

CHAPTER 16
LICENSING AND REGULATION OF TRADES

SEC.

- 16.01 Saddle Horses
- 16.015 Horse-Drawn Vehicles for Hire
- 16.02 Livestock and Poultry
- 16.03 Mobile Homes and Mobile Home Parks
- 16.04 Campgrounds and Camping Resorts
- 16.05 (Reserved for Future Use)
- 16.06 Lodging Facilities
- 16.07 Carnivals, Circuses and Theatrical Performances
- 16.08 Portable Amusement Rides
- 16.09 Peddlers, Canvassers and Transient Merchants
- 16.10 Busking
- 16.11 Junk Dealers
- 16.12 Intoxicating Liquor and Fermented Malt Beverages
- 16.125 Alcohol Beverage License – Revocation, Suspension & Non-renewal
- 16.13 Improper Exhibitions
- 16.135 Picnic Licenses
- 16.14 Massage Therapists and Body Workers
- 16.15 Cigarette Sales
- 16.155 Restrictions on Sale or Gift of Cigarettes or Tobacco Products
- 16.157 Prohibited Use of Cigarettes and Tobacco Products
- 16.16 Outstanding Indebtedness: Licenses
- 16.17 Handbill Distribution Regulation
- 16.18 Adult Oriented Establishments
- 16.19 Aircraft and Parachute Landing
- 16.20 Fireworks Regulations
- 16.21 Taxicabs
- 16.22 WoZhaWa
- 16.23 Regulation of Pawnbrokers, Secondhand Article and Jewelry Dealers
- 16.24 Rental of Certain Motorized Devices
- 16.25 Reserved
- 16.26 Commercial District
- 16.27 Reserved
- 16.28 Commercial Animal Sales
- 16.29 Reserved
- 16.30 Outdoor Displays

16.01 RIDING STABLES

- (1) Definitions. In this section, the following terms shall have the following meanings:
 - (a) Commercial Riding Stable. A business that rents horses to individuals or furnishes horses in connection with riding lessons for pay.
 - (b) Licensee. Any individual, partnership, corporation or other entity holding a City license issued under this ordinance to operate a commercial riding stable.
 - (c) Proprietor. The individual, firm, corporation or other entity operating any commercial riding stable.
 - (d) Public street. Any street, alley, highway or roadway opened or maintained by the City or any other governmental body.
- (2) License Required. No individual, partnership, corporation or other business entity shall operate any commercial riding stable located anywhere in the City without having a valid, current license as provided in this ordinance, approved by the Common Council.
- (3) License Application.
 - (a) Applicants shall make application for a license in writing on forms provided by the City Clerk's Office, along with the annual license fee as established by resolution adopted pursuant to Code sec. 2.05. The application shall state the name and address of the proprietor, the name and address of the operator, if different from the proprietor, the address and legal description at which the stable will be operated, the number of horses to be kept at the riding stable, a map showing the proposed route for trail rides along with written permission from the owner's of such properties to ride thereon, and such other and further information as shall be required by the Legislative Committee of the Common Council.
 - (b) Any license issued may not be transferred to another location unless approved by the Common Council.
 - (c) The license year shall be from May 1 through April 30.

- (d) The proposed location of a commercial riding stable shall be referred to the City Plan Commission for its recommendation as to the location. In the event of a negative recommendation, the issuance of the license shall require a 2/3rds vote of the Common Council.
- (4) Standards for Operation.
- (a) The licensed premises, including stables and grounds, shall be maintained in a clean and sanitary condition.
 - (b) Animals kept at the licensed premises shall be maintained in a safe and healthy condition and shall be provided appropriate veterinary medical care.
 - (c) The licensed premises may be inspected by City officials and their designees on an as needed or periodic basis. Inspection fees shall be established by resolution pursuant to Code sec. 2.05.
 - (d) The proprietor shall provide updated contact information for stable management staff.
 - (e) Horses from commercial riding stables may not be ridden on a public street.
- (5) Enforcement. If the City or its designee determines that there are deficiencies in the operation of a licensed premises, the licensee shall be given specific notice of the alleged deficiency. If the licensee fails to appropriately respond or cure the deficiency in a timely manner, the deficiency may be referred to the City's Legislative Committee for investigation and the license may be suspended or revoked by the Common Council.
- (6) Penalty. Any entity providing any of the provisions of the code section shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$100.00 together with the costs of prosecution, and in the default of such forfeiture and costs be imprisoned in the county jail not to exceed thirty (30) days. Each day of continued violation shall constitute a separate offense.

16.015 HORSE-DRAWN VEHICLES FOR HIRE

- (1) License Required. No person or business entity shall operate, for hire or consideration, any horse-drawn vehicle within the corporate limits of the City of

Wisconsin Dells without a license for such operation issued pursuant to this Code. Horse-drawn vehicle shall mean any vehicle which is operated or pulled by a horse, mule or any beast of burden which may be hired for the transportation of passengers and which is operated within the corporate limits of the City of Wisconsin Dells.

(2) Application.

- (a) Written application for a license under this code shall be filed with the City Clerk of forms provided by the City Clerk and shall set forth the information as herein required. The completed application shall be accompanied by the appropriate fee.
- (b) The application shall contain the following information:
1. The name, address, telephone number and form of business of the application.
 2. The trade name, if any, under which the applicant proposes to do business.
 3. A thorough description including photographs, of the proposed horse-drawn carriage business to be operated; the manner in which the applicant proposes to install, maintain and operate the business; the proposed hours of operation; proposed location from which the business is to be operated; the proposed route or routes to be served or utilized, together with a map or maps describing the proposed routes; the number of horse-drawn vehicles to be operated by the proposed business; the type of animal or beast of burden to be used to draw any vehicle; the kind, make and model of the vehicles to be used in the business, together with the safety and sanitation devices and methods to be employed.
 4. A description of the manner and location in which the applicant proposes to feed, shelter, quarter and stable and otherwise care for the animals to be used in the business, and the method to be used in transporting the animals within and without the city.
 5. A schedule of proposed rates and charges to all classes of passengers.
 6. A certificate of soundness for each animal that will be pulling a permitted vehicle issued by a veterinarian licensed in the State of Wisconsin, finding such animal to be free from infectious disease, in good health and fit for hack and carriage service under this article. Each animal shall thereafter be re-inspected at intervals of no more than six (6) months, and a certificate of soundness shall be issued by such veterinarian and filed with the city in order for such animal to remain in service. No animal

shall be used to draw a horse-drawn vehicle without such certificate of soundness certified and dated within any preceding six-month period.

7. Repealed.

8. A sworn statement acknowledging the applicant's familiarity with and eligibility under the provisions of this section and any rules and regulations promulgated hereunder, and the applicant's intention to abide by the same.

9. Any such supplementary information the city shall at any time demand in order to reasonably determine whether the request for a permit should be granted.

(3) License Fee. The license fee for the operation of any vehicle under this code shall be established by resolution adopted pursuant to section 2.05 and shall be payable on or before April 30 of each license year.

(4) Driver Permit Required.

(a) Any individual who will be working for a duly licensed person or business entity must obtain a permit for a yearly cost as established by resolution adopted pursuant to section 2.05. Such permit shall be obtained by submitting written application and the appropriate fee to the City Clerk.

(b) Such permit shall not be granted to any person:

(i) under the age of 18 years; or

(ii) who has been convicted by a court of competent jurisdiction of any offense that the circumstances of which substantially relate to the nature of the operation of vehicles for hire; or

(iii) who has been convicted within the past five (5) years of operating a motor vehicle while under the influence of an intoxicant or controlled substance; or

(iv) who does not hold a valid driver's license or commercial driver's license.

(5) Repealed.

(6) Issuance, Revocation and Transfer of License.

(a) Licenses herein shall be issued by the Common Council after review and recommendation by the Legislative Committee; and, the Council shall specifically

have the right to revoke any license issued when in its judgment the public safety so requires. The licenses may not be transferred. Each license shall be for a term of one (1) year beginning May 1 and ending April 30.

(b) The City Council may restrict and control the number of operators, the number of carriages, times of operation and routes, and, all other matters related to the operation of horse-drawn vehicles, as it sees fit to protect the public interest and safety.

(7) Display of License and Rates. The license granted under this Code and the rates for all services offered by the licensee shall be prominently displayed in the licensed vehicles and they shall be visible from the outside of the vehicles.

(8) Routes of Operation. Licensees must adhere to the routes specified in their application for an operating license, New or temporary routes must be applied for and approved by the Common Council and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviance from these applications without the approval of the Common Council and filing with the City Clerk shall be a violation of this section.

(9) Hours of Operation. No licensee or permittee shall be allowed to drive a horse-drawn vehicle for more than a period of ten (10) hours in any twenty-four hour day.

(10) Sanitation Requirements. Licensee shall comply with the following sanitation requirements:

(a) All horses, mules and other animals shall be equipped with adequate devices to prevent manure and other excrement from falling upon the streets of the City. Any excrement which should fall upon the streets of the city shall be removed at the expense of the licensee.

(b) All animal waste for disposal shall be promptly transported to sites or facilities legally empowered to accept it for treatment or disposal. The City reserves the right to approve or disapprove sites taking into account routes within the city, and the rules and regulations of the governmental body having jurisdiction over said sites or facilities.

(11) Other Duties of Licensee. Licensees shall assure adequate rest periods, feeding schedules, health and related animal performance and well-being for each animal under the licensee's ownership, care or control. This responsibility shall include carriage load limits, hours of operation and daily hours of animal usage, except that no animal shall be required to work more than ten (10) hours per day. No animal shall be left unattended while in service.

(12) Inspection for Compliance with State and Local Laws. The police chief for the City of Wisconsin Dells or designated representative shall inspect the licensee, its business operation and all equipment for compliance with this chapter. Inspection shall

be made at a minimum of once per year. Noncompliance with this Chapter shall be grounds for immediate revocation of the above license and/or permit. Applicants for licenses herein shall also comply with Wisconsin Dells ordinance sec. 16.09(2) re: operation from a permanent structure.

(13) Penalties. Any person who shall violate any of the provisions of Section 16.015 of this Code shall, upon conviction, forfeit not less than \$50 and not more than \$100, together with the costs or prosecution. Each day during which any violation of this section shall occur shall constitute a separate violation. By applying for a license, licensees accept responsibility for compliance with the City of Wisconsin Dells' ordinances both personally and by all individuals holding permits under the licensee's license.

16.02 LIVESTOCK AND POULTRY

(1) Keeping of Livestock and Poultry in City. There shall be no livestock or poultry kept or maintained within the City of Wisconsin Dells, except such as are licensed pursuant to Section 16.02 of this Code.

(2) License Required for Livestock and Poultry. No person, firm or corporation shall keep or maintain livestock or poultry within the City of Wisconsin Dells, except on lands used primarily for agricultural purposes, without first obtaining a license therefor from the Common Council. The license year shall be from July 1 to the following June 30th.

(3) Application for License. Applicants shall make application for said license in writing, on forms provided by the City Clerk's Office, along with the annual license fee as established by resolution adopted pursuant to section 2.05. The application shall state the name and address of the owner; the address at which it is proposed to keep the livestock or poultry, the number and type of livestock or poultry to be kept; and such other and further information as shall be required by the Legislative Committee of the Common Council.

(4) Commercial Purpose Required. The Common Council shall issue said license only where it is satisfied that the keeping of livestock or poultry is for a reasonable commercial and business purpose.

(5) Revocation of License. The Common Council shall be authorized to revoke any license where the manner in which the operator has kept said livestock or poultry has created a public nuisance.

(6) Horses Included. The word livestock as used in this Section includes horses and ponies.

(7) Penalties. Any person, firm or corporation violating any of the provisions of this Section shall, upon conviction thereof, forfeit and pay not less than \$25.00 and the cost of prosecution, and in default of such forfeiture and costs be imprisoned in the county jail

until payment of such forfeiture and costs shall be made, but not exceeding 30 days for each violation. Each day of continued violation shall constitute a separate offense.

16.03 MOBILE HOMES AND MOBILE HOME PARKS.

(1) Purpose.

(a) It is the intent and purpose of this section to regulate manufactured and mobile home communities in the City of Wisconsin Dells to provide adequate standards to protect the public health, safety, convenience and general welfare, consistent with Wis. Stat. Sec. 66.0435 and Wis. Admin. Code Chap. SPS 326.

(b) No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled, a manufactured and mobile home community within the limits of the City without having first secured a license. The license year shall be from July 1 to June 30 and may be renewed under the provisions of this section for additional periods of one year.

(c) The application for a license or renewal shall be filed with the City Clerk and shall be accompanied by the fee in the amount set forth in City Fee Schedule. A fee shall be paid for each transfer of a license. A license may not be transferred or assigned to a new owner.

(2) Definitions.

The definitions of Wis. Stat. Sec. 66.0435 and Wis. Admin. Code Chap. SPS 326 are adopted by reference as if fully set forth.

(3) Occupancy. No mobile home as defined in this chapter shall be occupied or used for living or sleeping purposes unless it is located in an area that has been granted a conditional use permit by the Common Council in accordance with the procedures set forth in this section. Temporary mobile homes or recreational vehicles used on construction projects or in conjunction with carnivals and circuses may be permitted when approved by the City Planner.

(4) Location. Mobile home parks are conditionally permitted in all zoning districts, except "A1" Residence and conservancy, in accordance with the provisions of this chapter.

(5) Mobile Home Park Applications. New mobile home parks, as herein defined, shall require a conditional use permit. Applications for conditional use permit shall contain the following information:

(a) Name and address of the applicant. If the owner of the land is other than

the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct the proposed park and make the application.

- (b) Location and legal description of the proposed mobile home park.
- (c) Existing easements/covenants affecting the property.
- (d) Land characteristics, such as natural drainage, swamp areas and wooded areas.
- (e) Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities.
- (f) Complete preliminary engineering plans and specifications of the proposed park showing, but not limited to, the following:
 - 1. The area and dimensions of the tract of land.
 - 2. The number, location and size of all mobile home lots, and the location of common and recreational areas.
 - 3. The location and width of roadways and
 - 4. mobile home stands within the mobile home lot, including a detailed sketch of at least one typical mobile home space and stand therein.
 - 5. Plans and specifications of all utilities including: sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical telephone and TV antenna systems.
 - 6. The number, location and size of all individual and common parking areas.
 - 7. Landscaping plans for the entire park, including a planting plan for the buffer strip.
 - 8. Plans and specifications of all buildings to be located within the park.
 - 9. Written statements describing proposed park operations, management, and maintenance including proposed fees and charges and rules to be established by the operator for conduct of persons within the park.
 - 10. Such other plans and specifications and information as may

reasonably be required by the Plan Commission or City Council.

(6) Plan Commission Review and Recommendations. The Plan Commission shall conduct a public hearing and review the Conditional Use Permit application to determine its conformity with land development trends in the community; and recognized principles of design, land use planning and landscape architecture. The Plan Commission shall forward the Conditional Use Permit application to the Common Council with a recommendation that it be approved, approved with conditions, approved with modifications, or disapproved. This communication must be made within 60 days of receipt of the Conditional Use Permit application.

(7) Determination of the Common Council. After receipt of the recommendation of the Plan Commission, the Common Council shall make its determination regarding the Conditional Use Permit in accordance with Code. sec. 19.12A.

(a) Findings of Facts: Within 30 days after the close of the public hearing in regards to the proposed Conditional Use Permit, the Common Council shall approve with conditions, approve with modifications, or disapprove the Conditional Use Permit.

(b) For the Common Council to make an affirmative recommendation must find in each of the following instances that:

1. The establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
3. The proposed mobile home park will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(8) Mobile Home Park Requirements.

(a) Park Size. The minimum size of a mobile home park shall be 5 acres.

- (b) Density. The maximum density for mobile home parks shall be 8 mobile home units or lots per gross acre.
- (c) Setbacks. No mobile home shall be located closer than 25 feet from any park property boundary line.
- (d) Drainage and Landscaping. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.
- (e) Recreation Areas. Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each 100 sites. The minimum area in a park shall be one-half acre.
- (f) Screening. All mobile home parks shall be provided with a screening of trees or shrubs along the property boundary line separating the park and such adjacent properties, except where the adjoining property is also a mobile home park. Within 6 months after issuance of the appropriate licenses and permits for the occupation of such mobile home park, the following plantings shall be established: A permanent planting of trees and shrubs so arranged and in sufficient numbers to form a solid wall of plant material, such planting shall be a minimum height of 2 feet at the original time of planting and shall be grown or maintained at a height of not less than 10 feet, except where line of sight vision is necessary for pedestrian or vehicular traffic safety.

(9) Permitted Uses. The following uses are permitted within mobile home parks:

- (a) Mobile homes used for single-family residential uses.
- (b) One single-family dwelling per park for the owner, operator or caretaker thereof.
- (c) Service buildings such as park offices, laundromats, and recreational buildings provided that such uses be subordinate to the residential character of the park and are intended for use primarily by park residents.
- (d) Accessory structures such as storage sheds, porches and carports as approved by the park management. Accessory structures shall meet the minimum setback requirements prescribed for the basic mobile home unit.
- (e) Home occupations as permitted in §17.12 of this chapter.

(10) Prohibited Uses.

- (a) Commercial sales of mobile homes.
- (b) Dependent mobile homes and recreational vehicle shall be prohibited from placement and occupancy within mobile home parks.
- (c) No person shall park any mobile home on any platted street, alley, highway or other public right-of-way.

(11) Access, Street and Parking Requirements.

- (a) General Requirements: All mobile home stands shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the park boundaries.
- (b) Park Entrances: Entrances to parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No entrance shall be from a local road through a residential subdivision.
- (c) Interior Streets: Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:

2-way street, parking on both sides: 32 feet.

2-way street, parking on one side: 25 feet.

2-way street, parking prohibited: 18 feet.

1-way street, parking on one side: 22 feet.

1-way street, parking prohibited: 14 feet.

(d) Parking Requirements:

1. A minimum of 2 improved parking spaces shall be provided for each mobile home, one of which will be on the mobile home site.
2. An open, well drained, dust free storage area for the parking of boats, trailers and outside vehicles shall be provided. The minimum size of such area shall be 100 square feet per mobile home site. The storage area shall be fenced to prevent access from outside the park.
3. Walkways. Pedestrian walkways shall be provided in the area of the service buildings, along major streets, and other locations of anticipated heavy foot traffic. Walkways shall be a minimum of 3 feet wide and be dust free. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.

(12) Sanitation. All appropriate state, county and city sanitation regulations shall be

strictly observed.

(13) Utilities. All utilities, including television and telephone services shall be underground whenever possible.

(14) Mobile Home Site Requirements. Each site for the placement of mobile homes shall be clearly staked or otherwise delineated and shall meet the following standards:

(a) Minimum Lot Size. Individual lots within the mobile home park shall contain an area of not less than 5,000 square feet and shall have a minimum width, at the narrowest point, of 50 feet.

(b) Mobile Home Stand. A mobile home stand with minimum dimensions of 17 feet by 70 feet intended for the actual placement of the mobile home shall be provided on each mobile home site. The stand shall be hard surfaced with asphalt, concrete or similar material and provide adequate drainage and support against settling and frost heave. The mobile home stand shall be equipped with tie downs and anchors to secure the mobile home against winds.

(c) Required Separation Between Mobile Homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one-fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.

(d) Setback and Buffer Strips. Each mobile home shall be located at least 5 feet from any mobile home lot line. There shall be a minimum setback of the mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from any park property boundary line.

(e) Skirting. Skirting shall be placed and maintained around the base of all mobile homes.

(15) Parking permit fee.

(a) There is imposed on each occupied non-exempt mobile home in the city a monthly parking, permit fee as determined under Wis. Stats. §66.0435. The term "occupied" shall mean physically occupied or connected to any city utility.

(b) The licensee of a mobile home park shall collect such permit fees from each occupied non-exempt mobile home therein and remit such fees to the clerk or treasurer. If any such parking permit fee remains delinquent for more than 30

days, the mobile home park operator shall be liable therefor, and in addition thereto the amount of such delinquencies shall be a lien against the property and may be entered in the next succeeding tax roll as charge against such property.

(c) The mobile home park licensee shall notify the clerk or treasurer upon forms provided by the clerk or treasurer of any mobile homes added to the park within five days of such addition. Failure to comply with this requirement shall subject the park operator to a forfeiture of not to exceed \$25.00, and shall be cause for revocation of his mobile home park license.

(d) Occupants of any non-exempt mobile home parked outside of a mobile home park shall remit such permit fees directly to the clerk or treasurer. If such fees are not paid within 30 days after the due date, the owner of the land upon which the mobile home is located shall be liable for the delinquent permit fee, and if not paid such shall be a lien against the property and may be entered in the next succeeding tax roll as a special charge against the property.

(16) Exceptions for Unusual Circumstances. Where there are unusual circumstances involving the location, site or configuration of a proposed mobile home park, the Common Council may approve exceptions to one or more of the terms of this ordinance. Lack of funds to comply shall not constitute a reason for an exception.

(17) Bond. The Fee required by code sec. (1)(c) shall be accompanied by a surety bond in the amount of Five Thousand and 00/100 Dollars (\$5,000.00). The bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in subsec.15 and the payment of such fees to the City, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of the City pursuant to which such license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the license violating the provisions of this section.

16.04 CAMPGROUNDS AND CAMPING RESORTS

(1) Scope of Section 16.04.

(a) Applicability. The provisions of Section 16.04 shall apply to the owner and to the operator, if other than the owner, of any campground and camping resorts as hereafter defined.

(b) Approved Comparable Construction. When strict compliance with Section 16.04 appears to be impractical and satisfactory proof is provided in writing to the Common Council of the City of Wisconsin Dells, it may approve modifications if comparable facilities as needed to safeguard public health, safety and welfare are provided.

(2) Definitions.

(a) Campground or Camping Resort. Any privately or municipally owned parcel or tract of land maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicles, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

(b) Sanitary Station. A facility used for removing and disposing of wastes from recreational vehicle holding tanks.

(c) Recreational Vehicle. Any of the following:

1. Travel Trailer. A vehicular, portable structure built on a chassis, designated to be used as a temporary dwelling for travel, recreation and vacation uses, and permanently identified as a travel trailer by the manufacturer of the trailer.

2. Pick-Up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

3. Motor Home. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

4. Camping Trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.

5. Tent. A portable lodge of canvas or strong cloth stretched and sustained by poles.

(d) Dependent Recreational Vehicle. A recreational vehicle which is dependent upon camp facilities for toilet and lavatory.

(e) Self-Contained Recreational Vehicle. A recreational vehicle which can operate independent of connections to sewer, water and electric systems. It contains a water flushed toilet, lavatory, shower and kitchen sink, all of which are connected to storage and sewage holding tanks located within the recreational vehicle.

(f) Recreational Vehicle Parking Area. A parcel of land in which two or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes.

(g) Service Building. A structure housing toilet, lavatory and such other facilities as may be required by this Code.

(h) Camp Space. A parcel of land in a developed campground or camping resort for the placement of a single recreational vehicle and for the exclusive use of its occupants.

(3) Location Outside Campgrounds and Camping Resort. It shall be unlawful, except as provided in this Code, for any person to park any recreational vehicle which is situated outside an approved campground or camping resort. The parking of only one unoccupied recreational vehicle in an accessory private garage building or in a rear yard is permitted, provided no living quarters shall be maintained or any business practiced in said recreational vehicle while such is so parked or stored.

(4) License for Campgrounds and Camping Resorts.

(a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, any campgrounds and camping resorts within the limits of the City of Wisconsin Dells, Columbia Sauk and Adams Counties, Wisconsin, without first having obtained a license for each such camp from the Common Council pursuant to this Code. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this Code for additional periods of one year.

(b) The application for such license or the renewal thereof shall be filed with the City Clerk and shall be accompanied by a fee as established by resolution adopted pursuant to Section 2.05. License will be due on or before May 1st, paid in advance.

(c) The application for a license or a renewal thereof shall be made on forms furnished by the City 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, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the campgrounds and to apply for the license), and such legal description of the premises upon which the trailer camp is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the camp plan showing the following, either existing or as proposed:

1. The extent and area used for camp purposes.
2. Roadways and Driveways.
3. Location of units for recreational vehicles.
4. Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units.

5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.
7. Plan for water supply.
8. Plan for lighting of units and rubbish disposal.

(5) Inspection and Enforcement. No campgrounds or camping resort license shall be issued until the City Clerk-Treasurer shall notify the Common Council and these members of the Common Council shall have inspected each application and the premises on which recreational vehicles shall be located to insure compliance with the regulations, ordinances and laws applicable thereto. No license will be renewed without a re-inspection of the premises. For the purposes of making inspections and securing enforcement, City officials or their authorized agents shall have the right, and are hereby empowered to enter on any premises on which a recreational vehicle is located, or about to be located, and to inspect the same and all accommodations connected therewith, at any reasonable time.

(6) Registration. It shall be the duty of any person intending to operate a campground as defined in Section 16.04(2)(a) to register with the City the following information: name of camp site, name and address of owner, agent or operator, number of camp spaces, location of the camp and type of camp.

(7) Camp Plan.

(a) General. Every camp shall be located on a well drained area not subject to intermittent flooding. The premises shall be properly graded so as to prevent accumulation of storm or other waters that may create hazards to the property or the health and safety of the occupants. No camp shall be located in an area that is situated so that drainage from any source of filth can be deposited thereon.

(b) Soil and Ground Cover. Exposed ground surfaces in all parts of every parking area shall be paved, or covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(c) Separation Between Recreational Vehicles. Recreational vehicles shall be separated from each other and from other structures by at least 10 feet, except where a camp space has been developed to accommodate two recreational vehicles. Any accessory structure, such as attached awnings, carports or individual storage facilities, shall, for the purposes of this separation requirement be considered to be part of the recreational vehicle.

(d) Density Requirement. The density shall not exceed 25 spaces per acre of gross site area, except that the Common Council may, under special circumstances, permit a higher density, provided comparable facilities as needed to safeguard public health, safety and welfare are established.

(e) Required Recreation Area. In all recreational vehicle parking areas, there shall be at least one recreation area which shall be easily accessible from all recreational vehicle spaces. The total of such recreation area(s) shall be not less than 8 per cent of the gross site area, or 2,500 square feet, whichever is greater.

(f) Setbacks From Public Streets. Except for the interior road system, all recreational vehicles shall be located at least 40 feet from any parking area boundary line abutting upon a public street or highway.

(g) Campground Street System.

1. General Requirements. If parking areas are provided, they shall be established with safe and convenient vehicular access from abutting public streets or roads to each recreational space. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.

2. Access. Access to camp spaces shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.

3. Internal Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and, in any case, shall meet the following minimum requirements:

(i) One-way, no parking - 11 feet. Acceptable only if less than 500 feet total length or serving less than 25 recreational vehicle spaces.

(ii) One-way, parking on one side only, or two-way, no parking - 18 feet. Acceptable only if serving less than 50 recreational vehicle spaces.

(iii) Two-way, no parking - 20 feet.

(iv) Two-way, parking on one side only - 27 feet.

(v) Two-way, parking on both sides - 34 feet.

4. Off-Street Parking and Maneuvering Space. Each recreational vehicle parking area shall provide sufficient parking and maneuvering space so that parking, loading or maneuvering of recreational vehicles incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way, or any private grounds not part of the recreational vehicle parking area.

(8) Water Supply.

(a) Requirement and Distance to Water. In all developed camps, an adequate supply of pure water shall be furnished for drinking and domestic purposes. Supply outlets should preferably be located not more than 300 feet from any camp space. Where a public water supply is available, it shall be used. Where a public water supply is not available, the well or wells supplying the camp shall comply with the Wisconsin Well Construction and Pump Installation Code.

(b) Vessels and Faucets. No common drinking vessels shall be permitted in any camp, nor shall any drinking water faucets be placed in any toilet room.

(c) Watering Stations. Each recreational vehicle parking area shall be provided with one or more easily accessible water supply outlets for filling recreational vehicle water storage tanks. Such water supply outlets shall be protected against the hazard of backflow, back siphonage and other means of contamination.

(d) Individual Water Connections. If facilities for individual water service connections are provided, the following shall apply:

1. Riser pipes shall be located and constructed so that they will not be damaged by the parking of recreational vehicles.
2. Water riser pipes shall extend at least 18 inches above ground elevation with the outlet downward directed. Pipe size shall be at least three-fourths inch.
3. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.
4. Underground stop-and-waste valves shall not be installed on any water service.
5. A valve shall be provided near the outlet and a cap at the outlet of each water service connection. Valves shall be turned to the "OFF" position and outlet capped when not in use.

(9) Toilets.

(a) Type and Location for Camps. Camps shall be provided with separate toilet rooms for each sex. Other acceptable type toilet units are permitted. Such other type toilet unit shall be fly right and vermin proof, and constructed with impervious floors and risers. No privies shall be allowed. Each toilet shall be enclosed in a separate compartment. Men's toilet rooms shall also be provided with individual urinals.

(b) Distance to Toilet. Camps shall be laid out so that no camp space in a camp shall be located farther than 400 feet from a toilet as required herein. Walkways to such buildings shall be marked and usable under all weather conditions.

(c) Number. The number of toilets shall be established by the total number of camp spaces, using the following table. For camps accommodating a larger number of spaces, one additional toilet for each sex shall be provided for each 75 spaces and one additional men's urinal for each 100 spaces or fraction thereof.

<u>Number of Spaces</u>	<u>Toilets</u>		<u>Number of</u>
	<u>Men</u>	<u>Women</u>	<u>Men's Urinals</u>
1 to 15	1	1	1
16 to 45	2	2	1
46 to 100	3	4	2

(d) Self-Contained Recreational Vehicle. If self-contained recreational vehicles not equipped with a holding tank are allowed camp accommodations, the water and sewage service connections shall be sealed by insertion of rubber or plastic wedges or a threaded cap.

(10) Sanitary Section.

(a) General. All camps intending to allow the parking of recreational vehicles having holding tanks shall provide a sanitary station in the ratio of one for every 100 camp spaces or fraction thereof. Such sanitary station shall consist of at least a trapped 4 inch sewer riser pipe, connected to the camp sanitary system, be surrounded at the inlet end by a concrete apron sloped to the drain, and the riser shall be provided with a suitable hinged cover. A water outlet shall be included to permit sanitary maintenance of the station and be marked "THIS WATER FOR FLUSHING AND CLEANING PURPOSES ONLY". The water outlet house shall be reeled or tower mounted to assure sanitary storage when not in use. A vacuum breaker shall be installed at the highest point on the reel or tower mounting. Sanitary stations shall be separated by at least 50 feet from a well and 50 feet from a surface water course. Sanitary stations should preferably be screened from other activities by visual barriers such as fences, walls or natural growth.

(b) Sewage Disposal System Requirements. In the absence of a public sewer, the required sewage disposal system shall consist of a sewage collection system discharging to a septic tank and soil absorption system. The septic tank and absorption system shall be sized and installed in accordance with Wisconsin Administrative Code, Section H 62.20.

(11) Service Building.

(a) When Desired. Camps which provide parking areas for dependent recreational vehicles should, preferably, have a central service building located within a radius of 400 feet of the spaces to be served.

(b) Fixture Requirements.

1. When a service building is provided, the sanitary fixtures required shall be in accord with the following table:

No. of Dependent Recreational Vehicle Parking Spaces	Toilets		Urinals	Lavatories		Showers		Other
	Men	Women	Men	Men	Women	Men	Women	Fixtures
1-15	1	1	1	1	1	1	1	(1 Serv.
16-45	2	2	2	2	2	2	2	(flushing
46-100	3	3	3	3	3	3	3	(toilet

2. For parking areas having more than 100 recreational vehicle spaces, there shall be provided: one additional shower for each sex per each additional 90 camp spaces; and one additional men's urinal per each additional 100 camp spaces.

3. When a camping area having a service building is operated in connection with a resort, park system or other business establishment, the number of sanitary facilities for such operations shall be in excess of those required in Section 16.04(11)(b)(1) of this Code and shall be based on the total number of persons using such facilities.

(c) Self-Contained Recreational Vehicle Camps. Where a camp is designed for and exclusively limited to use by self-contained recreational vehicles only, the following minimum emergency sanitary facilities shall be required: for each 100 camp spaces or fraction thereof, there shall be one flush toilet and one lavatory for each sex.

(d) Exemptions. Any person desiring to furnish temporary facilities for accommodating a recreational vehicle rally shall make application for a permit for such activity to the local Health Officer. The local Health Officer shall request the consultation of the Council prior to the issuance of a permit. The location of

the site, the facilities which are provided, and the method of conducting such rally shall be acceptable to the local Health Officer and the Council before a special permit shall be issued by the local Health Officer specifying the location of the site, the period of operation and any conditions of issuance.

(12) Solid Waste Disposal. Substantial fly tight plastic or metal garbage and refuse containers from which the contents shall be removed and disposed of in a sanitary manner by the camp custodian at least two times a week between May 1 and December 1, and otherwise weekly, shall be provided for each 2 camp spaces.

(13) Fire Protection and Safety. The recreational vehicle parking area shall be kept free of litter, rubbish and other flammable materials. Adequate fire protection shall be provided in accordance with local requirements. At least one portable fire extinguisher shall be installed in the campground's office or other building on the campgrounds. Designated spots on each camp site will be marked for outside cooking or camp fires and no fire will be allowed outside of these designated areas. Leaves grass clippings, lawn rakings, brush and related items may be burned in other designated areas and times as authorized by the Fire Chief.

(14) Management.

(a) General. It is the duty of the camp owner or operator, together with any attendants or persons in charge of a camp, to maintain the camp in a clean, orderly and sanitary condition at all times.

(b) Register. At camps there shall be maintained a register containing the names of all camp occupants. Such register shall be available to any authorized person who, by duty or official assignment, has the right to the register.

(15) Responsibility of Camp Occupants. Each camp occupant shall:

(a) Register upon arrival.

(b) Comply with all applicable requirements of this Code and maintain his camp space in a clean and sanitary manner.

(c) Be responsible for proper placement of his recreational vehicle and proper installation of any utility connections in accordance with the instructions of the camp management.

(d) Prevent pets, if permitted in the camp, from running at large or committing any nuisance within the limits of any camp space.

(e) Maintain the area surrounding the garbage and refuse containers in a clean and sanitary manner by proper use of the containers and placement of the container cover following addition of wastes to the container.

(f) Obey the posted speed limits.

(g) Handle and store fuel oil, flammable liquids, and petroleum gases in compliance with safe standards for extinguisher for his personal safety.

(16) Inspection. All camp spaces and all camps shall be open to inspection at all reasonable hours by representatives of the local and state Board of Health.

(17) Revocation and Suspension. The Common Council is hereby authorized to revoke any license or permit issued pursuant to this Code, in accordance with State Law.

**16.05 (Repealed by Ordinance A-300. All reference to Room Tax now in Chapter 4.10.)
(RESERVED FOR FUTURE USE)**

16.06 WORKFORCE HOUSING FACILITIES

(1) Definition. In this section, “Workforce Housing Facility” means:

- (a) A single family dwelling unit occupied by more than four unrelated persons.
- (b) A building or buildings formerly operated and occupied as a hotel or motel, now occupied for limited term residential purposes; i.e., more than thirty (30) days in a sixty (60) day period.
- (c) A dormitory; i.e., a building or buildings with private or semi-private rooms and sleeping areas for residents along with common bathroom facilities, cooking/eating areas, and recreation areas.

(2) Exclusions. The following are not Workforce Housing Facilities:

- (a) Hotel, motel or other facilities regulated under DHS 195; or, a single family dwelling on the premises of a hotel, motel or other facility regulated under DHS 195, used as living quarters for the operators or managers.
- (b) Bed and breakfast established regulated under DHS 197.
- (c) Apartment building in which the individual units meet the minimum standards of a multi-family facility including each units having a minimum of 300 sq. ft. and complete kitchen and bathroom facilities.
- (d) Residential facilities for senior citizens or disabled persons licensed by the state.

- (e) Single family residence (with full kitchen and bathroom facilities and minimum 850 sq. ft.), separate from the workforce housing units, occupied as a permanent dwelling for the on-site manager of a workforce housing facility.

(3) License Required; Term and Inspections.

- (a) No person may maintain or operate a Workforce Housing Facility in the City without a Workforce Housing Facility License issued by the City.
- (b) The license term shall be one (1) year; subject to designated use and occupancy periods.
- (c) If a facility will be occupied during the months of November through March, the City may conduct a supplemental inspection of the premises.

(4) Exclusive Use. A facility licensed under this section may not be operated as a business licensed under DHS 195 or 197.

(5) Application. Applicants for a Workforce Housing Facility License shall make written application on forms provided by the City not later than sixty (60) days prior to the anticipated occupancy date of the facility. The application shall include the following:

- (a) Site plan of the facility showing the location of units, common areas, laundry facilities, parking and waste disposal areas.
- (b) Contact information for the owner/operator of the facility and for the on-site management and maintenance personnel.
- (c) Narrative summary of facility supervision and maintenance plans and procedures.
- (d) Plan to separate and screen the facility from any adjacent residence district premises.
- (e) Facility rules.
- (f) Proof of insurance with carrier and agent contact information.
- (g) Title report or evidence.

(6) Inspection and License Proceedings.

- (a) The premises shall be inspected as provided in this section and consistent

with other code requirements.

- (b) Actions affecting a license, including without limitation denials, non-renewals, suspension or restrictions, shall be referred to the Plan Commission for hearing and recommendation with final action to be taken by the Common Council. Decisions shall be in writing and shall set forth the basis for the decision.
 - (c) A license may be granted based upon specified performance standards or conditions.
- (7) Fees. Pursuant to Code Sec. 2.05, the City shall establish fees for facilities licensed under this section, including inspections. The fee shall be paid in connection with the filing of an application. An application may not be processed or an inspection(s) conducted unless the fee is paid.

(8) Minimum Management Requirements.

- (a) Except for onsite managers, or designated employees, no person shall reside in a regulated unit at a licensed facility for more than six (6) months in a twelve (12) month period.
- (b) Each facility shall keep and maintain on the premises a complete and current roster of occupants organized alphabetically and by units, with move-in and move-out dates; which roster shall be available for inspection by the City upon request.
- (c) Each facility shall have a set of rules for the premises acknowledged in writing by each occupant. Without limitation, the rules shall contain the minimum rules mandated by the City; and, the move-in and move-out dates for the individual occupant.
- (d) Each facility shall be subject to inspections during the term of a license to assess compliance with this code and license conditions. The City shall provide twenty-four (24) hours notice of inspection to owners, operator, managers or occupants except when immediate entry is necessary due to health, safety or emergency. If a request for inspection or entry is denied, the City may seek a special inspection warrant from the municipal court.
- (e) Each facility shall have, implement and maintain a process and procedure to document and correct occupant and city concerns within twenty-four (24) hours of receipt of notice.
- (f) The following contact information shall be conspicuously posted in each unit of the licensed premises:

- (i) Owner
- (ii) Operator
- (iii) Manager
- (iv) City Building Inspector
- (v) City Police Department
- (vi) City Fire Department

(g) The following safety information shall be conspicuously posted in each unit of the licensed premises:

- (i) Emergency egress and exits.
- (ii) Care, maintenance and tampering with fire, carbon monoxide and other safety devices.
- (iii) Proper use of electric devices, including extension cords.

(9) Minimum Facility Requirements.

- (a) Each room in which occupants regularly sleep shall have fifty (50) square feet of space per person and a minimum ceiling height of seven (7) feet.
- (b) Occupants shall have immediate access to a flush water closet, a lavatory basin and a bathtub or shower; all in good working condition, and properly connected to hot and cold water lines, and to an approved water and sewer system. The flush water closet and bathtub or shower shall be contained within a separate room.
- (c) The interior common and occupied areas of each licensed premises shall be kept safe, clean and sanitary.
- (d) The exterior, including parking areas, shall be well kept and maintained including lawns, trees, vegetation and snow removal.
- (e) All solid waste shall be disposed of in a safe and sanitary manner. The City may establish disposal area screening requirements.
- (f) Animals, except service animals, may not be kept on the licensed premises.
- (g) Each licensed premises shall be equipped with adequate and operating heating, ventilating and cooling systems.
- (h) Kitchens and other areas with food preparation appliances shall have dry wall or similar fire resistant wall covering.
- (i) Occupied areas shall have safe, unobstructed egress to open space at ground level. Below grade space shall not be occupied without two (2) or

more exits. Areas above ground level shall have adequate emergency exits.

- (j) Licensed premises shall be equipped with operating smoke and carbon monoxide detectors consistent with applicable standards and City conditions.
- (k) Electrical equipment, wiring and appliances shall be properly installed and maintained.
- (l) Exterior windows shall be operable and shall be equipped with adequate screens.
- (m) Licensed premises shall be kept free from nuisances or nuisance creating conditions.
- (n) The City may prescribe such additional site specific facility requirements as it deems necessary for each licensed premises.

(10) Enforcement.

- (a) License holders shall be subject to fines or forfeitures for failure to abide by the terms of this ordinance or other relevant city or state codes or regulations; including, without limitation, the provisions of Code Sec. 17.10 “Chronic Nuisance Premises”; and, for failure to observe or implement license conditions. The penalty provisions of Code Sec. 30.04 shall apply. Each day a violation continues shall constitute a separate offense.
- (b) Repeated and unabated violations of this code may also subject the license to non-renewal, suspension or revocation proceedings. Such proceedings shall include written notice to the license holder, hearing before and recommendation by the Plan Commission, and decision by the Common Council.
- (c) If a license is non-renewed, suspended or revoked, the City shall take those actions necessary to protect the interests of effected occupants.

16.07 CARNIVALS, CIRCUSES AND THEATRICAL PERFORMANCES

(1) License. No circus, carnival, theatrical performance or other exhibition shall be conducted until a license of the activity has reviewed by the Legislative Committee and approved by the Common Council.

(2) Application. Application for a license shall be made on a form provided by the City

Clerk-Treasurer. The applicant shall provide the following information to the city:

- (a) Applicant's name and address;
- (b) Address at which the activity will be conducted;
- (c) Dates of activities
- (d) Anticipated crowd size and proposed crowd control measures;
- (e) Detailed site plan;
- (f) Specific nature of activity;
- (g) Name, address and background of the person or entity which will actually provide the entertainment, if different than the applicant;
- (h) Parking and traffic management plan;
- (i) Bathroom facilities;
- (j) Waste disposal plan, including animal waste;
- (k) Seating plan;
- (l) Hours of operation;

(3) Licensing Fee and Duration of License.

(a) Activities having duration of seven (7) days or less shall pay a license fee as provided by resolution adopted pursuant to code sec. 2.05.

(b) Activities having a duration of more than seven (7) days shall pay a licensing fee as provided by resolution adopted pursuant to code sec. 2.05 and shall be licensed annually from April 1 to March 31. Annual licenses will be reviewed on an annual basis.

(4) Exceptions. This ordinance shall not apply to non-commercial activities conducted or sponsored by community or local non-profit entities or organizations.

(5) Penalties. Any person who shall violate any of the provisions of Section 16.07 of this Code shall, upon conviction, suffer forfeiture of \$100.00 per day, together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail until paid, but not to exceed 90 days.

16.08 PORTABLE AMUSEMENT RIDES

(1) Definition. A "portable amusement ride" means a device, not affixed to real estate and taxable as an improvement, or not present in the City on January 1 and not taxed as personal property, that carries, transports or supports passengers in unusual entertaining or thrilling modes of motion and any vehicle providing entertainment or transportation in conjunction with an amusement ride or an amusement attraction, including, but not

limited to, rider-powered and power-driven thrill rides, mild rides and ride-throughs, walk-throughs, air pillows, giant slides, and animal rides. Vehicles include parking lot trams, old fire engines, stage coaches and trains.

(2) Fee. The owners of portable amusement rides, which rides have a capacity of three or more persons or passengers, present in the City at any time shall pay a fee to the City as established by resolution adopted pursuant to Code sec. 2.05. Such fee shall be paid no later than fifteen (15) days from the day the ride commences operation. If the fee is not paid in a timely manner, the owner may not operate the portable amusement ride in the City until the fee is paid and the fee will increase in an amount established by aforementioned resolution for each day the fee remains unpaid. Unpaid portable amusement ride fees may be charged in full, or in part, against the real estate upon which the portable amusement ride is situated and if that cost is so charged, it is a lien upon such real estate and may be assessed and collected as a special tax.

(3) Exceptions. This code section does not apply to portable amusement rides which are considered coin-operated kiddie rides. This code section does not apply to portable amusement rides which have obtained a Special Events Permit from the City upon authorization by the Common Council.

16.09 PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

(1) License Required. No peddler, canvasser or transient merchant shall engage in any such business within the City without first obtaining a license thereof in compliance with the provisions of this ordinance.

(2) Definitions. When used in this section, the following terms have the following meanings:

(a) "Peddler" is a person who does business by going about from place to place selling and delivering merchandise in a retail manner to such individuals as the peddler may be able to deal with.

(b) "Solicitor and Canvasser" is a person who does business by going about from place to place selling or taking orders for all types of merchandise for future delivery and includes magazine and book salespersons and shall also include any person who occupies a building, structure or vehicle for the primary purpose of exhibiting samples and taking orders for future delivery. In addition to the provisions of this code sec., solicitors and canvassers shall also comply with the pertinent requirements of Code sec. 19.08.

(c) "Transient Merchant" is a person who engages in the sale of merchandise or services temporarily in any place and from a temporary location and who does not intend to become and does not become a permanent merchant of the City and shall include all persons selling fruit, vegetables, farm produce and other merchandise from any motor vehicle, counter, stand, platform and other structure

of a temporary nature. In addition to the provisions of this Code sec., transient merchants shall also comply with the pertinent requirements of Code sec. 19.08.

(3) Exemptions. This section shall not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper carriers, nor merchants or their employees in delivering goods in a regular course of business, nor any farmer or truck gardener who shall vend, sell or dispose of, or offer to sell, vend or dispose of the products of the farm or garden occupied and cultivated by him, nor persons selling goods during special events authorized by the Council. Nothing contained in this section shall prohibit any sale required by statute or by order of any court, or prevent any person conducting a bonafide auction sale pursuant to law.

(4) Application. Applicants for a license under this section must file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

- (a) Name and physical description of applicant.
- (b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (c) A brief description of the nature of the business and goods to be sold.
- (d) If employed, the name and address of the employer together with credentials therefrom establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- (g) A recent photograph of the applicant, which picture shall be approximately 2" x 2", showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) The names of at least 2 property owners in Adams, Columbia or Sauk Counties, Wisconsin, who will certify as to the applicant's good character and business.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.

(j) The last cities or villages, not to exceed 3, where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

(k) The application shall be accompanied by a copy of the applicant's Wisconsin Seller's Permit and by proof of insurance.

(l) At the time of filing the application, a fee as established by resolution adopted pursuant to section 2.05 shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein.

(5) Religious and Charitable Organizations' Exemption. Any organization, society, association or corporation desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvas, or in public places for a charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of subsections (4), (8) and (9), provided there is filed a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

(a) Name and purpose of the cause for which permit is sought.

(b) Names and addresses of the officers and directors of the organization.

(c) Period during which solicitations are to be carried on.

(d) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization, the Clerk shall issue a permit without charge to such organization, association or corporation and shall furnish all of its members, agents or representatives conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

(6) Investigation and Issuance.

(a) Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within 72 hours after it has been filed by the applicant with the Clerk.

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said

application to the City Clerk, who shall notify the applicant that his application is disapproved and that license will not be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval; return the application to the City Clerk, who shall deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued. The Clerk shall keep a permanent record of all licenses issued.

(7) Veterans. Any veteran who holds a special state license issued pursuant to Wis. Stat. sec. 129.02(2), shall be exempt from securing a license as provided herein, but shall be required to comply with Subs. (9), (10) and (11), and shall be subject to the penalty provided for violation of such subsections.

(8) Bond. Every applicant not a resident of Adams, Columbia or Sauk Counties, Wisconsin, or who being such resident, represents a firm whose principal place of business is located outside the State of Wisconsin, shall file with the City Clerk a surety bond, running to the City in the amount of \$500.00, if license is issued for less than 6 months; and \$1,000.00, if license is issued for 6 months or longer, with surety acceptable to and approved by the Mayor, conditioned that said applicant shall comply fully with all provisions of the ordinances of the City and the State Statutes regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant workers or vendors, as the case may be, and guaranteeing to any citizen in the City doing business with said solicitor, that the property purchased will be delivered according to the representatives of the solicitor. Action on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the fact amount of the bond to the Clerk of Court in which suit is commenced, be relieved without costs of all further liability.

(9) Regulations and Restrictions.

(a) Hours of Operation. Peddlers and canvassers shall be allowed to engage in the licensed activity only between 9:00 a.m. and 5:00 p.m., unless another period is applied for and approved by the City Council.

(b) Consent Required. No licensee shall go in or upon, or remain in or upon, any private residence, business establishment or office, or any other private property or public building in the City for the purpose of soliciting orders for goods, wares and merchandise or peddling or hawking the same or soliciting

subscriptions for magazines or other periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of said place.

(c) Display of License. The licensee shall carry his/her license on their person while engaged in the licensed activity and shall display such license to any police officer or customer or prospective customer upon request.

(d) Misrepresentation Prohibited. No licensee shall intentionally misrepresent to any customer or prospective customer the purpose of his/her visit or solicitation, nor the name or business of his/her principal, if any, nor the source of supply of the goods, wares or merchandise which he/she sells or offers for sale nor the disposition of the proceeds or profits of his/her sales.

(e) Loud Noises and Speaking Devices. No licensee, nor any person in his/her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(f) Use of Streets. No license shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(10) Duty of Police to Enforce. The police of the City shall require any person seen peddling, soliciting or canvassing and who is not known by such officer to be duly licensed to produce his license and to enforce the provisions of this section against any person found to be violating the same.

(11) Records. The Chief of Police shall report to the City Clerk all convictions for violations of this ordinance and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

(12) Revocation of License.

(a) Licenses issued hereunder may be revoked by the Council after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or incorrect statement contained in the application for license.

2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, transient merchant, itinerant merchant or itinerant vendor.
3. Any violation of this section.
4. Conviction of any crime or misdemeanor.
5. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

(13) Appeal. Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit or license may appeal to the Council. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appeal and in the same manner as provided in Subsection (12) for notice of hearing on revocation.

(14) Reapplication. No licensee whose license has been revoked shall make further application until a period of at least 6 months shall have elapsed since the last previous revocation.

(15) Expiration of Licenses. No license shall be issued for a longer period than one year. All annual licenses issued hereunder shall expire at midnight on December 31 in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.

(16) Penalty. Any person who shall violate any provision of this Section 16.09 of the Code shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$200.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

16.10 BUSKING

- (1) Permit Required. No person shall engage in the act of busking within the City of Wisconsin Dells without first obtaining a permit thereof in compliance with the provisions of this ordinance.
- (2) Definitions. When used in this section, the following term shall have the following meaning:
 - (a) Busking. The practice of doing live performances in public places to entertain people. Those engaging in the practice are called buskers.
 - (b) Performance. Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
 - (c) Soliciting of Funds. The act of asking, begging, seeking or requesting money or goods from members of the public.
 - (d) Offerings for Sale. The display or demonstration of items with an implication that they are available for sale.
 - (e) Dangerous materials and implements. Items that pose a risk, hazard or uncertain outcome for people. Dangerous materials include flammable materials and chemical, fire, fireworks, smoke, flares, heated elements, or anything that gives off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property. Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.
 - (f) Designated Location. Specified sites within restricted areas where busking can occur under defined conditions.
- (3) Exemptions. Those individuals or groups hired and scheduled by the Wisconsin Dells Visitors and Convention Bureau, business covered under a Conditional Use Permit, and events otherwise covered under a Special Events Permit are exempt.
- (4) Application. Applicants for a permit under this section must file with the Police Department or designee, a sworn application in writing on a form to be furnished by the Police Department or designee, which shall give the following information:
 - (a) Full name, including middle initial of all performers including date of birth, driver's license number and state of issuance.
 - (b) Current address (include mailing address if different).

- (c) Telephone number, including cell phone number
 - (d) Brief description of type of performance that will be done
 - (e) Fee must accompany permit application and is non-refundable
 - (f) A performance audition or submitted media may be required
 - (g) All applicants are subject to a criminal history check conducted by the police department or designee. Based on the results, the Police Chief or designee may deny the permit.
- (5) Permit Fee. Fee is established by fee schedule adopted pursuant to city code section 2.05.
- (6) Regulation and Restrictions.
- (a) Hours of Performance. Busking will be allowed only during the designated hours.
 - (b) Designated Location. Busking will be allowed only in those locations designated by the city.
 - (c) Traffic Flow. Buskers must not unreasonably interfere with pedestrian or traffic flow, including by way of encouraging audience formation in such a manner to cause interference.
 - (d) Solicitation. Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in any way.
 - (e) Display of Permit. The applicant shall have city permit on display and visual at all time while engaged in the licensed activity.
 - (f) Misrepresentation Prohibited. The applicant shall not intentionally misrepresent the purpose of their busking.
 - (g) Loud Noises and Speaking Devices. The applicant, or any person on their behalf, shall not shout, cry out, blow a horn, ring a bell, use any sound amplifying device or otherwise create any noise that is solely for the purpose of attracting attention and not inherently part of the busking performance. The applicant shall not use sound amplifying devices as part of their performance.
 - (h) Dangerous Materials and Implements. May be prohibited.

- (i) Offering for Sale Prohibited. Only sales of the performer's CDs and DVDs are allowed. Sales of any other kind of merchandise are prohibited.
 - (j) Performance Cessation. The police department or designated entity may require any individual performance to cease and desist if that performance is deemed inappropriate, unsuitable for a family-friendly environment, ~~or~~ not cordial, or otherwise creates a disturbance.
- (7) Revocation of Permit. Permit issued hereunder may be revoked by the issuer at any time.
- (8) Reapplication. No applicant whose permit has been revoked shall make further application until a period of at least six (6) months has lapsed since the last revocation. An application may be denied based on a previous revocation.
- (9) Expiration of Permit. This permit is for a performance season defined on the permit application. This permit shall expire at the end of that season, regardless of when the permit was issued.

16.11 JUNK DEALERS

- (1) License Required. No person or persons, association, partnership, firm or corporation shall hereafter in the City of Wisconsin Dells, keep, conduct or maintain any building, structure, yard, or place for keeping, storing or piling in commercial quantities, or selling, at wholesale or retail, or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, used motor vehicles or parts thereof, other than articles which from their worn condition renders them practically useless for the purpose for which they were made and which, commonly classed as junk, with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided; the carrying on of the aforesaid business shall be referred to herein as "junk dealer".
- (2) Application for License. Every applicant for a license to engage in the business of junk dealer shall file with the City Clerk-Treasurer a written application upon a form prepared and provided by the City, filled by the applicant or applicants. Said application shall state:
- (a) The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.
 - (b) The length of time such applicant or applicants, if any individual, firm or partnership, or the manager or person in charge, if the applicant is a firm or corporation, has or have resided in the City of Wisconsin Dells, or their places of

previous employment, whether married or single, whether he or they, or any of them, have been convicted of a felony or a misdemeanor and, if so, what offense, when, and in what county.

(c) Whether the applicant or applicants or officers of the manager of applicants had been employed by a junk dealer or had been junk dealers.

(d) The detailed nature of the business to be conducted and that kind of materials to be collected, bought, sold or otherwise handled.

(e) The premises where such business is to be located or carried on.

(f) Every application for license to engage in the business of junk dealer shall be signed and acknowledged before a Notary Public or other officer authorized to administer oaths in the City of Wisconsin Dells.

(g) Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended at any time, for any cause, by the Legislative Committee.

(3) Condition of License.

(a) Inspection. The City Clerk-Treasurer shall report such application to the Chief of Police, Health Officer, Fire Chief, Board of Building and Fire Commissioners, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper Health, Fire, Building and Police authorities.

(b) Fireproofing. No building shall be used for the business of junk dealing unless it shall be of fireproof construction.

(c) Size and Enclosure. The premises shall not be larger than 40,000 square feet. If the junk is not contained within a building, the premises shall be enclosed with a fence not less than 6 feet in height and of a woven wire, not less than number 16 gauge, with a 2 inch mesh.

(d) Proximity to Residences. No premises shall be used for carrying on the business of junk dealing when more than three buildings, situated within a distance of 400 feet, are used solely for residence purposes.

(4) Issuance of License. Upon receiving the application for a junk dealer's license and receiving the fee as hereinafter provided, the City Clerk-Treasurer shall present the application to the next regular meeting of the Common Council, which shall approve or

deny the application. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the junk business, the date of issuance and expiration of the license, and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least 6 months shall be elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

(5) License Fee and Term. Every junk dealer shall pay the annual license fee as established by resolution adopted pursuant to section 2.05. All licenses shall be issued as of the 1st day of June and shall continue in force through the 31st day of May next succeeding the date of issuance thereof, unless sooner revoked.

(6) Duties of Licensee. Every holder of a junk dealer's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for license. It shall be unlawful for any person to post such a license or to be permitted to post it upon the premises other than those mentioned in the application or knowingly to deface or destroy any such license.

(7) Penalties. Any person, persons, association, partnership, firm or corporation which shall violate any of the provisions of Section 16.11 of this Code shall, upon conviction, forfeit a sum of not more than \$25.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail for a period not to exceed 15 days. Each day in which the violation exists shall constitute a separate offense. In addition to said forfeiture, the license of the violator shall be revoked.

16.12 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

(1) State Statutes Adopted. The provisions of Chapter 125, Wis. Stats, and all future deletions, additions or amendments exclusive of 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 chapter by reference. A violation of any such provision shall constitute a violation of this chapter.

(2) License Required. No person, firm or corporation shall within the City of Wisconsin Dells distribute, sell, keep or offer for sale, any intoxicating liquors or fermented malt beverages, or cause the same to be done without first having procured a license as provided herein.

(3) License Scope, Fees and Application.

(a) Fees for the following licenses shall be established by resolution adopted pursuant to section 2.05.

Retail "Class A" Licenses. A retail "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.

Retail "Class B" Licenses. A retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.

"Class C" Licenses. A retail "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

Class "A" Licenses. A Class "A" beer license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles.

Class "B" Licenses. A Class "B" beer license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises.

Pharmacist's Permit. A Pharmacist's Permit authorizes the holder to sell intoxicating liquors in quantities of less than one gallon for medicinal, mechanical or scientific purposes for consumption off premises only.

Wholesaler's Licenses. A wholesaler's license authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesalers, not to be consumed in or about the premises where sold.

(b) Full Year Fee. Upon application for a license for the sale of fermented malt beverages or intoxicating liquors, such application shall be accompanied by a full year's fee. However, in the event that the term is less than one year, the licensee shall pay a fee equal to one-twelfth of the full annual license fee for each month of the remaining part of the license year.

(c) Application. A written application for a license shall be filed with the City Clerk upon forms provided by said Clerk, accompanied by said license fee and the Clerk shall present said application and receipt to the Common Council. Such application shall contain the name, residence and age of the applicant, of an individual, or the names of the principal officers, their residences and ages, if the applicant is an association or corporation. It shall contain the name or names of

one or more persons whom such corporation or association shall designate as manager or person in charge, with the address or addresses of the same. Such application shall further state such additional information as the Clerk shall require. Each application shall state that the applicant consents to the entry of duly authorized representatives of the City of Wisconsin Dells at all reasonable hours for the purpose of inspection and searching and consents thereby to the removal from said premises of things and articles had in violation of City ordinances or State laws; and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense. Such application shall be signed and sworn by the applicant, if an individual, and if a corporation, then by the President and Secretary thereof, before a Notary Public or other officer authorized to administer oaths.

(4) Provisional Retail Licenses.

(a) The City Clerk may issue a provisional retail license to a person who has applied for a retail "Class A", retail "Class B", "Class C", Class "A", or Class "B" license and such provisional license shall authorize only the activities that the type of retail license applied for authorizes. The fee for such license shall be \$15.00.

(b) A provisional retail license expires 60 days after its issuance or when the retail "Class A", retail "Class B", "Class C", Class "A" or Class "B" license is issued to the holder, whichever is sooner. The City Clerk may revoke the license if he or she discovers that the holder of the license made a false statement on the application.

(5) Operators.

(a) Operators. There shall be at all times upon all premises operated under a retail "Class A", retail "Class B", "Class C", "Class A", or "Class B" license the licensee or person holding on operator's license. For the purpose of this section, any member of the immediate family of the licensee shall be considered as holding an operator's license. An operator's license may be granted by the Common Council after investigation and report thereon by the Police Department, and shall be signed by the City Clerk. Applications for such license shall be in writing and verified, and shall state the name and residence of the applicant, the applicant's age and the name of the license holder by whom the applicant is to be employed. Effective with operator licenses issued after June 30, 2002 they shall be for 2-year period commencing each 2-year period on July 1 of the even numbered years. The fee for such operator's license shall be established by resolution adopted pursuant to section 2.05. An operator's license may be revoked if any operator, or any person employed by the operator, is found to have violated this ordinance. Licenses issued during the 2-year period shall be prorated as follows:

Months 1-18 (July of 1st year to Dec. of 2nd year) @ 100% of License Fee
Months 19-24 (Jan to June of 2nd year) @ 50% of License Fee

The date shown on the application when submitted will be the determining date of the fee.

(b) Provisional Operators Licenses Authorized. Pursuant to Wis. Stat. sec. 125.17(5), the City Clerk may issue a provisional license which shall expire 60 days after its issuance or when an Operator's License is issued, whichever is sooner. Applicants must file an application for an Operator's License before receiving a provisional license. The fee for a provisional license shall be established by resolution adopted pursuant to section 2.05 and shall be in addition to the fee for an Operator's License. The City Clerk shall refuse to issue a provisional license if the application discloses the following: conviction of a felony or misdemeanor; conviction of a violation of an ordinance regulating the sale and consumption of fermented malt beverages or intoxicating liquors, or, pending federal, state or local criminal charges. If the City Clerk discovers that the holder of a provisional license made a false statement on an application, the City Clerk shall suspend said provisional license. Refusal by the City Clerk to issue a provisional license shall not otherwise prejudice the applicant.

(c) Temporary Operators Licenses Authorized. Pursuant to Wis. Stat. sec. 125.17(4), the city may issue a Temporary Operators License to persons employed by, or donating their services to a nonprofit organization. Applicants must first file an application before receiving the license. The fee shall be established by resolution and adopted pursuant to sec. 2.05. Only one such license is allowed per year and said license is only valid for a period not to exceed 14 days.

(6) Restrictions Relating to Underage Persons.

(a) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(c) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

(d) No adult may intentionally encourage or contribute to a violation of subsec. (6)(a) or (b).

(e) The penalty provisions of Wis. Stat. sec. 125.07(1)(b) shall apply to violations of this subsection.

(7) Sales of Alcohol Beverages to Intoxicated Persons.

(a) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(c) The penalty provisions of Wis. Stat. sec. 125.07(2)(b) shall apply to violations of this subsection.

(8) Presence in Places of Sale.

(a) An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the license premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

2. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

3. Hotels, drug stores, grocery stores, bowling centers, service stations, vessels, cars operated by any railroad, regularly established athletic fields, or stadiums.

4. Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, curling clubs, private soccer clubs and private tennis clubs.

5. Premises operated under both a Class "B" or "Class B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or

"Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

6. Premises operating under both a "Class C" license and a restaurant permit.

7. An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.

8. A person who is at least 18 years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

9. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subdivision.

10. An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.

11. An underage person who enters and remains on premises for which a temporary Class "B" license is issued under sec. 125.26 (6) if the licensee is authorized by the official or body of the municipality that issued the license to permit underage persons to be on the premises under sec. 125.26(6) and if the licensee permits underage persons to be on the premises.

(b) The penalty provisions of Wis. Stat. sec. 125.07(3)(b) shall apply to violations of this subsection.

(9) Underage Persons; Prohibitions.

(a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.
2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licenses premises.
3. Enters, knowingly attempts to enter or is on licensed premises in violation of sub. (3)(a).
4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Except as provided herein, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(c) An underage person may possess alcohol beverages in the course of employment during his or her working hours 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 sec. 125.32(2) or 125.68(2) 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.

(d) The penalty provisions of Wis. Stat. sec. 125.07(4) shall apply to violations of this subsection.

(10) License Posted. Licenses shall be posted in a conspicuous place upon the licensed premises.

(11) Gambling Devices. It may be unlawful to permit slot machines or other gambling devices upon any premises for which a license shall have been issue hereunder.

(12) Delinquent Assessments. No initial or renewal of fermented malt or intoxicating beverage license shall be granted for any premises for which taxes, assessments, utility bills or other claims of the City are delinquent and unpaid. No initial or renewal

fermented malt and intoxicating beverage license shall be granted to any person who is delinquent in payment of any taxes, assessments, utility bills or other claims owed to the City and/or is delinquent in payment of forfeitures resulting from the violation of any ordinance in the City.

(13) "Class C" Restrictions.

(a) "Class C" Wine License. A "Class C" wine license may be issued only to a person qualified under Wis. Stat. sec. 125.04(5) for a restaurant in which the sale of alcoholic beverages accounts for less than fifty (50%) percent of gross receipts and which does not have a barroom as defined in Wis. Stat. sec. 125.51 (3m)(a).

(b) "Class C" Wine Quota. A "Class C" wine license may be issued to a qualified person only if the City statutory quota prohibits the City from issuing a "Class B" liquor license to that person.

(c) "Class C" Wine Issuance to Foreign Corporations. A "Class C" wine license may not be issued to a foreign corporation or a person acting as agent to or in the employ of another.

(d) Multiple Licenses. Except in the case of hotels, no person may hold both a retail "Class A" liquor license and a "Class C" wine license for the same premises, or for connecting premises.

(e) Granting of Licenses. Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the application by the Common Council, the City Clerk shall upon the payment of the license fee to the City herein provided, issue to the applicant a license as provided in this Code. Such license fee shall be paid to the City Clerk who shall transfer said fees to the general city fund. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the dates of issuance, the fee paid, the name of the licensee, and the class of license.

(14) Penalties. Any person, firm, or corporation violating any provisions of this section of this Code shall, upon conviction thereof, pay forfeiture consistent with the forfeiture provisions of Wis. Stat. Chapter 125, of not less than \$10.00 nor more than \$200.00, together with costs of prosecution. Each day on which a violation continues shall constitute a separate offense.

(15) Retail "Class B" License Restriction.

Retail "Class B" licensees may sell intoxicating liquor until 12:00am, except that hotels and motels which hold a retail "Class B" license may not sell intoxicating beverages after 9:00p.m. unless the sale is made in the restaurant/bar area of the hotel or motel.

(16) “Class B” Quota Plus Exceptions

Pursuant to Wis. Stat. Sec. 125(51)(4)(v) and notwithstanding the City’s “Class B: quota, the City may issue a license for the following:

- (a) A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons.
- (b) A hotel that has 50 or more rooms of sleeping accommodations that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets are attended by 400 or more person may be held.

16.125 ALCOHOL BEVERAGE LICENSES - Revocation, Suspension and Non-renewal

(1) *Scope of Section.* Whenever the holder of any license issued under Code sec. 16.12 violates any state statute or city ordinance, proceedings for the suspension, revocation or non-renewal of such license may be instituted in the manner and under the procedure established by this section.

(2) *Abandonment of Premises.* Any licensee holding a license to sell alcohol beverages which abandons such business shall forfeit any right or preference such licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the common council.

(3) *Procedures.*

(a) *Notice.* Whenever a person holding a license to sell alcohol beverages has failed to maintain the premises according to standards prescribed for sanitation, or when the licensee has not observed and obeyed any lawful order of the common council or police officers, or has violated city ordinances or state law, or for any other good reason, the city council shall issue a summons, to be signed by the City Clerk, commanding the licensee complained of to appear before the Legislative Committee of the common council on a day and time and at a place named in the summons to show cause why the license should not be revoked or suspended. Such summons shall be served not less than three (3) and not more than ten (10) days before the time at which the licensee is commanded to appear and may be served personally upon the licensee or the agent of the licensee or upon the person in charge of the licensed premises. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date and place of the offense and the facts constituting the alleged offense. If such licensee shall not appear as required by the summons, the complaint shall be taken as true, and if the Legislative Committee deems its allegations sufficient, the Legislative

Committee shall recommend the revocation or suspension of the license as provided in this section.

(b) *Hearing: effect of revocation.*

1. The chair of the Legislative Committee shall conduct the hearing and may issue subpoenas. The City Clerk shall administer oaths to all witnesses. The complainant shall have the burden of proving the charges to a preponderance of the evidence. The licensee and the complainant may be represented by counsel, may call and examine witnesses and may cross-examine witnesses of the other party. All proceedings and testimony shall be transcribed. The City Clerk shall serve as secretary to the Legislative Committee and shall make and receive all exhibits admitted into the record.

2. Upon the completion of the hearing, the Legislative Committee, upon the testimony and evidence presented at the hearing, shall determine by simple majority vote of those present whether the charges are true and, if so, shall submit a report to the common council including its findings of fact, conclusions of law and a recommendation as to what action, if any, the common council should take with respect to the license. If the recommendation is to suspend the license, it shall be for a period of not less than two (2) days or more than ninety (90) days. Following the procedure in this subsection, the recommendation may be to revoke the license. If the Legislative Committee determines that the charges are not substantiated, it shall recommend to the common council that the complaint be dismissed without cost to either party. The Legislative Committee's recommendation shall be promptly filed with the City Clerk.

3. At the regular meeting of the common council after the filing of the Legislative Committee's recommendation, the common council shall act on the recommendation and may reverse or modify any portion thereof by a simple majority vote. The recommendation of the Legislative Committee shall become the decision of the common council unless reversed or modified. No further testimony or evidence shall be allowed before the common council. Only those members of the common council who have certified to the City Clerk in writing that they have read the transcript, exhibits and recommendation made shall be permitted to vote on the matter. The City Clerk shall make the certifications a part of the record. The decision of the common council shall be a final determination for purposes of judicial review.

4. If the complaint is found to be true, the licensee shall pay to the city the actual cost of the proceedings. If the complaint is found by the

common council to be malicious and without probable cause, the complainant shall pay the cost of the proceedings in the same amount.

5. When a license is revoked, it shall be so entered of record by the City Clerk, and no other license shall be granted to such licensee for such premises for a period of twelve (12) months from the date of the revocation, nor shall any part of the money be paid as application fee for any license so revoked be refunded.

(c) *Non-renewal of license.* The city attorney may, after investigation, commence an action before the Legislative Committee to hear evidence and make a recommendation to the common council that a license issued pursuant to this article not be renewed. The chair of the Legislative Committee shall, in writing, notify the licensee of the consideration for non-renewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of non-renewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for non-renewal, costs may be assessed against the licensee, and any renewal application fee shall be forfeited. In all other respects, subsection (b) of this section shall apply. The commencement of this action shall stay action by the common council on the licensee's application until the Legislative Committee makes its recommendation.

(4) *Point values for violations, revocations and suspensions.*

(a) *Purpose.* The purpose of this subsection is to administratively interpret those portions of this chapter relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

(b) *Point schedule.* The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders which have repeatedly violated state statutes and city ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

	<u>Type of Violation</u>	<u>Point Value</u>
1.	Underage person on premises.	25
2.	False statement on license application	25
3.	No licensed bartender on premises.	25
4.	Licensed premises in non-compliance with sanitary/building codes.	25
5.	Sell or dispense after hours.	25
6.	Place to place deliveries.	25
7.	Sell or serve on a public street without permit.	25

8.	Improper exhibitions.	50
9.	Open after closing hours.	25
10.	Assault on a police officer by an employee.	200
11.	Refusal to allow police to search premises or refusal to cooperate with lawful police investigation.	50
12.	Failure to display permit.	25
13.	Sale of alcohol beverages without license or permit	100
14.	Sale of controlled substances on licensed premises with knowledge of owner.	100
15.	Licensee, agent or operator not on premises.	25
16.	Intoxicated employees.	25
17.	Selling to intoxicated person.	25
18.	Leaving with open containers.	25
19.	Nonappearance before the Legislative Committee when requested (licensee or their representative.)	100
20.	Other violations of state law or city code.	25

(c) *Determination of demerit points.* In determining the accumulated demerit points against a licensee within twelve (12) months, the city shall use the date each violation was committed as the basis for the determination.

(d) *Counseling, suspension or revocation of license.*

1. Any licensee who is convicted of a violation of state law or the city code shall be required to appear before the Legislative Committee at its next regularly scheduled meeting to discuss the offense and the steps the licensee will take to avoid future violations.

2. The Legislative Committee shall call before it for purposes of a revocation or suspension hearing all licensees which have accumulated 200 points in a 12-month period as a result of court-imposed convictions.

3. If the demerit point accumulation, calculated from the date of violation, exceeds 200 points in a 12-month period, 250 points in a 24-month period or 300 points in a 36-month period, the suspension shall be for not less than two (2) days or more than ninety (90) days. If the license is revoked, no other license shall be granted to such licensee for such premises for a period of twelve (12) months from the date of revocation.

4. The procedure to be used for suspension or revocation shall be that found in subsection (3) above.

5. If multiple citations are issued in connection with a single event or incident, demerit points shall be assigned as follows:

Three or fewer citations	1 offense
Six or fewer citations	2 offenses
Nine or fewer citations	3 offenses
Ten or more citations	the actual number of offenses

16.13 IMPROPER EXHIBITIONS

(1) Nude dancing in Licensed Establishments Prohibited. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

- (a) Shows his or her genitals, public area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or
- (b) Shows any portion of the female breast below a point immediately above the top of the areola; or
- (c) Shows the covered male genitals in a discernibly turgid state.

(2) Exemptions. The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(3) Definitions. For purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the Common Council of the City of Wisconsin Dells to sell alcoholic beverages pursuant to Wis. Stat. Ch. 125. The term “licensee” means the holder of a retail “Class A,” “Class B,” Class “A,” or Class “B,” or Class “C” license granted by the Common council of the city of Wisconsin Dells pursuant to Wis. Stat. Ch. 125.

(4) Penalties. Any person, partnership or corporation who violates any of the provisions of this ordinance shall be subject to forfeiture as set forth at Code Sec. 30.04.

16.135 PICNIC LICENSES

(1) Temporary Class "B" picnic licenses for the consumption of fermented malt beverages or wine of 6% or less alcohol content, may be issued to bonafide clubs, to

county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations for a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the Common Council, but may not exceed \$10.00.

(2) It shall be unlawful for any person or organization, on a temporary basis, to sell or offer to sell any alcohol beverage upon any City owned property or privately owned property within the City of Wisconsin Dells, except through the issuance of a Temporary Class "B" Picnic License issued in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Picnic License authorizing the sale and consumption of beer and/or wine on City owned property or privately owned property may be authorized provided the following requirements are met:

(a) Compliance with Eligibility Standards. The organization shall meet the eligibility requirements of a bonafide club, association, lodge or society as set forth in Wis. Stats. sec. 125.26(6), and shall fully comply with the requirements of this section. Members of an organization which is issued a temporary license and who re issued operator's licenses for the event shall attend a pre-event informational meeting at which they shall be instructed on the topic of their responsibilities as bartenders.

(b) Posting of Signs and Licenses. All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person or to any person without adequate age identification.

(c) Underage Persons Prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale,

(d) Permitted Cups or Cans Only. Intoxicants may be sold outdoors only in paper or plastic cups or aluminum cans.

(e) Notwithstanding Code sec. 18.04(4), fermented malt beverages or wine may be consumed or possessed in public places if done so in connection with a temporary permit issued hereunder. If a temporary permit issued hereunder does not include a fencing requirement, no person shall consume or possess fermented malt beverages or wine beyond 300 feet of the point of sale.

(f) Temporary licenses issued hereunder may be accompanied by rules of operation and site restrictions, including fencing requirements, as may be imposed by the Chief of Police or other City officials.

(g) Insurance. The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish Certificate of Comprehensive General Liability insurance with the City of Wisconsin. The applicant may be required to furnish a performance bond prior to being granted the license.

(3) Issuance. Temporary Class "B" Picnic licenses may be issued either by the Common Council; or, by the Mayor and City Clerk.

(4) Penalty.

(a) Any organization or person who violates the provisions of Section 16.135, upon conviction thereof, shall pay a forfeiture of not less than \$10.00 nor more than \$200.00, together with the costs of prosecution; and, in default thereof, shall be imprisoned in the county jail not to exceed ninety (90) days. Each incident shall constitute a separate offense.

(b) The Common Council may at any time for good cause, or in the interest of public safety or health, suspend or revoke a temporary license issued hereunder.

16.14 MESSAGE ESTABLISHMENTS, MESSAGE TECHNICIANS AND THE PRACTICE OF MESSAGE.

Massage Therapist and Body Workers. No person shall engage in the practice of massage therapy or body work or perform massage therapy or body work unless the person has been issued and holds a valid license of registration pursuant to Wis. State Stat. Chapter 460.

16.15 CIGARETTE & TOBACCO PRODUCT SALES

(1) License Required. No person shall in any manner or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person not holding a license as herein provided or a permit as provided under Sections 139.75(12) of the Wisconsin Statutes without obtaining a license from the City.

(2) Issuance of License. Upon filing of a proper written application, said license shall be issued on July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked. The fee for such license shall be established by resolution adopted pursuant to section 2.05 which shall be paid to the City Clerk-Treasurer before the license is issued.

(3) License Specifications. Each such license shall name the licensee and specifically describe the premises where such business is to be conducted. Such licenses shall not be transferable from one person to another nor from one premises to another.

(4) Records. A licensed retailer shall keep complete records of all purchases and receipts of cigarettes. Such records shall be preserved on the licensed premises for 2 years in such a manner to insure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.

(5) Penalties. Any person violating any of the provisions of Section 16.15 of the Code shall pay a forfeiture of not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$25.00 nor more than \$200.00 for the second offense. If upon such second or subsequent violation, the person so violating this Section was personally guilty of a failure to exercise due care to prevent violation thereof, he shall pay a forfeiture of not less than \$25.00 nor more than \$300.00. Such conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and such person shall not be entitled to another license hereunder for a period of 5 years thereafter, nor shall he in that period act as a servant or agent of a person licensed hereunder for the performance of the acts as authorized by the license. Any person convicted of a violation of this Section shall pay the costs of prosecution. In the event of his failure to pay the forfeiture and costs, he shall be imprisoned in the county jail, not to exceed 90 days.

16.155 RESTRICTION ON SALE OR GIFT OF CIGARETTE OR TOBACCO PRODUCTS.

(1) Purchase or possession of cigarettes or tobacco products by person under 18 prohibited. Wis. Stat. sec. 254.92(1) through (3) are adopted in their entirety.

16.157 PROHIBITED USE OF CIGARETTES AND TOBACCO PRODUCTS.

(1) Restrictions on sale or gift of cigarettes or tobacco products. Wis. Stat. secs. 134.66 (1) through (4) are adopted in their entirety.

16.16 OUTSTANDING INDEBTEDNESS; LICENSES

The officers of the City of Wisconsin Dells shall not issue any license to any person, firm, corporation, partnership, individual or any other association whatsoever that has not paid all of its outstanding bills, debts and obligations of any and all kinds whatsoever to the City.

16.17 HANDBILL DISTRIBUTION REGULATED

- (1) Generally. No person shall distribute commercial advertising materials of any kind, in or upon any automobile, sidewalk, street, alley or public place within the City.
- (2) Distribution to Vacant or Posted Dwellings. No distribution of any of the printed material referred to previously in this section shall be made to any dwelling or apartment which is or appears to be vacant, or where the owner or occupant has placed a visible sign stating “No Handbills.”
- (3) Protection of Lawns. No person engaged in distributing any of the advertising matter described in this section shall cross any lawn or pass over or through any hedges or shrubbery.
- (4) Political, Religious or Educational Matter. The provisions of this section shall not apply to the distribution of political, religious or educational items or newspapers or other publications printing news of a general nature, or keeping space therein open to the public for the publication of advertising matter. If such materials are distributed, they shall be handed to persons willing to accept them or securely affixed or fastened in a manner which prevents the creation of litter.
- (5) Penalties. Any person, firm or corporation who fails to comply with any provision of this section shall, upon conviction thereof, forfeit not less than \$25.00 or more than \$200.00 together with the cost of prosecution for each violation and in default of payment thereof shall be imprisoned in the county jail until the payment of such forfeiture and costs; but, not to exceed ninety (90) days. Each day in which the violation continues shall constitute a separate violation.

16.18 ADULT-ORIENTED ESTABLISHMENTS.

- (1) Definitions. For the purpose of this ordinance, the following words and phrases shall mean:
 - (a) Adult-oriented establishment shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, tattoo establishments or body piercing establishments, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(b) Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas as defined below, and in conjunction herewith have facilities for the presentation of adult entertainment, as defined below, including adult-oriented films, movies or live performances, for observation by patrons therein.

(c) Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.

(d) Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty (50) persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.

(e) Adult cabaret means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

(f) Council means the Common Council of the City of Wisconsin Dells, Wisconsin.

(g) Adult entertainment means any exhibition of any motion pictures, live performance, display or dance of any type which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities or specified anatomical areas, as defined below, or the removal of articles of clothing or appearing partially or totally nude.

(h) Operators means any person, partnership or corporation operating, conducting, maintaining or owning any adult oriented establishment.

(i) Specified sexual activities means simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

- (j) Specified anatomical areas means:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola;
 - 2. Human male genitals in a discernible turgid state, even if opaquely covered.
- (k) Tattoo establishment means the premises where a tattooist applies a tattoo to another person.
- (l) Tattooist means a person who tattoos another person at that person's request.
- (m) Tattoo, as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.
- (n) Body-piercing establishment means the premises where a body piercer performs body piercing.
- (o) Body piercer means a person who performs body piercing on another person at that person's request.
- (p) Body piercing means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
- (q) Body pierce, as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.

(2) License

- (a) Except as provided in subsection (d) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the City of Wisconsin Dells without first obtaining a license to operate issued by the City of Wisconsin Dells.
- (b) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each.

(c) No license or interest in a license may be transferred to any person, partnership or corporation.

(d) All adult-oriented establishments existing at the time of the passage of this ordinance must submit an application for a license within ninety (90) days of the passage of this ordinance. If an application is not received within said ninety (90) day period, then such existing adult-oriented establishment shall cease operations.

(3) Application for License

(a) Any person, partnership or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed in triplicate with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the Wisconsin Dells Police Department and to the applicant.

(b) The application for a license shall be upon a form provided by the City Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:

1. Name and address;
2. Written proof that the individual is at least eighteen (18) years of age;
3. The address of the adult-oriented establishment to be operated by the applicant;
4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five (5%) percent of the stock in said corporation and all officers and directors of the corporation.

(c) Within twenty-one (21) days of receiving an application for a license, the City Clerk shall notify the applicant whether the application is granted or denied.

(d) Whenever an application is denied, the City Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held within ten (10) days thereafter before the Council, as hereinafter provided.

(e) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application

or his or her refusal to submit to or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the City Clerk.

(4) Standards for Issuance of License

(a) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

1. If the applicant is an individual:
 - (i) The applicant shall be at least eighteen (18) years of age;
 - (ii) The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
2. If the applicant is a corporation:
 - (i) All officers, directors and stockholders required to be named under Section (3)(b) shall be at least eighteen (18) years of age.
 - (ii) No officer, director or stockholder required to be named under Section (3)(b) shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
3. If the applicant is a partnership, joint venture or any other type or organization where two (2) or more persons have a financial interest:
 - (i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
 - (ii) No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of the application.

(5) Fees

(a) A license fee as established by resolution adopted pursuant to section 2.05 shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

(6) Display of License or Permit.

(a) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(7) Renewal of License or Permit.

(a) Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (6) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the Wisconsin Dells Police Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) A license renewal fee as established by resolution adopted pursuant to sec. 2.05 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

(c) If the Wisconsin Dells Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk.

(8) Revocation of License.

(a) The Council shall revoke a license or permit for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

2. The operator or any employee of the operator violates any provision of this ordinance or any rule or regulation adopted by the Council pursuant to this ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

3. The operator becomes ineligible to obtain a license or permit.
4. Any cost or fee required to be paid by this ordinance is not paid.
5. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.

(b) The Council, before revoking or suspending any license or permit, shall give the operator at least ten (10) days' written notice of the charges against him, and the opportunity for a public hearing before the Council, as hereinafter provided.

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.

(9) Physical Layout of Adult-Oriented Establishment. Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(b) Construction. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.
2. Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.
4. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

(c) Occupants. Only one (1) individual shall occupy a booth, room or cubicle at any times. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(10) Responsibilities of the Operator.

(a) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(d) The operator shall maintain the premises in a clean and sanitary manner at all times.

(e) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

(f) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

(11) Administrative Procedure and Review. The City of Wisconsin Dells Municipal Code and Wisconsin Statutes shall govern the administrative procedure and review regarding the granting, denial, renewal, and non-renewal, revocation or suspension of a license.

(12) Exclusions. All private schools, and public schools as defined in Wis. Stat. Chap. 115, located within the City of Wisconsin Dells are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(13) Penalties and Prosecution.

Any person who shall violate any provision of this ordinance or who shall fail to obtain a license or permit as required hereunder, or who shall operate after his license is revoked, shall be subject to penalty as follows:

(a) First Offense. (Am. #11-78) Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$1 nor more than \$500 together with the cost of prosecution and a penalty assessment as provided by Wis. Stat. sec. 165.87, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense. Any person found guilty of violating any ordinance on ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof forfeit not less than \$10.00 nor more than \$500 for each such offense, together with the costs of prosecution, and a penalty assessment as provided by Wis. Stat. sec. 165.87, and in default of payment of such forfeiture and cost shall be imprisoned in the County jail until such forfeiture and costs or prosecution are paid, but not to exceed 6 months.

(c) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

16.19 AIRCRAFT AND PARACHUTE LANDING

(1) General Prohibition. No person may ascend or land with any aircraft, including gliders, balloons, helicopters and parachutes within the City Limits. This proscription shall not apply to emergency landings nor to military operations. This proscription shall not apply to any emergency medical service aircraft.

(2) Hot-Air Balloons and Parachutes. The City Council may permit the ascent and landing of hot-air balloons and the landing of parachutes in connection with special events and rallies during a limited number of hours or days upon such terms and conditions as it sees fit to protect the public interest and safety. The City Council shall prescribe, by resolution, the manner in which permits for such events and rallies may be applied for and issued.

(3) Penalties. Any person who violates any of the provisions of Wisconsin Dells code sec. 16.19, upon conviction thereof, shall forfeit not less than \$200.00 and not more than \$500.00 together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

16.20 REGULATION OF FIREWORKS

(1) Definition: In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use; and, without limitation, includes:

(a) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

(b) A toy snake which contains no mercury.

(c) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects.

(d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

(e) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.

(f) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49CFR 173.50.

(g) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(h) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

- (2) Sale Regulated. Except as provided herein, no person shall sell, or possess with intent to sell, fireworks in the City of Wisconsin Dells.
- (3) Use Regulated. No person shall possess or use fireworks in the City of Wisconsin Dells without a user's permit issued pursuant to Wis. Stat. sec. 167.10(3) and Wisconsin Dells Code sec. (5) following; except that the following fireworks may be possessed and used without a permit: Those fireworks specifically enumerated at Code secs. 16.20(1)(a) through (h) above.
- (4) Sale License.
- (a) Those fireworks specifically enumerated at Code secs. 16.20(1)(a) through (h) above may be sold or possessed for sale by persons holding a Fireworks Sale License issued hereunder.
- (b) Applicants for a Fireworks Sale License shall make application in writing on forms provided by the City Clerk. A licensee may possess and sell the enumerated fireworks at not more than ten (10) sites within the city. A non-refundable license application fee as established by resolution adopted pursuant to section 2.05 shall accompany each application.
- (c) The application for license shall include, without limitation, the following information:
1. Name, address and telephone number of the applicant;
 2. Address(es) at which the applicant intends to sell the enumerated fireworks;
 3. Name(s), address(es) and consent(s) of the owner(s) of the real estate upon which the enumerated fireworks will be sold;
 4. Itemization of which enumerated fireworks the applicant intends to sell.
- (d) The Legislative Committee shall consider the applications for licenses hereunder and submit its report and recommendations to the Common Council which may issue licenses hereunder.
- (e) Licenses issued hereunder shall be for a term of one (1) year; from May 1 through the following April 30. Application for annual licenses shall be filed not later than April 1 each year.
- (f) The Common Council may condition the issuance of licenses hereunder as it sees fit to protect the public interest and safety.

(g) The Common Council shall have the right to suspend or revoke any licenses issued hereunder as it sees fit to protect the public interest or safety. If a license is suspended or revoked, the licensee shall be entitled to a public hearing before the Common Council within seven (7) days of the suspension or revocation.

(h) Without limitation, it shall be grounds for suspension or revocation of a person's Fireworks Sale License if the licensee sells or possesses for sale fireworks other than those enumerated in Code secs. 16.20(1)(a) through (h).

(i) Licenses issued hereunder may not be transferred or assigned without the consent of the Common Council; and, no licensee may use a site other than the site licensed pursuant to the application of the licensee.

(5) Use Permit. As provided in Wis. Stat. sec. 167.10(3), fireworks user's permits may be issued by the Mayor, or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount he deems necessary. A copy of the permit and proof of insurance shall be filed with the City Clerk and copies of the permit shall be given to the Fire Chief and the Chief of Police at least two (2) days before the authorized use.

(6) Obnoxious Odor Devices and Products.

(a) No person may sell, possess or use any device, product or item which has as its primary purpose the production of an obnoxious odor or smell.

(b) Without limitation, it shall be grounds for suspension or revocation of a person's Fireworks Sale License if the licensee sells or possesses for sale any obnoxious odor devices, products or items.

(7) Penalties.

(a) Any person who violates the provision of Wisconsin Dells Code sec. 16.20(2) or 16.20(6)(a), upon conviction thereof, shall forfeit not less than \$500.00, and not more than \$1,000.00, together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

(b) Any person who violates the provisions of Wisconsin Dells Code sec. 16.20(3), upon conviction thereof, shall forfeit not less than \$50.00 and not more than \$500.00 together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30

days. Each day of continued violation shall constitute a separate violation and offense.

(c) Any parent or legal guardian of a minor who consents to the use of fireworks by the minor contrary to the provision of Wisconsin Dells Code sec. 16.20(3), upon conviction thereof, shall forfeit not less than \$50.00 and not more than \$500.00 together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

16.21 Taxicabs and Drivers

(1) Definitions.

(a) “Taxicab” means a motor vehicle which carries or transports passengers for a fee or fare. The term does not include:

1. Vehicles which operate on a fixed route pursuant to authority granted by the state or federal government.
2. Vehicles commonly referred to as “rent-a-cars”.
3. Vehicles solely operating as funeral cars or ambulances
4. Amphibious motor vehicles properly registered and licensed and operating on the highway upon routes between lake access points or operated as free business shuttles
5. Free shuttle services operated by businesses.
6. Limousine services.

(b) “Taxicab Service” means a person which owns or operates one or more taxicabs.

2) Taxicab Service License Required

(a) No person shall own or operate a taxicab service in the City without a license.

(b) This section does not apply to taxicabs or taxi services which are licensed in other jurisdictions and which do not regularly do business in the City.

(3) Application for Taxicab Service License.

- (a) Applications for a license to operate a taxicab service shall be made in writing to the office of the City Clerk on forms furnished by the Clerk and signed by the applicant or agent.
- (b) The following information shall be provided by the applicant regarding the person or business which will operate the taxicab service:
 - 1. Name and address.
 - 2. Structure; i.e. sole proprietorship, partnership, corporation or limited liability entity.
 - 3. Address for mailing and service of process.
 - 4. Business contact names, titles and telephone numbers.
 - 5. Insurance carrier.
 - 6. Proposed rates.
 - 7. The information regarding vehicles and drivers set forth in subsecs. 6(b) and 7(b).
- (4) Action on Taxicab Service Application. Applications submitted pursuant to sec. (3) shall be forwarded to the Chief of Police for review and recommendation. The Chief shall make a recommendation to the Legislative Committee. The Legislative Committee shall review the application and make a recommendation to the Common Council. The Common Council shall approve or reject the issuance of a license and may attach such conditions to the license as it deems necessary for the public convenience and protection.
- (5) License Fees and Terms. The City may establish by resolution fees for taxicab services, taxicab vehicles and taxicab drivers. Taxicab services shall be licensed on an annual basis from April 1 through March 31. Taxicab vehicles shall be licensed on an annual basis. Taxicab drivers shall be licensed on an annual basis from April 1 through March 31.
- (6) Taxicab Vehicles.
 - (a) Taxicab vehicles shall be regulated and licensed by the Chief of Police or designee.
 - (b) The following information shall be provided regarding the vehicles which will be operated by the taxicab service:
 - 1. Make, model and year of manufacture.

2. Vehicle identification number.
 3. License plate number and type.
 4. Certificate of title number.
 5. Vehicle capacity.
- (c) Taxicab vehicle information provided by a taxicab service pursuant to subsec. (b) shall be updated and revised by the taxicab service as vehicles are added and removed from the service's fleet.
- (d) The Chief of Police or designee shall inspect each taxicab vehicle prior to operation in the City. The taxicab vehicles licensed by the City shall be issued a sticker which shall be prominently displayed on the left rear bumper of the vehicle.
- (e) The Chief of Police or designee may make periodic inspections of licensed taxicab vehicles to assure their continued suitability for operation.
- (7) Taxicab Drivers.
- (a) Taxicab drivers shall be regulated and licensed by the Chief of Police or designee.
- (b) The following information for each licensed driver shall be provided to the City and updated as provided herein:
1. Name and address.
 2. Valid driver's license and number.
 3. Such identification evidence as deemed necessary by the City.
- (c) Taxicab driver information provided by a taxicab service pursuant to subsec. (b) shall be updated and revised by the taxicab service as drivers are added to or removed from the service's roster of drivers.
- (d) The Chief of Police or designee shall provide to each licensed taxicab driver a license of such form and style as the Chief of Police or designee may prescribe which shall be prominently displayed in the taxicab when the driver is engaged in operation.
- (8) Insurance.
- (a) No taxicab service license shall be issued until the operator deposits with

the City Clerk a policy of liability insurance covering all vehicles to be operated by the service. Such policy shall describe each vehicle by make, model and serial number, number of passengers capable of being accommodated and the state motor vehicle license number. The insurance policy shall be issued by a company licensed to do business in the State of Wisconsin and insure the licensee against loss from liability in the amount of \$100,000.00 for the injury or death of one person in any one accident, and in the amount of \$300,000.00 for the injury or death of more than one person in any one accident and in the amount of \$100,000.00 for damage to property of others for any one accident due to the negligent operation of a vehicle. Policy shall contain a provision that the policy may not be cancelled or terminated except upon 30 days written notice to the City.

- (b) The cancellation or other termination of any insurance policy issued shall automatically revoke and terminate all licenses issued for the vehicles covered by such insurance policy unless another policy has been filed and approved pursuant to this Section and shall be in effect at the time of such cancellation or termination.

(9) General Regulations.

- (a) All taxicabs shall be suitably marked or identified as such and shall display the name of the taxicab service on the exterior of the vehicle.
- (b) The State traffic code and City traffic code shall apply to the use and operation of taxicabs.
- (c) No owner or operator shall carry or permit to be carried in any taxicab more than the number of passengers specified on the license applicable to the taxicab.
- (d) No person may drive or operate a taxicab vehicle under any of the following circumstances:
 - 1. While having an alcohol concentration above 0.0.
 - 2. Within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content.
 - 3. While possessing an intoxicating beverage, regardless of its alcohol content.
- (e) The rates for taxicab services shall be displayed in a conspicuous manner in the interior of the taxicab vehicle.
- (f) The Chief of police or designee may conduct a criminal history and driver file review covering any person who applies for a license under this

section; and, the results of those reviews may be considered in the licensing process established in this section.

- (g) A taxicab service licensed under this code section may not allow a person to operate its vehicles without a taxicab driver's license issued pursuant to this code section.

(10) Enforcement.

- (a) The Chief of Police may suspend or revoke licenses issued under this section when it is determined that the licensee or permittee has violated a state statute, a City Ordinance or any rule established under the authority of this Ordinance. In order to suspend or revoke a license or permit issued under this Section, the Chief of Police shall follow the procedures in this subsection.
- (b) Any offense or misconduct substantially related to taxicab or other vehicle operation by any service or driver shall be cause for revocation or suspension of up to twelve (12) months by the Chief of Police of the license issued under this section. When a license is revoked no other license shall be granted to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded. The Chief of Police shall inform the owner, operator or driver of the revocation or suspension and the reasons therefore in writing.
- (c) Any suspension or revocation imposed by the Chief of Police may be appealed to the Common Council Legislative Committee by filing a Notice of Appeal with the City Clerk within ten (10) days after the date of such notice of revocation or suspension. The Notice of Appeal shall state the basis upon which the licensee seeks review of the Chief of Police's determination.
- (d) The suspension or revocation of a license ordered by the Chief of Police shall take effect five (5) days after the date of the notice of suspension or revocation, unless the Chief of Police grants a stay. The Chief of Police may grant a stay if:
 - 1. Written request for a stay is received on or before the effective date of the suspension or revocation; and
 - 2. The request for a stay states reasons supporting the request; and
 - 3. The Chief of Police finds that granting a stay of the suspension or revocation will not constitute a danger to the public health, safety, welfare or convenience.

- (e) At a hearing before the Legislative Committee the licensee shall have an opportunity to cross examine witnesses, may call witnesses and may be represented by legal counsel. After holding a hearing, the Legislative Committee shall by majority vote make findings of facts and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the Chief of Police. Decisions of the Legislative Committee are final determinations subject to judicial review as provided by law.
- (11) Forfeitures. Any person violating the provisions of this Section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each and every offense.

16.22 WO ZHA WA

- (1) Vendors to be Licensed. All persons who sell goods, items, food or services at the WoZhaWa festival shall have affixed to their booth or sales location, in a prominent place, a license issued by the City Clerk or designee. A separate license is required for each vendor stand or booth.
- (2) License Fee and Distribution of Monies. The Common Council, after consultation with the organizers and coordinators of the WoZhaWa festival may, on an annual basis, establish by resolution the fees to be paid by vendors for licenses issued pursuant to sub sec. (1) above. The Common Council may by resolution direct the distribution of fee collected.
- (3) Police to Enforce. The Wisconsin Dells Police Department shall enforce the license requirement of sub sec. (1) above and shall issue citations to those vendors who do not have licenses. The Wisconsin Dells Police Department may also take reasonable steps to prevent vendors who do not have licenses from displaying or selling their goods.
- (4) Penalty. Vendors who do not have a license issued pursuant to sub. sec. (2) may be fined \$407.00 per day. Vendors who default in payment of their forfeiture may be confined in the county jail not more than three (3) days.

16.23 REGULATIONS OF PAWNBROKERS, SECONDHAND ARTICLE AND JEWELRY DEALERS.

The City adopts by reference the provisions of Wis. Stat. sec. 134.71 as it is amended from time to time

16.24 RENTAL OF CERTAIN MOTORIZED DEVICES.

- (1) No person or entity in the City may rent for use by the public on any public way, any of the following: motorcycles, motorized bicycles, mo-peds, scooters, Segways or similar devices.
- (2) Penalty. Any person who violates this section, upon conviction thereof, shall forfeit not less than \$200.00 and not more than \$500.00 together with the costs of prosecution; and in default of such forfeiture and costs shall be incarcerated in the county jail for not more than thirty (30) days. Each of continued violation shall constitute a separate violation and offense.

16.25 (Reserved for Future Use)

16.26 COMMERCIAL DISTRICTS

- (1) Definition. In this code section, the term “commercial districts” means C-1 “Neighborhood commercial” and C-2 “Downtown commercial”.
- (2) Sound Amplification. In the commercial districts, no device, machine or speaker for the amplification of sound or noise may be placed or mounted on the exterior of a building or storefront on the public right of way.
- (3) Video Monitors. In the commercial districts, and subject to code sec. 22.19(9), video monitors placed in windows or visible from the public right of way, may not have screens larger than 32 inches measured.

16.27 (Reserved for Future Use)

16.28 COMMERCIAL ANIMAL SALES

- (1) No person or entity may operate a commercial business for the sale of animals, or include animals in connection with a business promotion.

16.29 RESERVED FOR FUTURE USE

16.30 OUTDOOR DISPLAY OF RETAIL MERCHANDISE

- (1) Retail merchandise for sale in a store may be displayed outside of the store on adjacent private property; not upon the public right-of-way.
- (2) The following exterior display devices may be used: mannequins, no more than four (4) per store front, for apparel and accessories; and, fixtures, no more than one per store front, such as benches, shelves and carts with the following maximum dimensions: width-four (4) feet, length-one (1) foot, height-four (4) feet.
- (3) All sales must be consummated inside the adjacent store.

- (4) The City Zoning Administrator shall establish rules and issue annual licenses for outdoor display devices and fixtures. A license fee may be established by resolution.

CHAPTER 16 REVISIONS

09-20-76
02-18-80 A-44
02-18-80 A-45
06-16-80 A-51
07-21-80 A-54
08-17-81 A-80
07-17-84 A-130
08-20-84 A-131
01-21-85 A-141
05-20-85 A-146
03-20-86 A-159
08-18-86 A-168
12-18-86 A-172
06-11-87 A-186
07-23-88 A-191
09-19-88 A-205
11-21-88 A-207
11-21-88 A-208
02-02-89 A-219
06-29-89 A-227
03-01-90 A-250
03-01-90 A-251
03-18-91 A-278
03-18-91 A-279
03-18-91 A-280
05-20-91 A-285
07-15-91 A-291
11-27-91 A-298
11-27-91 A-300
11-27-92 A-302
11-27-92 A-306
06-26-92 A-314
06-26-92 A-315
07-30-92 A-316
10-28-93 A-337
05-20-94 A-343
12-22-94 A-356 Permit fees
02-28-96 A-383 Regulation of Fireworks
02-28-96 A-384 Improper Exhibitions
02-28-96 A-387 Helicopter Regulations
11-27-96 A-396 Liquor and Fermented Malt Licenses
01-29-97 A-403 Mobile Home Committee eliminated; Manufactured homes defined;
Deletes provisions for mobile homes being located outside of mobile home parks.
05-14-97 A-408 Redefine fireworks & prohibit devices producing an obnoxious odor.
08-27-97 A-413 Prohibit tethered or captive balloons used for signage 16.19(1).
11-17-97 A-417 Refers license fees and other charges for this chapter to Schedule of Fees.
12-24-97 A-420 Portable Amusement Rides - 16.08

01-28-98 A-421 Helicopters banned effective 1-1-2002 - sec. 16.19
01-28-98 A-423 Renewal fee for Adult Oriented Est. referred to Resolution - 16.18(7)(b)
01-28-98 A-424 Quota exception, site-specific liquor licenses. 16.12(3)(a).
04-29-98 A-426 Define tattoo and body piercing establishments as Adult Oriented. 16.18(1)(a)
and 16.18(1) (k) through (q)
05-27-98 A-428 Establish license requirements/fees for Wo Zha Wa vendors.
02-04-99 A-436 Establish provision for reserve Class B licenses – 16.12(3)(a)
03-31-99 A-435a Improper Exhibitions – 16.13 repealed & recreated.
07-28-99 A-442 Regulation of Pawnbrokers, Secondhand Article and Jewelry Dealers 16.21
06-28-00 A-463 Define and regulate Employee Lodging Facilities.
09-02-00 A-469 Change Saddle Horse/Horse Drawn Vehicle License to May 1-April 30
02-28-01 A-477 Est. License period date for Lodging Facilities 16.06(5)(d)
06-27-01 A-482 New guidelines for discipline of liquor license holders. 16.125
06-27-01 A-483 Clarifies that Class B sales cannot be after 9pm in convenience stores. 16.12(15)
07-25-01 A-488 Defines “units” for Employee Lodging Facilities. 16.06(1)
10-24-01 A-494 Tavern Operator Licenses to 2-year term. 16.12(5)(a) amended
02-06-02 A-498 Deletes sightseeing helicopters from city code. 16.19 repealed
02-06-02 A-499 Deletes Ins. requirement for saddle horses/horse drawn veh.16.01 & 16.015
03-27-02 A-502 Amends title and description of (Employee) Lodging Facilities. 16.06
05-29-02 A-504 Changes Massage Therapist/Body Workers to follow state statutes. 16.14
07-24-02 A-507 Increase penalty for WoZhaWa vendor license violations. 16.22(1)&(4)
01-29-03 A-517 Recreates Mobile Home regulations. 16.03
01-29-03 A-518 Regulated Taxicab services. 16.21
01-29-03 A-519 Regulated the distribution of handbills. 16.17
03-26-03 A-526 Eliminates Public Hearing from Taxicab License req. 16.21(b)
08-27-03 A-531 Clarifies penalty for Circus without a permit. 16.07(4)
08-27-03 A-532 Amends portable amusement rides to exclude kiddie rides. 16.08(3)
06-30-04 A-555 License Committee becomes Legislative Committee (incl. Ord. Committee now)
07-28-04 A-560 Amends Circus license requirement. (provides for year-round). 16.07
03-30-05 A-573 Defines requirements for Quota Plus Liquor License. 16.12(16)
06-29-05 A-577 Provides for suspension/revocation of Taxicab License. 16.21(9)
08-31-05 A-581 Amends definition of taxicab. 16.21(1)
08-31-05 A-582 Amends cigarette license to include tobacco products. 16.15(1)
07-16-07 A-620 Provides for Temporary Operator Licenses. 16.12(5)(c) created
12-26-07 A-628 Prohibits rental of motorized devices. 16.24
04-23-08 A-634 Establishing Busking (street performers) Permit. 16.10
04-23-08 A-635 Adds criminal history check for Taxi service license. 16.21(6)
06-21-08 A-642 Updates insurance limits for Taxicabs. 16.21(5)
08-02-08 A-645 No pets allowed at lodging facilities. 16.06(8)(i)
02-25-09 A-652 Repeals and recreates criteria for Quota Plus Liquor Licenses. 16.12(16)
06-20-09 A-659 Repeals and recreates criteria for Riding Stable License. 16.01
02-24-10 A-674 Repeals and recreates licensing procedure for Taxicabs & Drivers. 16.21.
06-30-10 A-682 Ins. Amount down to \$300,000 for Taxicab services. 16.21(8)
06-30-10 A-684 Regulate sound amp. and video monitors in commercial districts. 16.26
06-30-10 A-685 Regulate Commercial Animal Sales. 16.28
01-01-11 A-694 Lodging Fac. Definitions, Heating season addressed. 16.06(1)&(5), (8)(j)

02-26-11 A-697 Outdoor burning exception for campgrounds. 16.04(13)
04-27-11 A-701 Amends point system for alcohol license violations. 16.125(4), 16.12(11),
04-25-12 A-719 Recreates Employee/Workforce Housing regulations. 16.06
07-24-13 A-731 Prohibits Commercial Animal Sales eff. 1/1/2014. 16.28
04-23-14 A-745 Amends prorated bartender license fee. 16.12(5)(a)
05-24-14 A-746 Amends Taxicab service license insurance -city notified of changes. 16.21(8)(a)
03-28-15 A-761 Regulated Outdoor Displays of retail merchandise. 16.30
05-27-15 A-767 Mobile Home License amended. 16.03
04-02-16 A-795 Busker Permit Revisions 16.10
06-04-16 A-798 Quota Plus "Class B" Liquor License 16.12(16)