Street on the west.

b. Contents of Application. The application shall contain the following information:

b-1. The name, address, home and business telephone numbers of the applicant, or if the applicant is an organization, the name, address, home and business telephone numbers of the authorized representative of the organization who will be responsible for the conduct of the special event.

b-2. The date on which the special event is to be conducted and the hours when such special event is expected to start and terminate.

b-3. A detailed map of the proposed route.

b-4. The approximate number of persons, animals and vehicles which will be used in the special event and a brief description of the animals and vehicles.

b-5. A description of the portion of the width of the streets proposed to be traversed, and the location by street address of any assembly areas.

b-6. If an applicant for a permit will be conducting a street festival as defined in s. 95-1-2-j, the applicant shall provide a list of all persons and their respective permanent addresses, including peddlers and solicitors, who have obtained permission from the respective festival organization to sell goods or take orders for the later delivery of goods within the barricaded area of the street festival, no later than 2 working days prior to each event for all non-food vendors and 7 working days for food vendors.
c. Approval or Denial of Permit. Upon receipt of a completed application, the commissioner shall submit the application for review to the chief of police and the common council members in whose districts the event is to occur. The police department, in consultation with the commissioner and the local common council member or members, shall determine the classification of each special event. The commissioner shall have the authority to modify the route, time and place of a special event to facilitate crowd control in the interest of relieving congestion and promoting public safety, provided that the applicant’s right of free speech is not denied thereby. The commissioner shall issue a permit unless:

c-1. The special event is of such a size or nature requiring the diversion of so great a number of police officers, ambulances or other emergency services as to deny reasonable emergency services to the city as a whole.

c-2. The time, route, size and nature of the special event will unreasonably disrupt the safe and orderly use of any street or any public place, or material portion thereof, which is ordinarily subject to great congestion or traffic at the proposed time, or substantially interrupt the safe and orderly movement of other traffic.

c-3. The vehicles, equipment or other materials used in the special event do not comply with or meet all applicable health, fire and safety requirements.

c-4. The special event will interfere or conflict with another special event for which a permit has already been issued, or with a construction or public works project.

c-5. The conduct of the special event will be contrary to law, including noise regulations.

c-6. The application for the permit, including any required attachments and submissions, is not fully completed and executed.

c-7. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the commissioner of public works.

c-8. The application for permit contains a material falsehood or misrepresentation.

c-9. The applicant is legally incompetent to contract or to sue or be sued.

c-10. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage.

c-11. The common council member in whose district the event is to occur, opposes the issuance of the permit based on guidelines specified in subds. 1 to 10.

d. Appeal of Permit Denials. The commissioner of public works shall grant or deny the application for a special event permit and notify the applicant of a denial within 3 working days after the filing of an application for a Class D special event permit, except as soon as possible but not more than one working day for demonstrations as specified in sub. 1-d-3 or within 30 working days after the filing of an application for a Class AA, A, B or C special event permit. Any applicant who has been denied a special event permit may upon written request filed with the city clerk within 10 calendar days of issuance of the denial, have the denial reviewed by the appropriate common council standing committee, which shall forward its recommendation to the common council for affirmation or reversal of the initial action on the application. Such determination by the common council shall constitute final action. If the committee and the common council are unable to convene prior to the proposed date of the special event, the applicant may seek judicial review of the denial.

e. Fees. The applicant for a special event permit shall pay the appropriate fee for the city services set forth in s. 81-114.6, no later than 3 days prior to the date of the special event. The commissioner of public works may establish fees for provision of additional city services requested by the applicant not set forth in s. 81-114-6. Permits shall be issued upon payment of appropriate fees.

f. Exemptions. A permit fee is not required for Class D events. The commissioner of public works may establish fees for provision of additional city services requested by the applicant not set forth in s. 81-114-6.

g. Refunds. Permit fee payments may be refunded, except for a $50 permit processing fee, if an application for a special event permit is denied by the commissioner of public works or if notification of cancellation of a permitted special event is received by the department of public works is at least 10 working days prior to the scheduled event.
3. CONTENTS OF PERMIT. Each special permit shall state the following information:
   a. The name, address, home and business telephone numbers of the person or organization named on the permit.
   b. A description of activity for which the permit has been issued.
   c. The date, hour and location for the special event.
   d. The expiration time and date.
   e. When possible, the estimated attendance for the special event.
   f. Where applicable, the minimum and maximum speeds, and maximum intervals of space to be maintained by units of a parade.
   g. Portions of the streets that may be occupied by the special event.
   h. Such other information as the commissioner of public works shall find necessary to the enforcement of this section.

4. PERMIT REGULATIONS.
   a. City Not Liable. The special event permit application shall contain a statement that: “The applicant agrees to indemnify and save harmless the city from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, including both parties thereto and their employees, arising as a consequence of granting of the permit for such special event.” No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.
   b-1. Insurance. Each applicant for a Class AA, A, B or C event shall furnish with the application fee submitted to the department of public works a certificate of insurance written by a company licensed in the state of Wisconsin, approved by the city and covering any and all liability or obligations which may result from the operations by the applicants’ employees, agents, contractors or subcontractors, and including worker’s compensation coverage in accordance with ch. 101, Wis. Stats. The certificate shall provide that the company will furnish the city with a 10-day written notice of cancellation, non-renewal or material change. The insurance shall be written in comprehensive form and shall protect the applicant and city against all claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors.
   b-2. The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of $1,000,000, or such other insurance as deemed to be adequate by the city attorney.
   c. No Discrimination. The special event permit application shall contain a statement that: “The applicant agrees that the sponsoring organization will not exclude any person from the public area described in the permit because of race, color, national origin or handicap.” No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

5. PENALTY. Any person violating the provision of this section, upon conviction, shall forfeit a maximum of $500 and the costs and disbursements of such action, and in default of payment thereof be confined in the county jail or house of correction for not more than 20 days, or until such forfeiture costs are paid.

105-56. Sales on Public Premises.
1. PURPOSE. It is determined and declared that the use of certain public premises for the specific public purposes to which such premises are intended is preeminent. It is further determined and declared that sales on the designated public premises interfere with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk and streets outside of the entrance to the Wisconsin Center, the Auditorium, the Arena, the Milwaukee Public Museum, the Fiserv Forum, the Performing Arts Center, the Rave/Eagles Club, the Riverside Theater, Summerfest and Miller Park parking facilities, for sales interferes with the orderly ingress and egress to and from those premises and therefore with their use for their intended purposes.

2. REGULATIONS. a. It shall be unlawful for any person to sell or offer for sale any goods, merchandise, foodstuffs, tickets or any other articles of any kind on public premises reserved for specific public purposes and posted as such without the express written consent of the custodian of such premises.
   b. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the premises of the Wisconsin Center, the Auditorium, the Arena, the Milwaukee Public Museum, the Fiserv Forum, the Performing Arts Center, the Rave/Eagles Club, the Riverside Theater, Summerfest and Miller Park parking facilities, for sales interferes with the orderly ingress and egress to and from those premises and therefore with their use for their intended purposes.
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Club, the Riverside Theater, Summerfest or Miller Park parking facilities, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell on the premises listed.

3. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

4. PENALTY. Any person convicted of violating any provisions of this section shall be fined not less than $20 nor more than $200 for each violation plus costs of prosecution. Each day’s violation shall constitute a separate offense.

105-57. Sales on Public Right of Way (Special Events).

1. PURPOSE. It is determined and declared that the use of certain public right of way on the days on which certain special events listed in sub. 2 are scheduled for the specific public purposes to which the right of way is intended is preeminent. It is further determined and declared that sales on the designated public right of way in sub. 2 interferes with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk and streets outside of the designated right of way for events listed in sub. 2 interferes with the orderly ingress and egress to and from those special events and therefore with their use for their intended purposes.

2. SPECIAL EVENTS; DESIGNATED RIGHT OF WAY. The right of way for Jazz in the Park, River Rhythms, the Westown Farmer's Market, and certain special events designated by the commissioner of public works shall be as described in the application for the special event permit issued by the department of public works.

3. REGULATIONS. a. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the right of way for special events designated in sub. 2, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell within the designated right of way of the special events listed in sub. 2.

b. An organization sponsoring a special event specified in sub. 2 shall assign locations to vendors for the event. All vendor vehicles or tents must be located at least 15 feet apart from each other.

4. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

5. PENALTY. Any person convicted of violating this section shall be fined $300 plus costs of prosecution, or in default of payment the violator shall be imprisoned for not more that 10 days.

105-59.5. Police Escorts. All requests for police escorts for funerals and other special events shall be made to the police department. Escorts shall be authorized at the discretion of the chief of police.

105-60. Abandoned Iceboxes or Refrigerators.

1. DECLARED A PUBLIC HAZARD. The abandonment or dangerous exposure of any icebox or refrigerator with its door, or doors, in normal latching or locking condition is declared to be a public nuisance and a serious menace to life because of the danger to children entering such iceboxes or refrigerators and becoming locked therein and suffocating.

2. REMOVAL OF LOCKS AND DOORS REQUIRED. It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or any other container of any kind which has an airtight snap lock or other device therein without first removing the said snap lock or doors from said icebox, refrigerator or container.

3. PENALTY. Any person, firm or corporation violating any provisions of this section shall upon conviction thereof be punished by a fine not to exceed $100, and in default of payment, by imprisonment in the county jail or house of correction of Milwaukee county for a period not to exceed 90 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

105-64. Vehicle Parking on Private Property.

1. Except as provided in sub. 2, no motor vehicle shall be left or parked within the front yard or the front, rear street, side street or side setback of the principal building of any residential property, including single family, 2-family and multi-family dwellings.
2. For single and 2-family dwellings, access drives may be used for parking, including access drives on setbacks. For multi-family dwellings, access drives within a front, side street or rear street setback shall not be used for parking.

3. A vehicle owner whose vehicle is parked in violation of this section shall be subject to a forfeiture of not less than $50 nor more than $500, together with the costs of prosecution, for each violation.

4. CITATIONS. In addition to other applicable enforcement procedures and pursuant to ch. 800, Wis. Stats., the commissioner of public works and the commissioners designees may issue citations pursuant to the citation procedure in s. 50-25 to any person violating this section.

105-65. Control of Abandoned Motor Vehicles and Trailers. 1. ABANDONMENT PROHIBITED. No person shall abandon any motor vehicle or trailer on any highway or public or private property within the city, and no person shall leave any motor vehicle or trailer unattended on such highway or property within the city for such time and under such circumstances as to cause such motor vehicle or trailer reasonably to appear to have been abandoned. Motor vehicles or trailers which are in a condition of disrepair and lack valid registration plates shall be deemed to have been abandoned within the meaning of this section. Whenever any other motor vehicle or trailer has been allowed to remain standing on such highway or public property in the city for more than 72 hours after a police officer, or the commissioner of public works or the commissioner’s designee placards the motor vehicle or trailer and 48 hours after mailing of a notice to the last known address of the owner of record to permit reclamation of the motor vehicle or trailer, said vehicle or trailer shall be deemed abandoned.

2. ABANDONED VEHICLES ON PRIVATE PROPERTY. Whenever any motor vehicle or trailer has been allowed to remain on any private property in ordinary public view without the consent of the property owner, or agent, and for longer than 72 hours after a police officer, or the commissioner of public works or the commissioner’s designee placards the vehicle, said vehicle or trailer shall be deemed abandoned.

3. REMOVING AND IMPOUNDING. The chief of police or the commissioner of public works or any person acting on their behalf is authorized to remove or cause to be removed any motor vehicle or trailer which reasonably appears to be in violation of subs. 1 or 2, except that the removal of a motor vehicle or trailer in violation of sub. 1 may only be performed by or under the direction of a traffic officer or towing contractor under contract to the city. Whenever the vehicle reclamation charges as provided in s. 101-25-1 are paid, the vehicle shall as released to its owner. Whenever the citation upon which removal and storage is authorized is released by the chief of police, or by the city attorney after a review, or whenever the charge for which the citation upon which removal and storage is authorized is dismissed by the court, the commissioner of public works shall release the vehicle without payment of vehicle reclamation charges and shall refund any vehicle reclamation charges for such vehicle which shall have been previously paid.

4. DISPOSAL OF UNCLAIMED VEHICLES AND TRAILERS. a. As soon as practical after the removal, a duly authorized representative of the commissioner of public works shall appraise the value of the motor vehicle or trailer based on the prevailing salvage market.

a-1. If the commissioner or the commissioner’s authorized representative determines that towing and storage charges exceed the value of the vehicle or trailer, the vehicle or trailer shall be retained in storage for a period of not less than 15 days after notice has been sent to the last known address of the owner of record to permit reclamation of the vehicle or trailer. The notice shall inform the owner of any rights to reclaim personal property, the amount of storage charges which are accruing and any right to reclaim the vehicle within the appropriate period. The commissioner or the commissioner’s duly authorized representative may perform a salvage value appraisal of a vehicle or trailer.

a-2. If the commissioner of public works or the commissioner’s authorized representative determines that the value of a motor vehicle or trailer, based on the prevailing salvage market, exceeds the towing and storage charges, or that the vehicle is substantially complete and in excess of 19 model years of age, the vehicle or trailer shall be retained in storage for a period of not less than 30 days after certified mail notice has been sent to the owners and lienholders of record to permit reclamation of the vehicle or trailer.
vehicle or trailer. The notice shall inform the owner or lienholder of record of any rights to reclaim personal property, the amount of storage charges that are accruing, and any right to reclaim the vehicle within the appropriate period. The notice shall set forth the year, make, model and serial number of the abandoned motor vehicle or trailer, the place where the vehicle or trailer is being held, and that the failure of the owner or lienholder to exercise his or her rights to reclaim the vehicle or trailer under this section shall be deemed a waiver of all right, title and interest in the vehicle or trailer and a consent to the sale or other disposal of the vehicle or trailer in the manner prescribed in par. a. Each retained vehicle or trailer not reclaimed by its owner or lienholder may be sold, scrapped or otherwise disposed of in a manner prescribed by the commissioner.

b. After the motor vehicle or trailer shall have been stored and notice given as provided for in par. a-1, and the vehicle or trailer shall not have been reclaimed, the commissioner of public works or a person authorized by the commissioner may sell or dispose of the vehicle or trailer unless it is a substantially complete vehicle older than 19 model years of age.

b-1. Notice of the sale shall be published in a daily newspaper having a general circulation in the city for 3 consecutive days, but the same notice may include one or more motor vehicles or trailers. Upon sale, the highest bid for any motor vehicle or trailer shall be accepted unless the highest bid is inadequate in the judgment of the commissioner in which event all bids may be rejected. In case all bids are rejected or no bid is received, the commissioner may, in his or her discretion, readvertise the sale or adjourn the same from time to time to a definite date each time, or sell, scrap or otherwise dispose of the motor vehicle or trailer without further public notice.

b-2. After the motor vehicle or trailer shall have been stored and notice given as provided for in par. a, the commissioner is authorized to make any motor vehicle or trailer remaining unclaimed available for use for municipal purposes, when deemed by the central board of purchases to be in the best interests of the city. No city department may use or remove from storage any unclaimed motor vehicle or trailer, for any purpose, without first obtaining approval from the central board of purchases. An inventory shall be maintained pursuant to s. 66.0139, Wis. Stats.

c. At any time prior to the removal of impounded motor vehicles or trailers which have been sold as herein provided, any person establishing his ownership or right of possession to such vehicle or trailer may reclaim and obtain possession of the same by satisfying the statutory lien for accrued storage, towing and other expenses incident to the care of the same. Whenever a vehicle or trailer is reclaimed under this paragraph, the commissioner shall refund any payment made by a purchaser for the reclaimed vehicle or trailer.

d. Following the city’s sale of an abandoned motor vehicle or trailer as provided in par. b, the purchaser shall have 10 days to remove the vehicle or trailer from the storage area, but shall pay a reasonable storage fee established by the city for each day the vehicle remains in storage after the second business day subsequent to the sales date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle or trailer and the vehicle or trailer shall be deemed to be abandoned and may be sold again.

6. PENALTY. Any person violating sub. 1 or 2 shall be fined not less than $10 nor more than $200 and costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine and costs are paid, such imprisonment not to exceed 90 days.

7. CITATIONS. In addition to other applicable enforcement procedures and pursuant to ch. 800, Wis. Stats., the commissioner of public works and the commissioners designees may issue citations pursuant to the citation procedure in s. 50-25 to any person violating this section.