

TITLE XI: BUSINESS REGULATIONS

Chapter

110. LICENSES AND PERMITS



## CHAPTER 110: LICENSES AND PERMITS

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### **GENERAL PROVISIONS**

#### **§ 110.01 LICENSES REQUIRED.**

(A) A license shall be required for the sale of each of the following or the conduct of the business or activity at the indicated license fee. The license fees shall be for 1 year unless otherwise indicated.

(B) (1) *Building permit.* See Ch. 150 of this code.

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(2) *Cigarette licenses.* \$50 per year.

(3) *Dances.* \$12 for each inspector.

(4) *Dogs.* \$2 per year for each male or spayed female and \$3.50 per year for each unspayed female.

(5) *Fermented malt beverages.*

(a) Class A fermented malt beverages retailer's license. \$100 per year.

(b) Class B fermented malt beverage retailer's license. \$100 per year. Picnic, \$10 per day.

(c) Wholesaler's license. \$25 per year or fraction thereof.

(d) Operator's license. \$20.

(Am. Ord. 403, passed - -)

(6) *Intoxicating liquors.*

(a) Class A retailer's license. \$250 per year.

(Am. Ord. 610, passed 11-2-1999)

(b) Class B retailer's license. \$400 per year.

(c) Wholesaler's license. \$25.

(d) Pharmacist's license. \$10 per year.

(e) Manager's license. \$25.

(Ord. 353, passed - -; Am. Ord. 403, passed - -)

(7) *Junk and salvage dealers.* \$10.

(8) *Mobile homes.* According to assessed value pursuant to Wis. Stats. § 66.0435.

(9) *Mobile home parks.*

(a) Per space. \$2, but not less than \$25 nor more than \$100.

(b) Transfer fee. \$10.

(10) *Peddlers, canvassers, solicitors and transient merchants.* \$50 investigation fee.

(11) *Pinball and music machines.* \$10 per machine.

(12) *Public amusements and entertainments.* \$10 per day or \$15 per month for continuing amusements or entertainments.

(1989 Code, § 12.01) (Am. Ord. 670, passed 1-4-2005)

*Cross-reference:*

*Additional license fees, see § 110.15, divisions (C)(8) and (9) and division (P)*

## § 110.02 ISSUANCE AND REVOCATION OF LICENSES.

(A) *License required.* No person shall engage in any business or activity enumerated in § 110.01 without a license or permit therefor as provided by this section. The words **LICENSE** and **PERMIT** as used throughout this chapter shall be considered interchangeable.

(B) *Application.* Application for a license under this chapter shall be made to the City Clerk-Treasurer on a form furnished by the city. The application shall contain any information as may be required by the provisions of this chapter or as may be otherwise required by the Council.

(C) *Payment of license fee.* License fees imposed under § 110.01 shall accompany the license application. If a license is granted, the City Clerk-Treasurer shall issue the applicant a receipt for his or her license fee.

(D) *Refund of license fee.* No fee paid shall be refunded unless the license is denied.

(E) *Granting of licenses.*

(1) The City Clerk-Treasurer may issue the following licenses subject to the standards established by this chapter without prior approval of the Council:

- (a) Pinball and music machines;
- (b) Public amusements and entertainments; and
- (c) Dog licenses.

(2) All other licenses shall be issued by the Council unless otherwise designated.

(F) *Terms of licenses.* All licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire on midnight of the last effective day of the license, or unless otherwise provided by these ordinances or state laws.

(G) *Form of license.* All licenses issued hereunder shall show the date of issue, the activity licensed, and the term of the license, and shall be signed by the Mayor and City Clerk-Treasurer and be impressed with the City Seal.

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(H) *Record of licenses.* The City Clerk-Treasurer shall keep a record of all licenses issued.

(I) *Display of licenses.* All licenses hereunder shall be displayed upon the premises or vehicle for which issued, or if carried on the person shall be displayed to any officer of the city upon request.

(J) *Compliance with ordinances required.* It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the city. Failure to do so shall be cause for revocation of the license.

(K) *Transfer of licenses.* All licenses issued hereunder shall be personal to whom issued and shall not be transferred except with the consent of the Council.

(L) *Exemptions.* No license other than a liquor or beer license shall be required under this section for any nonprofit educational, charitable, civic, military or religious organization where the activity which would otherwise be licensed is conducted for the benefit of the members or for the benefit of the public generally.

(M) *Renewal of licenses.* All applications for renewal of licenses hereunder shall be made to the City Clerk-Treasurer by April 15.

(N) *Consent to inspection.* An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the city upon licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or state law.

(O) *Revocation of licenses.* Except as provided in § 110.15(J), any license issued under this chapter may be revoked for cause by the Mayor or Common Council. Any licensee whose license is so revoked may apply within 10 days of the revocation for a public hearing before the Common Council. At the hearing the licensee shall be entitled to be represented by counsel. After hearing the evidence, the Council may confirm or reverse the revocation or modify the revocation by imposing a limited period of suspension. The determination of the Council shall be final. The Police Department shall repossess any license revoked hereunder.  
(1989 Code, § 12.02)

### § 110.03 POINT VALUES FOR ALCOHOLIC BEVERAGE VIOLATIONS.

(A) *Purpose.* The purpose of this section is to establish an alcoholic beverage demerit point system to assist in determining which license holders should be subject to revocation, suspension or nonrenewal procedures.

(B) *Point schedule.* The scale of demerit points as set forth in Appendix A to this chapter is listed according to the type of alcoholic beverage violation. This demerit point system is used to identify

habitually troublesome license holders who have repeatedly violated state statutes and city ordinances, for the purpose of recommending revocation, suspension or nonrenewal of their alcoholic beverage licenses.

(C) *Violations, how calculated.* In determining the accumulated demerit points against a license within 12 months, the city shall use the date each violation was committed as the basis for the determination.

(D) *Suspension or revocation of license.*

(1) The Police and License Committee shall call before it for purposes of a revocation, suspension or nonrenewal hearing all licensees who have accumulated 100 points in a 12-month period as a result of court-imposed convictions or who have had referred to it reports from the Police Department which, if believed, would result in 100 demerit points in 12 months.

(2) If the demerit point accumulation, calculated from the date of violation, meets or exceeds 100 points in a 12-month period, 150 points in a 24-month period or 200 points in a 36-month period, the suspension shall be for not less than 3 days nor more than 90 days. If the license(s) is revoked or not renewed, no other license shall be granted to the licensee or for the premises for a period of 12 months from the date of revocation.

(3) The procedure to be used for revocation, suspension or nonrenewal shall be that found in Wis. Stats. § 125.12.  
(Ord. 471, passed 1-2-1990)

## ***BUSINESSES AND ACTIVITIES***

### **§ 110.15 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

(A) *State statutes adopted.* The provisions of Wis. Stats. Ch. 125, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of those statutes, are adopted and made a part of this section by reference. A violation of any of those provisions shall constitute a violation of this section.

(B) *Licenses, permits, authorization required.*

(1) *When required.* No person, except as provided by Wis. Stats. § 125.06 shall, within the city, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Wis. Stats. Ch. 125, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).

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(2) *Separate license required for each place of sale.* Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where alcohol beverages are stored, sold or offered for sale. See Wis. Stats. § 125.04(9).

(C) *Classes of licenses and fees.* The following classes and denominations of licenses may be issued by the City Clerk-Treasurer under the authority of the Common Council after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.51 *et seq.* Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(1) *Class A fermented malt beverage retailer's license.* See Wis. Stats. § 125.25 and § 110.01(B)(5).

(2) *Class B fermented malt beverage retailer's license.* See Wis. Stats. § 125.26 and § 110.01(B)(5). A license may be issued at any time for 6 months in any calendar year, for which 3/4 of the applicable license fee shall be paid, but the license shall not be renewable during the calendar year in which issued.

(3) *Wholesaler's fermented malt beverage license.* See Wis. Stats. § 125.28 and § 110.01(B)(5).

(4) *Retail Class A liquor license.* See Wis. Stats. § 125.51(2) and § 110.01(B)(6).

(5) *Retail Class B liquor license.* Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See Wis. Stats. § 125.51(3) and § 110.01(B)(6).

(a) A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

(6) *Pharmacist's license.* See Wis. Stats. § 125.61 and § 110.01(B)(6).

(7) *Operator's license.* See Wis. Stats. §§ 125.51 *et seq.* and § 110.01(B)(5) and (B)(6).

(a) Operator's licenses may be granted to individuals by the Common Council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).

(b) Operator's licenses may be issued only on written application on forms provided by the Clerk-Treasurer.

(c) Operator's licenses shall be valid for 1 year and shall expire on June 30 of each year.

(8) *Provisional operator's license.*

(a) Fee is \$10.00 for 60 days, pursuant to Wis. Stats. §§ 125.51 *et seq.*  
(Ord. 495, passed 10-6-1992)

(b) The provisional operator's license shall be approved by the Police Chief of the City Police Department.  
(Am. Ord. 621, passed 8-1-2000)

(9) *Class C wine license.* Fee is \$100.00 per year.  
(Ord. 494, passed 10-6-1992)

(D) *License application.*

(1) *Form.* Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue, or governing body for operators' licenses, and filed with the Clerk-Treasurer. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(2) *Application to be notarized.* The application shall be signed and sworn to by the applicant as provided by Wis. Stats. § 887.01.

(3) *Duplicate.* Upon approval, a duplicate copy of each application shall be forwarded by the City Clerk-Treasurer to the State Department of Revenue.

(E) *License restrictions.*

(1) *Statutory requirements.* Licenses shall be issued only to persons eligible therefor under Wis. Stats. § 125.04.

(2) *Location.*

(a) 1. No retail Class A license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church.

2. No retail Class B license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school or hospital.

3. The distance shall be measured by the shortest route along the highway from the closest point of the main entrance to the premises covered by the license.  
(Am. Ord. 502, passed 3-2-1993)

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(b) This division shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

(3) *Violators of liquor or beer laws or ordinances.* No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during 1 year prior to the application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for the license for 1 year.

(4) *Health and sanitation requirements.* No retail **Class B license shall be issued for any premises which does not conform to the sanitary**, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Common Council.

(5) *License quota.* **The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stats. § 125.51(4).**

(6) *Corporations.* No corporation organized under the laws of this State or of any other state or foreign country may be issued any alcohol beverage license or permit unless the corporation meets the requirements of Wis. Stats. § 125.04(6).

(7) *Age requirement.* No license hereunder shall be granted to any person under the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18. (Am. Ord. 409, passed - -)

(8) *Effect of revocation of license.* Whenever any license has been revoked, at least 12 months from the time of the revocation shall elapse before another license shall be granted to the person whose license was revoked.

(9) *Delinquent taxes, assessments and claims.* No license shall be granted for any premises for which taxes, assessments or other claims of the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.

(10) *Issuance for sales in dwellings prohibited.* No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(F) *Form and expiration of licenses.* All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The City Clerk-Treasurer shall affix his or her affidavit as required by Wis. Stats. § 125.04(4).

**(G) *Transfer of licenses.***

(1) *As to person.* No license shall be transferable as to licensee except as provided by Wis. Stats. § 125.04(12).

(2) *As to place.* Licenses issued pursuant to this section may be transferred as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(H) *Posting and care of licenses.* Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post the license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy the license.

*(I) Regulation of licensed premises and licensees.*

(1) *Gambling and disorderly conduct prohibited.* Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(2) *Employment of underage person.* No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage. (Am. Ord. 409, passed - -)

(3) *Sales by clubs.* No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(4) *Safety and sanitation requirements.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(J) *Closing hours.* No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(1) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

(2) If a retail Class A license, between 12:00 a.m. midnight and 8:00 a.m.

(3) If a retail Class A license, between 9:00 p.m. and 8:00 a.m.

(4) If a retail Class B license, between 2:00 a.m. and 6:00 a.m. on weekdays and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close. No package, container or bottle sales may be made after midnight.

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(5) Hotels and restaurants, whose principal business is the furnishing of food or lodging to patrons, bowling alleys and golf courses, may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(6) Any person or establishment who violates this provision of the municipal code as it pertains to closing hours shall be penalized as set forth in § 110.99.  
(Ord. 519, passed 4-6-1994)

(K) *Revocation and suspension of licenses.*

(1) *Procedure.* Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of the license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

(2) *Suspension of licenses.* The Mayor or Chief of Police, upon obtaining reasonable information that any licensee has violated any provision of this section or any state or federal liquor or fermented beverage law, or committed any felony, may suspend the license or permit of the person not to exceed 10 days pending hearing by the Council, pursuant to division (K)(1) of this section.

(3) *Repossession of license or permit.* Whenever any license or permit under this section shall be revoked or suspended by the Council, Mayor, Chief of Police or action of any court, the Clerk-Treasurer shall notify the licensee or permittee of the suspension or revocation and shall notify the Chief of Police, who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk-Treasurer's office.

(4) *Effect of revocation.* See division (E)(8) of this section.

(L) *Nonrenewal of licenses.* Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal, and shall have an opportunity to be heard before the Common Council.

(M) *Violations by agents and employees.* A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(N) *Prohibition of sale or consumption of fermented malt beverages and intoxicating liquor.*

(1) No person shall sell or serve, or offer to sell or serve, any fermented malt beverages or intoxicating liquor upon any public street within the city.

(2) No person shall consume any fermented malt beverages or intoxicating liquor upon any public street within the city except when the street or portion thereof is included within an area for which the Common Council has granted, under Wis. Stats. § 125.32, a temporary malt beverage license.

(3) No owner, operator or any person employed in any place, other than a public park, where food or soft drinks are sold or any place of entertainment or amusement, shall permit any person to drink a fermented malt beverage therein or consume therein any fermented malt beverages.

(4) No person shall drink or have in his or her possession any fermented malt beverage in any city park after the hours set by Park Board rules.

(5) Each holder of an intoxicating liquor or fermented malt beverage license granted by the city shall:

(a) Keep prominently displayed in the licensed premises, at all times, a notice to customers that no consumption of fermented malt beverages or intoxicating liquors is allowed upon any public street within the city; and

(b) Be held personally responsible to ensure that no customer exits the licensed establishment consuming any fermented malt beverages or intoxicating liquor upon entry to the street within the city.

(0) *Manager's license.* No person shall manage a premises operating under Class B license issued under this chapter unless the person is the licensee or has a manager's license.

(1) A person manages a premises if he or she is responsible or has authority for:

(a) Personnel management of all employees regardless of whether that person is authorized to sign employment contracts;

(b) The terms of contracts for the purchase or sale of goods or services regardless whether the person is authorized to sign contracts for the goods or services; and

(c) The daily operation of the premises.

(2) Upon the proper application of an individual over the legal drinking age and a resident of the state for a manager's license, the Common Council may, in its discretion, issue the license for a period of 1 year. A person holding a manager's license shall also be considered to hold an operator's license. (1989 Code, § 12.05) (Ord. 353, passed - -; Am. Ord. 409, passed - -)

(P) *Alcoholic beverages in outside areas.*

(1) *Permission required.* No holder of a Class B and/or Class C license may operate under those license(s) in any outdoor area, whether or not the outdoor area was included in a description of the licensed premises prior to the effective date of this division (P), without first having obtained the permission of the Common Council therefor in accordance with the terms and conditions of this division. Any Class B and/or Class C license holder whose license contained an outdoor area within the description of the licensed premises on the effective date of this division shall have 90 days after the effective date of this division (P) in which to obtain permission hereunder as a prerequisite to the

continued utilization of the outdoor area. However, should this permission be applied for and denied during the 90-day period of time, the utilization of the outdoor area as part of the licensed premises shall, upon denial, cease forthwith.

(a) The granting of permission hereunder shall result in the outdoor area becoming a part of the description of the licensed premises for purposes of Wis. Stats. § 125.04(3)(a)(3.), with the outdoor area also being subject to state and city laws, rules, regulations, and lawful orders governing Class B and/or Class C licensed premises, except as otherwise provided herein.

(b) Permission to operate under a Class B and/or Class C license in an outdoor area pursuant to this division is a privilege and does not vest a property right; therefore, permission may be revoked by the Common Council pursuant to division (P)(7)(d) below.

(2) *Definitions.*

**OUTDOOR AREA.** An area, whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year-round use.

**OUTDOOR THEATER.** An outdoor area, consisting of a stage, seating, and associated structures, for the presentation of plays or other dramatic performances.

**RESTAURANT.** Any building or room and, if applicable, an outdoor area, properly licensed by the Wisconsin Department of Health and Family Services, pursuant to Wis. Adm. Code § HFS 196.03(5), where, as the establishment's primary business, food is prepared, served and sold to transients or the general public, and where the sale of alcohol beverages accounts for less than 50% of the establishment's gross receipts.

(3) *Application.*

(a) *Content.* Application for an outdoor area permit shall be made to the City Clerk-Treasurer on forms furnished by the City Clerk-Treasurer. The application shall include:

1. The name, address and phone number of the applicant(s);
2. A map describing the proposed outdoor area, including proposed capacity and the proposed location of seating, and proposed physical enclosure; and showing the location of family residences, or tourist/guest lodging, within 40 feet of the proposed outdoor area;
3. A lighting and signage plan;
4. An affidavit verifying the percentage of gross receipts from the sale of alcohol beverages during the past city alcohol beverage license year (July 1 to June 30). The affidavit shall be verified under oath in a statement provided by an accountant or bookkeeper. If an applicant is a new business, or a business that was not in operation during the entire past city license year, the applicant(s) shall provide an affidavit, verified under oath in a statement provided by an accountant or bookkeeper,

verifying the projected percentage of gross receipts from the sale of alcohol beverages during the period commencing with the date the business commenced operations and ending June 30 of the next full city license year; and

5. Written verification from the Wisconsin Department of Health and Family Services that the premises, including the outdoor area, is properly licensed as a restaurant by that Department. This provision shall not apply to holders of a Class B and/or a Class C license, with regard to operation under said license in an outdoor theater.

(b) *Review and approval.* The City Clerk-Treasurer shall send the application to appropriate city departments for review and written comment. Written comments shall be submitted to the Police and License Committee. This committee shall make recommendations regarding the application to the Common Council. The Common Council shall approve or deny applications. Applicants whose applications are approved shall agree to abide by the terms and conditions of this section, including restrictions and penalties.

(c) *Term.* The permit term shall be from July 1 through June 30.

(d) *Renewal application.* The applicant shall, on an annual basis, file a renewal application with the City Clerk-Treasurer prior to the term expiration.

(4) *Restrictions governing the use of the outdoor area.*

(a) No outdoor area may lie within any residentially zoned area of the city.

(b) There shall be no amplified music or sound.

(c) Any lighting of the outdoor area must be shielded and be directed in such a manner as to prevent any encroachment upon other properties.

(d) There shall be strict compliance with all Wis. Adm. Code provisions related to noise control and abatement.

(e) Alcoholic beverages may only be served to diners seated at a table.

(f) Outdoor dining areas must be physically adjacent to the indoor licensed premises.

(g) Exits may not be blocked or impeded by dining furniture or diners.

(h) No entrance to the outside area shall be permitted except through the indoor licensed premises.

(i) Signs shall be placed in the outdoor area indicating that alcoholic beverages are not permitted beyond the outdoor area.

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(j) Boundaries of the outdoor area may not be within 40 feet of any family dwelling, or tourist/guest lodging, unless the dwelling is owned, leased or occupied by the applicant and/or his or her immediate family.

(k) Any outdoor area for which a permit is obtained under this section shall be closed for business during the hours of 9:30 p.m. to 10:00 a.m.

(l) Capacity of the outdoor area, including outdoor seating, shall be determined by the City Fire Chief.

(m) The restrictions under subsections (b), (e), (f), and (h) shall not apply to holders of a Class **B** and/or a Class **C** license, with regard to operation under said license in an outdoor theater.

(5) *Fee.* At the time of initial application for permission hereunder, the applicant shall pay to the City Clerk-Treasurer a 1-time processing fee of \$50. In addition, there shall be an annual permit fee of \$50 for the permit term including the initial term.

(6) *Scope of use.* The Common Council, following review and recommendation by the Police and License Committee, may limit the scope of the use of the outdoor area, either in the process of the original approval or after the initial approval of the application. The limitation imposed may provide for a limitation on the activities permissible within the outdoor area during part or all of the time during which the outdoor area is permitted to be or remain open.

(7) *Violations.* Violations of this division **(P)** shall subject the permit holder to any combination of the following:

(a) Penalties for violating any provision in conformity with Wisconsin Statutes shall be the same as provided for by the statutes.

(b) Persons violating any provision of this division shall be subject to the provisions of § 110.99.

(c) Limitation in the scope of use pursuant to division **(P)**(6) above.

(d) Upon notice and after hearing before the Police and License Committee, the Common Council may revoke the outdoor area permit granted herein.

(8) *Enforcement.* The enforcement of this section shall be under the jurisdiction of the City Police Department, who shall have the power to inspect outdoor areas to determine compliance with this section.

(Ord. 678, passed 6-7-2005; Am. Ord. 691, passed 2-6-2006; Am. Ord. 710, passed 6-5-2007) Penalty, see § 110.99

**§ 110.16 NUDE DANCING AND ACTIVITIES ON PREMISES PROHIBITED.**

(A) It shall be unlawful for a person to dance or engage in other activities on the premises of any establishment licensed to sell intoxicating beverages if the person dances or engages in other activities in such a manner or utilizing such attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or that portion of a woman's breast referred to as the areola or nipple, or any simulation of any such part of the body.

(B) The proprietor or owner of a premises licensed to sell intoxicating beverages for consumption on the premises, who knowingly permits the nude or nearly nude activity prescribed by division (A) of this section on the premises, shall have his or her fermented malt beverage or intoxicating liquor license for the premises revoked for not less than 6 months nor more than 1 year and shall be subject to a forfeiture as provided by law. Each performance, appearance or activity in violation of division (A) of this section shall be a separate offense.

(C) Any person who performs nude or nearly nude dancing in violation of division (A) shall be subject to a forfeiture as provided by law.  
(Ord. 479, passed 5-7-1991) Penalty, see § 110.99

**§ 110.17 JUNK AND SALVAGE DEALERS.**

(A) *License required.* No person shall engage in the business of junk or salvage dealer without a license therefor as required by this section.

(B) *Defined.* A **JUNK OR SALVAGE DEALER** is a person who engages in the city in the business of buying, selling or collecting any article of personalty which, from its worn condition, renders it practically useless for the purpose for which it was made, and which is customarily defined as "junk." This definition shall include persons involved in wrecking or dismantling motor vehicles and those who deal in junked motor vehicles or parts thereof.

(C) *Residence required.* No person shall be granted a license hereunder who has not been a resident of or been in business in the city for at least 2 years prior to making application. If the applicant is an association, partnership or corporation, all officers and directors shall comply with this residence requirement.

(D) *Application.* Application for a license under this section shall be made upon an application form provided by the city which shall provide the following information:

(1) Name and address of all applicants and officers and directors;

(2) Length of residence in the city;

(3) Whether the applicant or any officer or director of the applicant has been convicted of a felony or misdemeanor and the nature thereof and where the judgment of conviction was entered;

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- (4) Previous experience as a junk or salvage dealer; and
- (5) Nature and location of the business to be conducted.

(E) *Application to be verified.* The application shall be sworn to by the applicant.

(F) *License investigation.*

(1) The City Clerk-Treasurer shall refer any application hereunder to the Chief of Police, the Fire Chief, the Building Inspector and the Public Property and Health Committee who shall cause to be inspected the applicant and the proposed premises. No application shall be issued hereunder unless the building or buildings proposed to be used in connection with the business are of fireproof construction.

(2) The officers shall report the results of their investigation to the Common Council, which shall review the reports before acting upon the application.

(G) *Premises not to be located in residence districts.* No license shall be granted hereunder for any premises if located within 2,000 feet of 3 or more residential dwellings.

(H) *Renewal of application.* If an application for a license hereunder is rejected, no further application shall be entertained for 6 months unless the applicant can show that the reasons for the rejection have been corrected.

(I) *Posting license required.* Any person to whom a license has been issued hereunder shall post the license in a conspicuous place on the licensed premises.

(J) *License fee.* See § 110.01(B)(7).  
(1989 Code, § 12.06)

### § 110.18 MOBILE HOMES AND MOBILE HOME PARKS.

(A) *State statutes adopted by reference.* The provisions of Wis. Stats. § 66.0435 and the definitions therein are hereby adopted by reference.

(B) *Mobile homes outside licensed parks.*

(1) (a) The Common Council may issue special written permits allowing the location of a mobile home outside a mobile home park.

(b) The person to whom the permit is granted shall be subject to the parking permit fee as provided in division (E) of this section. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued. Not more than 2 mobile homes shall be granted permits to locate on any 1 premises outside a mobile home park.

(2) Application for the permit shall be made to the City Clerk-Treasurer and shall be accompanied by an inspection fee as set forth in § 110.01(B)(9), and shall state the name and permanent addresses of the occupants of the mobile home, the license number of their mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether the occupants are nonresident tourists, whether any occupant is employed in this state; the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises, and the owner's and/or occupant's permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the mobile home; and a statement of permission from the owner for their use.

(3) All occupants of any mobile home located outside of a mobile home park shall register with the City Clerk-Treasurer.

*(C) Park license required.* No person shall establish or operate, upon property owned or controlled by him or her within the city, a mobile home park without having first secured a license therefor from the City Clerk-Treasurer. The application for each license shall be accompanied by a fee for each space in the existing or proposed park, as set forth in § 110.01(B)(9), but not less than \$25 nor more than \$100. The license shall expire 1 year from the date of issuance. These parks shall comply with Wis. Adm. Code, Ch. ATCP 125 which is hereby adopted by reference. The city may collect a fee for each transfer of a license as set forth in § 110.01(B)(9).

*(D) Additions to parks.* Licensees of mobile home parks shall furnish information to the City Clerk-Treasurer and Assessor on such homes added to their park within 5 days after their arrival on forms furnished by the City Clerk-Treasurer.

*(E) Parking permit fees.* There is hereby imposed on each occupied nonexempt mobile home located in the city a parking permit fee, an amount as determined in accordance with Wis. Stats. § 66.058. These fees shall be paid to the City Clerk-Treasurer on or before the tenth day of the month following the month for which the fees are due. The licensee of a mobile home park shall collect these fees from each occupied nonexempt mobile home therein and to remit the fees to the City Clerk-Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Wis. Stats. Chs. 70 and 74.

*(F) Payment of fees for homes outside parks.* Occupants of nonexempt mobile homes outside of a mobile home park shall remit monthly parking permit fees directly to the City Clerk-Treasurer as provided in division (E) of this section.

*(G) Inspection of parks.* No park license shall be issued under this section until the City Clerk-Treasurer shall notify the Chief of Police, Public Property and Health Committee, Fire Chief and Building Inspector, or their authorized agents of the application, and these officials shall inspect each application on the premises described therein to determine whether the applicant and the premises on which the mobile homes will be located comply with the provisions of this section. These officials shall

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furnish to the Common Council in writing the information derived from the investigation and a statement as to whether the applicant and the premises meet all Department requirements. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections, the officials or their authorized agents shall enter on any premises on which a mobile home is located or about to be located and to inspect the same and all accommodations connected therewith at any reasonable time.

**(H) Management.**

(1) In every mobile home park, there shall be located an office of the attendant or person in charge of the park. A copy of the park license and of this section shall be posted therein and the park register shall at all times be kept in the office.

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

(a) Keep a register of all residents to be open at all times to inspection by local, state and federal officials and shall show for all residents:

1. Names and addresses;
2. Number of children of school age;
3. State of legal residence;
4. Dates of entrance and departure;
5. License numbers of all mobile homes and towing or other vehicles;
6. States issuing the licenses;
7. Purpose of stay in park;
8. Place of last location and length of stay; and
9. Place of employment of each occupant.

(b) Maintain the park in a clean, orderly and sanitary condition at all times;

(c) Ensure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violation of law which may come to the attendant's attention;

(d) Report to the Public Property and Health Committee all cases of persons or animals affected or suspected of being affected with any communicable diseases;

(e) Maintain in convenient places approved by the Fire Chief hand fire extinguishers in the ratio of 1 extinguisher to each 8 units;

(f) Collect the monthly parking permit fee provided for in this section; and

(g) Prohibit the lighting of open fires on the park premises.  
(1989 Code, § 12.07)

**§ 110.19 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANVASSER** or **SOLICITOR.** A person who goes from place to place within the city soliciting orders for the future delivery of property or for services to be performed in the future. It includes any person who occupies any place within the city for the purpose of exhibiting samples and taking orders for future delivery.

**PEDDLER.** A person who goes from place to place within the city offering for sale property which he or she carries with him or her. It includes vendors who distribute their products to regular customers on established routes.

**TRANSIENT MERCHANT.** A person who engages at a fixed location in the city in the temporary business of selling property at that location. It does not include a person who does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

(B) *Exemptions.* No license shall be required hereunder of the following:

- (1) Persons selling personal property at wholesale to dealers in such articles;
- (2) Newsboys;
- (3) Children under 18 years of age who are residents of the city;
- (4) Merchants or their employees delivering goods in the regular course of business;
- (5) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them;
- (6) A veteran holding a special state license under Wis. Stats. § 440.51, but he or she shall comply with subs. (6), (7) and (8);

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(7) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization;

(8) Sales required by statute or order of a court; or

(9) Bona fide auction sales conducted pursuant to law.

*(C) Investigation fee.* At the time of filing his or her application, the applicant shall pay to the City Clerk-Treasurer a fee as set forth in § 110.01(B)(10) to cover the cost of investigation of the facts stated in the application.

*(D) Investigation.* The Chief of Police shall cause the applicant and the facts stated in the applicant's application to be investigated and shall within 5 days return the application to the City Clerk-Treasurer with his or her endorsement approving or disapproving the application. Disapproval of an application by the Chief of Police is subject to review by the Police and License Committee of the Common Council at the request of the applicant.

*(E) Bond.* Every applicant who is not a resident of Iowa County or who represents a firm whose principal place of business is located outside of the state shall file with the City Clerk-Treasurer a surety bond in the amount of \$500, approved by the Mayor, conditioned that the applicant will comply with all provisions of the ordinances of the city and the state laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on the bond may be brought by any person aggrieved.

*(F) Excessive noise prohibited.* No person licensed hereunder shall in hawking his or her wares create such noise as is annoying to a person of ordinary sensibilities.

*(G) Use of streets.* No licensee shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.  
(1989 Code, § 12.08) Penalty, see § 110.99

## AMUSEMENTS

### § 110.30 DANCES.

*(A) Permit required.* No person shall hold a public dance within the city without obtaining a permit therefor from the dance hall inspector.

*(B) Public dance defined.* **PUBLIC DANCE** shall mean any dance which is open to the public by payment of an admission charge or where any collection or other means of raising money is used.

(C) *Application.* Application for a permit hereunder shall be made to the Clerk-Treasurer upon an application blank provided by the city. The Clerk-Treasurer shall refer the applications to the dance hall inspector. Disapproval of an application by the dance hall inspector is subject to review by the Police and License Committee of the Common Council at the request of the applicant.

(D) *Appointment.* The dance hall inspector shall be appointed by the Common Council. The dance hall inspector may appoint a deputy or designate a deputy sheriff or special police officer of the city to act as dance hall inspectors.

(E) *Compensation.* The dance hall inspector and any deputy appointed by him or her shall be paid an amount as set forth in § 110.01(B)(3) for each dance at which he or she acts as inspector. The dance hall inspector shall determine the number of inspectors necessary at each dance and shall make the necessary appointments.

(F) *Powers of inspectors.* The inspectors shall maintain order and decency at any public dance and in the vicinity thereof, and for that purpose shall have the power of a peace officer.

(G) *Exemptions.* Dances conducted by churches, schools and fraternal organizations shall be exempt from the requirements of this section, if the dance hall inspector is satisfied that those organizations provide adequate supervision of the dances.  
(1989 Code, § 12.03) Penalty, see § 110.99

**§ 110.31 PINBALL AND MUSIC MACHINES.**

(A) *License required.* No person shall install, use or operate in any commercial establishment within the city any pinball or music machine without obtaining a license therefor hereunder.

(B) *License fee.* See § 110.01(B)(11).

(C) *Application.* Application for license hereunder shall be made on a form provided by the city which shall require such information as to the fitness of the applicant and the suitability of the premises for a license.

(D) *Hours of operation of music machines.* No music machines licensed hereunder shall be operated between 11:30 p.m. and 8:00 a.m.  
(1989 Code, § 12.09) Penalty, see § 110.99

**§ 110.32 PUBLIC AMUSEMENTS.**

(A) *License required.* No person shall operate for gain within the city any public amusement or entertainment without a license therefor obtained under this section.

(B) *Public amusements and entertainments defined.* A **PUBLIC AMUSEMENT OR ENTERTAINMENT** is any activity or event conducted for gain to which the general public gains admission by the payment of an admission charge or the giving of a thing of value. It shall include but not be limited to circuses, carnivals, exhibitions, concerts, roller skating rinks and the like.

(C) *License fee.* See § 110.01(B)(12).  
(1989 Code, § 12.10) Penalty, see § 110.99

### § 110.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who shall violate any provision of this chapter or who shall fail to obtain a license or permit as required hereunder shall be subject to a penalty as provided in § 10.99 of this municipal code.  
(1989 Code, § 12.11)

(C) Any person or establishment who violates § 110.15(J)(6) of the municipal code as it pertains to closing hours shall be penalized as follows:

(1) For a first offense, the person or establishment shall receive a written warning of violation from the City Attorney;

(2) For a second offense, the person or establishment shall receive a fine of \$100; and

(3) For a third offense and thereafter, the person or establishment shall receive a \$500 fine.  
(Ord. 519, passed 4-6-1994)

(D) Persons violating any provision of this chapter, as set forth in § 110.15(P), authorized by Wis. Stats. § 125.10, shall forfeit not more than \$500 per count plus all applicable costs. Each day a person is in violation may constitute a separate count. A person may be incarcerated in the Iowa County Jail for not more than 90 days for nonpayment of the forfeiture.  
(Ord. 678, passed 6-7-2005; Am. Ord. 691, passed 2-6-2006)

**APPENDIX A: ALCOHOLIC BEVERAGE DEMERIT POINT SYSTEM**

The point system for alcoholic beverage violations, as set forth in § 110.03, is as follows:

<i>Wis. Stats. §</i>	<i>Enabling Ordinance</i>	<i>Type of Violation</i>	<i>Point Value</i>
125.07(1)	Mun. Code § 110.15(A)	Traffic to Underage Person	50
125.07(2)	Mun. Code § 110.15(A)	Traffic to Intoxicated Person	10
125.07(3)	Mun. Code § 110.15(A)	Underage Person on Premises	10
125.07(7)	Mun. Code § 110.15(A)	Failure to Keep Proper Book	25
125.04	Mun. Code § 110.15(A) Mun. Code § 110.15(B)	Failure to be Licensed	100
125.04(12)(a) and (b)	Mun. Code § 110.15(A)	Transfer of License Without Authority	50
125.04(6) and 125.32(2)	Mun. Code § 110.15(A)	Corporate and Agent Violations	50
125.04(10)	Mun. Code § 110.15(A)	Failure to Post License	10
125.32	Mun. Code § 110.15(A)	Conducting Unlawful Business	50
125.075	Mun. Code § 110.15(A)	Injury or Death by Providing Alcohol to Underage Person	50
125.68(2)	Mun. Code § 110.15(A)	No License Bartender	10
125.68(4)	Mun. Code § 110.15(A)	Sell or Dispense After Hours	50
125.68(4)	Mun. Code § 110.15(A)	Open After Hours	10
125.68(4)(c)	Mun. Code § 110.15(A)	No Carryout After Hours	25
125.25	Mun. Code § 110.15(A)	On Premises Consumption (Class A Licensee)	50
125.25	Mun. Code § 110.15(A)	Leaving with Open Container (Class A Licensee)	25
125.28	Mun. Code § 110.15(A)	Wholesale Restrictions	50
-	Mun. Code § 130.001	Disorderly Conduct & Gambling	25

(Ord. 471, passed 1-2-1990)

