

**CHAPTER 12**  
**LICENSES AND PERMITS**

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12.01 GENERAL PROVISIONS. (1) APPLICATION (Rep. & Recr. Ord. #782). Every application for a license or permit required by this chapter shall be made upon a form furnished by the Clerk-Treasurer and verified. The appropriate license or permit fee, together with a publication fee, if any, shall be paid to the Clerk-Treasurer at the time of filing such application, except that the Class A and B license fee shall be paid not less than 15 days prior to the date the license is to be issued. No initial license or permit fee shall be refunded unless the granting of the license or permit is denied.

(2) SPECIAL COUNCIL MEETINGS. The applicant for a license or permit may request, in writing, a special Council meeting for the purpose of granting a license or permit. In the event the Council elects to hold such special meeting, the applicant shall pay an additional fee of \$50 prior to the meeting.

(3) LICENSE ISSUANCE (Rep. & Recr. Ord. #826)(Am. Ord. #871). Class "A," "Class A"Class "B," "Class B," "Class C" and beverage operator's licenses shall be granted by the Council. Temporary Class "B" and temporary "Class B" licenses may be granted by the Clerk-Treasurer. Licenses, when granted, shall be issued by the Clerk-Treasurer and shall state the date thereof, the day from which it shall be in force, the name and place of business of the person to whom it is issued, the particular purpose and the time period for which issued, and the amount of the license fee paid. The Clerk-Treasurer shall keep all such applications on file and keep a record of all licenses issued. In the event any license applied for is denied, the Clerk-Treasurer shall return the license fee to the applicant.

(4) LICENSE TERMINATION. Except as otherwise specifically provided, every license or permit granted under this chapter shall terminate or expire on June 30 of each year.

(5) NO PROBATING OF FEES. Except as otherwise specifically provided, no initial license or permit fee shall be prorated.

(6) NO REFUND OF FEES. No license or permit fee shall be refunded if a license or permit is surrendered or revoked for cause.

(7) TRANSFER OF LICENSES AND PERMITS PROHIBITED. No license or permit may be transferred from the licensee or permittee to another person unless otherwise provided in this chapter.

(8) SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Council for cause after giving the licensee or permittee an opportunity to be heard, as provided by law.

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(9) [Cr. Ord. #1328]

Upon the transfer or sale of the licensed business, all past violations of the former license holder shall be disregarded when reviewing the suspension / revocation / renewal of the license unless the following apply:

- a. The new license applicant is related to the former licensee by blood, adoption or marriage.
- b. The new license applicant held a business interest in the previous licensed business, real estate or equipment.
- c. The former license retains an interest in the business or equipment used by the business.
- d. The new license applicant's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing but not obligated to sell and the buyer is willing, not obligated to buy.

If any of the above applies, the new license applicant shall inherit the previous violations of the business and may be used for suspension, revocation or non-issuance or renewal of a license.

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (Am. Ord #782).

- (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.075, 125.09(6), 125.11(1), 125.14(4), 125.59 and 125.66, 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 INVESTIGATION. The Clerk-Treasurer shall notify the Health Officer, Chief of Police and Building Inspector of each new license and permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the Council, in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Council, and no license shall be renewed without a report from the Chief of Police.
  - (3) LICENSE FEES. (Am. Ord. #871). The fees for issuance of fermented malt beverages and intoxicating liquor licenses shall be as follows:
    - (a) Class "A" Fermented Malt Beverages License. (Am.Ord.#826, #1086) \$100 per year, fee to be prorated on the basis of the months remaining in the license year.
    - (b) Class "B" Fermented Malt Beverage License. \$100 per year, fee to be prorated on the basis of the months remaining in the license year.
    - (c) Temporary Class "B" (Picnic) . (Am. Ord. #665; Rep. & Recr. Ord. #782; Rep. & Recr. Ord. #826; Am. Ord. #997) Wine License \$10 per day unless issued in conjunction with a Temporary Class "B" (beer ) license, then no fee. Issued to organizations enumerated in Section 125.51(10) WI STAT. to sell or serve any wine. No more than two such licenses may be issued to the same organization during a 12-month period.
      - 2. Temporary "Class B" Licenses (Wine) . \$1.00 per day. Issued to organizations enumerated in §125.51(10), Wis. Stats., to sell or serve wine containing not more than 6% alcohol by volume at a picnic, meeting or gathering. No fee if simultaneously issued with a temporary class "B" license for the same day and event.
- (cm) (Rep. Ord. #782)
- (d) Wholesalers Fermented Malt Beverage License. \$25 per year.
  - (e) "Class A" Intoxicating Liquor License. (Am. Ord. #657, #1086). \$400 per year, fee to be prorated on the basis of the months remaining in the license year.

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- (f) "Class B" Intoxicating Liquor License. (Am. Ord. #657, #1086). \$400 per year, fee to be prorated on the basis of the months remaining in the license; except the license fee to bona fide clubs and lodges situated and incorporated or chartered in the State of Wisconsin for at least 6 years shall be \$50 per year, as provided in §125.51(3) (e), Wis. Stats.
  - (frn) Class C Wine License. (Cr. Ord #891). \$50 per year fee to be prorated on the basis of months remaining in the license year.
  - (g) Pharmacist Permit. \$10 per year.
  - (h) Operator's License (Am. Ord #657; Am. Ord. #767; Am. Ord. #996) \$25 per year.
  - (hm) (Rep. Ord. #767)
  - (i) Transfer of License to Another Premises. \$10.
  - (j) Temporary Beverage Operator's License (Cr. Ord. #657; Am. Ord. 767). \$5 per occasion. This license is only issuable to members of nonprofit organizations and is valid for up to 14 days.
  - (k) Provisional Beverage Operator's License (Cr. Ord. #781).\$3 per issuance.
- (4) OPERATOR'S LICENSE (Am. Ord. #731; Rep. & Rear. Ord. #767; Rep. & Rear. Ord. #781).
- (a) Filing Deadline. All applications for beverage operators' licenses shall be returned at least 10 business days before they may be acted upon by the Council.
  - (b) VTAE Training Course Required (Rep. & Rear. Ord. #826). All original applicants, after July 1, 1991, shall submit proof that they have successfully completed a responsible beverage server-training course offered by a vocational, technical and adult education district, which contained a curriculum conforming to guidelines specified by a VTAE Board. such a course must have been completed not more than 2 years prior to the date of application. Persons renewing a license previously issued by the City not more than 2 years from the date of application are exempt from this requirement.
  - (c) Provisional Operator's License (Rep. & Rear. Ord. #826). The Clerk-Treasurer may issue a provisional operator's license, upon approval of the Chief of Police, to persons who have applied for a regular operator's license and who have completed or are enrolled in a VTAE beverage server's training course. This license shall expire upon either the day following the Council meeting at which the original application is to be acted upon or the day following the Council meeting immediately following the completion date of the course in which the applicant is enrolled.
  - (e) Criminal Background Check (Cr. Ord. #989) All original applicants for a regular or provisional operator's license shall be required to submit a criminal background check, which shall be conducted by the Police Department.

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- (5) LICENSE QUOTAS.
- (a) Class "A" Fermented Malt Beverage Licenses (Am. Ord. #782; Am. Ord. #819; Repeal Ord. #1084). [The State's quota on alcohol licenses applies only to "Class B" liquor licenses.]
  - (b) Class "B" Fermented Malt Beverage Licenses. (Am. Ord. #757; Am. Ord. #909). There shall be no more than one Class "B" fermented malt beverage license for each 1,300 inhabitants or major fraction thereof of the City, such population to be determined as set out in par. (a) above. Holders of such licenses prior to April 19, 1963, their successors, and assigns, shall be eligible to renew their license if otherwise entitled by law, notwithstanding this section.  
*(5 Beer Licenses allowed for the City)*
  - (c) "Class A" Intoxicating Liquor Licenses. (Repeal Ord. #1084)  
[The State's quota on alcohol licenses applies only to "Class B" liquor licenses.]
  - (d) "Class B" Intoxicating Liquor Licenses. The number of "Class B" intoxicating liquor licenses that may be granted shall be limited to the number lawfully issued and in force on August 27, 1939 which *consisted of 18 licenses. The City has zero Reserve Licenses.*
- (6) LICENSING CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:
- (a) Location of Premises. No retail Class B liquor or fermented malt beverage license shall be granted for a premises located less than 300 feet from any established public or parochial school, hospital or church or any Residence District under the Zoning Code, excepting those taverns so located as of May 6, 1947.
  - (b) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed consent to this provision.
  - (c) Tax Delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the City are delinquent or unpaid.
  - (d) Violation by Agents or Employees. A violation of

This section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.

- (e) Single Business Use (Cr. Ord. #820, Eff. 5-5-90; Am. Ord. 1084). 1. Except for Class A license holders, no such license shall be granted for any premises where any other separate business operation shall be conducted in connection with said premises. This restriction shall not apply to restaurants or bowling alleys. Incidental sales of food or other items shall not be construed as a separate business operation. Sales of non-alcoholic containing beverages shall not be considered incidental if they account for more than 20% of gross profits.
- (f) Premises required. (Amend Ord. 1069; Am. Ord. #1084). 1. No license application shall be granted or renewed unless the applicant has premises in operation. In operation shall mean to be open (or intended to be open in the case of new applicants) to the public on days and at times normally associated with other like businesses, but not less than 1400 hours per licensing year. Except for Class A Licenses, no such license may be granted or issued unless there is access to the licensed premise directly from the street, sidewalk or parking area.
  - 2. No such license may be granted or issued unless there is access to the licensed premises directly from the street, sidewalk or parking area.
  - 3. (Repeal & Recr. Ord. #1084). Convenience stores shall be entitled to the issuance of Class A Beer licenses only. Convenience Food Store means a drive-in food store specializing in a wide variety of high volume grocery and beverage items and emphasizing fast service and includes sales of gas.
- (7) CONDITIONS OF OPERATION. In addition to the conditions of operation imposed by state law, all retail Class "A" and Class "B" fermented malt beverage licenses and intoxicating liquor licenses granted hereunder shall be subject to the following conditions and all other ordinances and regulations of the City applicable thereto:
  - (a) Health Rules. No premises shall be operated under a license issued hereunder without compliance with the applicable

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rules of the State Department of Health and Social Services and the rules and regulations of the Board of Health and the Health Officer.

- (b) (Rep. Ord. #1048)
- (c) (Rep. Ord. #731)
- (d) Posting of Licenses. Licenses and permits granted under this section shall be posted and displayed, as provided in § 125.04 (10), Wis. Stats., and any licensee or permittee who fails to so post and display his license or permit shall be presumed to be operating without such license or permit.
- (e) Club Patrons. No club shall sell intoxicating liquors except to members and guests invited by members.
- (f) Orderly Conduct Required. Each licensed premises at all times shall be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (g) Gambling Prohibited. No gambling or game of chance shall be permitted in any form upon the licensed premises.
- (h) Wearing Apparel. (Ord. #999; Ord. #1116)

### SECTION 1. REASONS FOR ADOPTION.

WHEREAS, the Common Council of the City of New London has explicit authority under sec. 125.10(1), WI. Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in ch. 125, WI. Stats., and

WHEREAS, the Common Council has authority under its general police powers set forth in sec. 62.11(5), WI. Stats. to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and

WHEREAS, the Common Council recognizes it lacks of authority to regulate obscenity in light of sec. 66.051(3), WI. Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and



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WHEREAS, bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the community and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the communities, to the public health, safety and general welfare of citizens; and

WHEREAS, the Common Council recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

WHEREAS, however, the governing body is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the City of New London; and

WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct; and

WHEREAS, the governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the City of New London; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, the governing body has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity,

NOW, THEREFORE, the Common Council of the City of New London do ordains as follows:

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SECTION 2. 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 license 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:

Shows his or her genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or

Shows any portion of the female breast below a point immediately above the top of the areola; or

Shows the covered male genitals in a discernibly turgid state.

SECTION 3. EXEMPTIONS. The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where Jive 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 employee engaging in nude erotic dancing.

SECTION 4. DEFINITIONS. For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Common Council of the City of New London to sell alcohol beverages pursuant to ch. 125, WT. Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" license granted by the Common Council of the City of New London pursuant to Ch. 125, WI. Stats.

SECTION 5. PENALTIES. Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$ 5, and not more than \$ 500 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under sec. 125.12, WI. Stats.

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- (8) FURNISHING ALCOHOL BEVERAGES TO UNDERAGE PERSONS RE-STRICED (Am. Ord. #701; Rep. & Recr. Ord. #731). No alcohol beverage shall be sold dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (9) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE (Cr. Ord. #731). (a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not 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 licensed premises with or for the licensee or his 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.
- (b) Exceptions. Paragraph (a) above shall not apply to:
1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.
  2. An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
  3. Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
  4. Licensed restaurants where the principal business is that of a restaurant.
  5. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
  6. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified

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dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

7. In Class A establishments (e.g. Stop & Go) open after 9:00 P.M., no operator need be present after 9:00 P.M.

(10) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES (Cr. Ord. #731). (a) Restrictions. Pursuant to §125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

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

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in §§125.32 (2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.

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

(11) REVOCATION AND SUSPENSION OF LICENSES (Renum. Ord. #731). (a) Procedure. Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or the Chief of Police or by the Council upon its own motion.

(b) Automatic Revocation. Any license or permit granted under this section shall stand revoked without further proceedings upon conviction of a licensee or permittee or his employee, agent or representative of a second offense under this section or Chs. 125 or 139, Wis. Stats., or any other State or Federal liquor or fermented malt beverage law, or any felony.

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- (c) Repossession of License or Permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Clerk-Treasurer shall notify the licensee or permittee and the Chief of Police of such revocation or suspension, and the Chief of Police or his designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk-Treasurer.
  - (d) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.
- (12) DEFINITIONS (Cr. Ord. #700; Renum. Ord. #731). As used in this section, the following definitions apply:
- (a) Legal Drinking Age (Rep. & Reer. Ord. #731). Twenty-one years of age, but includes those persons who have attained the age of 19 on or before August 31, 1986.
  - (b) Underage Person. A person who has not attained the legal drinking age.

12.025 SODA WATER BEVERAGE LICENSE (Cr. Ord. #736); Repealing Ord. #1277

12.026 NON-INTOXICATING BEVERAGE LICENSE (Cr. Ord. #743); Repealing Ord. #1277

12.03 CIGARETTE RETAILER LICENSE. (Am. Ord #995)

No person shall sell cigarettes in the City without first obtaining a license from the Clerk Treasurer. The provisions of §134.65 of the Wisconsin Statutes are hereby adopted and made a part of this section by reference. License fee shall be \$25 per year.

12.04 AMUSEMENT DEVICE LICENSE. (1) DEFINITIONS. The following terms, as used in this section, shall be construed as follows:

- (a) Amusement Device. Any machine operated by coin or token, commonly referred to as pinball machine, marble machine, shooting gallery, etc., and music machine or juke box, shuffle board, Keeno and any and all other devices when set up and operated in any established place of business for profit, the operation of which involves a skill feature. Food and beverage vending machines are excluded from this definition.
  - (b) Gambling Device. Any instrument, device or thing used for gambling or playing any game of chance for money or any other thing of value.
  - (c) Slot Machine. Any instrument or device which is operated by the insertion of any coin or token and which may entitle the operator to any money, token, merchandise or other thing of value as a prize or award.
- (2) GAMBLING DEVICES PROHIBITED. No person shall set up for operation, operate, lease or distribute for the purpose of operation, any gambling device or slot machine.
- (3) LICENSE REQUIRED. It shall be unlawful for any person to own or provide any amusement device or for any person to maintain or permit the maintenance of any such amusement device on premises owned or under control of any such person without first obtaining a license for each such device from the Clerk-Treasurer. The applicant shall provide any information required to identify the device licensed.
- (4) LICENSE FEE. (Am Ord. #1160) The license fee shall be \$25 per device, per year, and the license shall be valid until the next succeeding July 1.
- (5) POSTING OF LICENSE. The license, when issued, shall be posted in a conspicuous place on or near the device so licensed.
- (6) PROHIBITED PRACTICES AND RESTRICTIONS. No person shall use any device licensed under this section as a gambling device, and no licensee shall permit any person to use any machine licensed hereunder for gambling purposes, nor shall the possessor of any such device permit any intoxicated person under 18 years of age to engage in and play such a device.

12.05 REGULATION AND LICENSING OF DIRECT SELLERS, TRANSIENT

## LICENSES AND PERMITS 12.05 (1)

MERCHANTS AND SOLICITORS. (1) DIRECT SALES AND SOLICITATIONS; REGISTRATION REQUIRED. It shall be unlawful for any direct seller, transient merchant or solicitor to engage in direct sales or solicitations within the City without being registered and licensed for that purpose as provided herein.

- (2) DEFINITIONS. (a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or services or takes sales order for the later delivery of goods or services at any location other than the permanent business place or residence of said individual, partnership, association or corporation and shall include, but not be limited to, peddlers, canvassers and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by & donor or prospective customer.
- (b) Transient Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box car or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader or auctioneer.
- (c) Permanent Merchant. A direct seller or one representing a merchant who, for at least one year prior to the submission of an application pursuant to this section, has continuously operated an established place of business in this City or has continuously resided in this City and now does business from his residence.
- (d) Goods. Personal property of any kind and includes goods provided incidental to services offered or sold.
- (e) Solicitor. Any individual who, for himself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organization, society, association or corporation.

- (f) Charitable Organization. Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation for which there is provided proof of tax exempt status pursuant to §501(c) (3) or (4) of the United States Internal Revenue Code.
  - (g) Applicant. Each individual applying for registration and licensing as a direct seller, transient merchant or solicitor.
  - (h) Registrant. Each individual registered by the Clerk-Treasurer.
- (3) EXEMPTIONS. (a) The following shall be exempt from all provisions of this section:
1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes
  2. Any person selling goods at wholesale to dealers in such goods.
  3. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.
  4. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in his regular course of business.
  5. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.
  6. Any person who has had, or represents a company which has had, a prior business transaction such as a prior sale or credit arrangement with a prospective customer.
  7. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (b) Charitable organizations registered with the Wisconsin Department of Regulation and Licensing pursuant to §440.41, Wis. Stats., shall be exempt from the requirements set forth in subs. (4) (a) , (4) (c) and (6) of this section if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation and provided, further,



LICENSES AND PERMITS 12.05 (3)

that said individuals provide the Clerk-Treasurer with the following information:

1. The individual's name and permanent address.
2. The name and address of the organization represented.
3. The name and address of the officers or directors of the organization.
4. The nature of the sales or solicitations.
5. Proposed dates and time of sales or solicitations.

A license operative for the dates provided to the Clerk-Treasurer shall be issued without charge upon compliance with the foregoing. The Clerk-Treasurer shall then forward the information and notice of the issuance of a license to the Chief of Police.

- (c) Any religious organization from which there is provided proof of tax exempt status pursuant to §501(c) (3) of the United States Internal Revenue Code shall be exempt from the requirements set forth in subs. (4) (a) , (4) (c) and (6) - The provisions of sub. (3) (b) above shall be applicable to such organizations
- (d) Any veteran who holds a special state license pursuant to §440.51, Wis. Stats, shall be exempt from the provisions of sub. (4) and (6) provided that such veteran provides the Clerk-Treasurer with the following information:
  1. The veteran's name and permanent address.
  2. The nature of the sales or solicitations.
  3. Proposed dates and times of sales or solicitations.

The Clerk-Treasurer shall then forward the above information to the Chief of Police.

- (4) **REGISTRATION REQUIREMENTS.** (a) Applicants for licenses must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
  1. Name, permanent address, telephone number and temporary address, if any.
  2. Age, height, weight and color of hair and eyes.

## LICENSES AND PERMITS 12.05 (4)

3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by or whose merchandise is being sold.
  4. Temporary address and telephone number from which sales or solicitations will be conducted, if any.
  5. Nature of sales or solicitations to be conducted and a brief description of the goods and/or services offered.
  6. Proposed dates and times of sales or solicitations.
  7. Proposed method of delivery of goods, if applicable.
  8. Make, model and license number of any vehicle to be used by applicant in the conduct of sales or solicitations.
  9. Last 3 cities, villages and towns where applicant conducted similar sales or solicitations.
  10. Place where applicant can be contacted for at least seven days after leaving this City.
  11. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's sales or solicitation or other transient merchant activities within the last 5 years, the nature of the offense and the place of conviction.
  12. A recent photograph of the applicant that shows the head and shoulders.
- (b) Applicants shall present the following items to the Clerk-Treasurer for examination:
1. A driver's license or some other proof of identity as may be reasonably required.
  2. A physician's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease and dated not more than 90 days prior to the date the application for license is made.

LICENSES AND PERMITS 12.05 (4)

- (c) (Am. Ord. #657, Am. Ord. #1159) No application shall be processed until an application fee of \$35 has been paid to the Clerk-Treasurer to cover the cost of processing said application.
  - (d) The license period shall be for one year from the time of issuance.
- (5) INVESTIGATION; DENIAL OF APPLICATION. (a) Upon receipt of a completed registration form, the Clerk-Treasurer shall immediately refer it to the Chief of Police to make an investigation. The Police Chief or his designee shall complete the investigation and file a report with the Clerk-Treasurer within 72 hours.
- (b) The Clerk—Treasurer shall refuse to issue a license to the applicant for any of the following reasons:
    - 1. The application contains any material omission or materially inaccurate statement,
    - 2. The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling or solicitation.
    - 3. The applicant failed to comply with any applicable provision of par. (4) (b) above.
    - 4. If as a result of the investigation required under this section, the applicant's business or character are found to be unsatisfactory, the Chief of Police shall endorse on said application his disapproval and his reasons for the same and return the application to the Clerk-Treasurer who shall notify the applicant that his application was not approved and no license will be issued.
  - (c) In the event the Clerk-Treasurer shall refuse to issue the applicant a license, the Clerk-Treasurer shall provide the applicant an opportunity to refute said reasons for denial of the license. After the Clerk-Treasurer has made a final determination, he shall either issue the license or provide the applicant with written reasons for refusing to issue the license.

LICENSES AND PERMITS 12.05 (5)

- (d) Any person denied application for a license may appeal such action by filing with the Council within 14 days after written notice of the denial a written statement requesting a hearing and setting forth the grounds for the appeal. The Council shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 24 hours prior to the time set for the hearing.
  
- (6) REGISTRATION AND ISSUANCE OF LICENSE. (a) Upon compliance with the foregoing requirements and filing of a bond, if applicable, the Clerk-Treasurer shall register the applicant as a direct seller, transient merchant or solicitor and issue a license to the applicant. The license shall be operative only during the days requested on the registration form.

LICENSES AND PERMITS 12.05 (6)

- (b) Such license shall contain the signature of the Clerk—Treasurer, the name and address of the direct seller, transient merchant or solicitor, the type of goods or services being sold or the nature of the solicitation, the dates during which the license is operative and the license number of any vehicle used for sales or solicitation.
  - (c) Registrants shall exhibit their license at the request of any citizen or police officer.
  - (d) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of Waupaca or Outagamie Counties, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin, shall file with the Clerk-Treasurer a surety bond for a term of one year from the date of issuance of license, running to the City in the amount of \$500 with surety acceptable to the Mayor, conditioned that the applicant comply with all applicable ordinances of this City and statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of this City that all money paid as a down payment will be accounted for and applied according to the representations of the seller and that the property purchased will be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the Clerk of Courts in which suit is commenced and be relieved of all further liability.
- (7) REGULATION OF DIRECT SELLERS AND SOLICITORS. (a) Prohibited Practices. 1. A direct seller or solicitor shall be prohibited froth:
- a. Calling at any dwelling or other place between the hours of 8:00 P.M. and 9:00 A.M. except by appointment.
  - b. Calling at any dwelling or other place where a sign is displayed bearing the words "No peddlers", "No Solicitors" or words of similar meaning.
  - c. Calling at the rear door of any dwelling place.
  - d. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
2. A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A direct seller representing a charitable or religious organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable or religious purpose for which the individual is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods or services.

## LICENSES AND PERMITS 12.05 (7)

3. No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets. No direct seller or solicitor shall sell or solicit in any congested area or where the public will be impeded or inconvenienced. 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 or the public impeded or inconvenienced.
  4. No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.
  5. No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he is conducting business or making solicitations.
- (b) Disclosure Requirements.
1. After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller or solicitor shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
  2. If any sale of goods or services is made by a direct seller or any sales order for the later delivery of goods or services is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in §423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§423.203 (1) (a), (b) and (c), (2) and (3), Wis. Stats.
  3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement the amount paid in advance, whether full,

## LICENSES AND PERMITS 12.05 (7)

partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof,

- (8) REGULATION OF TRANSIENT MERCHANTS. The provisions of subpars. (7) (b) 2 and 3 shall apply to transient merchants.
- (9) REGULATION OF FARMERS AND TRUCK GARDENERS. Farmers and truck gardeners selling their own produce shall:
  - (a) Remove their sale facility and produce at the end of each day's activity, said day's activity to run from the hours of 6:00 A.M. to 7:30 P.M.
  - (b) Obtain a statement in writing from the Chief of Police that the proposed location will not impede or inconvenience the public use of streets or sidewalks.
  - (c) Obtain written authority from the owner of the property to locate the proposed sale facility thereon.
- (10) RECORDS OF VIOLATIONS. The Chief of Police shall report to the Clerk-Treasurer all convictions for violations of this chapter and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted. The Clerk-Treasurer shall note any complaint or report of an alleged violation made by a resident of this City or a police officer.
- (11) REVOCATION OF LICENSE. (a) The registrant's license may be revoked by the Council after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales or solicitation, violated any provision of this chapter or was convicted of any crime or ordinance of statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations.
  - (b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the acts or omissions upon which the hearing will be based.

12.06 LIVE PUBLIC NUDITY. (Amd. Ord. #890, Repeal/Recreate Ord.#1139)

WHEREAS, the Council of the City of New London, Wisconsin, finds that live nudity and other lewd conduct in public places - especially when done for profit - are or can be highly detrimental to the public health, safety and welfare - by debasing those involved, lowering property values and creating an atmosphere conducive to violence, sexual harassment, public intoxication, prostitution, disorderly conduct, the spread of sexually transmitted diseases, and other negative secondary effects; and

WHEREAS, the Council of the City of New London, Wisconsin, makes these findings on the basis of its members' first-hand knowledge of the City and on the basis of experience of other cities as cited in United States Supreme Court decisions such as *Renton v. Playtime Theatres, Inc.* 475 U.S. 41, 106 S. Ct. 925 (1986), *Barnes v. Glen Theatre, Inc.* 501 U.S. 560, 111 S.Ct.2456 (1991) and *City of Erie v. Pap's A.M.* 529 U.S.277 St. Ct. 1382 (2000);

1. No person within the City of New London, Wisconsin, shall knowingly or intentionally, appear in a state of nudity in any public place.
2. "Nudity" means:
  - a. the showing of the human male or female genitalia, pubic area or anus with less than a fully opaque covering and/or
  - b. the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.
3. "Public Place" includes all outdoor places and all buildings or enclosed places which are owned by or open to the general public, including those limited to specific classes of the general public, such as patrons, members, or adults over a certain age.
4. The prohibition set forth in Section (1) shall not apply to:
  - a. private residences
  - b. the normal use of public restrooms
  - c. the normal use of privately rented hotel/motel rooms and campsites
  - d. any child under ten (10) years of age
  - e. any female exposing a breast to breastfeed an infant under two (2) years of age.
  - f. medical examinations or demonstrations and/or
  - g. dramatic performances of serious artistic merit.
5. Any person violating this Ordinance shall be subject to a penalty pursuant to Sec. 12.25 of this Chapter for each offense.



LICENSES AND PERMITS 12.06 (6)

6. If any section or portion of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections or portions shall not be affected.

12.07 (Rep. Ord. #735)

12.08 (Rep. Ord. #666)

12.09 SECONDHAND ARTICLE DEALERS JEWELRY DEALERS AND PAWNBROKERS (Rep. & Recr. Ord. #830, Eff. 1-1-91) . (1) DEFINITIONS. (a) Jewelry. Any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.

(b) Pawnbroker, Any person who engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

(c) Secondhand. Owned by any person, except a wholesaler, retailer or secondhand article dealer or secondhand jewelry dealer licensed under this section, immediately before the transaction at hand.

(d) Secondhand Article Dealer. Any person who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale; an estate sale; a gun, knife, gem or antique show; a convention; or an auction.
2. Any transaction entered into by a person while engaged in a business for which the person is licensed under sub. (2) below or while engaged in the business of junk collector, junk dealer, auctioneer or scrap processor, as described in §70.995(2) (x), Wis. Stats.
3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.

LICENSES AND PERMITS 12.09 (1)

4. Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:
    - a. The return of the article.
    - b. The exchange of the article for a different, new article.
  5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
  6. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.
- (e) Secondhand Jewelry Dealer. Any person who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:
1. Any transaction at an occasional garage or yard sale; an estate sale; a gun, knife, gem or antique show; a convention; or an auction.
  2. Any transaction with a licensed secondhand jewelry dealer.
  3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.
  4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves any of the following:
    - a. The return of the jewelry.
    - b. The exchange of the jewelry for different, new jewelry.
  5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.
  6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.
- (2) LICENSES. (a) Required. No person may conduct business as a pawnbroker, secondhand article dealer or secondhand jewelry dealer unless the person first obtains a license to do so.

## LICENSES AND PERMITS 12.09 (2)

- (b) Exceptions. Persons conducting business only on premises or land licensed as a secondhand dealer mall or flea market need not obtain a license.
- (3) LICENSE APPLICATION. Persons wishing to operate or conduct business as a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall apply to the Clerk-Treasurer for a license. The Clerk—Treasurer shall furnish an application form which shall require the following information:
- (a) The applicant's name, place and date of birth, and residence address.
  - (b) The names and addresses of the business and of the owner of the business premises.
  - (c) A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 5 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.
  - (d) Whether the applicant is a natural person, corporation or partnership and the following:
    - 1. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
    - 2. If the applicant is a partnership, the names and addresses of all partners.
  - (e) The name of the manager or proprietor of the business.
  - (f) Any other information that the County or the Clerk-Treasurer may reasonably require.
- (4) LICENSEE INVESTIGATION. The Chief or his designee shall inform the Clerk-Treasurer in writing as to whether the statements made by the applicant with regard to felony, misdemeanor, statute or ordinance violations are correct.
- (5) LICENSE ISSUANCE. If, upon finding that no ordinance, statute, misdemeanor or felony convictions which substantially relate to the business in which the licensee wishes to engage were

## LICENSES AND PERMTIS 12.09 (5)

made, the Council shall issue a license authorizing the person to conduct business as a pawnbroker, provided that the licensee supplies a bond of \$500 with not less than 2 sureties for the observance of all municipal ordinances related to this business or shall issue a license authorizing the person to conduct business as a secondhand jewelry dealer or secondhand article dealer.

- (6) CONDUCT OF BUSINESS. All persons licensed under this section shall be bound by the requirements of §134.71(8), Wis. Stats.
- (7) SECONDHAND ARTICLE MALLS OR FLEA MARKETS. (a) The owner of any premises or land upon which 2 or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:
  1. Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as a separate secondhand article dealer.
  2. The secondhand article dealer mall or flea market is operated under one name and at one address and is under the control of the secondhand article dealer or flea market license holder.
  3. All sales are completed at a central location under the control of the secondhand article dealer mall or flea market license holder who maintains a record of all sales.(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with sub. (8) below.
- (8) LICENSE REVOCATION. The Council may revoke any license issued by it under this section for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this section or §§943.34, 948.62 or 948.63, Wis. Stats.
- (9) LICENSE PERIODS AND FEES. (a) Pawnbrokers, secondhand jewelry and secondhand article dealers licenses shall be issued for each calendar year (January 1 to December 31).
  - (b) Secondhand article malls or flea market licenses shall be issued biannually each odd calendar year (January 1 to December 31).
  - (c) Fees for each licensing period are as follows:
    1. Pawnbrokers License. \$210.

## LICENSES AND PERMITS 12.09 (9)

2. Secondhand Article Dealers License. \$27.50.
3. Secondhand Jewelry Dealers License. \$30.
4. Secondhand Article Mall-Flea Market. \$165.

12.10 TAXICABS. (1) LICENSE REQUIRED. No person shall operate a taxicab within the City without a license obtained hereunder. A taxicab includes all vehicles carrying passengers for hire except vehicles regulated by the Public Service Commission, rent-a-cars and funeral vehicles.

- (2) APPLICATIONS. Applications for a license hereunder shall be made to the Clerk-Treasurer and shall be referred to the Council.
- (3) LICENSE FEES (Am. Ord. #823). The license fee hereunder shall be \$50 per year for the first vehicle and \$10 for each additional vehicle.
- (4) COUNCIL APPROVAL REQUIRED. Upon reviewing the application and after considering the adequacy of existing taxicab service and the need for any additional service within the City, the Council shall grant or deny the license.
- (5) INSPECTION OF VEHICLES. Before a license is issued or renewed hereunder, the Police Department shall determine upon inspection that each vehicle licensed is in proper condition for the transportation of passengers.
- (6) INSURANCE (Rep. & Recr. Ord. #815). (a) An applicant for a license hereunder shall deposit with his application a certificate of insurance coverage showing that each vehicle to be licensed is covered by liability insurance by an insurance company licensed to do business in Wisconsin in the amounts of \$500,000 for injury or death to any one person involved in an accident regarding such vehicle, with \$500,000 available per accident and \$100,000 for property damage. It is recommended that excess liability insurance of at least \$1,000,000 be purchased over and above the auto policy required. Applicants are also responsible for State-required Workman's Compensation Insurance.
  - (b) It is required that insurance companies issuing coverage to the licensee notify the City of the cancellation of such insurance within the time frame set by law.
  - (c) Cancellation of insurance voids this license, effective 12 hours before the time of cancellation. Reissuance of the license with new insurance or reinstated insurance is not automatic. Such reissuance shall require an appearance before the Committee to which review of this license is assigned.

- (d) If new or reissued insurance is in effect before or at the moment of cancellation of the prior insurance and a certificate of insurance coverage to this effect is filed with the Clerk-Treasurer at least 12 hours before the effective time of cancellation, the license shall not be voided.
- (7) LICENSE ISSUANCE. Upon the granting of a license hereunder, the Clerk-Treasurer shall issue to the licensee a license which shall be displayed prominently in the taxicab for which it has been issued.
- (8) LICENSES NOT TRANSFERABLE. No license issued hereunder shall be transferable from one vehicle to another or from one licensee to another.
- (9) REVOCATION. Licenses granted under this section may be suspended or revoked at any time by the Council for any violation of the provisions of this section and also if the vehicle for which the license was issued is not of good appearance, clean and safe, or for conduct by the licensee or any person driving a vehicle under such license which is prejudicial to the public safety, welfare or good order of the City. A license suspended or revoked because the vehicle is not of good appearance, clean and safe shall not be reissued until the vehicle shall be put in good condition for use by the public to the satisfaction of the Council. When a taxicab license is revoked or suspended, as herein provided, the Clerk-Treasurer shall immediately notify the owner to cease operation of the vehicle as a taxicab for which the license has been revoked.

12.11 TAXICAB DRIVER'S LICENSE. (1) LICENSE REQUIRED. No person shall operate a taxicab unless he shall possess a taxicab driver's license.

- (2) APPLICATION. Each applicant shall file on forms furnished by the Clerk-Treasurer a statement of the applicant's full name; his present address; his residence for 3 years past; his age; height; weight; color of eyes and hair; citizenship; place of last previous employment; Wisconsin state motor vehicle operator's license number; whether he has ever been convicted of a felony or misdemeanor if the circumstances of such offense substantially relate to the circumstances of the licensed activity; whether he has ever been previously licensed as a driver or chauffeur and, if so, when and by what authority; whether his license has ever been revoked or suspended and, if so, for what cause; and the name of the prospective employer.
- (3) LICENSE FEE (Am. Ord. #657; Am. Ord. #823). The license fee hereunder shall be \$15 per year.
- (4) RESTRICTIONS. No license shall be granted to any person:
  - (a) Who is under 18 years of age.
  - (b) Who does not possess a valid Wisconsin state motor vehicle operator's license.

(c) Who has been convicted of any felony, misdemeanor or other offense if the circumstances of such offense substantially relate to the circumstances of the licensed activity; who is subject to a pending criminal charge if the circumstances of the criminal charge substantially relate to the circumstances of the licensed activity; who is not bondable where bondability is required by law, regulation or established business practice; or who has been convicted of driving upon the highway while under the influence of intoxicating liquor or narcotics unless two years have elapsed since the date of conviction or discharge from a penal institution, whichever is later.

(5) REVOCATION OF TAXICAB DRIVER'S LICENSE. (a) The Council, upon notice and hearing, may revoke a taxicab driver's license if the licensee has, since the granting of the permit:

1. Been convicted of a felony if the circumstances of such offense substantially relate to the circumstances of the licensed activity.
2. Had his state motor vehicle operator's license revoked or suspended.
3. Been convicted of driving while under the influence of intoxicating liquor or narcotics.
4. During any continuous six month period has had three or more convictions of any of the offenses set forth in Ch. 346, Wis. Stats., or of any such statutory provision incorporated in this Code.
5. When, for the preservation of the public safety, welfare, morals or good order, the Council finds the licensee is unfit to drive a taxicab.

(b) The Chief of Police shall repossess each license which is revoked.

12.12 GARBAGE COLLECTORS FOR HIRE. (1) PERMIT REQUIRED. No person shall for hire haul garbage, refuse or other materials within the City without first obtaining a permit as herein provided.

## LICENSES AND PERMITS 12.12 (2)

- (2) APPLICATION. (Am. Ord #1157) Application for a permit hereunder shall be made to the Clerk-Treasurer and shall be referred to the Common Council. The permit fee shall be \$100 per year.
- (3) COUNCIL APPROVAL REQUIRED. Upon reviewing the application and after considering the adequacy of existing garbage collection service and the need for additional service with the City, the Council shall grant or deny the permit.
- (4) CONDITIONS IMPOSED. Recr. Ord. #952 (a) Insurance Required. All permittees under this section are required to carry bodily injury and property damage insurance on all of their vehicles with a licensed insurance carrier in an amount not less than that required under the state safety responsibility law, depositing a certificate of insurance with the Clerk-Treasurer and naming the City of New London as an additional insured, or in lieu thereof, show proof of financial responsibility approved by the Council.
  - (b) Loading. Permittees under this section are required to load garbage and refuse so as to avoid spillage on streets or private property.
  - (c) Restrictions. Permittees are required pursuant to the ordinances of Outagamie County and contractual obligations of the City to utilize the Outagamie County landfill solely for the disposal of all solid waste (garbage, refuse and other materials) collected within the City.
  - (d) Violators subject to penalty and revocation of license. Licensees under this subsection who fail to meet the conditions imposed shall be subject to penalty provisions of Chapter 25.04 and the Council may revoke any license issued under this section for failure to abide by the rules promulgated herein.

12.13 Repealed - Refer to Ord #1020

12.14 MOBILE HOMES AND MOBILE HOME PARKS. (Am. Ord. #699, #1099)

- (1) WI STATUTES adopted by reference. The provisions of Sec. 66.0435, WIS Stats., and the definitions therein are hereby adopted by reference.
- (2) PARKING OUTSIDE LICENSED MOBILE HOME PARKS RESTRICTED. No occupied mobile home shall be permitted to be located in the City unless the same is in a licensed mobile home park, except those homes now occupied outside of a mobile home park, which right to occupy ceases when the present occupant vacates the mobile home by death, sale or otherwise.
- (3) PARK LICENSE REQUIRED. No person shall establish or operate upon property owned or controlled by him within the City a mobile home park without having first secured an annual license, therefore from the Clerk-Treasurer. The licensing fee shall be \$100 for every increment of 50 available spaces or fraction thereof as of July 1st of each licensing year. Such parks shall comply with WI Admin. Code 65, which is hereby adopted by reference.



## LICENSES AND PERMITS 12.14 (4)

- (4) ADDITIONS TO PARKS. Licensees of mobile home parks shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their park within 5 days after their arrival on forms furnished by the Clerk-Treasurer.
- (5) MONTHLY PARKING PERMIT FEES. In addition to the fee prescribed in Sec. 12.14 (3) above, there is imposed on each non-exempt mobile home located in the City a parking permit fee, such amount to be determined in accordance with Sec. 66.435, WI. Stats. The fee shall be paid to the Clerk-Treasurer on or before the 10th day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each non-exempt mobile home therein and to remit such fees to the Clerk-Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, WI. Stats.
- (6) PAYMENT OF FEES FOR HOMES OUTSIDE PARKS (Rep. & Recr. Ord. #782). The owner of the land on which a mobile home is located, outside of a mobile home park, may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the Clerk-Treasurer all fees owed for the immediately preceding 6 month period.

12.15 (Rep. Ord. #684)

### 12.16 REGULATION AND LICENSING OF DOGS AND CATS.

- (1) LICENSE REQUIRED. It shall be unlawful for any person in the City to own, harbor or keep any cat over 5 months of age without complying with the provisions of this chapter, or to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this chapter and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
- (2) LICENSE FEES. (Am. Ord #875, Am. Ord #1155). The license fee for spayed or neutered dogs shall be \$5.00 and the fee for other dogs shall be \$10.00. The license fee for male or female cats shall be \$5.00 and the fee for spayed or neutered cats shall be \$10.00.

- (3) LATE FEES. The Clerk-Treasurer shall assess and collect a late fee of \$5 from every owner of a cat or dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable cat or dog, or if the owner failed to obtain a license before the cat or dog reached licensable age.
- (4) KENNEL LICENSE OPTION. (Amended with Ord. 1035) The owners of kennels may opt to pay a kennel license fee of \$35 in lieu of the fees provided in sub. (2). Such license may be issued by the Clerk-Treasurer if the property upon which the Kennel is located is zoned M-P (Manufacturing Park) or M (Manufacturing). Persons may locate Kennels in other zones (except R-1-R (Residential Restricted)) upon grant of a Conditional Use by the Plan Commission.  
Persons seeking to apply for a Conditional Use shall provide: 1) Name, address and telephone number of the property owner; 2) Site plan showing the location of the kennel, if not in the principle structure of the parcel; 3) A fee of \$25 to provide for the Public Hearing and Plan Commission review of the request.
- (5) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21 (2), Wis. Stats., or to keep a cat in the City which is over 5 months of age and has not received a rabies vaccination. No dog or cat license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2) (f), Wis. Stats.
- (6) DEFINITIONS. In this section, unless the context of subject matter otherwise require:
- (a) Owner.. Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which the dog or cat remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this section.
  - (b) At Large. To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

- (7) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the City to own, harbor or keep any dog which:
- (a) Habitually pursues vehicles upon any street, alley or highway.
  - (b) Assaults or attacks any person.
  - (c) Is at large within the limits of the City.
  - (d) Habitually barks or howls to the annoyance of any person or persons.
- This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the City Pound.

- (e) Kills, wounds or worries any domestic animal.
- (8) DOGS RUNNING AT LARGE AND UNTAGGED DOGS. (a) Dogs Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (6) (b)
- (b) Untagged Dogs. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
  - (c) Dogs Subject to Impoundment, Police officers and any other officers appointed by the Council shall attempt to capture and restrain any dog running at large and any untagged dog.
  - (d) Enforcement. The Council shall from time to time appoint a qualified officer to apprehend and confine dogs in a pound as herein provided and such officer shall apprehend and con-fine dogs as provided in this section and may enforce this section including the right to commence actions for the collections of any forfeiture imposed by this subsection. Such action shall be brought in the name of the City. Such officer shall be paid such compensation as the Council shall determine by resolution. If no such officer is appointed, the Sewage Plant Operator on duty shall be considered the Keeper of the Pound.
  - (e) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large or be untagged, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.
- (9) DUTY TO REPORT DOG OR CAT BITE. Every person, including the owner or person harboring or keeping a dog or cat, who knows that a dog or cat has bitten any person shall immediately report such fact to the Health Officer.
- (10) QUARANTINE OR SACRIFICE OF DOGS AND CATS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (a) Quarantine or Sacrifice of Dog or Cat. The Health Officer or a police officer may order a dog or cat quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (b) Quarantine Order, If a quarantine is ordered, the owner of the dog or Cit shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

- (11) NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED. [Amd. Ord. #1313] No person, except a kennel licensee, shall own, harbor or keep more than 3 dogs and 2 cats that are more than 5 months of age except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 3 dogs and 2 cats are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals.
- (12) SETTING DOGS AT LARGE PROHIBITED. No person shall open any door or gate of any private premises for the purpose of setting any dog at large except the owner of such dog, and no person shall so set any dog at large which is confined in the City Pound.
- (13) IMPOUNDING AND DISPOSITION OF DOGS. (a) Impounding of Dogs. A police officer or other person restraining a dog running at large shall take such dog to the City Pound. The boarding fee for impounded dogs shall be \$10 for the first day and \$3 daily thereafter. The keeper of the Pound shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.
- (b) Release of Dog to Owner or Representative. The keeper of the Pound may release the dog to the owner or his representative if:
1. The owner or representative gives his name and address,
  2. Presents evidence that the dog is licensed and vaccinated against rabies, and
  3. Pays the dog's boarding fee.
- (c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the keeper of the Pound may release the dog to a person other than the owner if such person:
1. Gives his name and address, and
  2. Signs a statement agreeing to license the dog and have the animal vaccinated against rabies.
- (d) Disposition of Dog or Use for Humane Purposes. If the dog is not released to the owner or other person in 7 days. The keeper may dispose of the dog, as provided in §174.13, Wis. Stats., or dispose of the dog in a proper and humane manner.
- (14) PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed:

- (a) Failure to Obtain Rabies Vaccination. A dog or cat owner who fails to have a dog or cat vaccinated against rabies, as provided in this section, shall upon conviction forfeit not less than \$50 nor more than \$100.
- (b) Refusal to Comply With Quarantine Order. An owner of a dog or cat who refuses to comply with an order Issued under this section to deliver the animal to a police officer, the City Pound or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

12.165 KEEPING OF VICIOUS DOGS REGULATED (Cr. Ord. #783).

- (1) DEFINITIONS. The terms used in this section are defined as follows:
  - (a) Vicious Dog.
    1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
    2. Any dog which attacks a human being or another domestic animal without provocation.
    3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.
- (2) REQUIREMENTS AND PROHIBITIONS.
  - (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief.
  - (b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the

sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition

- (c) Confinement indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
  - (d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.
  - (e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". A similar sign is required to be posted on the kennel or pen of the dog.
  - (f) Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of die dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.
- (3) VICIOUS DOG DETERMINATION, The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Police Chief makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.
  - (4) Rep. Ord. 974
  - (5) COMPLIANCE. Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub, (4) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

- (6) DISPOSITION OF VICIOUS DOGS. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.
- (7) PENALTY. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

12.17 REGULATION AND LICENSING OF BICYCLES. See sec. 7.19 of this Code.

12.18 PARADE REGULATIONS (Cr. Ord. i#759). (1) DEFINITION. "Parade" shall mean a procession of vehicles, animals and/or persons, or a march, public walk or promenade of any length on a public thoroughfare, requiring the cessation of normal traffic thereupon.

(2) PERMIT REQUIRED. No parade may be conducted without first having obtain a parade permit issued by the Chief of Police.

(3) PERMIT REGULATIONS. (a) At least one month before the proposed date of a parade, the promoters/organizers of the parade shall file an application for a parade permit with the Chief of Police. Such application shall estimate the number of units in the parade, the types of units anticipated and the approximate length of the parade.

(b) The Chief is hereby authorized to establish written regulations designed to promote the public safety during the parade. Such regulations may restrict the size of certain parade vehicles, regulate the conduct of parade participants, or other— wise restrict parade participants so as to promote public safety. Nothing in these regulations shall be construed as to abridge the rights of free speech or orderly assembly.

(c) Promoters/organizers of parades are hereby required to meet with the Chief at the time of application to review these regulations.

(d) After the application has been filed and requirements of par. (c) above and sub (4) below have been met, a parade permit may be issued upon payment of the stated fee.

(e) The fee shall be \$1.00 per parade.

(4) PARADE ROUTES ESTABLISHED. (a) All parades the length of which is judged to be 4 or more blocks long shall follow the following route and parade procedures:



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1. Assembly shall commence on North Water Street west of the intersection with North Shawano Street.
2. Parade units shall travel east on North Water Street turning south on Pearl Street, continuing south on Pearl Street until reaching either the Cook Street or Spring Street intersection.
3. Parade units shall disband by turning east or west onto Cook Street or Spring Street.

- (b) For parades judged to be less than 4 blocks in length, the proposed route of the parade shall be presented to the Chief of Police at least 2 weeks before the date of the parade. The Chief must approve the route of the parade before the permit can be issued.

12.25 PENALTY (Renum. Ord. #759). Any person who shall violate any provision of this chapter, not otherwise specifically provided, or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec 25.04 of this Code.

12.30 MUNICIPAL MOTOR VEHICLE REGISTRATION FEE [Cr. Ord 1339]

WHEREAS, the cost of street and transportation construction, maintenance, and improvement is significant to the City of New London; and

WHEREAS, the City of New London Finance Committee did review funding alternatives to alleviate the costs and inequities associated with direct assessment to abutting property owners, and;

WHEREAS, the City of New London Finance Committee did determine it desirable to enact a Municipal Vehicle Registration Fee to assist in offsetting such costs and inequities of direct assessment to abutting property owners, and;

WHEREAS, this matter having come before the City of New London Finance Committee, and same having been apprised in the premises, the City of New London Finance Committee did direct the City Attorney to draft an ordinance establishing a Municipal Motor Vehicle Registration Fee, and;

WHEREAS, the Common Council of the City of New London has determined that the public interest would be served by adoption of an ordinance establishing a Municipal Motor Vehicle Registration Fee;

NOW, THEREFORE, it is ordained by the Common Council of the City of New London that Section 12.30 of the City of New London Municipal Code is hereby created and enacted as follows:

- (1) *Definitions.* In this section, a “motor vehicle” means an automobile or motor truck registered under State Statutes Section 341.25 (1) (c) at a gross weight of not more than 8,000 pounds that is registered in this state and customarily kept in the City of New London.
- (2) *Purpose.* The purpose of this ordinance is to provide the City of New London with a source of funds to be used to assist with transportation related purposes.
- (3) *Authority.* This ordinance is adopted pursuant to the authority granted by Wisconsin Statutes Section 341.35, 2015-2016, as amended from time to time.
- (4) *Annual registration fee.* An annual flat city registration fee as set forth herein, in the amount of twenty dollars (\$20.00) is hereby imposed on all motor vehicles registered in the State of Wisconsin that are customarily kept in the City of New London. At the time a motor vehicle is first registered and at the time of each registration renewal, the registration applicant shall pay a City vehicle registration fee of twenty dollars (\$20). The City registration fee shall be paid as provided in Wisconsin Statutes Section 341.35 (5), as amended from time to time. The City registration fee is in addition to other fees required by Wisconsin Statutes Chapter 341. The Wisconsin Department of Transportation (DOT) shall collect the City registration fee.
- (5) *Exemptions.* The following motor vehicles are exempt from the annual vehicle registration fee:
  - (a) All vehicles exempted by Wisconsin Statutes Chapter 341 from payment of a state vehicle registration fee.
  - (b) All vehicles registered by the state under WI Statutes Section 341.26 for a fee of \$5.
  - (c) No City vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current county vehicle registration fee has been paid.
- (6) *Administrative costs.* The DOT shall retain a portion of the monies collected under this section equal to the actual administrative costs related to the collection of these fees. The method for computing the administrative costs will be reviewed annually by the Wisconsin Department of Transportation, as provided in Wisconsin Statutes Section 341.35, 2015-2016, as amended from time to time.
- (7) *Effective Date.* This ordinance shall take effect on January 1, 2018.