

# CHAPTER 12 – LICENSE AND PERMITS

## **12.01 (GENERAL PROVISIONS)**

- (1) **LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the City in the manner provided in this chapter, unless otherwise specifically provided.
- (2) **APPLICATION AND ISSUANCE.** Unless otherwise provided, application for a license or permit shall be made in writing to the Clerk-Treasurer upon forms provided by the Clerk-Treasurer and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit and that the City Clerk/Treasurer have the authority to issue temporary Class "B" picnic beer licenses and temporary Class "B" wine cooler picnic licenses. **(HISTORY: Repealed and Recreated by Ordinance 91-17, approved on August 6<sup>th</sup> 1991.)**
- (3) **PAYMENT OF FEE.** The fees for any license or permit shall be paid at the office of the Clerk-Treasurer upon the issuance of such license or permit.
- (4) **BOND AND INSURANCE.** All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the City Attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the City Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the City before the license or permit is issued.
- (5) **FORM.** Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the Clerk-Treasurer and be impressed with the City seal. The Clerk-Treasurer shall keep a record of all licenses and permits issued.
- (6) **LICENSE AND PERMIT TERM.**
- (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.
  - (b) When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.
  - (c) Permits shall be issued for the term set forth in the permit.
- (7) **EXHIBITION OF LICENSES OR PERMITS.** Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.
- (8) **TRANSFER.** Unless otherwise provided, no license or permit shall be transferable or assignable.
- (9) **RENEWAL.** Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.
- (10) **SUSPENSION AND REVOCATION OF LICENSES AND PERMITS.** Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Council for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:
- (a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
  - (b) Conviction of any crime or misdemeanor, subject to 111.32(5)(a) and (h), Wis. Stats.
  - (c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City upon recommendation of the appropriate City official.
  - (d) Expiration or cancellation of any required bond or insurance.

- (e) Actions unauthorized or beyond the scope of the license or permit granted.
- (f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.
- (g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

**12.02 (INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES)**

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., and any amendment thereto, relating to the sale of intoxicating liquor and fermented malt beverages, except 125.03, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.32(3) 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, including any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section. **(HISTORY: Amended by Ordinance 765, approved on April 14<sup>th</sup> 1987; amended by Ordinance 780, approved on February 2<sup>nd</sup> 1988.)**

(2) DEFINITIONS. As used in this section, the following definitions apply:

(a) Legal Drinking Age. Twenty one years of age, but also includes persons who have attained the age of 19 on or before August 31, 1986.

(b) Underage Person. A person who has not attained the legal drinking age.

(3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by 125.04(3), Wis. Stats., and shall be filed with the Clerk-Treasurer not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under 125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk-Treasurer not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until the fee and cost of publication, as provided by 125.04(3)(g) 6., Wis. Stats., has been paid.

(4) APPLICATION INVESTIGATION. The Clerk-Treasurer shall notify the Health Officer, the Chief of Police, the Fire Chief and the Building Inspector of each new license and permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Council, in writing, the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Council, and no license shall be renewed without a report from the Chief of Police.

(5) LICENSE FEES. The fees and term for issuance of fermented malt beverage and intoxicating liquor licenses and related licenses shall be as follows:

(a) Class "A" Fermented Malt Beverages. \$100.00 per year.

(b) Class "B" Fermented Malt Beverages. \$100.00 per year or \$75.00 for six (6) months; a six (6)-month license may not be renewed in the same calendar year.

(c) Class "B" Fermented Malt Beverage Picnic License. Issued to organizations enumerated in § 125.32(4)(a)7, Wis. Stats., \$10.00 per event.

(d) Temporary "Class B" Wine license. Issued to churches and church organizations to sell or serve wine of not more than 6% alcohol by volume at a picnic, meeting, or gathering. \$10.00 per event. See § 125.51(4m), Wis. Stats.

(e) Wholesalers Fermented Malt Beverages. \$25.00 per year.

(f) "Class A" Intoxicating Liquor. \$400.00 per year.

(g) "Class B" Intoxicating Liquor. \$400.00 per year. Bonafide clubs and lodges situated and incorporated or chartered in the State of Wisconsin for at least six (6) years shall be \$150.00

per year commencing July 1, 2005, as provided in § 125.51(3)(e), Wis. Stats., now in effect or hereafter amended from time to time.

(h) Operator's License. \$24.00 for two (2) years

(i) Provisional Operator's License. \$25.00 for 60 days.

(j) Transfer of License to Another Premises. \$10.00.

(k) "Class C" Wine License Fee. \$100.00 per year.

(l) Seasonal Operator's License. There is hereby created a seasonal operator's license which shall allow an individual to tend bar for a six (6) consecutive month period. The fee for same shall be \$10.00 and said license shall not be issued to any individual more than twice within any two (2) licensing period (licensing period shall be July 1 through June 30). In addition, an individual applying for a seasonal operator's license shall comply with all requirements mandated for the issuance of a regular operator's license.

(m) Reserve Class "B" Licenses. An initial fee of \$10,000.00 plus \$250.00 per year.

**(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

(6) OPERATOR'S LICENSE. All applications for an annual operator's license shall be filed in the office of the Clerk-Treasurer on or before May 31 of each year, with the exception of operator's licenses as set forth in SS. 12.02(5)(h) above which shall be on or before May 31 of every other year, provided, however, that nothing shall prevent the Council from granting any licenses which are applied for at any other time for a fraction of the two (2) year license period as set forth in SS 12.02(5)(h) above. The fee for an operator's license which is applied for after May 31, 19--, and each two year period thereafter shall be prorated according to the months left in that two (2) year period, provided, however, that the fee for said operator's license shall never be less than \$12.00 for any period of time. The Clerk-Treasurer may issue a provisional operator's license subject to the following conditions:

(a) A provisional license may be issued only to a person who has applied for a regular beverage operator's license as provided by this Chapter.

(b) A provisional license may not be issued to any person who has been denied a regular operator's license by the Common Council.

(c) A provisional license shall expire 60 days after its date of issuance, or when a regular operator's license is granted by the Common Council and is issued to the holder, whichever is sooner.

(d) The fee for a provisional beverage operator's license shall \$12.00.

(e) The City Clerk/Treasurer or that person's designee may revoke the provisional operator's license if it is discovered that the holder of the license made a false statement on the application for same.

(f) On issuance of the provisional operator's license the Clerk/Treasurer or that person's designee shall provide the Police Department with a copy of the application and the Police Department shall then make a background check on the license holder and report the results of same to the Clerk/Treasurer's office.

(g) The City Clerk/Treasurer or that person's designee may revoke the provisional operator's license when it is determined that that person's criminal or civil conviction record substantially relates to the duties and circumstances of a beverage operator's position.

(h) Any person whose provisional license is revoked by the City Clerk/Treasurer shall have the right to appeal that revocation to the Common Council. Such appeal must be made in writing and presented to the City Clerk/Treasurer after the date of revocation. Such appeal will then be heard by the Common Council at its next regularly scheduled meeting.

(i) No person shall be issued more than 3 provisional operator's licenses in any 2 year period.

**(HISTORY: Amended by Ordinance 91-11, approved on June 17<sup>th</sup> 1991.)**

(7) LICENSES REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all

provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.

**(8) QUALIFICATIONS FOR LICENSES AND PERMITS.**

(a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to 111.321, 111.322 and 111.335, Wis. Stats.
2. Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.
3. Have attained the legal drinking age.

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

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

(9) "CLASS A" LIQUOR LICENSE QUOTA. The number of "Class A" liquor licenses to be issued hereunder shall not exceed one license for every 2,000 of population in the City as determined by the annual Wisconsin Department of Administration population estimate.

(10) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

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

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

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

(e) Commencement of Operations. Within 90 days after the issuance of a "Class A" retail liquor license or a "Class B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.

(f) Cessation of Operations. If any licensee shall suspend or cease doing business for 90 consecutive days or more, his "Class A" retail liquor license or his "Class B" intoxicating liquor license or his "Class B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day

period. Further, once a "Class B" intoxicating liquor license is revoked, no such license shall be issued in its stead if the effect of such reissuance increases the ratio of one for each 500 population.

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

(h) Location of Premises Restricted.

1. No retail Class A or 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, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises.

2. Except for bona fide clubs and hotels, no retail Class B license shall be issued in any residence district. Any premises shall be deemed to be included within a residence district if 2/3 of the buildings within a radius of 300 feet are used exclusively for residence purposes or the uses incidental thereto.

3. Except for bona fide clubs and hotels, a retail Class B license shall be issued only for the portion of a premises located on the street level.

(i) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed to conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the City.

(j) Clear View of Premises Required. Except as otherwise provided in this subsection, all windows in the front of any licensed premises shall be of clear glass, unobstructed by an signs, advertising material or venetian blinds, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk at all times.

(k)

(l) City Taxes and Claims. No license shall be granted for operation on any premises upon which personal property taxes or assessments or other financial claims of the City are delinquent and unpaid.

(m) Disorderly Conduct and Gambling Prohibited. Each licensed 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 licensed premises.

(n) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

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

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

(o) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in 125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(p) Dancing Regulated. No dancing shall be permitted upon premises licensed under this section by patrons or entertainers unless the premises is licensed under 12.07 this Chapter.

(11) PRESENCE ON PREMISES AFTER CLOSING HOURS RESTRICTED

(a) No person who is not an employee of the person, corporation or entity that holds a license to sell intoxicating liquors or fermented malt beverages shall remain on the licensed premises after closing hours as established by Chapter 12 of the Municipal Code for the City of Prairie du Chien, Crawford County, Wisconsin.

(b) Any person on any premises licensed to sell intoxicating liquors or fermented malt beverages after closing hours as established by Chapter 12 of the Municipal Code of the City of Prairie du Chien must be an employee of the person, corporation. **(HISTORY: Amended by Ordinance 92-23, approved on July 7<sup>th</sup> 1992.)**

(12) SALE OF CLASS B PACKAGED GOODS.

(a) Sale Restrictions. Pursuant to 125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any "Class B" intoxicating liquor license or combination "Class B" alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(b) Hours of Sale. Between the hours of 12:00 midnight and 8:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

(13) **(HISTORY: Amended by Ordinance 782, approved on February 2<sup>nd</sup> 1988.)**

(14) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.

(a) Restrictions. Pursuant to S.125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

(b) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or Class "B" permittee.
4. A facility for the production of alcohol fuel
5. A retail licensee or permittee under the conditions specified in 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(c) Selling or Serving Alcohol Beverages. Pursuant to 125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

(15) REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Except as hereinafter provided, the provisions of 125.12(2) and (3), WI. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or Chief of Police or by the Council upon its own motion.

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

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

### **12.03 (SODA WATER BEVERAGE LICENSE)**

~~(1) LICENSE REQUIRED. No person shall sell soda water beverages in the City without first obtaining a license from the Clerk-Treasurer. The provisions of 66.043, Wis. Stats., are hereby adopted and made a part of this section by reference.~~

~~(2) LICENSE FEE. The license fee shall be \$5.00 per year.~~

**(HISTORY: Repealed by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

### **12.04 (CIGARETTE RETAILER LICENSE)**

(1) REQUIRED. No person shall sell cigarettes in the City without first obtaining a license from the Clerk-Treasurer. The provisions of 134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.

(2) LICENSE FEE. The license fee shall be \$20.00 per year. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

### **12.05 (AMUSEMENT DEVICE LICENSE)**

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

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

(3) FEE. The fee for a license hereunder shall be \$20.00 per year for each machine. Permits may be transferred from machine to machine for a fee of \$1.00. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

(4) POSTING OF LICENSES. All licenses for amusement devices shall be attached in plain view upon the respective licensed devices.

(5) PRIZES AND GAMBLING PROHIBITED. No person shall offer, make, give or award any prize, money or coin to any person through or by reason of the use or operation of an amusement device. No licensee shall permit his amusement devices to be used for gambling purposes.

### **12.06 (AMUSEMENT ARCADE LICENSE)**

(1) DEFINITIONS.

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

(b) Amusement Arcade. Any premises at which 20 or more mechanical or electronic amusement devices are located.

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

(2) LICENSE REQUIRED. No person shall operate an amusement arcade, as defined in sub. (1)(b) above, within the City without having first obtained a license from the Clerk-Treasurer. No amusement arcade license shall be issued until the application has been reviewed by the Plan Commission and a Zoning Permit has been obtained pursuant to Chapter 17 of this Code.

(3) LICENSE FEE. The license fee for amusement arcades shall be as follows:

- (a) \$100.00 per year for 1 to 19 machines.
- (b) \$250.00 per year for 20 to 40 machines
- (c) \$300.00 per year for 41 to 60 machines
- (d) \$350.00 per year for 61 or more machines.

**(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

(4) ANNUAL FEE. Said fee above referred to shall be paid on date said license is issued and annually thereafter and be in lieu of and not in addition to the fee required by Section 12.05.

(5) RESTRICTIONS AND REGULATIONS.

(a) Premises to Be Safe and Sanitary. No license shall be granted for any amusement arcade unless the premises complies with all fire and building code requirements of the City and the State, provides adequate room for operation of the devices without blocking access or restricting the movement of patrons and is an otherwise safe and sanitary environment.

Generally, usable patron floor space should be 3 times greater than the floor space required by the amusement devices.

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

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

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

**(HISTORY: Repealed and Recreated by Ordinance 792, approved in June 1988.**

### **12.07 (DANCE HALL LICENSE)**

(1) LICENSE REQUIRED. No person shall hold, conduct or have a public dance within the City except within a public dance hall, pavilion or on premises duly licensed under this section.

(2) DEFINITIONS. The terms used in this section shall be defined as follows:

(a) Public Dance. Any dance at which admission can be gained by the public generally upon payment of an admission fee or by the purchase, possession or presentation of a ticket or token, or in which charge is made for the caring of clothing or other property, or any other dance to which the public generally, without restriction, may gain admission with or without payment of a fee, or a dance operated for profit.

(b) Public Dance Hall. Any room, place or space at which a public dance may be held, or any hall or academy in which classes in dancing are held and instruction in dancing given for hire.

(3) EXCEPTIONS. Neither "public dance hall" nor "public dance" shall apply to a dance conducted in a church or parochial school hall or public school or fraternal or patriotic organization hall or to such place when conducted under the auspices of the proper church authorities or by any college or academy conducted for educational purposes, not to any dance conducted under the auspices of a parent teachers' association in conformity to law and the rules of the proper school authorities, nor to the place at which the same may be held.

(4) APPLICATION AND FEE. Application for a license for a public dance hall may be made by the owners or tenants of the premises for which a license is sought, directed to the Council. The license shall expire on June 30 following the date of issuance. The license fee shall be \$20.00. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

(5) POLICE SUPERVISION. All such dances shall be under the supervision of the Police Department and other proper authorities of the City. All licensees shall be responsible for maintaining order at dances.

(6) HOURS. All dances in the City shall cease at 2:00 A.M. and no music of any kind shall be

permitted in any such dance hall, tavern or restaurant after 2:00 A.M. The provisions of this section shall apply to any place where dancing has been permitted. Restaurants may be permitted to be open, but no music of any kind shall be allowed after 2:00 A.M.

**(HISTORY: Revised by Ordinance 787, approved in April 1988.)**

### **12.08 (ENTERTAINMENT LICENSE)**

(1) LICENSE REQUIRED. Any person owning, conducting or managing for gain within the City any exhibition, show, amusement, carnival, circus, concert or musical entertainment shall obtain a license.

(2) APPLICATION. Application for a license shall be submitted on forms supplied by the Clerk-Treasurer. The application shall be accompanied by a certificate of insurance showing that the applicant is covered by liability insurance by an insurance company licensed to do business in Wisconsin in the amount of \$300,000 for the injury or death of one person, \$1,000,000.00 for any one accident and \$50,000 for property damage. If the entertainment involves carnival-type rides, proof of current inspection of such rides by the Wisconsin Department of Industry, Labor and Human Relations must also be furnished.

(3) FEE. The fee shall be \$50 per event.

(4) EXCEPTIONS. This section shall not be construed to require a license for premises licensed under sec. 12.02 of this chapter; for a lecture on a scientific, moral, educational or literary subject; for a concert of music given exclusively for a scientific, religious, educational or literary group; or for any lecture, concert, performance, exhibition or show given or made by citizens of the City, none of whom makes a vocation of providing such amusement.

### **12.09 (FOOD AND MERCHANDISE STAND LICENSES)**

(1) LICENSE REQUIRED. No person shall erect, maintain, operate or use any temporary stand, stall or booth or sell or vend there from food, ice cream, soft drinks, novelties or any other merchandise within the City without first obtaining a license therefore from the City Administrator. **(HISTORY: Amended by Ordinance 94-09, approved in September 1994.)**

(2) APPLICATION; LICENSE FEE. Application for such license shall be submitted on forms supplied by the Clerk-Treasurer. The license fee shall be \$35.00 and the license shall expire on December 31. However, no license fee shall be required of any religious, civic or charitable organization or group regularly operating for a religious, civic or charitable purpose in the City. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

### **12.10 (REGULATION AND LICENSING OF TRANSIENT MERCHANTS)**

(1) REGISTRATION REQUIRED. It is unlawful for any transient merchant to engage in direct sales within the City of Prairie du Chien, Crawford County, Wisconsin, without being registered for that purpose as provided herein.

(2) DEFINITIONS. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Charitable organization. Includes any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association, or corporation, or one purporting to be such.

(b) Merchandise. Includes personal property of any kind, and includes merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.

(c) Permanent merchant. Any person who, for at least one year prior to the effective date of the ordinance from which this article derives:

1. Has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or

2. Has continuously resided in the local trade area among the communities bordering the place of sale and now does business from such merchant's residence.

(d) Person. All humans of any age or sex, partnerships, corporations, associations, groups, organizations, and any other description of a collection of human beings working in concert or for the same purpose or objective.

(e) Transient Merchant. Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this definition, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(3) EXEMPTIONS. The following shall be exempt from the provisions of this Ordinance:

(a) Any person who distributes their products to regular customers on established routes.

(b) Any person selling merchandise at wholesale to dealers in such merchandise.

(c) Any person selling agricultural products which the person has grown.

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in the regular course of business.

(e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requested a home visit by such person.

(f) Any person who has had or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement with the prospective customer.

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

(h) Any employee, officer, or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the City Administrator proof that such charitable organization is registered under Chapter 440 of the Wisconsin Statutes. Any charitable organization engaging in the sale of merchandise and not registered under Chapter 440 of the Wisconsin Statutes or which is exempt from that statutes registration requirements shall be required to register under this article.

(i) Any person who claims to be a permanent merchant, but against whom a complaint has been made to the City Administrator that such person is a transient merchant, provided that there is submitted to the City Administrator proof that such person has leased for at least one year or has purchased the premises from which such person is conducting business or proof that such person has conducted such business in this City for at least one year prior to the date the complaint was made.

(j) Any individual licensed by an examining board as defined in Section 15.01(7) of the Wisconsin Statutes.

(k) Transient merchants while doing business at special events authorized by the Common Council.

(l) Any religious organization from which there is provided proof of tax exempt status pursuant to the Internal Revenue Code of the United States.

(m) Any veteran who holds a special state license pursuant to Section 440.51 of the Wisconsin Statutes, except said veteran shall provide to the City Administrator the following information:

1. The veterans name and permanent address.

2. The nature of the sales or solicitations.

3. Proposed dates and times of sales or solicitations.

(4) REGISTRATION.

(a) Information Required. An applicant for registration pursuant to this article must complete and return to the City Administrator a registration form furnished by the City Administrator which shall require the following information:

1. Name, permanent address, and telephone number, and temporary address, if any.
2. Height, weight, color of hair and eyes, and date of birth.
3. The name, address, and telephone number of the person that the transient merchant represents or is employed by or whose merchandise is being sold.
4. The temporary address and telephone number from which business will be conducted, if any.
5. The nature of the business to be conducted and a brief description of the merchandise offered and any services offered.
6. The proposed method of delivery of merchandise, if applicable.
7. The make, model, and license number of any vehicle to be used by the applicant in the conduct of the applicants business.
8. The most recent cities, villages, and towns, not to exceed three, where the applicant conducted similar business just prior to making this registration.
9. The place where the applicant can be contacted for at least seven days after leaving this City.
10. A statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicants transient merchant business within the last five years, the nature of the offense, and the place of conviction.

(b) Identification and certification. An applicant shall present to the City Administrator for examination:

1. A driver's license or some other proof of identity as may be reasonably required.
2. A state certificate of examination and approval from the sealer of weights and measures where the applicants business requires use of weighing and measuring devices approved by state authorities.
3. A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law. Such certificate shall state the applicant is apparently free from any contagious or infectious disease and shall be dated not more than 90 days prior to the date the application for registration is made.

(c) Fee. At the time of filing the application, a registration fee of \$ 50.00 shall be paid to the City Administrator to cover the cost of investigation of the facts stated in the application and for processing the registration. Every member of a group must file a separate registration form.

(d) Appointment of agent for service of process. The applicant shall sign a statement appointing the City Administrator to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, if the applicant cannot, after reasonable effort, be served personally.

(e) Issuance; term. Upon payment of the fees and the signing of the statement required in subsection 4 of this section, the City Administrator shall register the applicant as a transient merchant and shall date the entry. The registration shall be valid for a period of 45 days from the date of entry, subject to subsequent refusal as provided in subsection 12.10 E.2.

(5) INVESTIGATION; DENIAL OF REGISTRATION.

(a) Upon receipt of each application for registration as required in this article, the City Administrator may refer it immediately to the police department for an investigation of the statements made in such registration.

(b) The City Administrator shall refuse to register the applicant if it is determined, pursuant to the investigation, that:

1. The application contains any material omission or materially inaccurate statement;
2. Complaints of a material nature have been received against the applicant by authorities in the last cities, villages, and towns, not exceeding three, in which the applicant conducted similar business;
3. The applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicants fitness to engage in direct selling; or
4. The applicant failed to comply with any applicable provision of subsection 12.10(D)2.

(6) APPEAL OF DENIAL. Any person denied registration as required in this article may appeal the denial through the appeal procedure provided by the provisions of Chapter 68 of the Wisconsin Statutes.

**(7) PROHIBITED PRACTICES.**

(a) A transient merchant shall be prohibited from:

1. Calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m., except by appointment;
2. Calling at any dwelling or other place where a sign is displayed bearing the words “no peddlers”, “no solicitors”, or words of similar meaning;
3. Calling at the rear door of any dwelling place; or
4. Remaining on any premises after being asked to leave by the owner, occupant, or other person having authority over such premises.

(b) A transient merchant shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or character of any merchandise offered for sale, the purpose of the transient merchants visit, the transient merchant’s identity, or the identity of the organization the transient merchant represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the merchandise.

(c) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(d) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

(e) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which the transient merchant is conducting business.

**(8) DISCLOSURE REQUIREMENTS.**

(a) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose the transient merchant’s name, the name of the company or organization the transient merchant is affiliated with, if any, and the identity of the merchandise or services being offered for sale.

(b) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or if it is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Section 423.203 of the Wisconsin Statutes. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a), (b), and (c), (2), and (3) of the Wisconsin Statutes.

(c) If the transient merchant takes a sales order for the later delivery of merchandise, the transient merchant shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial, or no advance payment is made; the name, address, and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

(9) RECORDS OF VIOLATIONS. The City of Prairie du Chien Police Department shall report to the City Administrator all convictions for violations of this article and the City Administrator shall note any such violation on the record of the registrant convicted.

(10) REVOCATION OF REGISTRATION.

(a) Registration issued pursuant to this article may be revoked by the Common Council after notice and hearing if the registrant:

1. Made any material omission or materially inaccurate statement in the application for registration;
2. Made any fraudulent, false, deceptive, or misleading statement or representation in the course of engaging in direct sales;
3. Violated any section of this article; or
4. Was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be served personally or pursuant to subsection 12.10(D)4 on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the facts upon which the hearing will be based.

(11) PENALTY. Any person adjudged in violation of this article shall be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00 per day for each violation plus costs of prosecution. Each violation shall constitute a separate offense.

**(HISTORY: Recreated and repealed by Ordinance 2007-01, approved on January 16<sup>th</sup> 2007.)**

### **12.11 (LAWLER PARK DOCKING PERMIT)**

(1) REQUIRED. No water craft shall tie up or dock on the river wall adjacent to Lawler Park in the City without first securing, for said tying or docking, a permit from the Clerk-Treasurer.

(2) PENALTY. The owner of any water craft in violation of this section shall be subject to a forfeiture of \$100 per hour for each hour or part thereof that said water craft is in violation of this section.

### **12.12 (JUNK DEALERS LICENSE)**

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

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

(3) APPLICATION. Applications for such license shall be made on forms supplied by the Clerk-Treasurer and filed with the Clerk-Treasurer.

(4) LICENSE FEE. The license fee shall be \$25 per year. The license year shall commence on July 1 of each year.

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

(6) RESTRICTIONS APPLICABLE TO JUNK DEALERS.

(a) No junk shall be displayed or stored outside the fenced area of the premises.

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

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

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

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

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

**(7) REVOCATION AND SUSPENSION OF LICENSE.**

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

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

**12.13 (ANTIQUA, COIN AND SECONDHAND DEALERS)**

(1) LICENSE REQUIRED. No person shall engage in the business of dealing in antiques, coins or secondhand goods without first having obtained a license from the Clerk-Treasurer.

(2) LICENSE FEE. The license fee hereunder shall be \$25.00 per year. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

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

(4) PURCHASES FROM MINORS PROHIBITED. No such dealer shall purchase any articles from any person under the age of 16 years without the consent in writing of the parent or guardian of such person.

**12.14 TAXICABS**

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

(2) LICENSE REQUIRED. No person shall operate a taxicab within the City without a license obtained hereunder.

(3) APPLICATION. Application for a license hereunder shall be made to the Clerk-Treasurer and shall be referred to the Council.

- (4) LICENSE FEES. The license fee hereunder shall be \$15.00 per taxicab per year. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**
- (5) COUNCIL APPROVAL REQUIRED. Upon reviewing the application and after considering the adequacy of existing taxicab service and the need for any additional service within the City, the Council shall grant or deny the license.
- (6) APPROVAL OF FARES. The owner or driver of any taxicab shall not charge any passenger higher or lower rates of fare than those filed with the approved by the Council for transporting such passenger from any point within the City to any other point within the City.
- (7) INSPECTION OF VEHICLES. The brakes, horn, lights, steering system, exhaust system and tires of every taxicab shall be examined and tested as to sufficiency at least once every 90 days by a reputable garage keeper doing business in the City who shall furnish a certificate as to the examination of the vehicle and that said components are in good working order, which certificate shall be filed with the Chief of Police.
- (8) INSURANCE. Before any license is issued, the applicant for a license hereunder shall deposit with his application a certificate of insurance coverage showing that each vehicle to be licensed is covered by public liability insurance by an insurance company licensed to do business in Wisconsin in the amount of \$100,000 for injury or death to any one person in an accident involving such vehicle, \$300,000 for any one accident and \$25,000 property damage. Any insurance policy hereunder shall contain a provision that the same shall not be cancelled before expiration of its term except upon 20 days written notice to the City. Cancellation or termination of such insurance shall automatically terminate all licenses issued hereunder unless another certificate of insurance shall be substituted.
- (9) LICENSE ISSUANCE. Upon the granting of a license hereunder and upon compliance with the provisions of this section by the applicant, the Clerk-Treasurer shall issue to the licensee a license which shall be displayed prominently in the taxicab for which it has been issued.
- (10) LICENSES NOT TRANSFERABLE. No license issued hereunder shall be transferable from one licensee to another. Licenses may be transferred from one vehicle to another upon submitting to the Clerk-Treasurer proof of insurance and a certificate of inspection.
- (11) NAME OF CABS. The serial number of a taxicab license shall be printed or painted on each side of the taxicab in figures at least 1-1/2 inches in height in a contrasting color at a point not lower than 1/2 the height of the taxicab. The name of the owner or operator of the taxicab shall be printed on both sides and rear of each taxicab in like letters.
- (12) FARES TO BE POSTED IN TAXICAB. Each taxicab shall have a card printed in plain legible figures with the fares charged and posted in a conspicuous place inside the taxicab in plain sight of passengers.
- (13) Repealed.
- (14) SUSPENSION AND REVOCATION. Licenses granted under this section may be suspended or revoked at any time by the Council for any violation of the provisions of this section and also if the vehicle for which the license was issued is not of good appearance, clean and safe, or for conduct by the licensee or any person driving a vehicle under such license which is prejudicial to the public safety, welfare or good order of the City. A license suspended or revoked because the vehicle is not of good appearance, clean and safe shall not be reissued until the vehicle shall be put in good condition for use by the public to the satisfaction of the Council. When a taxicab license is revoked or suspended, as herein provided, the Clerk-Treasurer shall immediately notify the owner to cease operation of the vehicle as a taxicab for which the license has been revoked.

### **12.15 (MOBILE HOMES AND MOBILE HOME PARKS)**

- (1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of 66.058, Wis. Stats., and the definitions therein are hereby adopted by reference.
- (2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS.

(a) Restricted. No occupied mobile home shall be permitted to be located in the City unless the same is in a licensed mobile home park, except those mobile homes now occupied outside of a mobile home park.

(b) Exceptions.

1. Paragraph (a) above is not intended to restrict the location of 1- and 2-family manufactured homes which meet the applicable 1- and 2-family standards set forth in Ch. 101, Wis. Stats., and the requirements of Ch.17 of this Code.

2. Notwithstanding other provisions of this subsection, the Council may, upon application, issue a special permit for the location of a mobile home outside a mobile home park for temporary use solely as a field office or as a temporary dwelling on an owner's lot while a permanent home is being constructed thereon, and such permit shall specifically state the expiration date thereof which shall not exceed 12 months as to a field office and not exceed 4 months as to a temporary dwelling.

(3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him/her within the City a mobile home park without having first secured a license therefore from the City Administrator. The application for such license shall be accompanied by a fee of \$2.00 for each space in the existing or proposed park, but not less than \$50.00. Such parks shall comply with Wis. Adm. Code H77, which is hereby adopted by reference. The license transfer fee is \$10.00. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

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

(5) PARKING PERMIT FEES. There is imposed on each nonexempt mobile home located in the City a parking permit fee, such amount to be determined in accordance with 66.058, Wis. Stats. The fees shall be paid to the Clerk-Treasurer on or before the 10th day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each nonexempt mobile home therein and to remit such fees to the Clerk-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 Chs. 70 and 74, Wis. Stats.

(6) PAYMENT OF FEES FOR HOMES OUTSIDE PARKS. Occupants of nonexempt mobile homes parked outside of a mobile home park shall remit monthly parking permit fees directly to the Clerk-Treasurer as provided in sub. (5) above.

(7) MOBILE HOME PARK REQUIREMENTS.

(a) License Application. The application for a license or a renewal thereof shall be made on forms furnished by the Clerk-Treasurer and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, written authorization signed by the owner must be finished stating that the applicant is authorized to construct or maintain the park and make the application. The application shall also include a legal description of the premises upon which the park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by 2 copies of the park plan showing the following, either existing or as proposed:

1. The boundaries used for park purposes.
2. The location of roadways and driveways.
3. The location of units.
4. The location and number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms to be used by occupants of units, if required.
5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.
7. Plan for water supply.
8. Plan of electrical lighting of units, if required.

(b) Inspection and Enforcement. No park license shall be issued until the Clerk-Treasurer shall notify the Chief of Police, the Health Officer, the Fire Chief and the Building Inspector of such application and these officials shall inspect, or cause to be inspected, such application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with this Code and State administrative rules and laws applicable thereto. These officials shall furnish to the Council, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the Department for which the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents may enter on any premises on which a mobile home is located, or is about to be located, and inspect the same and all accommodations connected therewith at any reasonable time.

(c) Location of Parks. See Ch. 17 of this Code.

(d) Park Plan.

1. Drainage. Every mobile home and mobile home park shall be located in a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage or contaminated liquids or solids can be deposited on its location, including, but not limited to, drainage from any barnyard, outdoor toilet or other source of filth.

2. Sites. Home spaces shall be clearly defined and shall consist of a minimum of 1,000 square feet and a width of not less than 20 feet. The basic unit shall not occupy an excess of 1/4 of the area of the site and a complete unit, including all accessory structures shall not occupy more than 1/2 of the area of the site. Mobile home parks which, at the time of the adoption of Wis. Adm. Code H 77.04, effective March 1, 1971, existed lawfully with mobile home sites that do not comply with foregoing minimum area requirements may continue to operate. Expansion and modification of such mobile home parks shall, however, be in accord with this provision. All sites shall about upon a street or driveway giving easy access from all units to a public street. For a 2-way street, the width must be at least 32 feet if parking is to be permitted on both sides of the street, 25 feet in width if parking is permitted only on one side, or 18 feet in width if parking on the street is prohibited unless the width is appropriately increased. Such driveways shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall be obstructed. Parking spaces in a ratio of 1-1/2 for each home site shall be provided

3. Walkways. Walkways shall be graveled or paved and well lighted at night.

4. Electrical Service. Every space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 amperes capacity and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof and no power lines shall be less than 15 feet above ground.

5. Off-Street Parking. Off-street parking areas for motor vehicles shall be provided in the ratio of one space for each unit.

6. Mobile homes Parking Restricted. No unit shall be parked in a park outside of a designated space.

(e) Water Supply.

1. An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, shall be furnished for drinking and domestic purposes in all parks.

2. Individual water service connections shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide 20

pounds of pressure per square inch and capable of furnishing a minimum of 125 gallons per day per space.

(f) Waste and Garbage Disposal.

1. All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public sewer system, where available.
2. Every space shall be provided with sewer connections which shall be provided with suitable fittings so that water tight connections can be made. Such connections shall be so constructed that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
3. All sanitary facilities in any unit which are not connected with a public sewer system, where available, by approved pipe connections shall be sealed and their use is prohibited.
4. Each faucet shall be equipped with facilities for drainage of excess water.
5. Every unit shall be provided with a substantial fly tight and watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

(g) Management.

1. In every park there shall be located the office of the attendant or person in charge. A copy of the license and of this section shall be posted therein and the park register shall be, at all times, kept in such office.
2. The attendant or person in charge, together with the licensee, shall:
  - a. Keep a register of all guests, to be open at all times to inspection by City, State and Federal Officers, which shall show for all guests the following:
    - i. Names and addresses.
    - ii. Dates of entrance and departure.
    - iii. License numbers of all mobile homes and towing or other vehicles.
  - b. Maintain the park in a clean, orderly and sanitary condition at all times.
  - c. Insure that this section is complied with an enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his attention.
  - d. Report to the Health Officer all cases of persons or animals infected or suspected of being infected with any communicable disease.
  - e. Maintain in convenient places, approved by the Fire Chief, hand fire extinguisher in the ratio of one to each 8 units.
  - f. Collect the monthly parking permit fee provided for in sub. (5) above. A book shall be kept showing the names of the person spaying such service charges and the amount paid.
  - g. Prohibit the lighting of open fires on the premises.
  - h. Applicability of Plumbing, Electrical and Building Codes. All plumbing, electrical, building and other work on or at any park licensed under this section shall be in accordance with this Code and the requirements of the State Department of Health and Social Services.
  - i. Revocation and Suspension. The Council may revoke any license or permit issued pursuant to the terms of this section, in accordance with 66.058 (2), Wis. Stats.

**12.16 (ANIMAL CONTROL)**

**(1) LICENSING.**

(a) Any person owning, keeping, harboring, or having custody of any dog or cat over six (6) months of age must obtain a license as herein provided.

(b) Exception.

1. No license or permit shall be required of any humane society, municipal animal control facility or licensed veterinary clinic.

2. License fees shall not be required for seeing eye dogs or governmental police dogs under their control; licenses for the above shall be issued without charge.

(c) Application. Application for license shall be made to the City Clerk/Treasurer. A rabies certification issued by a licensed veterinarian clinic is necessary before a license can be issued.

(d) Fees. A license shall be issued after payment of the applicable fee:

1. For each un-neutered male dog	\$8.00
2. For each unspayed female dog	\$8.00
3. For each neutered male dog	\$3.00
4. For each spayed female dog	\$3.00
5. Duplicate license	\$3.00
6. For each un-neutered male cat	\$8.00
7. For each unspayed female cat	\$8.00
8. For each neutered male cat	\$3.00
9. For each spayed female cat	\$3.00
10. Duplicate license	\$3.00

(e) Census. The City of Prairie du Chien, may employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue licenses. The owners then and there to procure their rabies shots and licenses. The City of Prairie du Chien shall impose an additional charge of Twenty-five and no/100 (\$25.00) Dollars for each license issued in the course of such census.

(f) Impoundment of Animals

1. Unrestrained animals, not under the control of the owner or keeper, including dogs and cats, may be taken by the Police or the animal control personnel if one is employed by the City, and impounded in an animal shelter or veterinarian clinic and there confined in a humane manner.

2. Animals not claimed by their owners within seven (7) days shall be deemed as being surrendered and may be disposed of by the veterinarian service, and the original owner shall have no further claim for such animal.

3. Animals not claimed by their owners after seven (7) days may be available for adoption upon payment of boarding fees relative to that animal.

4. Release from Impoundment. Any dog or cat which has been impounded as a result of being lost or at large, shall not be released to its owner until payment of boarding fees are made.

## (2) KENNEL LICENSES.

(a) The term "Kennel" means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, sale or sporting purposes.

(b) Any person, firm or corporation who keeps or operates a kennel shall apply to the City Clerk/Treasurer for such a license which may be granted only after review and hearing by the Common Council for the City of Prairie du Chien and upon such terms and conditions as the Common Council for the City of Prairie du Chien in its sole discretion determines to be in the public interest. Said license may be terminated or modified by the Common Council for the City of Prairie du Chien after notice and hearing if it be found that the kennel in question is excessively loud, odorous or a substantial nuisance to those who live in close proximity to same.

(c) Any person, firm or corporation granted a kennel license hereunder shall pay an annual fee to the City of Prairie du Chien for such license as follows:

1. \$45.00 for a kennel of twelve (12) or fewer animals in excess of six (6) months of age. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

2. The license fee as set forth in 12.16(1)(d) of the Municipal Code for the City of Prairie du Chien shall apply for each animal six (6) months of age or older in excess of twelve (12).

3. All fees hereunder shall be in lieu of and not in addition to those required by 12.16(1)(d) of the Municipal Code for the City of Prairie du Chien.

### (3) ANNOYANCES

(a) No person shall harbor or keep any dog or cat or any other animal which would be a public nuisance as defined in 10.03 (6) of the Municipal Code for the City of Prairie du Chien.

(b) All structures, pens, yards and areas adjacent thereto for housing of all dogs, cats and other animals under this Ordinance shall be maintained in a clean and sanitary condition and free from objectionable odors.

(c) All dogs and cats and other animals covered by this Ordinance shall be confined on the premises of the owner or caretaker or under his/her immediate control.

(d) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the City of Prairie du Chien, or in such a manner that the animal has access to any portion of any street, alley, sidewalk or other public or private property.

(e) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with any other animal except for planned breeding, provided, however, a dog or cat may be kept on a leash when under the supervision of a responsible person.

(f) No owner, caretaker or custodian shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance. Molesting passerby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks, cemeteries, or trespassing upon private property, barking or whining, shall be deemed a nuisance.

(g) No person shall keep or permit to be kept on his/her premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for fee. This Section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

### (4) ANIMAL BITES (Repealed) **(HISTORY: Repealed by Ordinance 2010-13, approved on September 7<sup>th</sup> 2010.)**

### (5) CRUELTY TO ANIMALS

(a) No person shall confine and allow his/her animal to remain outside during adverse weather conditions constituting a health hazard to said animals; such act shall be deemed cruelty to animals and such animals may be impounded by the Police Department.

(b) No owner shall fail to provide his/her animals with sufficient food and water, proper shelter and protection from the weather and with humane care and treatment.

(c) No person shall beat, cruelty, ill-treat, torment, overload, overwork, or otherwise abuse any animal.

(d) No person shall cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans except rodeo events.

(e) No owner of any animal shall abandon such animal.

(f) It shall be unlawful for any person to injure, to destroy or attempt to injure or destroy, any kind of wild animal unless authorized by this Ordinance or State Statute.

(6) **RABIES VACCINATION REQUIRED.** Every dog or cat owned or kept within the City of Prairie du Chien that is five (5) months of age or older shall be vaccinated against rabies. Young dog and cats

shall be vaccinated within thirty (30) days after they have reached the age of five (5) months. Unvaccinated dogs or cats acquired or moved into the City of Prairie du Chien must be vaccinated within thirty (30) days after arrival, unless under five (5) months of age, as specified above. Every dog and cat shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall specify the expected duration of the immunity of the vaccine used. The administering veterinarian shall issue a tag upon completion of the rabies vaccination, and that tag must be attached to the dog or cat's collar.

**(7) MISCELLANEOUS PROVISIONS RELATIVE TO DOGS AND CATS.**

(a) Any dog or cat feces deposited on public or private property other than the owners shall be immediately picked up and disposed of by the owner or keeper of that animal.

(b) No dogs, cats or other animals covered by this Ordinance shall be allowed in any park or recreation area owned by the City of Prairie du Chien, EXCEPT dogs that are specially trained to lead blind persons.

**(8) PENALTIES.** Violation of any part of this Ordinance shall be subject to penalties as set forth in Section 25.04 of this code.

**(HISTORY: Repealed and recreated by Ordinance 791, approved on June 7<sup>th</sup> 1988.)**

**12.17 (TREE TRIMMING LICENSE)**

(1) LICENSE REQUIRED. No person shall engage in the business of tree trimming or tree removal within the City without first obtaining a license from the Clerk-Treasurer.

(2) APPLICATION. At the time of filing an application, an investigation fee of \$5 shall be paid to the Clerk-Treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the Clerk-Treasurer and shall contain such information as the Clerk-Treasurer shall require for the effective enforcement of this section and the safeguarding of the residents of the City.

(3) LICENSE FEE. The license fee shall be \$20.00 per year or any fractional part thereof. The license period shall commence July 1 each year and end June 30. **(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

(4) INSURANCE. No license shall be issued until the applicant deposits with the Clerk-Treasurer a policy of liability insurance covering tree trimming and tree removal operation of the applicant. Such insurance policy shall be issued by a company licensed to do business in the State of Wisconsin and shall insure the licensee against loss from liability to the amount of \$100,000.00 for the injury or death of one person in any one accident, in the amount of \$200,000.00 for the injury or death of more than one person in any accident, and \$10,000 for damage to property of others for any one accident due to the negligent operation of the licensee. The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically revoke and terminate all license issued unless another policy shall be in effect at the time of such cancellation or termination.

**12.18 (GARBAGE HAULERS LICENSE)**

See Sec. 11.07(3) of this Code.

**12.19 (BICYCLE LICENSE)**

See Sec. 7.12 of this Code.

**12.20 (PENALTY)**

Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Code.

**12.30 (REGULATION OF VICIOUS DOGS) (Repealed)**

**(HISTORY: Repealed by Ordinance 2010-13, approved on September 7<sup>th</sup> 2010.)**

**12.40 (ANNUAL FEES FOR USE OF ALL LAUNCHING AREAS)**

\$30.00 – Non-resident Annual Fee

\$15.00 – Resident Annual Fee

\$10.00 – Daily Fee

**(HISTORY: Amended by Ordinance 2010-25, approved on December 21<sup>st</sup> 2010.)**

For the above fees, the following definitions shall apply:

(1) A non-resident is any person with residence outside the corporate limits of the City of Prairie du Chien, Crawford County, Wisconsin.

(2) A resident is any person with residence within the corporate limits of the City of Prairie du Chien, Crawford County, Wisconsin.

(3) Annual shall mean year 2000 commencing with the enactment of this Ordinance and run to and including the 31st day of December, 2000. Thereafter, annual shall be each calendar year starting year 2001.

(4) Daily shall mean commencing on the day the fee for the daily usage was purchased and end at midnight of that same day.

(5) Any person launching a boat or other water craft shall be required to pay a fee as set forth in Section 1 above. Notwithstanding the above, all state, federal, and local governmental agencies are exempt from payment of the fee hereunder required.

(6) The City Administrator of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby authorized to contact or associate with any person, firm, corporation, or entity for the purpose of sale and collection of the permits and associated fees required by this Ordinance. Further the City Administrator of the City of Prairie du Chien, Crawford County, Wisconsin, is authorized to undertake and implement any and all additional requirements necessary to effectuate this Ordinance.

(7) All fees collected hereunder shall be placed in a non-lapsing fund to be used for the repair and maintenance of boat launching sites presently in existence within the City of Prairie du Chien, Crawford County, Wisconsin, and for the development, construction, repair and maintenance of future boat launching sites within the City of Prairie du Chien, Crawford County, Wisconsin.

(8) Any person violating any provision of this Ordinance shall be subject to penalty as set forth in Section 25.04 of the Municipal Code now in effect or as amended from time to time.

**(HISTORY: Created by Ordinance 00-09, approved on June 6<sup>th</sup> 2000.)**