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7.1 Licensing of Dogs and Regulation of Animals

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7.1.1 DOG LICENSE REQUIRED; DEFINITIONS.

(a) **License Required**. It shall be unlawful for any person in the City of Glendale to own, harbor or keep any dog or cat more than five (5) months of age after July of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

(b) **Definitions**. In this Chapter, unless the context or subject matter otherwise require:

(1) "Owner" shall mean any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.

(2) “At large” means to be off the premises of the owner and not under the control of some person by leash or cage, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner’s premises.

(3) "Dog" shall mean any canine, regardless of age or sex.

(4) "Cat" shall mean any feline, regardless of age or sex.

(5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.

(6) "Animal" means mammals, reptiles and birds.

(7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(8) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.

(9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

(10) "Pet" means an animal kept and treated as a pet.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

7.1.2 RABIES VACCINATION REQUIRED FOR LICENSE.

(a) **Rabies Vaccination**- The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and re-vaccinated within one (1)year after the initial vaccination. If the owner obtains the dog or brings the dog into the City of Glendale after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the City unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog re-vaccinated against rabies by .a. veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats.

(b) **Issuance of Certificate of Rabies Vaccination**. A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the City stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the City.

(c) **Copies of Certificate**. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the vaccination expires or until the dog is re-vaccinated, whichever occurs first.

(d) **Rabies Vaccination** Tag. After issuing the certificate of rabies vaccination, me veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(e) **Tag to be Attached**. The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog , which is not required to be vaccinated under Subsection (a).

(f) **Duplicate Tag**. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

7.1.3 ISSUANCE OF DOG AND KENNEL LICENSES.

(a) **Dog Licenses**

(1) It shall be unlawful for any person in the City of Glendale to own, harbor or keep any dog or cat more than five (5) months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

(2) The owner of any dog or cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog or cat becomes five (5) months of age, pay a license tax and obtain a license.

(3) The minimum license tax under this Section shall be as prescribed in Section 7-17-1. These amounts shall be reduced by one-half(1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.

(4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The City Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

(5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).

(6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

(7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Treasurer upon application therefor.

(b) **Kennel Licenses**.

(1) Any person who keeps or operates a kennel shall apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Three Hundred Dollars ($300.00) for a kennel of twelve (12) or fewer dogs and an additional Thirty Dollars ($30.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Common Council, upon

presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in non-residential areas after a conditional use permit has been issued pursuant to the City Zoning Code.

(2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

(3) It shall be unlawful to establish, operate or maintain a kennel consisting of more than two (2) dogs at least six (6) months of age within one hundred (100) feet of any church, school, hospital, sanitarium or building used wholly or partially for residential purposes in the City.

State Law Reference: Section 174.053, Wis. Stats.

7.1.4 LATE FEES.

The City Treasurer shall assess and collect a late fee of Twelve Dollars ($12.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

7.1.5 RABIES QUARANTINE

(a) **Dogs and Cats Confined**. If an aldermanic district or other area is quarantined for rabies, all dogs and cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Treasurer shall promptly post in at least three (3) public places in the City notices of quarantine.

(b) **Exemption of Vaccinated Dog or Cat from City Quarantine**. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine

provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(c) **Quarantine or Sacrifice of an Animal of Biting a Person or Being Infected or Exposed to Rabies**.

(1) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the office has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal at no liability to the City. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

(d) **Quarantine of Dog or Cat**.

(1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian.. of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(3) Risk to animal health.

a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid dog or cat is immunized against the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The

owner shall have the animal revaccination against rabies as soon as possible after exposure to a rabid animal.

(4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibit symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the authority who ordered the animal quarantined and the authority or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(e) **Delivery of Carcass; Preparation; Examination by laboratory of Hygiene**. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the City, the veterinarian or local health department which prepared the carcass and, !f the animal is suspected to have bitten a person, that person or the person s physician.

(f) **Cooperation of Veterinarian**. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

(g) **Responsibility for Quarantine and Laboratory Expenses**. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

7.1.6 RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.

(a) **Restrictions**. It shall be unlawful for any person within the City of Glendale to own, harbor or keep any dog or cat which:

(1) Habitually pursues any vehicle upon any public street, alley or highway in the City.

(2) Assaults or attacks any person as described in Subsection (b) or destroys property.

(3) Is at large within the limits of the City.

(4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-12.)

(5) Kills, wounds or worries any domestic animal.

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(7) In the case of a dog, is unlicensed.

(b) **Vicious Dogs and Animals**.

(1) No vicious dog shall be allowed off the premises of its owner unless muzzle or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner’s premises. Any vicious dog which is found off the premises of its owner other than as herein above provided may be seized by any person and, .upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the Police authorities.

(2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(c) **Dogs or Cats Running at Large**.

(1) It shall be unlawful for the owner or keeper of any dog or cat to permit or suffer such dog or cat to be at large, which shall mean that it is off the premises of its owner or keeper and upon any public street or alley, any school ground, any public park or upon any other public or private property, provided, however, a dog or cat shall not be deemed to be at large if:

(a) It is attached to a leash not more than ten (10) feet in length which is of sufficient strength to restrain it, and the leash is held by a person competent to govern it and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs or cats are forbidden; or

(b) It is properly restrained within a motor vehicle or cage.

(c) It is off leash or not caged in a dog park or other similar facility allowing for the free roaming of pets, and is under the voice control of some person.

(2) Any dog or cat found at large shall be deemed to be so with the permission or at the sufferance of its owner. Any adult person alone or together with other adults may seek relief from dogs or cats at large by a complaint to the Police Department setting forth the specific date and approximate time a dog or cat of a particular owner was observed by them to be at large. The Police Department shall notify the owner of that dog or cat, in writing, of the alleged violation of the provisions of this Section. If the petitioner(s) subsequently observe that same dog or cat to again be at large, he (they) may submit a written petition to the City Attorney's office

for commencement of prosecution to obtain compliance with this Section. Such written petition shall contain the following:

a. Name and address of complainant(s).
b. Description of dog(s) or cat(s) and address of owner.
c. Dates and times violations were noted.
d. Date reported to Police Department.
e. Statement that petitioner(s-) will be willing to sign complaint and testify in court.

(3) It shall be unlawful for any person to permit a dog or cat to run at large by opening any door or gate of any premises or loosen any restraining device or otherwise entice any dog or cat to leave any place of confinement.

(d) **Owner's liability for Damage Caused by Dogs; Penalties**. The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

7.1.7 IMPOUNDMENT OF ANIMALS

(a) **Animal Control Agency**.

(1) The City of Glendale may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment ,animals and for assisting in the administration of rabies vaccination programs.

(2) The City of Glendale does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.

(b) **Impounding of Animals**. In addition to any penalty hereinafter provided for a violation of this Chapter, any Police or Humane Officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation and containing an agreement to reimburse the City for any damages it sustains for improper or illegal seizure.

(c) **Claiming Animal; Disposal of Unclaimed Animal**. After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded The Humane Society shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the Humane Society may post written notice in three (3) public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the

Humane Society may dispose of the animal in a proper and humane manner; provided if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Humane Society. No animal shall be released from the pound without being properly licensed if so required by state law or City Ordinance. A humane society or animal control agency serving the City may provide the required notices under this Section.

(d) **Sale of Impounded Animal**. If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.

(e) **City Not Liable for Impounding Animal** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

7.1.8 DOGS AND CATS RESTRICTED ON CEMETERIES.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section. No person shall walk a dog or permit any dog to be on public or private school grounds unless express permission from those in control of the school grounds has been secured.

7.1.9 ANIMALS CAUSING INJURY AND VICIOUS DOGS

(a) **Reporting Animal Bites**. Any owner of any animal which has bitten any person shall cause the animal to be confined and isolated for a period of at least ten days. This quarantine may be on the premises of the owner of the animal is immunized currently against rabies. Notice in writing of such bite shall be made to City health authorities immediately. City health authorities may order such animal to be immediately examined by a trained individual or, at the owner's expense, by a licensed veterinarian immediately and also have such animal reexamined by a trained individual or licensed veterinarian at the owner's expense. Said examiner shall issue to the health department a certified statement of determination as to whether or not the animal is infected with rabies. An animal will be released from confinement only after a determination that is obtained from the health department, police department or humane officer upon demand. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner which avoids damage to the animal's head.

(b) **Regulation of Vicious Dogs.**

(1) **Definition**. As used in this section, the term "dangerous or vicious dog" means any dog, except dogs utilized by law enforcement officers in the performance of their duties, that fits into any of the following categories:

a. Any dog which, when unprovoked, bites or otherwise causes bodily injury to a person or a domestic pet or animal, whether on public or private property.

b. Any dog with a demonstrated propensity, history, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of humans or domestic pets or animals.

c. Any dog not in strict conformity with the rabies control program of the City.

d. Any dog that has killed a domestic pet or animal without provocation while off its owner's property.

e. Any dog that has been declared dangerous or vicious by any agency or department of another municipality, county, or state shall be subject to the provisions of this chapter for the remainder of its life. The person owning or having custody of any dog designated as a dangerous or vicious dog by any municipality, county, or state government shall notify the police department and City clerk of the dog's address and the conditions or restrictions of maintenance already imposed by the other agency or department within ten days of moving the animal into the City. All of the restrictions and conditions of maintenance of any dog declared dangerous or vicious by any municipality, county, or state shall remain in force while the dog remains in the City, unless expressly modified in writing by the Chief of Police or his designee. In addition, all of the provisions of this chapter shall apply to such dog unless the restrictions or conditions of maintenance imposed by the other agency or department are more restrictive than the requirements of this chapter.

(2) **Exceptions**. A dog shall not be categorized as vicious if it bites, attacks or menaces any person, domestic pet or animal in order to:

a. Defend its owner, caretaker or another person from an attack by a person or animal.

b. Protect itself, its young or another animal.

c. Defend itself against any person or animal that has provoked, tormented, assaulted or abused it.

d. Defends its owner's property against harm, the threat of harm, or a reasonably perceived threat of harm, by trespassers.

(3) **Notification of Hearing**. If a police officer or health officer determines that a dog is vicious, as defined in this section, he may declare the dog to be a vicious dog. The police officer or health officer shall immediately inform the owner in writing, by personal service or certified mail, of such determination. If an owner contests the designation of the dog as vicious, the owner must make a written request for a hearing to the Chief of Police within ten days of receipt of the notice. The Chief of Police or his designee will convene a hearing. At the hearing, the owner, the police department, the health department, or any other interested party shall have the opportunity to present evidence as to why the dog should not be declared vicious. Any other interested party shall be notified in writing of the hearing by regular mail. The hearing shall be held promptly within such time as reasonably practicable in the discretion of the Chief of Police, but not less than seven days after receipt of the request for hearing. Pending the outcome of the

hearing, the dog must be securely confined in a humane manner either on the premises of the owner, a licensed veterinarian, MADACC (Milwaukee Area Domestic Animal Control Commission), or such other place or manner, any of which to be determined in the discretion of the chief of Police of his designate. After the hearing, the owner shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner shall comply with the provisions of this chapter in accordance with a time schedule established by the Chief of Police, but in no case more than 30 days after the date of determination. He may appeal the decision within five days of receiving the decision to the Board of Appeals. If the Board of Appeals shall also determine that the dog is vicious, the owner shall comply in accordance with a time schedule established by the Board of Appeals. In the absence of a time schedule for the Board of Appeals, the owner shall comply with the time schedule previously established by the Chief of Police.

(4) **Signage**. The owner of a vicious dog shall display in a prominent place on his premises a warning sign in letters no less than two inches high, stating that there is a vicious dog on the premises. This sign shall be clearly visible and capable of being read from any public property, street or highway adjacent to the premises. In the event that the entrance to the premises is not visible from an adjacent street or highway, such as an apartment or condominium unit, then such sign shall be displayed on all entrance doors to the owner's premises. A similar sign shall be required to be posted on the pen or kennel of the animal. The sign or signs shall contain a symbol warning children of the presence of a vicious animal.

(5) **Confinement**. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel on the premises of the owner except when leashed and muzzled. When constructed in an open yard, the pen or kennel must be childproof from the outside and dog proof from the inside. A strong metal double fence with adequate space between fences (at least two feet) must be provided so that a child cannot reach into the dog enclosure. 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 two feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. No vicious dog may be kept on a porch, patio or in any part of a house of structure on the premises of the owner that would allow the dog to exit the house or structure on its own volition, except through a door leading directly to a pen or kennel meeting all of the requirements of this subsection. 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 obstacles preventing the dog from exiting the house or structure.

(6) **Leash and Muzzle**. No person owning, harboring or having care of a vicious dog may permit such dog to go outside of its kennel or pen unless the dog is securely kept on a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope, leash or similar restraining

device outside its kennel or pen unless a person competent to govern the animal is in physical control of the restraining device and remains in position to control the dog at all times. The dog may not be leashed to inanimate objects such as tees, posts, or buildings. A vicious dog outside the dog's kennel shall be muzzled in a humane way 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 either shown in a sanctioned American Kennel Club Show or upon prior written approval by the Chief of Police or his designee.

(7) **Spay and Neuter Requirement**. Within 30 days after a dog has been designated vicious, the owner of the dog shall provide written proof from a licensed veterinarian that the dog has been spayed or neutered. In the event that the owner submits a timely appeal of the designation, this requirement shall be stayed until such time as any further right to appeal has been exhausted or the designation has been overturned on appeal.

(8) **Liability Insurance**. The owner of the vicious dog shall present to the City Administrator's office a certificate of insurance that shows that the owner has procured liability insurance in the amount of at least $100,000.00, insuring the owner of any personal injuries or physical damage inflicted by the vicious dog. In addition, the policy of insurance shall require a minimum of ten days' notice to the City of any cancellation of termination of such policy. In lieu of the liability insurance requirement, the owner of a vicious dog may present evidence of a surety bond in the sum of at least $100,000.00, payable to any person injured or whose property has been damaged by the vicious dog. The proof of insurance or surety bond must be presented to the City Administrator's office each year at the time the dog's license is renewed.

(9) **Required Notification by Owner**. The owner of a vicious dog shall immediately notify the police department if the dog escapes, is unconfined, has attacked another animal or human being, has died, or has been sold or given away. If the dog has been sold or given away, the owner shall give the police department the name, address and telephone number of the new owner.

(10) **Permit and Tag Required for a Vicious Dog**.

a. The owner of a vicious dog shall, within three business days after the dog has been classified as vicious, or upon acquisition of such a dog, obtain an annual permit from the City Clerk to harbor the dog. The fee for such permit shall be as established by the City Common Council. The initial fee shall be prorated if issued after January 1 and shall be due on or before January 1 of each year thereafter.

b. At the time the permit is issued, a special tag shall be issued by the City to the owner of the vicious dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a vicious dog.

c. The permit for maintaining a vicious dog shall be presented to an officer upon demand.

(11) **Removal**. If the owner or caretaker of a dog that has been designated vicious is unwilling or unable to comply with the regulations of keeping the dog in accordance with this section, such owner or caretaker shall remove the dog from the City, with the dog only being allowed to be returned if there is compliance

with all regulations of this section. The owner shall remove the dog within 24 hours of service of written notice to do so in the event that the owner refuses to accept such notice, the police department may attach the written notice to the front door of the owner's residence, and such notice shall be deemed served upon posting on the door.

(12) **Inspection**. The health department or police department may make whatever inquiry is deemed reasonably necessary to insure compliance with this section.

(c) Court Order to Kill Dog. Any dog that has caused serious injury to a person or domestic animal on two separate occasions off the owner's premises without reasonable cause may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under Wis. Stats. §174.02(3). The City Common Council may authorize the City Attorney to commence a civil action to obtain a judgment from a court ordering an officer to kill such a dog.

B. Section 7.1.6(c)(2) is hereby repealed and subsection (c)(3) is renumbered (c)(2).

7.1.10 ANIMAL FECES.

(a) **Dog Litter Nuisance**. The owner or person in charge of any dog or other animal not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom, by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

(b) **Complaints.** Any adult person alone or together with other adults may seek relief from dog or other animal fecal matter deposits as described in Subsection (a) above by a complaint to the Police Department in the same manner and procedure as set forth in Section 7-1-6(c)(2).

7.1.11 INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

7.1.12 BARKING DOGS OR CRYING CATS.

(a) **Barking Dog or Crying Cat Complaints**. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation of this Section when two (2) separate, written

complaints from two (2) or more adult members of separate households, are filed with the Police Department within a four (4) week period.

(b) Disturbing the Peace. It shall be unlawful for any person to own, keep or have in his possession or harbor any dog which, by frequent and habitual howling, yelping, barking or otherwise, shall cause serious annoyance or disturbance to persons in the neighborhood. The Police Department is hereby authorized to investigate all complaints and to prosecute, if they deem necessary, violators of this Subsection.

7.1.13 PROHIBITED AND PROTECTED ANIMALS, FOWL, AND INSECTS.

(a) **Protected Animals**.

(1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (thalarctos maritimus), red wolf (canis niger), vicuna (vicugna vicugna), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (canis lupus), sea otter (enhydra lutris), Pacific ridley turtle (lepidochelys olivacea), Atlantic green turtle (chelonia mydas), Mexican ridley turtle (lepidochelys kempi).

(2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

(3) Regulating the Importation of Certain Birds. No person, firm or corporation shall import or cause to be imported into this City any pan of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use or of the plumage, skin, body or any pan thereof legally collected for use by the American Indians for ceremonial purposes or m the preservation of their tribal customs and heritage.

(b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

(c) **Wild Animals: Prohibition on Keeping**. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals, reptiles or insects:

(1) All poisonous animals and reptiles including rear-fang. snakes.

(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); am siamangs (Symphalangus).

(3) Baboons (Papoi, Mandrillus).

(4) Bears (Ursidae).

(5) Bison (Bison).

(6) Cheetahs (Acinonyx jubatus).
(7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
(8) Constrictor snakes, six (6) feet in length or more.
(9) Coyotes (Canis latrans).
(10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
(11) Elephants (Elephas and Loxodonta).
(12) Game cocks and other fighting birds.
(13) Hippopotami (Hippopotamidae).
(14) Hyenas (Hyaenidae).
(15) Jaguars (Panthera onca).
(16) Leopards (Panthera pardus).
(17) Liom (Pantheraeo).
(18) Lynxes (Lynx).
(19) Monkeys, old world (Cercopithecidae).
(20) Ostriches (Struthio).
(21) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
(22) Rhinoceroses (Rhinocero tidae).
(23) Snow leopards (Panthera uncia).
(24) Tigers (Panthera tigris).
(25) Wolves (Canis lupus).
(26) Poisonous insects.
(27) Bees.
(28) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

(d) **Exceptions.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; zoological gardens; if:
(1) All animals and animal .quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
(2) Animals are maintained in quarters so constructed as to prevent their escape.
(3) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

7.1.14 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

(a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits mat have been dyed or otherwise colored artificially.

(b)

(1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

(2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings_ or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Section 951.11, Wis. Stats.

7.1.15 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

(a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section. The food shall be sufficient to maintain all animals in good health. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Section 951.13, Wis. Stats.

7.1.16 PROVIDING PROPER SHELTER.

(a) **Proper Shelter**. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

(b) **Indoor Standards**. Minimum indoor standards of shelter shall include:

(1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at times.

(c) **Outdoor Standards**. Minimum outdoor standards of shelter shall include:

(1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means. shall be provided ,to protect the animal from direct sunlight. As used in this paragraph, 'caged" does not include farm fencing used to confine farm animals.

(2) Shelter from inclement weather.

a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions, which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(d) **Space Standards**. Minimum space requirements for both indoor and outdoor enclosures shall include:

(1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of evidence movement. Inadequate space may be indicated by of debility, stress or abnormal behavior patterns.

(e) **Sanitation Standards**. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Section 951.14, Wis. Stats.

7.1.17 NEGLECTED OR ABANDONED ANIMALS.

(a) **Neglected or Abandoned Animals**.

(1) No person may abandon any animal.

(2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

(3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

(4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall

be lawful for such officer to kill, or cause to be killed, such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

(5) Section 951.16, Investigation of Cruelty Complaints, and Section 951.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

(b) **Injured Animals**. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the City or any animal control agency with whom the City has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Sections 951.15, 951.16 and 951.17, Wis. Stats.

7.1.18 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

(a) **Acts of Cruelty Prohibited**. No person except a police officer or health or humane officer in the pursuit of his duties shall, within the City, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

(b) **Leading Animal From Motor Vehicle**. No person shall lead any animal upon n City street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

(c) **Use of Poisonous and Controlled Substances**. No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed m Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming .the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

(d) **Use of Certain Devices Prohibited**. No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

(e) **Shooting at Caged or Staked Animal**. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal mat

is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

(f) **Abatement Orders**. Any City agency charged with the responsibility to enforce health and sanitation orders, or any Glendale law enforcement officer, who after reasonable investigation has grounds to believe that a violation of Chapter 173, Wis. Statutes, successor amendments thereto, or City Ordinances pertaining to animals or birds is occurring, which violation is causing or has the potential to cause injury or harm to an animal or bird, may issue and serve an order of abatement directed to named persons. The abatement order shall contain the name and address of the person to whom directed, the statute or ordinance alleged to be violated, a prohibition on further violations, a description of measures necessary to correct the alleged violation, and notice that the matter may be appealed. Nothing in this provision shall be construed as a condition precedent to the issuance of charges for violations and abatement orders shall be an alternative to prosecution in the discretion of the official or officer. Abatement orders may be appealed to the Board of Appeals upon written notice to the City Clerk, which review shall be limited to corrective measures only, and whose determination shall not be dispositive of guilt or innocence as to the underlying violation alleged.

(g) **Hunting with Bow and Arrow or Cross Bow**. Notwithstanding any of the foregoing, a person may hunt with a bow and arrow or cross bow, provided such hunting does not occur within 100 yards from a building located on another persons land, unless such person has specifically allowed the hunter to hunt within the specified distance of the building. For purposes of this subsection, another person shall mean any individual, corporate entity, or governmental entity, whether State, Federal, Local, or School District. It is further provided that such use of a bow and arrow or cross bow shall only occur in the event the arrow or bolt from the respective weapon is aimed toward the ground. The provisions of this subsection shall only apply to a person holding all valid and required federal, state or local licenses pertaining to hunting.

7.1.19 TRAPPING OF ANIMALS.

(a) In the interest of public health and safety, it shall be unlawful for any person, in or on land within the City of Glendale, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps, which capture and hold an animal in an alive and unharmed condition.

(b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.

(c) All traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.

(d) This Section shall not apply to trapping within the confines of buildings or homes.

(e) Nothing in this Section shall prohibit or hinder the City of Glendale or its employees or agents from performing their official duties.

7.1.20 DOGNAPPING AND CATNAPPING.

No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the City or held for any purpose without the owner's consent. This Section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted hereto.

7.1.21 VEHICLE ACCIDENTS.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the City.

7.1.22 LIMITATION ON NUMBER OF DOGS AND CATS.

(a) **Purpose**. The keeping of a large number of dogs or cats within the City for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs or cats is, therefore, declared a public nuisance.

(b) **Definitions**.

(1) Dog. A dog means any canine, regardless of age or sex.

(2) Residential lot. A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot

(c) **Number Limited**.

(1) No family shall own, harbor or keep in its possession more than three (3) dogs or cats on any residentially zoned lot without the prior approval of the Common Council except that a litter of pups or kittens or a portion of a litter may be kept for not more than eight (8) weeks from birth. If more than one (1) family resides on a residential lot, then only a total of three (3) dogs or cats shall be allowed on the residential lot unless the prior approval is obtained from the Common Council. For the purposes of this Section the term family shall be defined as one (1) or more persons. Keeping of more than three (3) dogs requires the issuance of a kennel license and a conditional use permit pursuant to the City Zoning Code.

(2) The above requirement may be waived with the approval of the Common Council or when a kennel license has been issued by the City. Such application for waiver shall first be made to the City Clerk who shall forward the request with his approval or objection to the Common Council.

7.1.23 REMOVAL OF DEAD ANIMALS.

Any person owning or having charge or control of any dead animal, except those intended for food purposes, shall remove the same from within the City limits within twelve (12) hours after the time of the death of the same or shall request the Director of Public Works to remove and dispose of such animal. Any person who fails to do so shall relinquish all rights to any such animal, and the Director of Public Works of the City shall have the right to order any such animal removed after the expiration of such time.

7.1.24 ANIMALS, OTHER THAN DOGS, KEPT AS PETS REGULATED.

(a) **Definition**. For purposes of this Section, the word "animal" includes cats and other animals kept as pets, but does not include do or such animals as are set forth in Section 7-1-25(a)(3) and (4) of this Chapter, such animals being regulated elsewhere.

(b) **Restrictions.** It shall be unlawful to own, harbor or keep any animal which:

(1) Habitually pursues any vehicle on any public street, alley or other thoroughfare.

(2) Assaults, attacks, bites, scratches or otherwise injures any person or any other animal kept by anyone as a pet.

(3) Destroys, damages or defaces any public or private property.

(4) Habitually barks, howls, squeals, screeches, honks, quacks or habitually makes any other offensive or annoying noise disturbing to any person or persons.

(c) **Prohibited Conduct**. It shall be unlawful for any person having immediate custody and control of animal to permit the same to:

(1) Assault, attack, bit scratch or otherwise injure any person or any other animal kept by anyone as a pet.

(2) Destroy , damage or deface any public or private property.

(3) Deposit any solid fecal matter on any public street, alley or other thoroughfare or any public or private property other than that of the owner or keeper of such animal.

(4) Commit any other obnoxious or offensive act on any public or private property or against any person or persons.

(d) **Running at Large**.

(1) It shall be unlawful. to permit any animal to run at large if the same commits any acts set forth in Subsection (c) above.

(2) Any animals shall be deemed to be running at large if it is off the property of the owner or keeper thereof unless it is in the immediate control of a person of suitable discretion and ability to control it.

(e) **Impounding Animals**. Any stray animal or animal running at large maybe picked up or captured by any member of the Police Department or any citizen and turned over to the Humane Society for impounding. Such animals may be

recovered as provided in Section 7-1-7. If not so recovered, such animals shall be disposed of as provided in Section 7-1-7.

7.1.25 KEEPING OF DOMESTIC ANIMALS AND FOWLS.

(a) **Definitions**.

(1) "Residence District," as used in this Chapter, is defined to be that territory contiguous to a highway, not comprising a business district, where the frontage on such highway for a distance of three hundred (300) feet, or more, is mainly occupied by dwellings or by dwellings in use for business, provided that said buildings shall not be more than three hundred (300) feet apart.

(2) A "highway, as used in this Chapter, shall mean every way or place, of whatever nature, open to the use of the public as a matter of right for the purpose of vehicular traffic and shall include alleys.

(3) “Domestic animals" are defined to mean and include horses, mules, donkeys, cows, goats, sheep, pigs or any animal raised for fur-bearing purposes or other properly domesticated animals.

(4) Domestic fowl is defined to mean and include chickens, turkeys, ducks, geese, guinea hens, pigeons or any other properly domesticated fowl.

(b) **Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City, any domestic animal or fowl as defined in section (a) (3) and (4) above.

(c) **Exceptions.** The prohibitions of subsection (b) above shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment, agricultural fairs, shows or projects of a 4-H club, a display for judging purposes, or an itinerant or transient carnival, circus or other show. However, this exception shall only be applicable if:

(1) All animals and fowl quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors.

(2) Animals are maintained in quarters so constructed as to prevent their escape.

(3) No person lives or resides upon a lot within 100 feet of the quarters in which the animals are kept.

7.1.26 PENALTIES.

Any person violating any provision of Sections 7-1-1 through 7-1-25 shall, upon conviction of such violation, be subject to the penalties as prescribed by Section 1.1.7 of this Code.

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7.2 Fermented Malt Beverages and Intoxicating Liquor

ARTICLE A **FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR**

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7.2.30 PENALTIES

ARTICLE A

Fermented Malt Beverages and Intoxicating Liquor

7.2.1 STATE STATUTES ADOPTED.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter. The provisions and restrictions of Section 125.51(3)(b), Wisconsin Statutes, regarding retail Class B licenses are adopted herein by reference.

State Law Reference: Chapter 125, Wis. Stats.

7.2.2 DEFINITIONS.

As used, in this Chapter the terms “Alcoholic Beverages," "intoxicating Liquors," "Sell," “Sold”, “ Sale,” ,”Restaurant”, “Club”, “Retailer," "Person," "Fermented Malt Beverages," "Wholesalers,' "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

7.2.3 LICENSE REQUIRED.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, including all applicable requirements and limitations as set forth in Sections 125.25, 125.26, 125.27, 125.28, and 125.51, Wis. Stats., as from time-to-time amended. Statutory references as hereinafter stated shall be deemed to reference such statutes as may be from time to time amended.

7.2.4 CLASSES OF LICENSES.

(a) **Retail Class "A" Intoxicating Liquor License**. A “Class A” license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers. Except as provided under Section 125.69, “Class A” licenses may be issued to any person qualified under Section 125.04(5), except a person acting as an agent for or in the employ of another. “Class A” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in Section 125.04(12). The annual fee for a “Class A” license shall be determined by the Glendale Common Council and shall be the same for all “Class A” licenses, except that the minimum fee is $50

and the maximum fee is $500. In addition, subject to approval by the Common Council on a case by case basis, and subject to such conditions as imposed, a "Class A" license shall allow the provision of wine taste samples of not more than 1 fluid ounce each, free of charge, for consumption on the premises. Such samples shall be served by or in the presence of a licensed operator, commonly referred to as a licensed bartender, or the licensed agent. The licensee may provide not more than 2 wine taste samples per day to any one person, and only between the hours of 3:00 p.m. and 6:00 p.m. The Common Council shall have the right to further reduce the amount of wine taste samples allowed or further restrict the hours of provision in its discretion.

(b) **Retail Class "B" Intoxicating Liquor License**. A retail "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the premises or in the original package or container. A "Class B" license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers only on the premises where sold and also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine. There are nine (9) such "Class B" licenses specifically reserved for the Bayshore Town Center, whether or not it operates under the foregoing name or any successor tradename. A retail "Class B" intoxicating liquor license may be issued for a hotel, restaurant as defined in Section 7.2.7(g)(1) club, society lodge, or such other establishment located in a planned unit development zoning district of not less than 30 acres, which otherwise qualifies under Section 125.04(5) of the Wisconsin Statutes and may be issued in the name of an officer who shall be personally responsible for compliance with the chapter.

(c) **Retail Class "C" License**. In this subsection, "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages. A "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. A "Class C" license may be issued to a person qualified under Section 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. A "Class C" license shall particularly describe the premises for which it is issued. The annual fee for a "Class C" license shall be determined by the Glendale Common Council. The fee shall not exceed $100 and shall be the same for all "Class C" licenses. There are three (3) such "Class C" wine licenses specifically reserved for the Bayshore Town Center, whether or not the area operates under the foregoing name or any successor tradename.

(d) **Class "A" Fermented Malt Beverage Retailer's License**. The Glendale Common Council may issue Class "A" licenses for the sale of fermented malt beverages from premises within the City of Glendale. Subject to Section 125.34(5) and (6), a Class "A" license authorizes retail sales of fermented malt

beverages for consumption off the premises where sold and in original packages, containers and bottles. A license may be issued after July 1. That license shall expire on the following June 30. Class “A” licenses may be issued to any person qualified under Section 125.04(5), except a person acting as an agent for or in the employ of another.

(e) **Class "B" Fermented Malt Beverage Retailer's License**. The Glendale Common Council may issue Class “B” licenses for the sale of fermented malt beverages from premises within the City of Glendale and may authorize an official or body of the City to issue temporary Class “B” licenses under sub. (f). Subject to Section 125.34(5) and (6), a Class “B” license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. A license may be issued on or after July 1. That license shall expire on the following June 30. Persons holding a Class “B” license may sell beverages containing less than .5% of alcohol by volume without obtaining a license under Section 66.0433(1). Class “B” licenses may be issued to any person qualified under Section 125.04(5). Such licenses may not be issued to any person acting as an agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or such other establishment located in a planned unit development zoning district of not less than 30 acres or to a bona fide club, society or lodge that has been in existence for at least 6 months before the date of application. A Class “B: license for a hotel, restaurant, such other establishment located in a planned unit development zoning district of not less than 30 acres, club, society or lodge as defined in Section 7.2.7(g)(1) or (2) may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter.

(f) **Temporary Class “B” Fermented Malt Beverage License.** Temporary Class “B” licenses may be issued to bona fide 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 authorizing the sale of fermented malt beverages at 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 Glendale Common Council but may not exceed $10. An official or body authorized by the Glendale Common Council to issue temporary Class “B” license may, upon issuance of any temporary Class “B” license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. The Glendale Common Council may issue a temporary Class “B” license for premises that are covered by a “Class B” permit issued under Section 125.51(5)(b)2 if the applicant meets the requirements of this subsection.

(g) **Wholesalers License**. The Glendale Common Council may issue license to wholesalers for the sale of fermented malt beverages from premises within the City, which premises shall comply with the requirements under Section 125.34(2). Subject to Section 125.34, a wholesaler's license authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesales, not to be consumed in or about the wholesaler's premises.

Cross Reference: Section 7-2-17.

7.2.5 LICENSE FEES.

There shall be the classes and denominations of license fees as prescribed in Section 7.17.1 which, when issued by the City Clerk under the authority of the Common Council after payment of the fee hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in any applicable provision of Chapter 125 of the Wisconsin Statutes as from time to time amended.

7.2.6 APPLICATION FOR LICENSE.

(a) **Contents**. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Sections 887.01 to 887.04, Wis. Stats. All applications for licenses to sell alcohol beverages shall be filed with the City Clerk of the City of Glendale at least fifteen (15) days prior to the granting of the license, except that for licenses issued for a picnic or other gathering lasting for less than four (4) days, such application shall be filed with the City Clerk at least seven (7) days prior to the granting of the license. For purposes of calculating the time periods herein, the date of application shall not be counted, but the date of granting shall be included as part of the requisite time period. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

(b) **Corporations**. Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.

(c) **Publication**. The application shall be published once in the official City news paper, and the costs of publication shall be paid by the applicant.

(d) **Amending Application**. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.

(e) **License Quotas**. No more licenses shall be granted by the City of Glendale to be effective in the City at any one time as are authorized by Chapter 125, Wis. Stats., as from time to time amended.

(f) **License Reserve Pool.**

(1) Wisconsin Statutes limit the number of "Class B" Intoxicating Liquor Licenses issuable by the Common Council. The Common Council creates

a reserve pool of such licenses, and deems it in the public interest to continue such reserve pool of licenses in order to allow for future commercial development within the City, to protect the public health, welfare and interest, and to provide for public safety. All licenses issuable, but not issued, shall be deemed and are hereby placed in the reserve pool. All licenses forfeited, revoked, or non-renewed shall be deemed and are hereby placed in the reserve pool.

(2) It shall be the firm policy of the Common Council to issue licenses from said reserve pool only under the following circumstances and such license shall be deemed a new issuance and subject to all statutorily prescribed and municipally imposed fees thereon:

a. For a development project of a size, type and location that would enhance the commercial well-being and prosperity of the City and be a benefit to the business firms, residents therein and to the general public;

b. That, in addition to the above qualifications, such project would reasonably require as a part thereof a restaurant having a “Class B” liquor license to insure the project’s success; and

c. That such project would be in the public interest and welfare and be for the public’s convenience.

(3) Before issuing a reserve pool license, the Common Council shall refer the matter to the Plan Commission for its recommendation.

(4) A reserve pool license, in any event, shall not be issued unless authorized by the affirmative vote of three-fourths (3/4) of the members elect of the Common Council.

(5) In the event any non-pool license shall be revoked, non-renewed, abandoned or revert for any reason to the City, such license shall automatically become part of the reserve license pool, subject to the following exception:

a. For a period of one (1) year, commencing with the first of the month next following the date of abandonment or reversion or the date the license holder shall cease to conduct business, the Common Council may, in its discretion, issue a fermented malt beverage and intoxicating liquor license for a business to be operated within the initial facility previously licensed, subject to all state and local rules and criteria applicable to the issuance of new fermented malt beverages and intoxicating liquor licenses, and the Common Council may also take into account in determining whether or not to issue such license the considerations as set forth in Subsections (f)(2) a, b and c herein. During such one (1) year period, the license shall not be deemed to have reverted to the reserve license pool.

b. Upon application to the Legislative and Judiciary Committee and upon such Committee’s findings and recommendations to the Common Council, the Common Council, in its discretion, may extend the one (1) year eligibility period for existing businesses set forth in Subsection (f)(5)(a) provided the Common Council finds,

upon a three-fourths (3/4) vote, that due to circumstances not caused by or within the total control of the applicant, commencement of or opportunity for a new business within the existing establishment was not or cannot reasonably be accomplished within the one (1) year period. Nothing in this Section shall be construed to require issuance of a license in the event no license is available. In no event shall such extension be for a time period greater than one (1) additional year beyond the one (1) year period provided by Subsection (f)(5)(a).

7.2.7 QUALIFICATIONS OF APPLICANTS AND PREMISES.

(a) **Residence of Natural Licensees and Corporate Agents**.

(1) Natural persons shall reside within the area described in Subsection (a)(2) below for at least thirty (30) days prior to applying for a license, and corporate agents at least thirty (30) days prior to appointment.

(2) Such areas described as State Highway 60 extended due east to Lake Michigan on the north, Lake Michigan on the east, the Milwaukee County line on the south, and the 22000 lot based upon the Milwaukee/Waukesha grid system on the west.

(3) Upon recommendation of the Legislative and Judiciary Review Committee, and upon approval of the Common Council, an agent may reside beyond the boundaries as required in Subsection (a)(2), provided as follows:

a. Such an exception shall only be granted if there is no objection on the part of the Chief of Police or his designee.

b. The Legislative and Judiciary Review Committee, upon interviewing the agent, shall determine that the agent's particular residence and circumstances will reasonably allow performance and discharge of the duties of the agent.

c. The agent shall satisfy the Legislative and Judiciary Review Committee That residence within the area, as defined by Subsection (a)(2), presents a practical difficulty to the individual agent.

d. Such exception as recommended by the Committee shall be approved only upon a two-thirds (2/3) vote of the Common Council.

(b) **Applicant to have Malt Beverage License**. No retail Class "B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.

(c) **Right to Premises**. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.

(d) **Age of Applicant.** No Class "A" or "B" licenses shall be granted to any underage person as defined by the Wisconsin Statutes.

(e) **Corporate Restrictions**.

(1) No license shall be granted to any corporation which does not comply with the provisions of Sec. 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this Chapter or under state law, or which has more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this Chapter or under the state law.

(2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the City Clerk a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.

(3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Section 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.

(f) **Separate License Required for Each Place of Sale**. A separate license shall be required for each stand or place which is in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

(g) **Definition of Restaurant for Licensing Purposes.** The term restaurant, shall be defined as follows for purposes of this chapter only, and without regard to any other state or local health and sanitation or zoning requirements:

(1) Full Service Restaurant – A restaurant shall be deemed a full service restaurant if it meets the following criteria:

a. Food is prepared to order of the individual customer.

b. Food is served for in-house consumption, including waitstaff and bussing services. This provision shall not preclude service by way of salad bar or buffet counter.

c. Not more than 20% of food is sold in wrappers or containers for off premise consumption.

d. There is a variety of menu items.

e. At least 80% of food is consumed in an indoor setting as opposed to an outdoor patio or garden.

f. There is no drive-through service.

g. A minimum of 35% of gross revenues shall be derived from the sale of food, exclusive of the sale of intoxicating liquor, wine, or fermented malt beverages.

(2) Limited Service Restaurant

a. Food is prepared to order of the individual customer.

b. Food is served primarily for in-house consumption.

c. Not more than 40% of food is sold in wrappers or containers for off premise consumption.
d. At least 60% of food is consumed in an indoor setting as opposed to an outdoor patio or garden.
e. There is no drive-through service.
f. The restaurant hours of operation are governed by the zoning regulations applicable to the district in which it is situated.

(3) Fast Food Restaurant

a. Any restaurant as defined in Section 254.61(5) of the Wisconsin statutes as from time to time amended or renumbered, and which does not fit the restrictions in subsections 1 and 2 above.

7.2.8 INVESTIGATION.

The City Clerk shall notify the Chief of Police, Chief of the Fire Department, Health Officer and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other. investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the City Clerk in writing, who shall forward to the Common Council, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re- inspection of the premises and report as originally required.

7.2.9 APPROVAL OF APPLICATION.

(a) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.

(b) No license shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the City are delinquent and unpaid.

(c) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the City.

7.2.10 GRANTING OF LICENSE.

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 applicant by the Common

Council, the City Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the City.

7.2.11 TRANSFER AND LAPSE OF LICENSE.

(a) In accordance with the provisions of Section 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Common Council. An application for transfer shall be made on a form furnished by the City Clerk. Proceedings for such transfer shall be had m the same form and manner as the original application. The fee for such transfer is Ten Dollars ($10.00). Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the City for re-issuance of said license and the City, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

(b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the City Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Common Council, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the City Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Common Council until the successor agent or another qualified agent is appointed and approved by the City and the Wisconsin Department of Revenue.

7.2.12 NUMBERING OF LICENSE.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for , which granted, the date of issuance, the fee paid and the name of the licensee. The City Clerk shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

7.2.13 POSTING LICENSES; DEFACEMENT.

(a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

(b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

7.2.14 CONDITIONS OF LICENSE.

All retail Class "A" and "B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the City applicable thereto.

(a) **Consent to Entry**. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there 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 offenses.

(b) **Employment of Minors**. No retail Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.

(c) **Disorderly Conduct Prohibited**. Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(d) **Licensed Operator on Premises**. There shall be upon premises operated under a Class “A” or Class “B” intoxicating liquor license or Class “B” fermented malt beverage license, at all times, the licensee, members of the licensee’s immediate family who have attained the legal drinking age, and/or some person who shall have an operator’s license and who shall be responsible for the acts of all persons serving as wait staff, or in any other manner, who shall be engaged in the service of any fermented malt beverages to customers. No alcohol or fermented malt beverages may be served in any place operated under a Class “A” or Class “B” intoxicating liquor license or Class “B” fermented malt beverage license unless there is present a person possessing an operator’s license as required by Section 7.20.20 of this code.

(e) **Health and Sanitation Regulations**. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses issued under this Chapter. No Class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations.

(f) **Clubs**. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

(g) **Gambling Prohibited**. No gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin, except as authorized by State law.

(h) **Credit Prohibited**. No retail Class "A" or Class "B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.

(i) **Licensee or Permittee Responsible for Acts of Help**. A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.

(j) **Improper Exhibitions**. It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

(1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(3) Exposes any portion of the female breast at or below the areola thereof; or Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

(k) **Limitations on Other Businesses; Class B Premises**. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

(1) A hotel.

(2) A restaurant, whether or not it is a part of or located in any mercantile establishment.

(3) A bowling alley or recreation premises.

(4) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

Annotation: See Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S. Ct. 774 (1970); and State v. Erickson, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

(l) **Limitations on Other Businesses; "Class A" and "Class C" Licenses.** No "Class A" or "Class C" License or permit may be granted for any premises where any other business is conducted in connection with the premises, except this restriction does not apply if the premises for which the license or permit is issued is connected to a retail grocer or similar facility limited to the general sale of food products. Specifically, and without limitation by enumeration herein, this prohibition shall apply to the following:

(1) Convenience Stores.

(2) Other Stores where commodities are sold such as gasoline, pharmaceuticals, cosmetics, or other non-food products.

(3) Drug Stores and Pharmacies

7.2.15 CLOSING HOURS.

(a) **Legislative Findings**. The Common Council of the City of Glendale hereby finds as a fact that the conducting of retail businesses between the hours of 2:30 a.m. and 5:00 a.m. increases the likelihood of robbery and other criminal activity and that the mandatory closing of such business establishments between such hours will promote

public safety, will assist the function of law enforcement within the City and, therefore, legislation to this effect is necessary and in the public interest.

(b) **Hours**. No person, firm, corporation or other organization, except as hereinafter set forth, shall conduct retail business between the hours of 2:30 a.m. and 5:00 a.m. within the City of Glendale, including any business requiring the issuance of a Class A or Class B liquor or beverage license, and further including any business wherein food or beverage are sold or distributed for the purpose or intent of consumption upon the premises. No person other than an employee of a Class B licensed premises may be on the premises during closed hours. Employees on the premises during closed hours shall not consume fermented malt beverages or intoxicating liquors.

(c) **Exceptions**.

(1) This Section shall not be applicable to lodging accommodations and operations of hotels, motels and rooming houses but shall be applicable to any bar or restaurant portion of such business.

(2) This Section does not apply to all-night gas stations or groceries wherein the sale of fuel, non-alcoholic beverages or food shall occur with the intent that consumption occur away from the premises.

(3) This Section shall not apply to any business wherein other specific hour restrictions are imposed or allowed by federal, state or municipal law.

(d) **Violations**. In addition to any injunctive relief, the City shall have the authority to deny any use and occupancy permits, operations licenses, alcohol or beverage licenses and, in addition, any person, including an owner, operator, employee, agent, customer, patron or frequenter violating the provisions of this Chapter shall be subject to a forfeiture of not more than One Thousand Five Hundred Dollars ($1,500.00) and, upon default of payment, may be imprisoned not more than ninety (90) days in the Milwaukee County House of Corrections.

7.2.16 RESTRICTIONS ON SPECIAL CLASS "B" FERMENTED MALT BEVERAGE SPECIAL EVENT LICENSES AND CLASS "B" LICENSES ALLOWING SPECIAL EVENTS.

(a) **Restrictions on Special Class "B" Fermented Malt Beverage Special Event Licenses**. 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 Glendale, except through the issuance of temporary Class "B" permit issued by the Common Council in accordance with Wisconsin State Statutes and as set forth in this Section. A temporary Class "B" permit authorizing the sale and consumption of beer on City-owned property or privately-owned property may be authorized by the Common Council provided the following requirements are met, except that the Council may waive or modify certain requirements due to the physical characteristics of the licensed site:

(1) Compliance with Eligibility Standards. The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Section 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11.5.1.

(2) Posting of Signs and Licenses. All organizations issued a liquor 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 under-age person.

(3) Underage Persons Prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt

beverage at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.

(4) Licensed Operators Requirement. A licensed operator shall be stationed at all points of sales at all times. The Council may require that police officers be employed to monitor the event.

(5) Permitted Cups or Cans Only. Intoxicants will be sold outside only in foam or plastic cups, or cans.

(6) Auxiliary Police Protection: Posting of Surety.

a. Any person applying for a special gathering permit or a special Class "B" picnic license shall pay the required fee and shall be responsible for paying the cost of auxiliary police protection for the event. He shall deposit with the City Clerk, as surety for payment of auxiliary police protection, the cost of providing such protection. The Chief of Police, or his designee, shall have the authority and the discretion to designate the number of auxiliary police assigned to a particular gathering and shall take into account the time, place, number of persons, impact upon traffic and public safety and the nature and type of gathering.

b. The applicant posting such surety shall pay any costs above the surety amount within thirty (30) days of billing and shall be entitled to a refund for such sums not actually expended for such protection upon presenting a demand for such refund to the City Clerk within sixty (60) days of the end of the picnic or gathering.

(7) Insurance. The applicant for a special Class "B" fermented malt beverage 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 permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the City of Glendale. The applicant may be required to furnish a performance bond prior to being granted the permit.

(b) **Class "B" Licenses Allowing Special Events**. Notwithstanding the prohibitions contained in Subsection (a) above, a Class "B" license previously granted by the Common Council of the City of Glendale that allows the licensee to serve fermented malt beverages or wine on the premises, but within the licensed structure, shall forthwith be amended to permit the licensee to serve fermented malt beverages or wine outside of the licensed structure, if and only if, the Class "B" license holder complies with all of the applicable requirements enumerated in Subsection (a) above for each and every such outdoor event or gathering at which fermented malt beverages or wine are being served. Cross Reference: Section 11.5.1.

7.2.17 OUTDOOR CONSUMPTION AT CLASS "B" PREMISES.

(a) **Description of Licensed Premises.** All applicants for or holders of Class B Beer and/or Intoxicating Liquor licenses shall include in their application for a new license, or for renewal of an existing license, a specific description of all portions of the premises, interior and exterior, as to which fermented malt beverages, intoxicating liquor, or wine are contemplated to be served. The Glendale Police Department shall review the description of the area requested to be licensed, and shall make its recommendation to the Common Council as to the area, an alternate area, or such conditions as the Department recommends in order to ensure compliance with all applicable State and Local laws regarding fermented malt beverages, intoxicating liquor, and wine, and the public health, welfare, and safety.

(b) **Council Review and Determination of Licensed Area.** The Common Council shall review each application for a new license or for renewal of a license, and shall determine the area to be licensed, and further shall set such conditions as the Council deems in its sole discretion shall contribute to compliance with all State and Local Laws pertaining to the sale and consumption of fermented malt beverages, intoxicating liquor, and wine, and to protect the public health, welfare, and safety.

(c) **Conditions.** Conditions may include, without limitation by enumeration herein, requirements for staffing, hours of operation, lighting, and security. The Council may further determine that exterior areas shall be limited in hours of operation in order to assure compatibility with surrounding properties. This regulation of hours shall pertain only to exterior areas, and hours of operation for all interior licensed premises shall remain governed by State Statute.
Cross Reference: Section 7-2-4(e)

7.2.18 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL

(a) **Revocations, Suspensions, Refusing to Issue or Renew; Additional Procedural Provisions.** Any license holder violating any provisions of the Chapter or any provisions of any section of the Wisconsin Statutes adopted by reference herein shall, in addition to the penalties provided by state law and Section 1.1.7, be subject to revocation or suspension of his/her license or refusal to renew the same as provided in Sec. 125.07 or 125.12, Wis. Stats., as may be applicable.

(b) **Additional Procedural Provisions.** In case a request is made by the licensee for a written transcript of the hearing, the licensee shall deposit with the City the sum of Fifty Dollars ($50.00) to insure payment by him of the cost of such transcript.

(c) **Abandonment of Premises.** Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The loss or non-use of the licensed premises for at lease six (6) months shall be prima facie evidence of the abandonment, unless extended by the Common Council. All persons issued a license to sell alcohol beverages in the City for which a quota exists limiting the number of such licenses that may be issued by the City shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

(d) **Repossession of License or Permit.** Whenever any license or permit under this Chapter shall be revoked or suspended by the Common Council or action of any court, it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

7.2.19 POWDERED ALCOHOL PROHIBITED.

(a) "Powdered alcohol" means any substance that is sold in powder or crystalline form, that contains any alcohol by weight, and that is fit for human consumption either in its powder or crystalline form or after it is added to food or reconstituted with water or another liquid.

(b) Notwithstanding s. 125.02(20), "sell" or "sale" means any transfer of powdered alcohol with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of powdered alcohol.

(c) Except as provided in par. (d), no person may sell or offer for sale powdered alcohol.

(d) This subsection does not apply to powdered alcohol sold or offered for any use described in 27 CFR 1.60 to 27 CFR 1.62.

ARTICLE B Operator’s License

7.2.20 OPERATOR'S LICENSE REQUIRED.

There shall be upon the premises operated under a Class “A” or Class “B” intoxicating liquor license or Class “B” fermented malt beverage license at all times the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person shall serve or sell intoxicating liquor in any place operated under the Class “A,” Class “B,” or Class “B” fermented malt beverage licenses unless he/she shall possess an operator’s license, or is in the presence of a person holding an operator’s license. In addition thereto, all management staff, and all wait staff working on average over 32 hours per week, shall be required to possess an operator’s license whether or not there are others possessing an operator’s license on premise during business hours. It shall further be required that all part-time wait staff, as a condition of being able to sell or serve in the presence of one holding an operator’s license, shall have taken and completed the State Responsible Server’s course, or such successor program as from time-to-time may be adopted by the State.

State Law Reference: Section 125.17, Wis. Stats.

7.2.21 APPLICATION FOR OPERATOR'S LICENSES.

The City Clerk may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Clerk, and only. to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the City and shall be issued subject to the provisions of Sections 7-2-8 and 7-2-9 of this Code of Ordinances pertaining to fermented malt beverage and intoxicating liquor licenses. Denial of issuance by the City Clerk shall be appealable upon the request of the applicant if made within thirty (30) days of denial. The Legislative and Judiciary Renew Committee shall hear the appeal within thirty (30) days of its filing, and shall have authority to affirm denial or issue such operator's license subject to all applicable state and local requirements.

7.2.22 DURATION.

Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) or two (2) years and shall expire on the thirtieth (30th) day of June.

7.2.23 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSE.

(a) **Fee**. The fee for an operator's license shall be Seventy-Five Dollars ($75.00) for two (2) years.

(b) **Provisional License**. The City Clerk may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats., at a cost of Twenty Dollars ($20.00) per license so issued. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. A provisional license may not be issued to any person who has been denied an operator's license by the Common Council or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The City Clerk shall provide an appropriate application form to be completed in full by the applicant. The City Clerk may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.

(c) **Temporary Operator's License.** The City Clerk may issue a temporary operator's license to an individual, provided he is otherwise qualified for an operator's license, who has enrolled in, but has not yet completed, a responsible server training course, provided the person meets all other qualifications for an operator's license. Such license shall not be for more than six (6) months.

7.2.24 ISSUANCE.

The Common Council shall be deemed to approve the granting of an operator's license if such license meets all statutory criteria, is not met with objection by the Police Department or any other City staff or Department Head having jurisdiction to review, and if approval of issuance is authorized by the City Administrator or his designate. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of expiration of such license. Nothing in this Section shall be deemed to remove from the Common Council the authority to review license appeals, or licenses to which an objection to the Police Department or any other City department head has been interposed.

7.2.25 DISPLAY OF LICENSE.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or the operator shall have in his possession a wallet license card.

7.2.26 REVOCATION OR SUSPENSION OF OPERATOR'S LICENSE.

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for suspension or revocation of the license as provided in Secs. 125.07 or 125.12, Wis.

Stats., as may be applicable. The review and determination as to the occurrence of such violation, and the imposition and appropriateness of suspension or revocation, shall be by the Legislative, Judiciary and Finance Committee, whose determination shall be final subject to direct appeal to the Circuit Court.

7.2.27 THROUGH 7-2-29 RESERVED FOR FUTURE USE.

ARTICLE C Penalties

7.2.30 PENALTIES.

(a) Forfeitures for violations of Sections 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the City of Glendale, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.

(b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the City of Glendale, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the City of Glendale.

(c) Nothing hereto shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

7.3 Cigarette License/Restrictions on Sale or Gift of Cigarette or Tobacco Products

7.3.1 CIGARETTE LICENSE
7.3.2 RESTRICTIONS ON THE SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS

7.3.1 CIGARETTE LICENSE.

(a) **License Required**. No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.

(b) **Application for License**; Fee. Every person, firm or corporation desiring a license under this Section shall file with the City Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the City Clerk and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the City Clerk a license fee as prescribed in Section 7-17-1.

(c) **Issuance and Term of License**. Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the City Clerk. State Law Reference: Section 134.65, Wis. Stats.

7.3.2 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS.

Section 134.66(1) through (4), Wis. Stats., prescribing restrictions on the sale or gift of cigarette or tobacco products is adopted by reference, including any future amendments, revisions, or modifications.

7.4 Regulation of Transient Merchants, Permanent Merchants and Charitable Organizations

7.4.1 REGISTRATION AND PERMIT REQUIRED
7.4.2 DEFINITIONS
7.4.3 EXEMPTIONS
7.4.4 REGISTRATION
7.4.5 INVESTIGATION
7.4.6 APPEAL
7.4.7 REGULATION OF TRANSIENT MERCHANTS, PERMANENT MERCHANTS AND CHARITABLE ORGANIZATIONS
7.4.8 RECORDS
7.4.9 REVOCATION OF REGISTRATION/PERMIT
7.4.10 PENALTY
7.4.11 PERSONAL PROPERTY TAXES; PENALTY FOR LATE FILING

7.4.1 REGISTRATION AND PERMIT REQUIRED.

(a) **Registration/Permit Requirement**. It shall be unlawful for any transient merchant to engage in sales or sales activities within the City of Glendale without first registering and obtaining a permit as set forth herein.

(b) **Permit Fees**. The applicant for a transient merchant's permit shall pay to the City Clerk, prior to the filing of his application, a fee as prescribed in Section 7-17-1.

State Law Reference: Sec. 66.083, Wis. Stats.

7.4.2 DEFINITIONS.

In this Chapter:

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

(b) **Permanent Merchant** means any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:

(1) Has continuously operated an established place of business in this City or in the local trade area among the communities bordering the City of Glendale; or

(2) Has continuously resided in this City and now does business from his/her residence.

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

(d) **Charitable Organization** shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

(e) **Clerk** shall mean the City of Glendale Clerk.

(f) **Person or Individual** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

7.4.3 EXEMPTIONS.

The following shall be exempt from all provisions of this Chapter:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

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

(c) Any permanent merchant or employee thereof who takes orders away from the established place of business for merchandise regularly offered for sale by the merchant within this City and who delivers such merchandise in their regular course of business;

(d) Any person who has an established place of business where the merchandise 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;

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

(f) 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;

(g) Any person who claims to be a permanent merchant, but against whom complaint has been made to the City Clerk that such person is a transient merchant, provided that there is submitted to the City Clerk proof that such person has leased for at least one (1) year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in this City for at least one (1) year prior to the date complaint was made.

(h) This Chapter does not apply to transient merchants while doing business at special events authorized by the Common Council.

(i) This Chapter does not apply to Transient Merchants while doing business with the permission of, and upon the premises of, existing retail establishments, which establishments are located within zoning districts allowing retail sales, and having occupancy permits allowing retail sales operations, provided such Transient Merchants do business within the enclosed building structure. This exemption shall apply only to establishments and buildings wherein any sales conducted pursuant to this exemption are of the same type and nature as sales generally occurring therein, and provided further that the primary business of the establishment is retail sales. This exemption specifically shall not apply to hotels and motels.

7.4.4 REGISTRATION.

(a) **Application.** Applicants for registration and permit must complete and return to the Police Department a registration form furnished by the Police Department which shall require the following information:

(1) Name, permanent address and telephone number, and temporary address, if any;

(2) Height, weight, color of hair and eyes, and date of birth;

(3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;

(4) Temporary address and telephone number from which business will be conducted, if any;

(5) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;

(6) Proposed method of delivery of merchandise, if applicable;

(7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;

(8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.

(9) Place where applicant can be contacted for at least seven (7) days after leaving this City;

(10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offence and the place of conviction.

(11) Such additional information as the Glendale Police Department shall require for the effective enforcement of this Section and the safeguarding of the residents of the City from fraud, misconduct or abuse.

(b) **Required Information**. Applicants shall present to the Police Department for examination:

(1) A driver's license or some other proof of identity as may be reasonably required by the Chief of Police, or his designee;

(2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;

(3) A state health officer'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, dated not more than ninety (90) days prior to the date the application for license is made.

(c) **Service of Process**.

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

(2) Upon payment of said fee and the signing of said statement, the City Clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Section 7-4-5(b) below.

(d) **Numbered Permit**. All permits shall be numbered in the order in which they are issued and shall state clearly the place where the business may be carried on, the kind of goods, wares and merchandise to be sold, disposed of or contracted for, the dates of issuance and expiration of permit, the fee paid and the name and address of the licensee and all employees covered by said permit, and the date of revocation of said permit. Such permit shall automatically expire on January 1 following the date of issuance of such permit. No permit shall be granted to a person to whom a license has been refused or who has had a permit which has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists. Every permit holder, while exercising his permit, shall post his permit in a conspicuous place on the premises or his person and shall exhibit the same upon demand of any officer, or a customer or prospective vendee. A permit shall not be assignable and any holder of such permit who allows it to be used by any other person shall be guilty of a violation of this Section. When- ever a permit shall be lost or destroyed, a duplicate in lieu thereof under the original application

may be issued by the City Clerk upon the filing with said Clerk by the permit holder of an affidavit setting forth the circumstances of the ~ loss and what, if any, search has been made for its recovery and upon the payment of a fee of Two ($2.00) Dollars.

(e) **Mutilation of Permit**. On the expiration of the permit, the holder shall surrender the same to the Chief of Police. It shall be unlawful for any person to alter or change in any manner any permit issued under the provisions of this Section, and such alterations or the failure of the holder of the same to display the permit in a conspicuous place on the premises or to exhibit the same upon demand of any officer or customer or prospective vendee shall be cause for revocation of such permit.

7.4.5 INVESTIGATION.

(a) Upon receipt of each application, the Police Department shall make and complete an investigation of the statements made in such registration. The Chief of Police, or his designee, shall endorse his approval or disapproval upon said application within seventy-two (72) hours after the investigation has been completed and shall issue or deny the permit in accordance with his findings after presentation by the applicant of a receipt of the City Treasurer showing payment of the required fee.

(b) The Police Department shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

7.4.6 APPEAL.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council or, if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Wis. Stats.

7.4.7 REGULATION OF TRANSIENT MERCHANTS, PERMANENT MERCHANTS AND CHARITABLE. ORGANIZATIONS.

(a) **Prohibited Practices**.

(1) The transient merchant, permanent merchant and charitable organization shall be prohibited from:

a. Calling at any dwelling or other place after 9:00 p.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; or remaining on premises after being asked to leave by the owner, occupant, or any other person having authority over such premises.

(2) A transient merchant, permanent merchant, or charitable organization shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization, transient merchant or permanent merchant shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

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

(4) No transient merchant, permanent merchant, or charitable organization shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.

(5) No transient merchant, permanent merchant, or charitable organization shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(6) The City Clerk shall issue a Solicitor's Registration Identification to each person submitting a properly and truthfully completed registration application, which Registration Identification shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Section 7-4-5(b).

(7) During actual solicitation, each registered solicitor shall carry the Registration Identification signed by the City Clerk, evidencing the fact that the solicitor is registered to solicit within the City of Glendale, and shall produce for inspection the Registration Identification upon request.

(b) **Disclosure Requirements**.

(1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant, permanent merchant, or charitable organization shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell, or purpose for a solicitation.

(2) If any sale of merchandise is made by a transient merchant, permanent merchant, or charitable organization or any sales order for the later

delivery of merchandise 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 Twenty-five Dollars ($25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats. the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

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

(c) **Bond.** If the Chief of Police, or his designee, determines from his investigation of said application that the interest of the City or of inhabitants of the City require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but, due to causes beyond his control, is unable to supply all of the information required by Section 7-4-4, he may require the applicant to file with the City Clerk a bond in the sum of Five Hundred Dollars 500.00), with surety acceptable to the City Attorney, running to the City, conditioned that he will fully comply with the ordinances of the City and laws of the state relating to transient merchants, peddlers, or canvassers, guaranteeing to any citizen of the City of Glendale doing business with him that the property purchased will be delivered according to the representations of the applicant, provided that action to recover on any such bond shall be commenced within six (6) months after the expiration of the license of the principal.

(d) **Weighing and Measuring Devices**. Whenever the business of the applicant shall require the use of weighing or measuring devices, the application shall be accompanied by a certificate from the Sealer of Weights and Measures stating that said devices have been examined and approved.

(e) **Zoning Compliance.** Any transient merchant, permanent merchant, or charitable organization, offering for sale merchandise, wares or merchandise from a vehicle, in a building or at a stand, counter or other structure shall conduct sales only in districts in which such activity is a permitted use under the City Zoning Code.

(f) **Interference with Traffic**. No permit shall be issued unless it has been found as a fact by the Common Council, by at least a majority vote of those in attendance at the meeting, that the selling activity for which a permit has been applied will not cause any interference with the free and safe movement of traffic on the public streets in the vicinity of the sales activity and that there was provided adequate off-street parking facilities to discourage the stopping or parking of vehicles by potential customers and that there will be no undue noise or other nuisance generated by the activity.

(g) **Health Officer's Certificate.** No individual shall carry on any business licensed by this Chapter involving the handling or sale of foodstuffs, without first securing

from the Health Officer a certificate stating that he/she is apparently free from any contagious or infectious disease and agreeing in writing to submit to further physical examination upon the request of the Health Officer at the applicant's expense.

(h) **Prepayments**. All orders taken by a permit holder under this Chapter who accepts or receives payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one (1) copy shall be given to the purchaser at the time the deposit of money is paid.

(i) **Employees Included**. Transient merchants, permanent merchants, or charitable organizations shall be construed to include any employee or agent thereof.

7.4.8 RECORDS.

The Chief of Police shall report to the City Clerk all convictions for violation of this Chapter and the City Clerk shall note any such violation on the record of the registrant convicted.

7.4.9 REVOCATION OF REGISTRATION.

(a) The Chief of Police or Police Officer may, at any time, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales or for a violation of this Chapter or any other ordinance or any law, revoke any permit issued under these provisions. When a permit shall be revoked, no refund of any unearned portion of the permit fee shall be made.

(b) Notice of such revocation and the reason or reasons therefor, in writing, shall be immediately served personally upon the person named in the application, or by mailing the same to the permit holder at the named premises, and by filing a copy of such notice with the City Clerk. Appeal from revocation shall be made to the Common Council within thirty (30) days of the date of revocation.

7.4.10 PENALTY.

Any person adjudged in violation of any provision of this Chapter shall forfeit not less than Twenty-five Dollars ($25.00), nor more than One Thousand Five Hundred Dollars ($1,500.00) for each violation, per day, plus costs of prosecution. Each violation shall constitute a separate offense.

7.4.11 PERSONAL PROPERTY TAXES; PENALTY FOR LATE FILING.

(a) **Finding.** The City of Glendale currently has businesses operating for profit, maintaining offices and/or leasing equipment within Glendale City limits. All such entities are subject to liability under Sec. 70.01, Wis. Stats., governing general property taxes, and each has incurred assessment for personal property taxes by filing a personal property tax return, or upon failure to file such return, by doomage assessment duly levied by the tax assessor of the City of Glendale pursuant to Secs. 70.34 and 70.35, Wis. Stats. The filing of untimely returns and doomage assessments impedes the orderly process of personal property tax assessment.

(b) **Penalty**. All businesses operating for profit, maintaining offices and/or leasing equipment within Glendale City limits shall timely file a personal property tax return pursuant to Sec. 70.01, Wis. Stats., governing general property taxes. Unless the taxpayer shows the failure to timely file a personal property tax return is due to reasonable cause, a taxpayer who fails to file any form required under Sec. 70.01, Wis. Stats., shall pay to the City of Glendale a penalty of the greater of Ten Dollars ($10.00) or 0.05% of the assessment not to exceed One Thousand Dollars ($1,000.00). If the form required under Sec. 70.01, Wis. Stats., is not filed within thirty (30) days after the due date or within thirty (30) days after any extension, the taxpayer shall pay to the City of Glendale a second (2nd) penalty of the greater of Ten Dollars ($10.00) or 0.05% of the full value assessment not to exceed One Thousand Dollars ($1,000.00). Penalties are due thirty (30) days after they are assessed and are delinquent if not paid on or before that date. The City of Glendale may refund all or part of any penalty it assesses under this Subsection if it find reasonable grounds for late filing.

7.5 Arcades

7.5.1 DEFINITIONS
7.5.2 LICENSE REQUIRED
7.5.3 APPLICATION FOR LICENSE
7.5.4 LICENSE FEE
7.5.5 ISSUANCE OF LICENSE
7.5.6 LOCATION OF PREMISES
7.5.7 REVOCATION OF LICENSE
7.5.8 ARCADE OPERATOR'S LICENSE
7.5.9 CONDUCT OF BUSINESS AND MISCELLANEOUS REGULATIONS
7.5.10 EXISTING ARCADES

7.5.1 DEFINITIONS

(a) **Amusement Devices**. See Section 7-6-1(a) of this Code of Ordinance.

(b) **Arcade.** Any premises containing five (5) or more amusement devices for the primary use and entertainment of the public.

(c) **Good Moral Character**. For purposes of this Chapter, "good moral character" shall mean mat the person under consideration has exhibited conduct consistent with that of the average person with regard to reputation, citizenship, decency, honesty and respect for law and order. The following, without limitation due to enumeration herein, shall be considered to be evidence of activities inconsistent with “good moral character:”

(1) Conviction within five (5) years preceding the application for an arcade license of a crime involving moral turpitude, except as set out herein.

(2) Conviction of the offenses of contributing to the delinquency of minors, exposing minors to harmful materials, liquor law violations involving minors, sex offenses or sexual assaults involving minors or offenses against the controlled substances act, which offenses are hereby deemed to be of special concern, affecting the health, safety and welfare of youth.

(3) Being a probationer or parolee under the jurisdiction of the State Department of Health and Social Services, Department of Community Corrections or a similar agency of another state or the federal government.

(4) Being the subject of any criminal prosecution for a crime involving moral turpitude, in the courts of any state or of the federal government. Nothing m this Section shall be construed to prevent any such person from reapplying for a license under this Chapter after the conclusion of said proceeding.

(5) In the event that an application for a license under this Chapter is denied on the grounds that a person named in the application is not of good moral character, such person may, using the procedures provided for m Chapter 68, Wis. Stats., demand the reasons therefor in writing and shall be

afforded the opportunity to, if desired by such person, have a hearing as provided for under that Chapter and to present evidence on his behalf.

7.5.2 LICENSE REQUIRED.

No person, firm or corporation shall operate an arcade without first having obtained a license therefor from the Common Council.

7.5.3 APPLICATION FOR LICENSE.

An application for a license shall be filed with the City Clerk on a form to be furnished by the Clerk, which form shall require the following information:

(a) Name and address of the applicant.

(b) In case of a partnership, the names and addresses of all partners.

(c) In case of a corporation, the names and addresses of all officers, directors and stockholders of ten percent (10%) or more of the capital stock of the corporation.

(d) In case of clubs, associations or other organizations, the names and addresses of all officers.

(e) The location of the premises to be licensed and the name and address of the owner or owners of said premises.

(f) Whether or not any person or persons named in the application have ever been convicted of violating any federal or state law bearing a criminal penalty, or any count, local or municipal ordinance in conformity therewith, or any offense described in Section 7.5.1(c)(2) above.

(g) The number of games, machines, tables or amusement devices to be located upon the premises to be licensed.

7.5.4 LICENSE FEE

The license fee shall be as prescribed in Section 7.17.1. In the event that a license is denied, two-thirds (2/3) of the fee shall be refunded to the applicant.

7.5.5 ISSUANCE OF LICENSE.

(a) All licenses herein provided for shall be issued upon approval by the Common Council and shall limit the holder thereof to operate an arcade only on the premises for which the license has been issued. All licenses shall expire on the 30th day of June following the date of issuance.

(b) Such licenses shall bear the date of issuance, the name of the licensee, the purpose for which issued and the location of the room or building wherein the licensee is authorized to carry on and conduct such business. Such license shall not be transferable by the holder to any other person, firm or corporation, but

such license may be transferred by the holder to another location provided that the licensee shall make written application for such transfer to the City Clerk and such transfer is approved by the Common Council. A transfer fee of twenty-five Dollars ($25.00) shall be paid by the applicant.

(c) A license issued to a partnership shall not be voided by the withdrawal of a partner so long as one (1) of the original partners remains. A new license shall be required if a new partner becomes a member, unless he already holds a license. A license issued to a corporation shall be voided if an unqualified person becomes the principal officer or stockholder of ten percent (10%) or more of the .capital stock in the corporation. All chances in the membership of a partnership or all changes in the identity of the principal officer or stockholder of ten (10%) or more of the capital stock of the corporation shall be reported percent (10) days after they occur.

(d) The Common Council shall require the Police Department to make an investigation of all persons named in an application for a license and report the findings of such investigation to the City Clerk.

(e) A license shall not be issued if the applicant, or any partner, or the principal officer, or any stockholder holding more than twenty percent (20%)of the capital stock of the corporation if applicant is a corporation:

(1) Is not of good moral character as defined above.

(2) Is under eighteen (18) years of age.

7.5.6 LOCATION OF PREMISES.

(a) No license shall be issued to any applicant unless the applicant has first obtained an occupancy permit for the premises from the City Plan Commission.

(b) In any event, no license be granted to any person, firm or corporation to operate a business offering to the public an opportunity to use amusement devices for a fee which is located within five hundred (500) feet from the boundary of a parcel of real estate having situated on a school, church, hospital, public library, park or public playground.

7.5.7 REVOCATION OF LICENSE.

The Common Council may suspend, revoke or deny re-issuance of any license issued pursuant to this Section, at any time, for reasonable cause, which shall be in the best interest and for the good order of the City, provided that the licensee shall be accorded due process of law. Cause for such revocation, suspension or denial shall include, without limitation for lack of reference herein, any violation of the provisions of this Section, or if an arcade governed by the provisions of Section 7-5-10 hereof, or other provisions of this Code of Ordinances relevant to the operation of said business.

7.5.8 ARCADE OPERATOR'S LICENSE.

(a) A licensed arcade operator shall be on the licensed premises at all times during the hours the arcade is open to the public to provide the supervision necessary to maintain proper order.

(b) An arcade operator's license shall entitle the holder thereof to work as an operator upon premises licensed under this Section. Such licenses will be issued by the Common Council only to persons of good moral character, as defined above, over eighteen (18) years of age.

(c) A written application shall be filed annually with the City Clerk stating the name, address and age of the applicant. The application shall be referred to the Chief of Police for report. A license fee must accompany the application. There will be no refund of the fee if the license is not subsequently granted.

(d) The annual fee for an arcade operator's license shall be as prescribed in Section 7.17.1.

(e) Each arcade operator's license shall be posted in a conspicuous place where the licensee is employed.

(f) Any arcade operator's license issued under this Section may be revoked, suspended or denied, at any time, for any reasonable cause, which shall be in the best interest of and for the good order of the City. Any arcade operator's license issued under the provisions of this Section shall stand revoked without further proceedings, upon the conviction of the licensee for maintaining a disorderly or riotous, indecent or improper place of business. Whenever such license shall be revoked, no refund of any unearned portion of the fee shall be made.

7.5.9 CONDUCT OF BUSINESS AND MISCELLANEOUS REGULATIONS.

All arcade licenses and arcade operator's licenses shall be granted subject to the following conditions, and all other conditions of this Chapter, and subject to all other ordinances and regulations of the City applicable thereto:

(a) Every applicant procuring a license thereby consents to me entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search and consents to the removal from said premises of all things and articles maintained there 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 offenses.

(b) Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly., riotous or indecent conduct shall be allowed at any time on any licensed premises.

(c) There shall be, upon premises operated under an arcade license at all times, some person who shall have an arcade operator's license and who shall be responsible for the acts of all persons employed at said premises.

(d) No premises licensed under this Chapter shall be permitted to remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day.

(e) No patron or guests shall be permitted to enter or remain on the licensed premises during the closing hours provided in paragraph (d) above or, where applicable, the covenant or agreement for an arcade with the City.

(f) Nothing in this Section shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(g) No person, while using or operating a game of amusement or amusement device or while on the licensed premises, shall gamble or make any bets.

(h) In no event shall card playing be permitted on such licensed premises even if such card playing is for social purposes only.

(i) Rooms in which games of amusement are located and used .by the public shall, at all times, be kept in a clean, healthful and sanitary conditions with ample and approved lighting and ventilation in accordance with municipal code requirements and as hereinafter set forth.

(j) No person, while on a premises licensed hereunder, shall have in his possession any intoxicating liquor or fermented malt beverage.

(k) No person under the age of eighteen (18) years shall be permitted on the licensed premises where the use of games of amusement or amusement devices is offered to the public for a fee before the hour of 3:00 p.m. on any day that the Glendale and Whitefish Bay public and private schools are in session unless accompanied by his or her parent or legal guardian.

(l) The licensee of the premises shall provide a minimum unobstructed area of two (2) feet perpendicular to the front of each game, device, machine or table for customers to stand while using the same; in addition an unobstructed aisle for the safe passage of customers of at least three (3) feet shall be provided in front of each game, device, machine or table.

(m) In no event shall occupation by more persons than allowed by the provisions of the Glendale Fire Prevention Code, as applicable to the licensed premises, be permitted.

(n) Nothing in this Section shall be construed to permit any realization or, or exemption from, the provisions of the Glendale Zoning Code.

(o) All areas of the licensed premises shall during business hours, have a sustained minimum white light illumination or thirty (30) foot candles , measured on a plane thirty (30) inches above the floor.

(p) The licensed premises shall afford front window treatment of such a design as to allow full observation of the interior of the premises from the public way or a parking lot mall or other private thoroughfare or way to which the public is, by express or implied invitation, invited.

(q) The licensee of the premises shall provide a bicycle storage area sufficient to take care of the needs of all customers which shall be located off the public way if the planned or actual business operation of such arcade indicates the patronage of such arcade by juveniles would necessitate such provision for bicycle parking.

7.5.10 EXISTING ARCADES.

Provided, however, that an arcade existing on December 20, 1982, operating under agreement with the City shall not be subject to the provisions of this Chapter, except Sections, recital and paragraphs (a), (b), (c), (e), (f), (g), (h), (i), (j), (m) and (n) thereof, (11) and (12), Sections 7-5-1 through 7-5-5, 7-5-7, 7-5-8, 7-5-9, recital and paragraphs (a), (b), (c), (e), (f), (g), (h), (i), (j), (m) and (n) thereof, Section 7-5-10 and Section 7-5-11.

7.6 Coin-Operated Machines

7.6.1 REGULATION AND LICENSING OF COIN-OPERATED MACHINES

7.6.1 REGULATION AND LICENSING OF COIN-OPERATED MACHINES.

(a) Definitions.

(1) "Coin-operated mechanical device," as used in this Section, shall mean any machine which, upon the insertion of a coin, slug, token, plate, disk or key into any slot, crevice or other opening, operates or may be operated to vend, sell or deliver goods, wares or merchandise or furnish or supply amusement or entertainment or present or make available for play any game or test of skill. It shall not include any device which dispenses food and/or beverages, except devices which dispense only bottled, prepackaged or canned soft drinks, devices which dispense only candy, gum, nuts, nut meats, cookies or crackers, devices which dispense into prepackaged Grade A pasteurized milk or milk products and one cent vending devices. It shall not include such devices, which furnish or supply a service only or newspapers, and those which are otherwise licensed under this Section.

(2) "Mechanical amusement device," which, for purposes of this Section, means any coin-operated mechanical device which furnishes music, songs or similar amusement, or which may be operated by the public generally for use as a game, entertainment, amusement or furnishing a test of skill, whether or not the same registers a score.

(b) **Gambling Devices Prohibited**. Nothing in this Section shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the State of Wisconsin.

(c) **License Required**. Any person, firm, corporation or association displaying for public patronage or keeping for operation any coin-operated mechanical device as herein defined shall be required to obtain a license from the City Clerk. Application for such license shall be made to the City Clerk upon a form to be supplied by him for that purpose. The license fees shall be prescribed in Section 7-17-1, and shall be payable per each machine licensed. A single license may be issued for the total number of machines kept upon the premises and for which the total license fee has been paid, and shall allow the number of machines as set forth in the license, including and allowing for replacement machines. At no time may the number of machines present exceed the number allowed by the license.

(d) **Application**. The application for such license shall contain the following information:

(1) Name and business address of the applicant, age, date and place of birth.
(2) Prior convictions of applicant, if any.
(3) Place where the machine or device is to be displayed or operated and the business conducted at that place.
(4) Description of the machine to be covered by the license, mechanical features, name of manufacturer and serial number.
(5) Statement of ownership of the machine or device, containing the name address of the same.

(e) **License Display**. If the machine(s) or device(s) are leased, then a permit will be issued which states the number, type, style and intended use of said machine(s) and device(s). This permit will be conspicuously placed near the said machine(s) or device(s).

7.7 Licensing the Sale of Christmas Trees

7.7.1 LICENSING THE SALE OF CHRISTMAS TREES.

7.7.1 LICENSING THE SALE OF CHRISTMAS TREES.

(a) **License Required**. No person, firm or corporation shall sell or engage in the business of selling Christmas trees in the City of Glendale without first obtaining from the City Clerk an annual license therefor. The City Clerk shall prepare the necessary application forms and have them available for use by a person, firm or corporation desiring to make application for such license.

(b) **Application and Requirements.** The annual license fees shall be as prescribed in Section 7-.17.1. Any failure to renew such license fee for each succeeding year shall cause a lapse thereof. Any applicant desiring to reapply for any subsequent year shall pay the original license fee. All applications shall be filed with the City Clerk, and the license fee shall be paid prior to December 1 for the current season. The applicant shall submit with his application the information required in Section 7.15.2(b). Each licensee shall be limited to one (1) license for each year at one (1) location within the City.

7.8 Regulation and Licensing of Fireworks

7.8.1 REGULATION OF FIREWORKS.

7.8.1 REGULATION OF FIREWORKS.

(a) **Definition**. In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

(1) Fuel or a lubricant.

(2) A firearm cartridge or shotgun shell.

(3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.

(4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

(5) A model rocket engine.

(6) Tobacco and a tobacco product.

(7) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.

(b) **Users Permit**.

(1) ***Permit Required***. No person may possess or use fireworks without a user's permit from the Mayor or from an official or employee of the City as designated by the Common Council. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (b)(3)a-e or under Subparagraph (b)(3)f if the display is open to the general public.

(2) ***Permit Exceptions.*** Subparagraph (b)(1) above does not apply to:

a. The City, except that City fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.

b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.

c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.

d. The possession or use of explosive or combustible materials in any manufacturing process.

e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.

(3) ***Who May Obtain Permit.*** A permit under this Subsection may be issued only to the following:

a. A public authority.

b. A fair association.
c. An amusement park.
d. A park board.
e. A civic organization.
f. An agricultural producer for the protection of crops from predatory birds or animals.

(4) ***Crop Protection Signs***. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(5) ***Bond.*** The Mayor issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the City, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the officer of the City Clerk.

(6) ***Required Information for Permit***. A permit under this Subsection shall specify all of the following:
a. The name and address of the permit holder.
b. The date on and after which fireworks may be purchased.
c. The kind and quantity of fireworks which may be purchased.
d. The date and location of permitted use.
e. Other special conditions prescribed by ordinance.

(7) ***Copy of Permit***. A copy of a permit under this Subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.

(8) ***Minors Prohibited***, A permit under this Subsection may not be issued to a minor.

(c) Storage and Handling.

(1) **Fire Extinguishers Required**. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.

(2) **Smoking Prohibited**. No person may smoke where fireworks are stored or handled.

(3) **Fire Chief to be Notified**. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.

(4) **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.

(5) **Restrictions on Storage.** No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.

(6) **Search of Grounds.** As a condition for the issuance of a fireworks permit, the fireworks display company is expressly required and bound to cause its employees or designated responsible agents to search the grounds of the fireworks display area within one (1) hour after sunrise the day following the display for any possible unexpended fireworks devices and to safely remove the same from the City.

(d) **Parental Liability**. A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

State Law Reference: Sec. 167.10, Wis. Stats.

7.9 Street Use Permits

7.9.1 STREET USE PERMITS
7.9.2 PRIVILEGES IN STREETS

7.9.1 STREET USE PERMITS.

(a) **Purpose.** The streets in possession of the City of Glendale are primarily for the use of the public in the ordinary way. However, under proper circumstances, the City Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.

(b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the City Clerk and shall be filed with the City Clerk. The application shall set forth the following information regarding the proposed street use:

(1) The name, address and telephone number of the applicant or applicants.

(2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.

(3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.

(4) The date and duration of time for which the requested use of the street is proposed to occur.

(5) An accurate description of that portion of the street proposed to be used.

(6) The approximate number of persons for whom use of the proposed street area is requested.

(7) The proposed use, described in detail, for which the Street Use Permit is requested.

(c) **Review by Chief of Police and Director of Public Works.** Before any application for a Street Use Permit is considered by the City Clerk, the application shall be reviewed by the Director of Public Works and Chief of Police for their recommendation as to the affect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.

(d) **Mandatory Denial of Street Use Permit**. An application for a Street Use Permit shall be denied if:

(1) The proposed street use is primarily for private or commercial gain.

(2) The proposed street use would violate any federal or state law or any Ordinance of the City.

(3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.

(4) The application for a Street Use Permit does not contain the information required above.

(5) The application requests a period for the use of the street in excess of eight (8) hours. The street shall be reopened no later than 10:00 p.m.

(6) The proposed use could equally be held in a public park or other location.

In addition to the requirement that the application for a Street Use Permit shall be denied, as herein above set forth, the City Clerk may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

(f) **Permit Fee**. Each application for a Street Use Permit shall be accompanied by a fee as prescribed by Section 7.17.1.

(g) **Consent to Issuance of Street Use Permit**. In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the City of Glendale, hereby consent to the recreational or business use of this street between the hours of _____ and _____ , on _____, 20 ,for the purpose of _____ and do hereby consent to the City of Glendale to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the City of Glendale shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than eight (8) hours on the date herein above specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate _____ as the responsible person or persons who shall apply for an application for a Street Use Permit.

(h) **Insurance**. The applicant for a Street Use Permit may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to or 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 permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the City of Glendale. The applicant may be required to furnish a performance bond prior to being granted the permit.

(i) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Police Department if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or Ordinances of the City of Glendale. The Chief of Police or his designate has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

7.9.2 PRIVILEGES IN STREETS.

(a) Privilege for an obstruction or excavation beyond the lot line, or within a highway, other than by general ordinance affecting the whole public, shall be granted only as provided in this Section.

(b) Application therefor shall be made to the Common Council, and the privilege shall be granted only on condition that by its acceptance the applicant shall become primarily liable for damages to person or property by reason of the granting of the privilege, be obligated to remove the same upon ten (10) days notice by the City, and waive the right to contest in any manner the validity of this Section or the amount of compensation charged and that the applicant file such bond as the Council shall require, not exceeding Ten Thousand Dollars ($10,000.00) running to the City, and such third parties as may be injured, to secure the performance of these conditions. But if there is no established lot line and the application is accompanied by a blueprint, the Council may make such conditions as they deem advisable.

(c) Compensation for the special privilege shall be paid into the general fund and shall be fixed by a board consisting of the Director of Public Works, City Administrator and Mayor.

(d) The holder of such special privilege shall be entitled to no damages for removal of the obstruction or excavation, and if the holder shall not remove the same upon due notice, it shall be removed at the holder's expense.

(e) Third parties whose rights are interfered with by the granting of such privilege shall have the right of action against the holder of the special privilege only.

(f) Subsections (a) and (e) do not apply to telecommunications carriers, as defined in Sec. 196.01(8m), Wis. Stats., telecommunications utilities, as defined in Sec. 196.01(d), public service corporations, or to cooperative associations organized under Ch. 185, Wis. Stats., to render or furnish telecommunications service, gas, light, heat or power, but such carriers, utilities, corporations and associations shall nonetheless secure a permit for temporary obstructions or excavation in a highway/street and shall be liable for all injuries to persons or property thereby.

(g) Anyone causing any obstruction or excavation to be made contrary to this Section shall be subject to all penalties as provided by Section 1-1-7, General Penalty.

7.10 Pawnbrokers, Secondhand Article Dealers and Secondhand Jewelry Dealers

7.10.1 DEFINITIONS
7.10.2 LICENSE REQUIRED
7.10.3 INVESTIGATION OF LICENSE APPLICANT
7.10.4 LICENSE ISSUANCE
7.10.5 INSPECTION OF RECORDS
7.10.6 DAILY REPORTS TO POLICE
7.10.7 RECEIPT REQUIRED
7.10.8 REDEMPTION PERIOD
7.10.9 HOLDING PERIOD
7.10.10 POLICE ORDER TO HOLD PROPERTY
7.10.11 INSPECTION OF ITEMS
7.10.12 LABEL REQUIRED
7.10.13 PERSON IN CHARGE
7.10.14 PROHIBITED ACTS
7.10.15 LICENSE DENIAL, SUSPENSION, OR REVOCATION
7.10.16 BUSINESS AT ONLY ONE PLACE
7.10.17 SEVERABILITY

7.10.1 DEFINITIONS.

When used in this article, the following words shall mean:

(a) "Article" means any of the following:

(1) Audiovisual equipment
(2) Bicycles
(3) China
(4) Computers, printers, software, and computer supplies
(5) Computer toys and games
(6) Crystal
(7) Electronic equipment and appliances
(8) Firearms, knives, and ammunition
(9) Fur coats and other fur clothing
(10) Jewelry containing precious metals or precious stones
(11) Office equipment
(12) Pianos, organs, guitars and other musical instruments
(13) Silverware and flatware
(14) Telephones
(15) Video discs and other optical media
(16) Coins, bullion
(17) Metal, mineral, or gem customarily regarded as precious or semiprecious
(18) Golf clubs
(19) Snow removal and lawn equipment

(20) Motors
(21) Paper money
(22) Tools
(23) Sports memorabilia with a resale value greater than $100
(24) Genuine designer handbags and designer sunglasses

(b) "Article" as defined for this ordinance does not include clothing (other than genuine leather clothing and furs), books, video tapes, audio compact discs or sporting equipment other than golf clubs. A business required to report video tapes and compact discs under ss. 134.71(1)(g) of the Wisconsin Statutes shall be required to do so.

(c) "Charitable organization" has the meaning specified in 134.71(1)(am) of the Wisconsin Statutes

(d) "Customer" means a person with whom a transaction is conducted by a pawnbroker, secondhand article dealer or secondhand jewelry dealer, or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

(e) "Pawnbroker" means any person who engages in the business of lending money on the deposit or pledge of any article.

(f) "Secondhand Article Dealer or Secondhand Jewelry Dealer" means any person who engages in the business of purchasing any article with an expressed or implied agreement or understanding to resell it at a subsequent time.

(g) To the extent that a pawnbroker, secondhand article dealer or secondhand jewelry dealer's business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable.

(h) A person is not acting as a pawnbroker, secondhand article dealer or secondhand jewelry dealer when engaging in any of the following:

(1) Any transaction at an occasional garage or yard sale or an estate sale where the seller of the item is the homeowner or resident at the location of the yard sale and where such yard sale complies with the requirements set forth elsewhere in the municipal code.

(2) Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in s. 70.995(2), 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,

(4) Any transaction between a buyer of an article and the person or entity who originally sold the article that involves any of the following:

a. The return of the article for a refund.
b. The return of the article for credit toward a future purchase.
c. The exchange of the article for a different 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 that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

(i) "Reportable transaction" means every transaction conducted by a pawnbroker, secondhand article dealer or secondhand jewelry dealer in which an article or articles are received by a pawnbroker, secondhand article dealer or secondhand jewelry dealer through purchase, consignment, or trade, or in which a previous pawn agreement is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, except:

(1) The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the subsequent retail sale of said articles, provided the pawnbroker, secondhand article dealer or secondhand jewelry dealer must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

(2) Retail and wholesale sales of articles originally received by pawnbrokers, secondhand article dealers or secondhand jewelry dealers purchase, and for which all applicable hold and/or redemption periods have expired.

(j) "Secondhand" means property owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer or secondhand jewelry dealer, immediately before the transaction at hand.

(k) "Person in Charge" means an employee who has undergone the background check requirements of 13.15(3).

7.10.2 LICENSE REQUIRED.

No person may operate as a pawnbroker, secondhand article dealer or secondhand jewelry dealer unless the person first obtains a pawnbroker, secondhand article dealer or secondhand jewelry dealer license under this chapter.

For licenses issued after August 31, 2013, a person wishing to operate as pawnbroker, secondhand article dealer or secondhand jewelry dealer shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the police department that shall require all of the following:

(a) The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.

(b) The name and address of the business and of the owner of the business premises.

(c) For licensees subject to the requirements of section 134.71(1) of the Wisconsin Statutes: Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

(1) If the applicant is a corporation, the state where incorporated and the name and address of all officers.

(2) If the applicant is a partnership, the state where the partnership is registered and the name and address of all partners.

(3) If the applicant is a limited liability company, the names and addresses of all members.

(4) The name, previous or maiden names, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application, driver's license / identification card number and state of issue of the manager or proprietor and all employees who will act as a "Person in Charge" at the Glendale location.

(5) Any other information the City Clerk may reasonably require.

(d) For licensees not subject to the requirements of section 134.71(1) of the Wisconsin Statutes: Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

(1) If the applicant is a corporation, the state where incorporated and the name and address of the corporation's registered agent.

(2) If the applicant is a partnership, the state where the partnership is registered and the name and address of the partnership's registered agent.

(3) If the applicant is a limited liability company, the names and addresses of all members.

(4) The name, previous or maiden names, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application, driver's license / identification card number and state of issue of the manager or proprietor and all employees who will act as a "Person in Charge" at the Glendale location.

(e) A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 10 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.

(f) A statement as to whether the manager or any "person in charge" has been convicted within the preceding 10 years of a felony or within the preceding 10 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.

(g) Whether the applicant or any other person listed in 13.15(2)(c) above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

(h) Whether the applicant or any other person listed in subsection 13.15(2)(c) above has previously been denied or had revoked or suspended a pawnbroker, secondhand article dealer or secondhand jewelry dealer license from any other governmental unit in the State of Wisconsin. If so, the applicant must furnish information as to the date, location, and reason for the action.

7.10.3 INVESTIGATION OF LICENSE APPLICANT.

The Police Department shall investigate each applicant and any other person listed in subsection 13.15(2). The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each individual or entity listed in 13.15(2)(c).

7.10.4 LICENSE ISSUANCE.

The City shall grant the license if all of the following apply:

(a) The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted within the preceding 10 years of a felony or within the preceding 10 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 being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

(b) No license issued under this subsection may be transferred.

(c) Each license is valid from July 1st until the following June 30th.

(d) Display of license. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

(e) License fees. The annual license fees for licenses issued under this chapter shall be as set forth in the City of Glendale code or as from time to time adopted by Resolution of the Common Council.

(f) Records required. At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record, in English, the following information by using ink or other indelible medium on forms or in a computerized record approved by the Police Department:

(1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(2) The purchase price, amount of money loaned upon, or pledged therefore.

(3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

(4) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.

(5) Full name, current residence address, current residence telephone number and date of birth and apparent sex of the individual.

(6) The identification number and state of issue from any of the following forms of identification of the seller:

a. Current Wisconsin driver's license.

b. Current State of Wisconsin identification card.

c. Official government-issued passport.
d. United States Military identification card.
e. Current valid photo identification card issued by another state or province of Canada.

(7) The signature of the person identified in the transaction.

(8) Effective sixty (60) days from the date of notification by the police department of acceptable photographic or video standards, the licensee must also take a color photograph, color video recording or inked fingerprint impression of each customer involved in a billable transaction.

(9) Effective sixty (60) days from the date of notification by the police department of acceptable photographic or video standards, the licensee must also take a color photograph, color video recording of:

a. Every item a pawnbroker, secondhand article dealer or secondhand jewelry dealer has purchased that does not have a unique serial or identification number permanently engraved or affixed. This section does not apply to:

1. Computer software.
2. Computer or video games.
3. DVD's or video discs.
4. Loose precious stones.
5. Golf clubs.

b. When a photograph is taken, it must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate.

c. Photographs must be available to the chief of police, or the chief's designee, upon request.

d. The major portion of the photograph or recording must include an identifiable facial image of the person who pawned or sold the item.

e. Items photographed must be accurately depicted.

(g) Digitized photographs. Effective sixty (60) days from the date of notification by the police department licensees must fulfill the photograph requirements herein before set forth by submitting them as digital images, in a format specified by the police department, electronically cross-referenced to the reportable transaction they are associated with.

(a) For renewals, extensions, redemptions and confiscations the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

7.10.5 INSPECTION OF RECORDS.

Records must at all reasonable times be open to inspection by the Police Department. Data entries shall be retained for at least one (1) year from the date of transaction. Digital images or video recordings shall be retained a minimum of thirty (30) days.

7.10.6 DAILY REPORTS TO POLICE.

Licensees must submit every reportable transaction to the police department within 24 hours of the transaction. Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the North East Wisconsin Property Reporting System (NEWPRS). All required records must be transmitted completely and accurately in accordance with standards and procedures established by the issuing authority.

(a) If a licensee is unable to successfully transfer the required reports to NEWPRS within 24 hours of the transaction, the licensee must provide the Police Department, upon request, printed copies of all reportable transactions along with the video recording(s) for that date, by noon the next business day after the failure occurred;

(b) If the problem is determined to be in the licensee's system or with the licensee's internet connection, and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as herein before set forth, and shall be charged a $100.00 reporting failure penalty, daily, until the error is corrected; or

(c) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports, and resubmit all such transactions via the internet when the error is corrected.

(d) If a licensee is unable to capture, digitize or transmit the photographs herein required, the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

(e) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

(f) The Police Department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

7.10.7 RECEIPT REQUIRED.

Every pawnbroker must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for one (1) year. The receipt must include at least the following information:

(a) The name, address and telephone number of the licensed business.

(b) The date and time the item was received by the licensee.

(c) Whether the item was pawned or sold, or the nature of the transaction.

(d) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(e) The signature or unique identifier of the licensee or employee that conducted the transaction.

(f) The amount advanced or paid.
(g) The monthly and annual interest rates, including all pawn and secondhand article dealers fees and charges.
(h) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
(i) The full name, current residence address, current residence telephone number.
(j) The signature of the pledger or seller.

7.10.8 REDEMPTION PERIOD.

Any person pledging or depositing an item for security must have a minimum of sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the sixty (60) day holding period, items may not be removed from the licensed location except as provided in 13.15(16). Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the chief of police, or chief's designee. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with 13.15(5). An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

7.10.9 HOLDING PERIOD.

Except as otherwise provided specifically, any item deposited with a pawnbroker for security shall be kept on the premises or other place of safe keeping for not less than 15 days after the date of purchase or receipt unless the person known by the pawnbroker to be the lawful owner of the article redeems it.
Any item purchased or received by a secondhand article dealer or secondhand jewelry dealer shall be kept on the premises or other place of safekeeping for not less than 15 days after the date of purchase or receipt.
(a) During the 15 day period the article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the article during this period.
(b) Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any article which is kept off the premises for safekeeping.
(c) There is no holding period for gold and silver coins of greater than 80% purity and for gold or silver bullion.
(d) All holding periods shall begin at the time the transaction is entered into NEWPRS regardless of the time of the actual transaction.

7.10.10 POLICE ORDER TO HOLD PROPERTY.

(a) Investigative Hold: Whenever a law enforcement official from any law enforcement agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, whichever comes first.

(b) Order to hold. Whenever the chief of police, or the chief's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the chief or the chief's designee. The order to hold shall expire not less than fifteen (15) days from the date it is placed unless the chief of police or the chief's designee determines the hold is still necessary and notifies the licensee in writing.

(c) Order to Confiscate. If an item is identified as stolen or evidence in a criminal case, the chief or chief's designee may physically confiscate and remove it from the shop, pursuant to a written order from the chief or the chief's designee, or place the item on hold, and leave it in the shop.

(d) When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

(e) When an order to hold/confiscate is no longer necessary, the Chief of Police or Chief's designee shall so notify the licensee.

7.10.11 INSPECTION OF ITEMS.

At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.

7.10.12 LABEL REQUIRED.

Licensees must attach a label to every group of items or a container(s) holding every group of items received from the same individual during the same transaction, at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the Police Department, whichever is applicable, and the date the item is out of pawn or can be

sold, if applicable. Labels can be removed at the conclusion of the holding period and shall not be re-used.

7.10.13 PERSON IN CHARGE.

Every pawnbroker, secondhand article dealer or secondhand jewelry dealer shall have on premises a Person in Charge at all times that the pawnbroker, secondhand article dealer or secondhand jewelry dealer is open to the public.

7.10.14 PROHIBITED ACTS.

No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, secondhand article dealer or secondhand jewelry dealer, nor may any pawnbroker, secondhand article dealer or secondhand jewelry dealer receive any goods from a person under the age of 18 years, except as specifically herein.

(a) A pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction with a minor if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section,

(b) No pawnbroker, secondhand article dealer or secondhand jewelry dealer may receive any goods from a person of unsound mind or an intoxicated person.

(c) No pawnbroker, secondhand article dealer or secondhand jewelry dealer may receive any goods, unless the seller presents identification as required under this ordinance.

(d) No pawnbroker, secondhand article dealer or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or identification number or any item of property that has had its serial number removed.

(e) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own; nor shall any person pawn and secondhand article dealers, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn and secondhand article dealers, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest; with any licensee,

(f) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false or altered identification, or the identification of another; to any licensee.

7.10.15 LICENSE DENIAL, SUSPENSION, OR REVOCATION.

The City may deny, suspend, or 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 chapter or ss. 134.71, 943.34, 948.62 or 948.63, Wis. Stats., or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

7.10.16 BUSINESS AT ONLY ONE PLACE.

A license under this chapter authorizes the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the chief of police, or chief's designee, may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with this chapter. All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premise that extends for more than six (6) months.

7.10.17 SEVERABILITY.

Should any section, subsection, clause or other provision of this chapter be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared invalid.

7.11 Auctions

7.11.1 CAPPERS, BOOSTERS AND SHILLERS PROHIBITED
7.11.2 FRAUDULENT STATEMENTS REGARDING GOODS
7.11.3 NO AUCTION WARES ON SIDEWALK
7.11.4 NO AUCTION BIDDING HELD ON SIDEWALK
7.11.5 STATE REGULATIONS

7.11.1 CAPPERS, BOOSTERS AND SHILLERS PROHIBITED.

No person shall act as bidder or what is commonly known as a "capper," "booster" or "shiller" at any auction or place or offer or make any false bid to buy or pretend to buy any article sold or offered for sale at any public auction.

7.11.2 FRAUDULENT STATEMENTS REGARDING GOODS.

No person selling or offering for sale at public auction any goods, wares, merchandise or real estate shall make any fraudulent representations regarding the character, quality, kind or description of the same.

7.11.3 NO AUCTION WARES ON SIDEWALK.

No goods, wares, merchandise or thing whatsoever shall be placed, sold or exposed for sale at a public auction in any street, sidewalk, alley or public grounds in the City.

7.11.4 NO AUCTION BIDDING HELD ON SIDEWALK.

No auctioneer, his agent or servant, or any person engaged or employed in selling goods or other things at auction shall expose for sale at public auction or venue any goods, wares, merchandise or other things whatever to any person or persons, who, at the time of bidding for the same, or while examining the same, shall be on the sidewalk of any street in the City.

7.11.5 STATE REGULATIONS.

Chapter 480, Wis. Stats., shall apply to auctions within the City of Glendale so far as applicable.

7.12 Regulation of Nonmetallic Mining

7.12.1 STATUTORY PROVISIONS ADOPTED
7.12.2 DEFINITIONS
7.12.3 EXISTING NONMETALLIC MINING OPERATIONS
7.12.4 EXEMPT ACTIVITIES
7.12.5 PERMIT REQUIRED FOR NONMETALLIC MINING
7.12.6 PERMIT REVOCATION
7.12.7 BLASTING AND/OR ROCK CRUSHING

7.12.1 STATUTORY PROVISIONS ADOPTED.

This Chapter is adopted pursuant to Section 66.038, Wis. Stats., which is adopted by reference and made a part of this Chapter as if fully set forth herein.

7.12.2 DEFINITIONS.

As used in this Chapter:

(a) **Environmental Pollution** has the meaning specified under Sec. 144.01(3), Wis. Stats.

(b) **Nonmetallic Mining or Nonmetallic Mining Operation** means operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, de-watering and blending.

(c) **Nonmetallic Mining Refuse** means waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining, operation.

(d) **Nonmetallic Mining Site** or Site means the location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulage ways.

(e) **Operator** means any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(f) **Reclamation** means the rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative

cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

(g) **Replacement of Topsoil** means the replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

7.12.3 EXISTING NONMETALLIC MINING OPERATIONS.

This nonmetallic mining reclamation Chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this Chapter.

7.12.4 EXEMPT ACTIVITY.

This nonmetallic mining reclamation Chapter shall not apply to the following activities:

(a) Excavations or grading by a person solely for domestic use at his or her residence.

(b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.

(c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.

(d) Excavations for building construction purposes.

(e) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats.

(f) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Sections 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under Sections 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

7.12.5 PERMIT REQUIRED FOR NONMETALLIC MINING.

(a) **Permit Required**. No person shall operate any nonmetallic mining site or operation within the City unless he obtains a nonmetallic mining permit from the Common Council. The fee for such permit shall be as prescribed in Section 7-17-1, plus any actual City administrative expenses, payable by certified check.

Operators of existing nonmetallic mining operations shall apply for such permit within thirty (30) days of the effective date of this Chapter.

(b) **Required Permit Information**. An application for a nonmetallic mining permit shall be submitted by the operator and shall include:

(1) An adequate description of the operation, including a legal description of the property;

(2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;

(3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;

(4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;

(5) Methods of screening from adjacent properties;

(6) Hours of operation;

(7) Dust and noise control;

(8) Maximum depth;

(9) Blasting procedures;

(10) Location and height of stockpiles; and

(11) Such other information the Common Council deems pertinent to the operation.

(a) **Reclamation Plan**. The reclamation plan shall contain adequate provision that:

(1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;

(2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;

(3) Excavations made to a water-producing depth shall be not less than three (3) feet measured from the low water mark;

(4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;

(5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Common Council;

(6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.

(b) **Applications**. All applications for a license hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and fried with the City Clerk at least sixty (60) days prior to the licensing period. The City Clerk shall immediately refer all applications for a license hereunder to the Common Council for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Council. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon

application. The Council shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Council may approve, approve conditionally or reject the application and reclamation plan.

(c) **Financial Assurance**. Before a license and reclamation plan is approved by the Common Council, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:

(1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Common Council.

(2) Guaranteed completion of the required reclamation within a period determined by the Council.

(3) Payment by the operator for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by the City Engineer and Attorney, as well as other costs of a similar nature.

(4) The City may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.

(5) The required performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the City Engineer's estimated cost of the required improvements.

(6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Common Council, at its option, may extend the bond period for additional periods.

(d) **Fences.** Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.

(e) **Inspection**. An authorized agent of the City may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter.

(f) **Prohibitions and Orders.** Nonmetallic mining operations within the City are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.

7.12.6 PERMIT REVOCATION.

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed revocation and shall have an opportunity to be heard before the Common Council.

7.12.7 BLASTING AND/OR ROCK CRUSHING.

(a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section:

(1) Blasting. A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.

(2) Person. Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.

(3) Rock Crusher. Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.

(b) **Operation**. No person within the City shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the City. All blasting within the City shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.

(c) **Permit**.

(1) Permit Required. No person within the City shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the City.

(2) Applications. All applications for permits hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk at least sixty (60) days prior to the licensing period. The City Clerk shall immediately refer all applications for permits hereunder to the City Engineer. The City Clerk shall issue a permit hereunder only after first receiving the recommendation of the City Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the City Engineer.

(3) Certified Check. Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the City.

(4) Plan of Operation. Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall

include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the City Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the City Engineer.

(5) Insurance. Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the City of Glendale as a party insured in the amount of Five Hundred Thousand Dollars ($500,000.00)for damage to property, and Five Hundred Thousand Dollars ($500,000.00) for injury to one (1) Person and One Million Dollars ($1,000,000.00) for injury to more than one (1) person caused by the blasting.

(d) **Renewals.** All requests for renewals of permits hereunder shall be made at least sixty (60) days prior to the expiration date of the permit and must comply with all requirements of Subsection(c) above.

(e) **Blasting Procedures and Controls.**

(1) Energy Ratio. The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35" per second based on the following formula:

Energy ratio = 0.5 = 10.823 f2A2 where: f = frequency in cycles per second,
A = amplitude or displacement in inches

Energy ratio -- .274 V2 (V = resultant particles velocity expressed in inches per second)

(2) Measurement of Blasts. The operator of the quarry operation, when requested to do so by the City Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the City Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the City or by the City Engineer. Instrumentation shall be by seismograph similar to V-ME Seismolog Model MB" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be prod by the quarry operator.

(3) Blasting Log. A log in duplicate shall be kept of each blast on forms similar to the one on file with the City Clerk. The original copy of this blasting log shall be filed with the City Clerk within forty-eight (48) hours after the blast, and a copy shall be kept on file at the quarry office.

(4) Cover Material. Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid

blasting devices with at least one foot (1') of dirt or other suitable cover material.

(f) **Permit Fee.** The permit fee for any permit issued pursuant to this Section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue and shall be in an amount prescribed by Section 7.17.1.

(g) **Penalty**. Any person who shall violate any of the provisions of this Section shall be subject to a penalty as provided in Sec. 1.1.7 of this Code of Ordinances. However, upon conviction for the violation of any of the provisions of this Section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.

(h) **Enforcement.** Before renewal of any license issued under this Section is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for non-renewal or revocation and shall have an opportunity to be heard before the Common Council.

7.13 Junk Yards and Dealers in Motor Vehicles and Parts

7.13.1 AUTOMOBILE JUNKING PROHIBITED
7.13.2 JUNK YARDS PROHIBITED
7.13.3 LICENSE REQUIRED
7.13.4 APPLICATION TO BE FILED; FEE; DATE OF EXPIRATION
7.13.5 CONTENTS OF APPLICATION
7.13.6 INVESTIGATION

7.13.1 AUTOMOBILE JUNKING PROHIBITED.

No person, firm, or corporation shall engage in operating or operate the business of junking, dismantling, wrecking, or. any other manner similarly disposing of used automobiles or motor vehicles at any point or place within the City.

7.13.2 JUNK YARDS PROHIBITED.

No person, firm or corporation shall operate a junk yard or storage place for junk or waste materials, whether they be placed there for storage, sale or otherwise, at any point or place within the City.

7.13.3 LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation to engage in the business of buying, selling, exchanging or dealing in used or secondhand automobiles, motorcycles and bicycles, and used or secondhand parts of automobiles, motorcycles and bicycles, and used or secondhand tires and batteries, without first having obtained a license therefor, as hereafter provided. "Business" as herein referred to, shall mean the buying, selling, exchanging or receiving into possession, automobiles, motorcycles and bicycles and/or the parts thereof, and used or secondhand tires and batteries, for the purpose of earning a livelihood and/or a profit therefrom on a full or part-time basis.

7.13.4 APPLICATION TO BE FILED; FEE; DATE OF EXPIRATION.

Written application for licenses to purchase, sell or exchange used or secondhand automobiles, motorcycles, bicycles, used or secondhand tires and batteries, and used or secondhand parts of automobiles, motorcycles, and bicycles, for a specific premises, shall be filed with the City Clerk for presentation to the Common Council at any regular or special meeting thereof. Licenses shall not be transferable, and no license shall be granted to any person who is not a full citizen of the United States and who has not resided in the County of Milwaukee continuously for a period of at least one (1) year prior to the date of filing his application. The license fee for each individual premises

shall be as prescribed in Section 7-17-1. Such license shall expire on the 30th day of June after the granting thereof.

7.13.5 CONTENTS OF APPLICATION.

(a) **Application Requirements**. Each application shall state the following:

(1) The name and address of the applicant.

(2) The address and location of the premises sought to be licensed, including the ward where situated.

(3) When the applicant is an association or corporation, the names and addresses of corporate officers and the state of incorporation. It shall also contain the names of one (1) or more persons whom such corporation or association shall designate as manager or person in charge, with the address or addresses of the same.

(4) Whether the applicant if an individual, or the manager or person in charge if a corporation or association, is a full citizen of the United States and has resided in the County of Milwaukee continuously for a period of at least one (1) year prior to the making of said application.

(5) Such other reasonable and pertinent information as the Common Council may from time to time require.

(b) **Record of Applications**. It shall be the duty of the City Clerk to keep a record of the progress of each application until granted or otherwise disposed of.

7.13.6 INVESTIGATION.

Whenever any applicant shall have complied with all the conditions and regulations herein contained relative to the filing of his application, the City Clerk shall forward said application to the Common Council at any regular or special meeting. Said application shall be referred to the Chief of Police by the Council, and said Chief of Police shall investigate or cause to be investigated each application. He shall furnish to the Council in writing the information derived from such investigation. The Common Council, by a majority vote of the members present, may authorize the issuance or deny the granting of such license at any regular or special meeting thereof.

7.14 Processions, Parades, Runs, Walks, Bicycle Races and Marathons

7.14.1 PURPOSE; DEFINITIONS
7.14.2 PERMIT REQUIREMENTS

7.14.1 PURPOSE; DEFINITIONS.

(a) **Purpose**. The City of Glendale recognizes that City streets and highways are primarily for the use of vehicular travel. It further recognizes a need to use these public streets and highways for processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel on such streets and highways. This Chapter is intended to regulate and control non-vehicular use of the streets and highways and for protecting the general welfare and safety of the persons using the streets and highways within the City. Said authority to regulate is contained in Sec. 349.185, Wis. Stats., and related sections.

(b) **Definitions**. As used in this Chapter:

(1) "Processions, parades, runs, walks, marathons, bicycle races, etc.," means their usual and customary usage.

(2) "Highways" or "streets" have the meaning set forth in Sec. 340.01, Wis. Stats., and also include areas owned by the City of Glendale which are used primarily for pedestrian or vehicular traffic.

7.14.2 PERMIT REQUIREMENTS.

(a) **Permit Required**. No person shall form, direct, lead or participate in any procession, parade, run, walk, marathon, bicycle race, etc., on any street or highway under the jurisdiction of the City unless a permit has been obtained in advance as provided in this Chapter.

(b) **Exemptions from Permit Requirement.** A permit is not required for assembling or movement of a funeral procession or military convoy. Any parade, etc., sponsored by any agency of the federal or state government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit , however, shall be exempt from the parade permit fee and insurance requirements contained herein.

(c) **When Application Must Be Made**. A written application for a permit for any above described function on the streets and highways under the jurisdiction of the City shall be made by one (1) of the organizers or officers to the City Clerk on a form provided by said Clerk no less than fifteen (15) days prior to the usage. Application made less than forty-five (45) days prior to the day of the proposed usage must be made in person.

(d) **Information Required in Application.** The application shall set forth the following information regarding the proposed usage:

(1) The name, address and telephone number of the applicant.

(2) If the usage is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

(3) The name, address and telephone number of the person who will be responsible for conducting the usage.

(4) The date when the usage is to be conducted and its duration.

(5) The assembly area, the starting point, the route to be traveled and the termination point.

(6) The number and size of participants or units comprising the usage.

(7) If the usage is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Clerk a communication in writing from the person proposing to hold the usage authorizing the applicant to apply for the permit on its behalf.

(8) Any additional information which the Clerk finds reasonably necessary for a fair determination as to whether a permit should be issued.

(e) **Recommendations of Governmental Agencies**. The City Clerk shall submit a copy of the application to the Chief of Police.

(f) **Basis for Discretionary Denial of Permit**. The application may be denied:

(1) If it is for a usage that is to be held on a work day during hours when and at places where, in addition to the proposed usage, the flow of vehicular traffic is usually delayed by its own volume.

(2) If it is for a usage that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.

(3) If sufficient usage marshals are not provided as to reasonably assure the orderly conduct of the usage.

(4) If proposed route for conducting usage involves a street or highway under construction or detour route.

(g) **Mandatory Denial of Permit.** The application shall be denied:

(1) If it is made less than fifteen (15) days in advance of the time the usage is scheduled to commence; or

(2) If it is for a usage that is primarily for private or commercial economic gain; or

(3) If it is for a usage which would involve violation of federal, state or local laws relating to use of highways or of other applicable regulations of the City; or

(4) If the granting of the permit would conflict with another permit already granted or for which application is already pending; or

(5) It the application does not contain the information required by Subsection (d); or

(6) If more than one (1) assembly area or more than one (1) dispersal area is proposed; or

(7) Failure to receive permit under Sec. 84.07(4), Wis. Stats.

(h) **Permit Issued Unless Threat to Public Safety**. The City Clerk shall issue a permit to the applicant subject to the foregoing requirements of this Chapter, unless the Clerk concludes that:

(1) The policing of the usage will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or

(2) The usage will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or

(3) The conduct of the usage will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

(4) The usage is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(i) **Grant or Denial of Permit.**

(1) Time When Required. The City Clerk shall act as promptly as he reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed forty-five (45) days or more in advance shall be granted or denied not less than thirty (30) days before the date of the usage stated in the application. Action on applications filed less than forty-five (45) days in advance shall be taken within fifteen (15) days after the application is filed, but in no case later than forty-eight (48) hours in advance of the time applied for. The City Clerk shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.

(2) Modification of Requested Permit. In lieu of denying a permit, the Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the usage at a date or time or over a route different than as applied for in the permit. The applicant or permittee may accept such modification by immediately notifying the Clerk in writing of such acceptance.

(j) **Fee.** There shall be paid at the time of filing the application for a usage permit a fee as prescribed in Section 7.17.1.

(k) **Charge for Increased Costs**. Were the City Clerk determines that the cost of municipal services incident to the staging of the usage will be increased because of the usage, the Clerk may require the permittee to make an additional payment into the general fund of the City in an amount equal to the increased costs.

(l) **Emergency Revocation.** The City Clerk, Mayor, City Administrator, or Chief of Police may revoke a permit already issued if the official deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City of Glendale and such third parties as

may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(m) **Usage Permit Contents.** Each usage permit shall state such information as the City Clerk shall find necessary to the enforcement of this Chapter.

(n) **Copies of Usage Permit Distributed.** Immediately upon the issuance of a usage permit, the City Clerk shall send a copy thereof to the following:

(1) Each public transportation utility whose regular service will be affected by the usage.

(2) Chief of Police, City Administrator and Mayor.

(o) **Compliance With Regulations**.

(1) Permittee. A permittee under this Chapter shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and City.

(2) Participants. No person who leads or participates in any usage shall disobey or encourage others to disobey this Section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this Section or the terms of the applicable usage permit.

(3) Throwing Objects. No candy, gum, balloons or other objects shall be thrown or disbursed from parade floats or vehicles.

(p) **Insurance Required.** Prior to issuance of the permit by the City Clerk, each permittee shall furnish evidence of a liability insurance policy in amounts of not less than One Hundred Thousand Dollars ($100,000.00) for one (1) person and Five Hundred Thousand Dollars ($500,000.00).for any one (1) accident and shall be in force and effect at the time such usage is to take place. Said evidence of insurance shall include a certificate of insurance naming the City of Glendale as an additional insured in connection with said usage.

7.15 Miscellaneous Business Licenses

7.15.1 LICENSE FOR GUN SALES
7.15.2 TRANSIENT AND TEMPORARY PUBLIC ENTERTAINMENTS
7.15.3 REGULATION OF DANCE HALLS
7.15.4 RETAIL BUSINESS CLOSING HOURS
7.15.5 NEWSBOXES IN PUBLIC RIGHT-OF-WAYS

7.15.1 LICENSE FOR GUN SALES.

(a) **Retail Establishments**.

(1) ***License Required of Retail Establishments***. No person, firm or corporation shall engage in the retail business of selling guns within the City without first having obtained a license to do so as provided in Subsection (a)(2) hereof. Such license may be issued, if, and only if, the sale of guns is a permitted use within the zoning district wherein the seller's place of business is located. No license shall be issued for the retail sale of guns to any establishment located, as measured from any perimeter boundary of the subject property, within three thousand five hundred (3,500) feet of any school or any other establishment licensed for retail gun sales.

(2) ***Application and Requirements***. Any person, firm or corporation desiring a license authorizing the sale of any type of gun shall make application to the Common Council on a form provided for such purpose by the City Clerk, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation, the name and residence of each of its members and officers. Such application shall also set out the location at which it is intended to conduct business. At least two (2) weeks prior to the Common Council meeting at which such application will be considered, the City Clerk shall notify the applicant, who in turn shall notify all property owners situated wholly or in part within two hundred (200) feet of the boundaries of the property for all properties in a residential district, and within five hundred (500) feet of the property as to all properties in any other zoning district. Prior to the Common Council meeting at which such application will be considered, the applicant shall file with the Clerk, as an addendum to such application, written confirmation of such neighborhood notice. Such addendum shall include a summary and copies of the written and signed neighborhood responses which set forth the position of each such neighbor. Upon the receipt of such application, the Common Council may issue such license upon payment to the City Treasurer of the fee prescribed in Section 7-17-7. The Council may, in its discretion, consider the objections of other property owners, if any, in making its determination to grant or deny the application. The term of such license shall be from July 1 to June 30 of each year, and

if granted subsequent to July 1 in any given year, shall expire on June 30 after issuance.

(3) ***Transfer to Minors Prohibited.*** No person, firm or corporation shall sell or transfer, directly or indirectly, any long gun to a person under eighteen (18) years of age, nor any hand gun to a person under twenty-one (21) years of age.

(4) ***State and Federal Permits***. No person, firm or corporation shall engage in the business of selling guns within the City without having obtained, in addition to such license as required by the City, all requisite federal and state licenses or permits as applicable to the sale of guns or firearms.

(5) ***Department Recommendation***. No license shall be issued under this Section without a recommendation from the Chief of Police, or his designate, and a finding, upon such recommendation by the Common Council, that the issuance of a license to the applicant will not present an unreasonable risk or threat to the public' health, welfare and safety.

(6) ***Inspection and Disclosure***. Any retail gun licensee shall make available, during all regular business hours, immediately upon request of any sworn officer of the City of Glendale Police Department, a complete and accurate listing of all gun sales, which listing shall identify the date of the transaction, the weapon or weapons sold, the identity of the purchaser, including name, address, and date of birth and the service number and all other identifying information as to any gun sold.

(7) ***Waiting Periods***. All gun or firearm sales in the City of Glendale shall be subject to all governing federal and state statutes, rules, and regulations, as pertain to waiting periods for delivery or transfer of such gun or firearm and further subject to any and all other governing regulations applicable to such sale.

(8) ***Revocation***. Violation of any of the foregoing requirements shall be deemed grounds for immediate revocation or non-renewal of the license. Upon a report to the Chief of Police of a violation of this Subsection, and a determination by the Chief that probable cause exists to believe such violation has occurred, the Chief of Police or his designate shall order the license suspended, and the matter shall be referred to the Common Council for hearing on final revocation not later than thirty (30) days from the date of the order of suspension by the Chief.

(9) ***Advisory Information Concerning Individual Sales Associates***. For purposes of this Subsection, "individual sales associate" means a person employed by a retail establishment licensed under Subsection (a)(1) who may engage in the selling of guns on behalf of the establishment in the City of Glendale. Each licensed retail establishment shall provide the following advisory information to the Glendale Police Department for all individual sales associates: Full name, date of birth and driver's license number. This advisory information shall be provided to the City within sixty- (60) days of the date this Subsection becomes effective, and thereafter, within thirty (30) days of the date each such individual sales

associate is hired by the retail establishment and at the time the retail establishment applies for or renews its license under Subsection (a)(1).

(b) **Home Occupation Gun Sales in Residential Districts.**

(1) ***License for Gun Sales as a Home Occupation Prohibited***. No person, firm or corporation shall engage in the retail or wholesale business of selling guns in any residential district within the City if the sale is of such volume and nature as to require a federal license without having obtained a license to do so as provided in Subsection (a)(2), and which license shall be subject to the rules and regulations set forth in Subsections (a)(3) through (a)(8) and (b)(2) through (b)(4) hereof.

(2) ***Storage***. No person with a federal license to sell guns shall permit any gun, when not in use, to be stored in any fashion other than in a locked storage facility, or steel security cabinet, which facility shall be approved by the Chief of Police or his designee, and which locked storage facility shall satisfy, in addition to such other criteria as determined appropriate by the licensing authority, the following:

a. The facility shall be locked by means of a key activated, electronic locking device, or combination lock. The key, combination, or electronic device used to open the facility shall not be stored in the immediate proximity of the facility.

b. Keys, combinations and access devices to storage facilities shall be maintained or stored to avoid access by minors.

c. The facility shall be of a solid or generally impenetrable material, and shall not be made in part or whole of breakable materials such as glass.

d. Identifying registration records, inventory records, receipts and ammunition shall be stored separately from any guns or firearms.

(c) **Definitions**. The term "gun" as used in this Section is defined as any weapon defined as a firearm or gun under Section 921 of the Federal Gun Control Act or as defined by the National Fire Arms Act, or any successor statutes or amendments thereto as from time to time adopted, or as defined by any regulations of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.

7.15.2 TRANSIENT AND TEMPORARY PUBLIC ENTERTAINMENTS.

(a) **License Required.**

(1) No person shall maintain or operate any transient or temporary public entertainment within the City without first obtaining a license therefor as hereinafter provided.

(2) This Section does not require a license for the giving of fairs, lectures, concerts, exhibitions or entertainments of a scientific, historical, political, literary or musical character for humane, religious, charitable or scientific purposes.

(b) **Definition**. A transient or temporary public entertainment is one to which the public may gain admission by payment of an admission charge. It includes shows, circuses, exhibitions, carnivals and vaudeville.

(c) **Application.** Application for carnival licenses shall be made by the applicant to the Common Council in writing at least ten (10) days before the planned event and all of the information regarding insurance, etc., shall be filed within ten (10) days and referred to the Council for examination of the qualifications, character and reputation of the applicant and into the desirability of permitting the carnival to operate, show or exhibit in the City.

(d) **Requirements**.

(1) **Insurance Required,** No license shall be granted unless the applicant therefor shall have filed with the City Clerk a public liability insurance policy in a sum as set by the City Clerk from time to time, with the condition that the applicant shall indemnify and save harmless the City and its officers and agents and citizens against any injuries and damages resulting or arising from the conducting of any carnival for which the license is issued or from the performance by the applicant or his agents of any negligence incident to or connected with the conduct of such carnival and that the applicant shall pay all judgments, costs and charges that may be recovered against the City or any of its officers or agents by reason of the conduct of such carnival.

(2) **License Fees Required.** No permit shall be issued unless the applicant shall pay a permit fee for the operation or maintenance of the public entertainment as prescribed by Section 7-17-1. All public entertainments listed in Subsection (b) shall be exempt from any license fee if sponsored by a nonprofit organization.

(3) **Posting of License**. Such permits when issued shall be prominently displayed while the carnival is in operation.

(4) **Inspection of Mechanical Devices**. The applicant shall indicate the date of the last State inspection of fides, merry-go-rounds and other mechanical devices. The City reserves the right to require inspections of all mechanical devices that would .be available to the public. All inspection costs shall be paid for by the license.

(5) **Revocation.** Any license granted by the Common Council under the provisions of this Section may be revoked by the Mayor, including when the person who maintains, owns, controls or operates such carnival permits the violation of any provisions of this Code of Ordinances or State laws or where, in the opinion of the Mayor, the carnival is deemed undesirable or presents a threat to the public safety. Revocations or suspensions may be appealed to the Common Council.

7.15.3 REGULATION OF DANCE HALLS.

(a) **License Required**. It shall be unlawful to hold any public dance or public ball within the City unless the dance hall or tavern premises in which the same may

be held shall first be licensed for such purpose, except when such dance or ball is operated by a public school or other municipal body located within the City.

(b) **Application**. The application, which shall be filed with the City Clerk and be accompanied by the license fee hereinafter fixed, shall state the following:

(1) The name and address of the applicant.

(2) The location at which such public dance hall is intended to be operated.

(3) Whether the applicant has, within two (2) years prior to the date of his application, been licensed to operate a dance hall in the City.

(4) If so, the location at which such applicant operated a dance hall under such license, if any.

(5) Whether the applicant has been convicted of violating any law regulating the conduct of public dance halls.

(6) Such other information as the Common Council may from time to time direct.

(c) **Processing of Application**. If it shall appear to the City Clerk that the application for said license complies with the provisions set forth above, the following procedure shall then be followed:

(1) The City Clerk shall forward said application to the Common Council.

(2) The Common Council shall refer all applications for such license to the Chief of Police.

(3) The Chief of Police shall investigate or cause to be investigated, each application in order to determine whether or not the dance hall or tavern premises sought to be licensed complies with the regulations, ordinances and laws applicable thereto, and especially with the health and fire regulations. In making such investigation, the Chief of Police shall cause an inspection to be made of the premises for which a license is sought, and may request in his discretion the assistance of the Building Inspector, the Health Officer, and the Chief of the Fire Department. The Chief of Police shall furnish to the Common Council, in writing, a statement containing the information derived from such investigation, together with his recommendation as to whether such license shall be granted or denied.

(4) The Common Council shall determine whether or not such application shall be granted or denied, and shall advise the City Clerk accordingly. No such license shall be issued by the Clerk until so authorized by the Common Council. In the event that an application for a license shall be denied, the license fee shall be returned to the applicant.

(d) **Conditions of License.** Licenses for the operation of public dance halls or tavern amusement premises shall be issued, subject to the following conditions:

(1) Said license shall expire on the first (1st) day of July of each year.

(2) The annual license fee shall be as prescribed in Section 7.17.1.

(3) Said license shall be posted in a conspicuous place within the hall or tavern premises in which dances are to be conducted.

(4) Such license shall be issued subject to the condition that it may be revoked upon due cause by the Common Council.

7.15.4 RETAIL BUSINESS CLOSING HOURS.

(a) **Hours Regulated**

(1) No retail business located within five hundred (500) feet of a district zoned residential, except those set forth as follows, shall be open for business between the hours of 10:00 p.m. and 6:00 a.m. except as follows:

a. Restaurants licensed for the sale and on-premise consumption of beer and liquor, with closing times as governed by applicable state law.

b. 1. Restaurants not licensed for the sale and on premise consumption of beer and liquor, having drive-up windows, may allow only the drive-thru window operation remain open until 11:00 p.m. Sunday through Thursday, and until 12:00 a.m. Saturday and Sunday mornings.

2. Restaurants not licensed for the sale and on premise consumption of beer and liquor, not having drive-up windows, may, upon application for a conditional use permit, be open until 11:00 p.m. Sunday through Thursday and until 12:00 a.m. Saturday and Sunday mornings, on the following terms and conditions. The increase in hours as allowed by this section shall be deemed a conditional use, and shall be subject to all rules and regulations of the Glendale Code pertaining to the application for and grant of a conditional use. Such conditional use permit, if issued, shall be issued in the sole discretion of the Plan Commission, and be subject to such conditions as imposed. The conditional use permit shall not run with the land, and shall limit the rights granted thereunder to only the specific applicant/grantee of the conditional use permit. Such permit shall be subject to yearly review, and to revocation in the event there is determined to be a health, welfare, or safety risk, or violation, in the discretion of the Plan Commission. In addition, such review and revocation may occur, upon notice and hearing, at such earlier times upon hearing and proceedings commenced in the sole discretion of the Plan Commission. Any such conditional use permit granted shall further be deemed probationary for the first 90 days after issuance, and may be revoked without cause during such time upon notice to the holder thereof, by the Plan Commission.

3. Notwithstanding the limitations in section b. 1. and 2. above, a restaurant subject to the closing hours stated therein may apply to the Plan Commission for a Conditional Use Permit to be open an additional 2 hours from the applicable closing time for the sole purpose of taking and delivering orders, provided that during such two hour extension, the business is closed and locked, and precludes entry by the general public. The Conditional Use Permit shall not run with the land. Such

Conditional Use Permit, if issued, shall be issued in the sole discretion of the Plan Commission, and be subject to such conditions as imposed. The Conditional Use Permit shall limit the rights granted thereunder to only the specific applicant/grantee of the conditional use permit. Such permit shall be subject to yearly review, and to revocation in the event there is determined to be a health, welfare, or safety risk, or violation, in the discretion of the Plan Commission. In addition, such review and revocation may occur, upon notice and hearing, at such earlier times upon hearing and proceedings commenced in the sole discretion of the Plan Commission. Any such Conditional Use Permit granted shall further be deemed probationary for the first 90 days after issuance, and may be revoked without cause during such time, upon notice to the holder thereof by the Plan Commission.

c. Automobile service stations, including combination service stations and stores where no less than seventy-five percent (75%) of the gross receipts is for sales of gasoline, diesel fuel and other petroleum products.

d. Hotels and motels.

(2) In computing the distance between a business and a residence district, a parking lot used by such business shall be deemed to be part of the business.

(b) **Extended Hours – Special Events**

(1) The Common Council, in its sole discretion, may extend the hours of any retail business, upon request of such retail business, for special events. The Common Council shall consider the following criteria in determining whether, how often, and to what extent to extend hours, and may impose such conditions it deems necessary to protect the public health, welfare, and safety.

(2) The Common Council, in making its determination, shall consider the following:

(a) The nature of the special event and the reasons for the request.

(b) The impact on public health, welfare, and safety.

(c) The impact on surrounding businesses or residences.

(d) The frequency of the requests by the retail business seeking the exception to closing hours.

(e) The cost to the City, if any, for the provision of increased public safety, whether in the form of police, fire, or other City services and personnel. Without limitation by enumeration in this provision, the Common Council may require reimbursement to the City for the direct and actual costs attendant with the provision of public safety or other personnel as a condition to the extension of hours.

7.15.5 NEWSBOXES IN PUBLIC RIGHT-OF-WAYS.

(a) **Purpose.**

(1) ***Statement of Purpose***. The purpose of this Section is to promote the public health, safety and welfare through the regulation of placement, appearance and servicing of newsboxes on public right-of-ways:

a. To reduce the exposure of the City to personal injury or property damage claims and litigation;

b. To provide for pedestrian and driving safety and convenience;

c. To provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, benches, hydrants, and access to locations used by pedestrians and for public transportation purposes;

d. To restrict unreasonable interference with the flow of pedestrian and vehicular traffic including ingress to or egress from businesses, residences, and from the street to the sidewalk by persons accessing parked or standing vehicles.

e. To protect and improve the aesthetics and value of properties within the City of Glendale.

(2) ***Preservation of Rights***. It is not the intent of this Section to in any way discriminate against, regulate or interfere with the publication, circulation, distribution or dissemination of any printed material that is constitutionally protected. It if further the intent of this Section to treat all such publications fairly regardless of their size, content, circulation or frequency of publication and to maintain and preserve the freedom of the press.

(b) **Definitions.** The following definitions shall be applicable in this Section:

(1) ***Newsbox***, Any type of self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the sale, display, or dissemination of newspapers, news periodicals or written materials, including circulars, pamphlets, papers, booklets and any other printed or otherwise reproduced written material which advertises for sale any merchandise, product, commodity or thing, or which attracts attention to any business, commercial establishment or other activity for the purpose of directly promoting the interest thereof by sales, private gain or profit.

(2) ***Parkway***. The area between the sidewalk and the curb of any street.

(3) ***Sidewalk.*** The paved surface of the right-of-way between the roadway and adjacent property lines provided for the use of pedestrians.

(4) ***Public Right-of-Way.*** All of the area dedicated to the public use between property lines adjacent thereto, and is intended to include, but is not limited to, roadways, streets, parkways, alleys, and sidewalks.

(5) ***Block.*** Both sides of any street in a public right-of-way which exists between two (2) consecutive intersecting streets and is intended to include, but not be limited to, the roadways, streets, parkways, alleys and sidewalks within that right-of-way.

(c) **Prohibitions.**

(1) Prohibitions. No newsboxes shall be placed, installed, used or maintained in a public right-of-way:

a. Within fifteen (15) feet of any marked crosswalk;

b. Within fifteen (15) feet of the curb return of any unmarked crosswalk;

c. Within ten (10) feet of any fire hydrant;

d. Within one hundred (100) feet of any other newsbox containing the same newspaper, news periodical or written material, except where separated by a street corner;

e. Within five (5) feet of any driveway;

f. Within five (5) feet ahead of and fifteen (15) feet to the rear of any sign marking a designated bus stop measured along the curb of the street;

g. On or within five (5) feet of any access ramp for disabled persons;

h. At any location where the clear space for the passage way of pedestrians would be reduced to less than seven (7) feet by its placement;

i. Where it projects onto, into or rests wholly or in part upon the roadway of any public street;

j. Within three (3) feet of or on any public area improved With flowers, shrubs, trees or other landscaping;

k. Within three (3) feet of any display window of any building abutting the sidewalk or parkway, or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

(2) **No Attachments**. No newsbox may be attached by chain, bolt, cable, or by any other means of attachment to any light posts, traffic signs or signals, poles, posts, benches, trees, bike racks or hydrants in the public right-of-way, nor attached to any paved surface in the public right-of-way.

(d) **Placement.**

(1) ***Placement Distances.*** Newsboxes may be placed next to each other, provided that no group of newsboxes shall extend for a distance of more than eight (8) feet along a curb, and a space of not less than six (6) feet shall separate each group of newsboxes.

(2) ***Number***. No more than eight (8) newsboxes shall be located on any public right-of-way within a space of two hundred (200) feet in any direction within the same block of the same street; provided, however, that no more than sixteen (16) newsboxes shall be allowed on any one (1) block. In determining which newsboxes shall be permitted to be located or to remain if already in place, the Director of Community Development shall be guided solely by the following criteria:

a. First priority shall be daily publications [published five (5) or more days per week].

b. Second priority shall be publications published one (1) day per week.

c. Third priority shall be publications published less frequently than weekly.

(e) **Standards for Maintenance**.

(1) ***Graffiti Abatement***. The owner of any newsbox shall not continue to use any newsbox that has been defaced with graffiti; further, the owner shall be responsible to remove graffiti or be liable for the costs of removal pursuant to Section 1-1-7 of this Code of Ordinances.

(2) ***Maintenance and Repair***, Each newsbox shall be adequately maintained in a neat and clean condition and in good repair at all times. As used in this Section adequate maintenance" and "good repair" shall mean that each newsbox is serviced and maintained:

a. To be reasonably free of dirt and grease;

b. To be reasonably free of chipped, faded, peeling or cracked paint on the areas visible on the outside of the box;

c. To be reasonably free of rust and corrosion on the areas visible on the outside of the box;

d. Such that clear plastic or glass parts, if any, are reasonably free of cracks, dents and discoloration.

(3) ***Size.*** No news rack shall exceed fifty (50) inches in height and thirty (30) inches in width, or thickness.

(4) ***Coin Boxes***. Newsboxes equipped with a coin box shall also have a coin-return mechanism to permit a person using the box to secure an immediate refund in the event the person is unable to receive the materials paid for. The coin-return shall be maintained in good working order at all times.

(5) ***Person to be Notified.*** Each newsbox shall have affixed to it, in a readily visible place so as to be seen by anyone using the newsbox, a notice setting forth the name and address of the newsbox-owner or owner's representative, and a telephone number of a working telephone service to call and report malfunctions and other violations of this Section.

(f) **Violations.**

(1) ***Notice of Violation***. Upon determination by the Director of Community Development or the Director's designee that a newsbox has been installed, used, or maintained in violation of the provisions of this Section, an order to correct the violation shall be issued by posting a copy of the order upon the newsbox itself, and by mailing a copy of the order by certified mail to the owner or owner's representative. The order shall specifically describe the offending condition and provide information regarding the right of appeal. Within fifteen (15) days of the issuance of the order, the owner of the newsbox shall either:

a. Correct the violation; or

b. Remove the newsbox from the public right-of-way.

(2) ***Removal.*** If after fifteen (15) days the owner of the newsbox has not taken action as prescribed within this Section, the offending newsbox may be removed from the public right-of-way by the City. Notice shall be sent to

the owner or owner's representative advising that the newsbox has been removed and that a fee for removal shall be assessed as provided herein.

(3) ***Emergency Removal***. The fifteen (15) day notice of violation provision which would be required prior to removal may be waived when, in the discretion of the Director of Community Development, immediate removal of a newsbox is required because of its condition or its placement, and the newsbox presents a serious and immediate threat to public health and safety.

(3) ***Fees.*** The cost of removal shall be assessed against the owner of each newsbox removed by the City under this Section. The Director of Community Development, or the Director's designee, shall cause inspection to be made after a condition cited under this Section has been corrected. The owner of the newsbox shall be charged an inspection fee of $25.00 for each newsbox so inspected.

(g) **Appeals.** Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this Section may appeal to the Board of Appeals of the City of Glendale within thirty (30) days of being served by certified mail with such finding, determination, notice, order or notice of action taken.

7.16 Licensees to Pay Local Claims; Appellate Procedures

7.16.1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS; APPELLATE PROCEDURES
7.16.2 CRIMINAL HISTORY SEARCH FEES

7.16.1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.

(a) **Payment of Claims**. The City shall not issue or renew any license to transact any business within the City of Glendale:

(1) For any purposes for which taxes, assessments or other claims of the City are delinquent and unpaid.

(2) For any person who is delinquent in payment:

a. Of any taxes, assessments or other claims owed the City; or

b. Of any forfeiture resulting from a violation of any City Ordinance.

(b) **Exception.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapter 1.

(c) **Applicability**. An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.

(d) **Hearings.**

(1) Prior to consideration of a new license application or license renewal, pursuant to Subsection (a), the Legislative and Judiciary Committee shall notify any person, firm or corporation having unpaid, overdue personal

property taxes or an outstanding judgment of its intention not to issue or renew the license and that the licensee may request a hearing before the Legislative and Judiciary Committee regarding such action. The notice shall identify the specific personal property taxes or outstanding judgment(s) in question.

(2) The licensee and the City may produce witnesses, cross-examine witnesses and be represented by counsel at hearings before the Legislative and Judiciary Committee. After the hearing, the Legislative and Judiciary Committee shall submit a written report to the Common Council including 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 m question. The licensee shall be provided with a copy of the report. The licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council.

(3) The Legislative and Judiciary Committee or the Common Council may grant a temporary license when it is deemed that the nonpayment of personal property taxes or other outstanding judgment merits additional time for payment.

(4) The licensee is not entitled to appeal the Common Council's decision to the City's Board of Appeals unless such permission is granted by the Common Council. The licensee may, however, seek judicial review as provided in Section 68.13, Wis. Stats.

(5) All provisions herein shall apply equally to the issuance or renewal of permits.

(6) This Chapter shall not prohibit the issuance of the licenses enumerated in Section 66.117(2), Wis. Stats., for nonpayment of forfeitures.

(7) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Section 125.12, Wis. Stats., as mended from time to time.

(e) **Hearing for Other Denials.** Where an individual, business or corporation wishes to appeal a City official's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the City Clerk that the matter be referred to the Common Council. A public hearing shall be scheduled within fourteen (14) calendar days by the Common Council. All parties may be represented by counsel. The Council shall consider all relevant information and shall render a decision which shall be binding.

7.16.2 CRIMINAL HISTORY SEARCH

Any fee imposed by the State of Wisconsin for non-criminal justice system accessing of CIB Criminal History Records, which fee is incurred for the purpose of license or permit applications of any nature, be and hereby is added to any other municipal, county, state or federal application fee required for such license or permit.

7.17 Schedule of Fees

7.17.1 FEE SCHEDULE
7.17.2 DELINQUENT AND LATE FEES AND CHARGES.

7.17.1 FEE SCHEDULE.

The following fees shall be applicable for licenses and permits under this Title:

SECTION	LICENSE	FEE
7.1.3(a)	Fees for Dogs and Cats	
	Unaltered	$24.00 annually
	Altered	$12.00 annually
	If 5 months of age after July 1 of license year and unaltered	$12.00 annually
	If 5 months of age after July 1 of license year and altered	$ 6.00 annually
	Late fee for unaltered	$12.00 annually
	Late fee for altered	$ 6.00 annually
7.2.5	Retail Class "A" Intoxicating Liquor	$500.00 annually or fraction thereof
	Retail Class "B" Intoxicating Liquor	$500.00
	Class "A" Fermented Malt Beverage	$100.00
	Class "B" Fermented Malt Beverage	$100.00 or 3/4 of that amount for a 6-month period
	Special Class "B" Fermented Malt Beverage (Picnic)	$10.00 per event
	Wholesaler's License	$25.00 annually
7.2.23(a)	Operator's License (Bartenders)	$75.00 every 2 years
7.3.1	Cigarette	$100.00 annually

7.4.1(b)	Transient Merchant	$500.00 annually
7.5.4	Amusement Arcade	$200.00 for 5 machines or more
7.5.8(d)	Arcade Operator	$30.00 annually
7.6.1(c)	Coin Machine (juke boxes and game machines)	$35.00
	Coin Machine (food, soda, cigarettes)	$30.00 annually
7.7.1(b)	Christmas Tree Sales	$300.00 for original license; $100.00 for annual renewals
7.9.1(f)	Street Use Permits	$50.00
7.10.	Pawnbrokers, Secondhand Article Dealers & Secondhand Jewelry Dealers	$200.00 annually
7.12.5(a)	Nonmetallic Mining	$50.00
7.12.7(f)	Blasting (quarries)	$100.00 per blasting period
	Gravel Crushing Operation	$100.00 annually
7.13.4	Junk Yards, Used Automobiles, Motorcycles, etc.	$500.00 annually
7.14.2(j)	Processions, Parades, Runs, Bicycle Races	$50.00 per event
7.15.1(b)	Gun Sales	$ 50.00 annually
7.15.2(d)	Carnivals and Circuses	$200.00 per event

	Other Public Entertainments	$50.00 per day; $200.00 per week
7.15.3 (d)	Dance Halls	$100.00 annually

7.17.2 DELINQUENT AND LATE FEES AND CHARGES.

Any fees which are delinquent shall bear interest and be collectible as provided in Section 1.1.7(f).

7.18 Schedule of Assessment Fees

7.18.1 FEES FOR REPEAT INTERIOR PREMISE INSPECTIONS, FAILURE TO PROVIDE INFORMATION TO ASSESSOR AND FOR RESCHEDULED PROCEEDINGS.

7.18.2 FEES FOR INTERIOR PREMISE INSPECTIONS REQUIRING REVALUATION SERVICES DUE TO FAILURE TO PROCURE A PERMIT.

The Common Council of the City of Glendale has determined that it is in the interest of the public for the Assessor to provide additional interior inspection and records review opportunities for property owners who miss appointments for inspections or fail to provide requisite information in order to optimally preserve the right of its property owners to seek relief before the Board of Review under Section 70.47(7), Wis. Stats. The Council finds that property owners frequently request interior inspections of their property after having received a written request from the Assessor by certified mail to view such property. The Council further finds that commercial property owners on occasion fail to provide financial information as requested by the Assessor. The Council notes that under Section 70.47(7)(aa), Wis. Stats., no person shall be allowed to appear before the Board of Review, to testify by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the Assessor to view such property. The Council further notes under Section 70.47(7)(af) that an individual, particularly a commercial property owner, as to whom the Assessor has employed an income approach in valuation, may be barred from appealing valuation to the Board of Review for failure to provide information as requested by the Assessor. The Council finds that it is in the interest of the property owner to have optimal opportunity to appear before the Board of Review. The Council also finds that it is detrimental to the economic interests of the general public to provide interior premise inspection or records review opportunities greater than mandated by statute absent recoupment of the cost from the individual requestor. The Council therefore finds it is in the public interest to set fees, which fees reasonably relates to the value of services, for inspection occurring after a property owner has failed to keep a previously scheduled appointment, or for failure to provide information requested by the Assessor in a timely manner, or for adjournments of Board of Review proceedings precipitated by failure to provide requested information. The Council further finds that assessment records must, on occasion and from time-to-time, be updated and properties re-appraised due to the failure of a property owner to procure necessary building, plumbing, electrical, or other permits required for improvements of a property, and which failure to procure a permit results in inaccuracies or incomplete Assessor's records employed in valuing the property. The Council finds it is detrimental to the economic interests of the general pubic for such records to be brought up to date without recoupment of costs from the property owner.

7.18.1 FEES FOR REPEAT INTERIOR PREMISE INSPECTIONS, FAILURE TO PROVIDE INFORMATION TO ASSESSOR AND FOR RESCHEDULED PROCEEDINGS.

(a) Any person having ownership, custody, or control of real property in the City of Glendale who has failed to keep an appointment for, or to comply with a reasonable written request by certified mail of the Assessor to view property, and who requests an interior inspection or view of the property at any subsequent date or time, shall pay a fee for such service in the amount of $100 for each residential unit, and $1,000 for commercial properties for each full $1 million in prior assessed value. Any objector who fails to provide information in a timely manner as requested by the Assessor, or who requests a continuance of a scheduled hearing before the Board of Review for the purpose of providing previously requested information to the Assessor, or whose hearing is continued at the request of the Assessor upon denial of a motion to dismiss an objection for failure to provide information to the Assessor, shall pay the costs of the City associated with such continuance as incurred for attorneys fees for legal counsel for the Assessor , or fees incurred by the City for services of the Assessor, or for legal counsel for the Board, or any and all of the foregoing.

7.18.2 FEES FOR INTERIOR PREMISE INSPECTIONS REQUIRING REVALUATION SERVICES DUE TO FAILURE TO PROCURE A PERMIT.

(c) Upon the performance of an interior inspection by the office of the Assessor, which interior inspection requires update of assessment records and a re-appraisal of the property due to improvements performed without a permit, the property owner shall pay, in addition to such permit fees as may be required for work performed without a permit, an amount determined to be ten percent (10%) of any permit fee including any penalty thereon, for the re-appraisal services required due to the failure to initially procure a permit.

7.19 RUMMAGE SALES

7.19.1 RUMMAGE SALES

(a) **Definitions.** As used in this section, the following terms shall have the meanings indicated:

(1) Personal Property — Property which is owned, utilized and maintained and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(2) Rummage Sale — Includes all general sales, open to the public, conducted from or on a residential premises, including but not limited to all sales titled "rummage," "lawn," "yard," "estate," "porch," "room," "backyard," "patio" or "garage" sale.

(b) **Property Permitted to be Sold.** It shall be unlawful for any person to sell or offer for sale at a rummage sale property other than personal property. This provision shall not apply to institutional entities such as churches, synagogues, and educational institutions.

(c) **Permit.** A person offering property for sale at a rummage sale, and conducting such sale at or upon a residential property, shall first procure a permit from the City of Glendale, and shall conduct such sale subject to subsections (d), (e), (f), and (g) as hereinafter set forth.

(d) **Hours and Place of Operation.** Rummage sales shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. No more than three rummage sales in one calendar year may be conducted from any premises. Each sale may last no longer than three consecutive days and must be conducted on the seller's property.

(e) **Signs.** Signs for "Rummage Sale," "Garage Sale" or similar signs shall comply with 15.6.9(a) of the Glendale Code of Ordinances pertaining to signs. There shall not be more than one such sign per lot, except that on a corner lot two signs are allowed, one facing each street. A sign shall not exceed 12 square feet in area and shall be located not less than eight feet from the nearest lot line. Said signs may be placed only upon the property of the residence where the sale is being held or upon other residential property with permission of the owner or other person in charge of such, at the time of sale. No signs shall be placed within the area of any public lands or right-of-way. Any sign must contain the following information:

(1) The name and address of the person holding the rummage sale.

(2) The dates of the sale.

(3) The location of the sale.

(f) **Removal of Signs**. All signs, no matter where placed, must be removed within 24 hours of the close of the rummage sale.

(g) **Penalty.** Any person who violates or fails to comply with any provision of this section shall be subject to the provisions of Section 1.1.7 of the Glendale Code.

7.20 EMPLOYEE BENEFITS FOR PRIVATE BUSINESS

7.20.1 EMPLOYEE BENEFITS FOR PRIVATE BUSINESS

No ordinances of the City of Glendale nor any other municipal ordinance, resolution, rule, or regulation shall mandate that any private business entity, other than the City itself, shall provide certain wages or benefits to its employees or set forth the amount or type of any employee wages or benefits provided by an employer located within the City limits.

7.21 Escort Services

7.21.1	ESCORT SERVICES; DEFINITIONS.
7.21.2	EXEMPTIONS.
7.21.3	LICENSE REQUIRED FOR ESCORT SERVICES.
7.21.4	LICENSE APPLICATION.
7.21.5	ESCORT SERVICES LICENSE – ISSUANCE STANDARDS.
7.21.6	DISPLAY OF LICENSE.
7.21.7	ESCORT LICENSE REQUIRED FOR EMPLOYEES OR INDIVIDUALS.
7.21.8	ESCORT LICENSE APPLICATION.
7.21.9	ESCORT LICENSE – ISSUANCE STANDARDS.
7.21.10	DISPLAY OF ESCORT LICENSE.
7.21.11	RESTRICTIONS ON CORPORATE LICENSES.
7.21.12	SALE OR TRANSFER OF INTEREST IN ESCORT SERVICE.
7.21.13	RESPONSIBILITIES OF LICENSES.
7.21.14	LICENSE RENEWAL.
7.21.15	SUSPENSION OR REVOCATION OF LICENSE.
7.21.16	PENALTIES.

7.21.1 ESCORT SERVICES; DEFINITIONS.

(a) "Escort" includes any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration accompanies or offers to accompany another person to or about social affairs, places of entertainment or places of amusement or consorts with another person about any public place or within any private quarters.

(b) "Escort service" includes service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, places of entertainment or places of amusement, or who may consort with others about any public place or within any private quarters.

(c) "Person" means any natural person, partnership, corporation or other organization operating, conducting, maintaining or owning any escort service.

7.21.2 EXEMPTIONS.

This section does not apply to businesses, agencies and persons licensed by the state or the city pursuant to a specific statute or ordinance, and employees employed by a business so licensed, and which perform an escort or an escort service function as a

service merely incidental to the primary function of such profession, employment or business and which do not hold themselves out to the public as an escort service.

7.21.3 LICENSE REQUIRED FOR ESCORT SERVICES.

(a) No person may engage in, conduct or carry on the operation or maintenance of an escort service without first obtaining a valid escort service license issued under this chapter.

(b) A license may be issued only for one escort service located at a fixed and certain place. Any person desiring to operate more than one escort service must have a license for each escort service.

(c) All escort services existing in the city at the time of the adoption of this chapter must submit an application for license within sixty (60) days of the adoption of this chapter.

7.21.4 LICENSE APPLICATION.

(a) Any person desiring to obtain an escort service license shall pay such fee as from time to time established by the Common Council to defray the costs of administration and investigation of the application.

(b) Any person desiring an escort service license shall file a written application with the city clerk on a form provided by the clerk's office. The information provided to the clerk shall be provided under oath.

(1) Corporations. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of incorporation, together with the date and state of incorporation, the name, aliases, and business address of each of its officers, directors, or shareholders having a significant responsibility for management of the business. The application shall also be verified by an officer of the corporation.

(2) Partnership. If the applicant is a partnership, the applicant shall set forth the name of the partnership and the name, aliases, business address of each of the partners, including limited partners, having a significant responsibility for management of the business and shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.

(3) Others. If the applicant is neither a corporation nor a partnership, the application shall set forth the true full name, aliases and business address of the applicant and shall be verified by the applicant. The applicant shall also include any other name by which the applicant has been known during the previous five years.

(c) The applicant shall set forth the proposed place of business of the escort service by business address, including suite number, and not by post office box, and shall contain a description of the nature and scope of the proposed business

operation. In addition, the following information shall be furnished concerning the applicant if an individual; concerning each officer, director and shareholder, having a significant responsibility for management of the business, if the business is a corporation; concerning each partner, including limited partners having a significant responsibility for management of the business, if the applicant is a partnership.

(1) Written proof that the individual is at least eighteen (18) years of age.

(2) The business, occupation or employment history for three years immediately preceding the date of application, including, but not limited to, whether such person previously operated under any permit or license in another city in this or another state and whether any such permit or license had ever been suspended or revoked;

(3) All convictions in any state or federal court within the past five years, including municipal ordinance violations, exclusive of traffic convictions and the jurisdiction in which the convictions occurred.

(4) The names of persons who will have custody of the business records at the business locations;

(5) The name and address of the person who will be the agent for service of process.

(6) A copy of the deed, lease or other document pursuant to which the applicant occupies the premises.

(d) The city clerk shall notify the Police Chief, the Fire Chief and the Director of Inspection Services of any escort service license application and these officials shall inspect or cause to be inspected each such application and any premises within the city determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Common Council, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the departments for whom the officer is certifying within ten days of receipt of notice from the city clerk. No license shall be renewed without a re-inspection of the premises.

(e) Within thirty (30) days of receiving an application for a license, the Common Council shall grant or deny a license to the applicant. The city clerk shall notify the applicant whether the application is granted or denied.

(f) 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 days of receipt of notification of denial, a public hearing shall be held within ten days thereafter before the Common Council.

(g) Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding the application or refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial.

7.21.5 ESCORT SERVICES LICENSE – ISSUANCE STANDARDS.

The Common Council shall issue an escort service license if, upon recommendation by the License Committee, it finds that:

(a) The required fee has been paid;
(b) The application conforms in all respects to this chapter;
(c) The applicant has not knowingly made a material misstatement in the application;
(d) The applicant has fully cooperated in the investigation of his or her application;
(e) The escort service, as proposed by the applicant, complies with all applicable laws, including, but not limited to, the city's building and zoning codes;
(f) The applicant has not had an escort service license or permit or other similar license or permit revoked or suspended in this state or any other state within three years prior to the date of application;
(g) The application, if a corporation, is licensed to do business and is in good standing in the state;
(h) All individual applicants, all shareholders, directors and officers having significant responsibility for management of the business, if the application is a corporation, or all partners, including limited partners having significant responsibility for management of the business, if the applicant is a partnership, are at least eighteen (18) years of age.
(i) The applicant, if an individual, any shareholders, officers, agents and directors of a corporation having a significant responsibility for management, if the business of the applicant is a corporation, any of the partners, if the applicant is a partnership, has not within five years prior to the date of application been convicted of a felony or of any ordinance or misdemeanor involving moral turpitude, prostitution or any crime of a sexual nature, subject to the provisions of Wis. Stats. Sec. 111.335.

7.21.6 DISPLAY OF LICENSE.

The escort service license shall be displayed in a conspicuous public place in the escort service's place of business.

7.21.7 ESCORT LICENSE REQUIRED FOR EMPLOYEES OR INDIVIDUALS.

(a) No person may work or perform services as an escort in the city, either individually or while working for an escort service, unless the person has first obtained a valid escort license issued under this section.
(b) All persons working or performing services as an escort in the city at the time of the passage of this section shall submit an application for a license within sixty (60) days of the adoption of this section.
(c) This subsection shall not apply to persons who are on the premises used as an escort service exclusively for the repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

7.21.8 ESCORT LICENSE APPLICATION.

(a) Any person desiring to obtain an escort license shall pay the fee as from time to time set by the Common Council to defray the costs of administration and investigation of the application.

(b) Any person desiring an escort license shall file a written application with the city clerk on a form to be provided by the clerk's office. The information provided shall be provided under oath. Any applicant for an escort license shall furnish all information required by Section 7.21.4(c).

(c) Applications for an escort license shall be referred to the Police Chief who shall cause an investigation to be made of the applicant and report the findings of the investigation to the Common Council within ten days of receipt of notice from the city clerk.

(d) Within thirty (30) days of receiving an application for a license, the Common Council shall grant or deny a license to the applicant. The city clerk shall notify the applicant whether the application is granted or denied.

(e) 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 days of receipt of notification of denial, a public hearing shall be held within ten days thereafter before the Common Council.

(f) Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding the application or refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial.

7.21.9 ESCORT LICENSE – ISSUANCE STANDARDS.

The Common Council shall issue an escort license if it finds that:

(a) The required fee has been paid;

(b) The application conforms in all respects to this chapter;

(c) The applicant has not knowingly made a material misstatement in the application;

(d) The applicant has fully cooperated in the investigation of his application;

(e) The applicant has not had an escort service license or permit or other similar license or permit revoked or suspended in this state or any other state within three years prior to the date of application;

(f) The applicant is at least eighteen (18) years of age.

(g) The applicant, if an individual, any shareholders, officers, agents and directors of a corporation having a significant responsibility for management, if the business of the applicant is a corporation, any of the partners, if the applicant is a partnership, has not within five years prior to the date of application been convicted of a felony or of any ordinance or misdemeanor involving moral turpitude, prostitution or any crime of a sexual nature, subject to the provisions of Wis. Stats. Sec. 111.335.

7.21.10 DISPLAY OF ESCORT LICENSE.

(a) The city clerk shall issue an escort license on which there shall be the applicant's true first name, surname and middle initial, if any; the picture of the applicant; and the license number and the expiration date of the license. The license shall be in such form as to avoid alteration.

(b) The certificate shall be carried on the person of the escort and shall be exhibited to any person, including law enforcement personnel, requesting to see it at any time while the person is engaged in acting as an escort.

7.21.11 RESTRICTIONS ON CORPORATE LICENSES.

Any corporation holding an escort service license under this chapter shall report to the city clerk in writing within fifteen (15) days of the event described herein, any of the following:

(a) Any change of officers of the corporation.

(b) Any change in the membership of the board of directors of the corporation.

7.21.12 SALE OR TRANSFER OF INTEREST IN ESCORT SERVICE.

Upon the sale or transfer of any interest in an escort service, the license shall be void. Any person desiring to continue to operate an escort service following sale or transfer shall apply for a license. No license may be transferred to any other person.

7.21.13 RESPONSIBILITIES OF LICENSES.

(a) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the escort service 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. 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) Every act or omission by an escort, regardless of whether the escorts are employees, agents or independent contractors, shall be deemed the act or omission of the escort service 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 escort's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator caused such an act or omission.

(c) No escort service operator may allow or permit any person to work as an escort for such escort service unless the person so employed has a valid escort license issued by the city.

(d) No escort may work for any escort service operator unless the escort service operator has a valid escort service license issued by the city.

(e) No escort service may conduct any business without maintaining on its premises a daily register containing the name of each escort currently employed or otherwise working for the escort service on the date in question, a duplicate of the escort license certified required under Sub. (7) and the actual hours of employment of each escort for each day. The daily register shall be available during all business hours for inspection by law enforcement personnel.

(f) No person licensed as an escort or escort service may in any manner advertise its services as licensed by the city.

(g) No person shall escort or agree to escort a person under the age of eighteen (18) years.

7.21.14 LICENSE RENEWAL.

(a) Every license issued pursuant to this section expires annually on December 31 and must be renewed by January 1. All applications for the renewal of escort license issued by the city shall be filed with the city clerks' office on a form to be provided by the clerk no later than sixty (60) days prior to the expiration of the license. The renewal application shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. Applications to renew licenses shall be processed by the city in the same fashion as new applicants.

(b) A license renewal fee as from time to time set by the Common Council shall be submitted with the renewal application. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against any applicant who files for renewal less than sixty (60) days before the license expires. If the application for renewal is denied, one-half of the total fees collected shall be returned.

7.21.15 SUSPENSION OR REVOCATION OF LICENSE.

(a) Any escort service or escort license may be suspended for not more than ninety (90) days or revoked by the Common Council for any of the following reasons:

(1) Any of the grounds that would warrant the denial of the original application for the license.

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

(3) The operator or any employee of the operator or any escort employed by the operator violates any provision of this section or any rules or regulations adopted by the Common Council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or escort, the penalty shall not exceed a suspension of thirty (30) days if the Common 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.

(4) The licensee becomes ineligible to obtain a license or permit.

(5) Any cost or fee required to be paid by this chapter is not paid.

(b) An escort service or escort license may be suspended or revoked after notice and hearing before the Common Council to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and may be served by certified mail addressed to the licensee at the current address of the licensee on file with the city clerk's office. The notice shall be served at least ten days prior to the date of hearing. The notice shall state the grounds of the complaint against the licensee and shall designate the time and place where the hearing will be held. At the hearing, the licensee shall be entitled to be represented by counsel, may call witnesses in his or her behalf and may cross-examine witnesses called to support the charges brought against the licensee. If the Common Council finds the charges sufficient, the license may be suspended, revoked or not renewed. The licensee shall be provided a written transcript of the hearing at his or her expense. The Common Council shall provide the licensee with a copy of the written determination within five days of completion of the hearing. Judicial review of the Common Council's determination shall be governed by Sec. 68.13, Wis. Stats. If the licensee makes a timely appeal, no suspension, revocation or non-renewal shall be effective until a judicial determination is rendered.

(c) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an escort service for six months from the date of revocation of the license.

7.21.16 PENALTIES.

Any person who violates any provision of this section or who fails to obtain a license as required in this chapter shall, upon conviction, be subject to penalty as provided in Sec. 1.1.7.