

## CHAPTER 12

### LICENSES AND PERMITS

#### Section

- 12.00 License and Permit Fees
- 12.01 Amusement Devices/Amusement Parlors
- 12.02 Public Square - Farmers Market
- 12.03 [Repealed]
- 12.04 Bowling Alleys
- 12.05 Cigarette Sales
- 12.06 Nonintoxicating and Soda Water Beverages
- 12.07 [Repealed]
- 12.08 Dances and Dance Halls (Public)
- 12.09 Exhibitions, Carnivals, and Circuses
- 12.10 Food & Refreshment in City Parks
- 12.11 Garbage Collection
- 12.12 Hotel/Motel Permit
- 12.13 Junk Dealers
- 12.14 Intoxicating Liquor and Fermented Malt Beverage
- 12.15 [Repealed 06-15-98]
- 12.16 Mobile Homes & Mobile Home Parks
- 12.17 Pawnbrokers
- 12.18 Food Vending Carts on City Property
- 12.19 Photographer (Transient)
- 12.20 Sidewalk and Cement Construction
- 12.21 Snow Removal Operator
- 12.22 Taxicab Firms
- 12.23 Taxicab Driver
- 12.24 Theaters
- 12.25 Direct Seller/Transient Merchant
- 12.26 [Repealed]
- 12.27 Penalties

LICENSE & PERMIT FEES. No person shall engage in the following businesses, trades, occupations, avocations, or hobbies without having obtained from the city clerk a written license or permit upon payment of the designated fee, which shall be annual, unless otherwise specified:

Alarm System (see Section 5.08) .....	
Amusement Device .....	\$ 10.00
Amusement Parlor .....	25.00
Animal License (see Section 14) .....	
Bowling Alley (each lane) .....	12.00
Cigarette Sales .....	100.00
Commercial Animal Establishment .....	36.00
(See also Section 14.14 for animal licenses) .....	
Dance Hall .....	10.00/25.00
Direct Sellers .....	50.00
Electrician (see Sec. 19.04) .....	
Exhibitions/Carnivals .....	100.00
2nd and succeeding days/ea .....	50.00
Food & Refreshment .....	10.00
Food Peddler Basic Permit:	
a. Motorized vehicle .....	50.00
b. Pushed, pedaled or pulled cart .....	50.00
c. Person carrying containers .....	25.00
Garbage Collector .....	25.00
Hotel/Motel Permit (one-time) .....	10.00
Junk Dealer .....	25.00
(plus \$5.00 each vehicle) .....	5.00
Liquor and Malt Beverage:	
a. Class A fermented malt beverage .....	75.00
b. Class B fermented malt beverage .....	100.00
c. Class B temporary (picnic) fermented malt beverage .....	10.00
d. Class B temporary (picnic) wine (unless picnic beer also purchased).....	10.00
e. Class A liquor .....	425.00
f. Class B combination beer & liquor .....	500.00
g. Class C wine license .....	100.00
h. Non-intoxicating Beverage (NA beer) .....	5.00
i. Wholesale fermented malt beverage .....	25.00
j. Operator (bartender) provisional .....	30.00
k. Operator - Regular (see provisional) .....	
l. Operator - Renewal - two years .....	35.00
m. Operator - Temporary .....	no charge
n. Manager - Provisional .....	25.00
o. Manager - Regular (see provisional) .....	
p. Teen Club .....	25.00
Massage Parlors (see Sec.24.28) .....	
Milk Distributor of Grade A Products .....	5.00
Mobile Home Park (per space but not less than \$25.00) .....	2.00

Pawnbroker (see Wis. Stats. 134.71).....	
a. Pawnbroker .....	210.00
Transaction Fee (for each billable transaction) .....	1.00
b. Secondhand article dealer .....	27.50
c. Secondhand jewelry dealer .....	30.00
d. Secondhand article dealer mall or flea market .....	165.00
Photographer - Transient (per day) .....	25.00
(store affiliated, per day) .....	5.00
Plumbing (see Sec. 18.06) .....	
Rooming House (see Sec. 21.11) .....	
Sidewalk/Cement .....	5.00
Snow Removal (per vehicle) .....	10.00
Soda Water Bev/Retail .....	5.00
Soda Water Bev/Wholesale .....	25.00
Taxicab Company .....	25.00+
Taxicab Vehicle (each) .....	10.00
Taxicab Driver .....	30.00
Tent in public parks .....	25.00
Theater .....	\$100 per screen, Minimum \$200.00
Transient Merchant (see Direct Seller) .....	

12.01 AMUSEMENT DEVICES/AMUSEMENT PARLORS

(1) Definitions.

(a) "Amusement device" means any table, platform, mechanical device or apparatus operated or intended to be operated for amusement, pleasure, competition or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin in a slot or otherwise, and includes the type of such devices commonly known as baseball, football, basketball, hockey, shuffleboard, ray guns, bowling games, bumper games, skiball, and shall also include billiard tables and pool tables, except radios and television sets.

(b) "Coin" includes any token, slug, as well as coins minted by any sovereign government.

(c) "Building, public or private" includes any tent, stand, roof, shelter, or other full or partial shelter.

(d) "Amusement device distributor" means any person in the business of leasing or renting amusement devices to others, in or of placing for operation thereof of amusement devices on any premises or in any building, public or private, in the city, not owned or controlled by that person.

(e) "Coin operated music machines" means phonographs, soundies, and any other devices for reproduction of music, sound, or other audible entertainment operated by the insertion of a coin, whether or not the particular entertainment is

selected mechanically, manually, or by an operator upon request, excepting radios and television sets.

(f) "Electronic Amusement Parlor" means any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing "electronic amusement devices" to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of "electronic devices" to the public at retail.

(g) "Electronic Amusement Device" means any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin in a slot or otherwise, and includes the type of shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video, and shall also include billiard tables and pool tables (whether coin operated or not), except radios and television.

(2) Amusement and Electronic Amusement Device License Required. No person, firm, or corporation shall operate or place or keep or have in his/her possession any amusement or electronic amusement device, as herein defined, without having obtained and posted on the premises in plain view, a license to operate such a device. Application shall be made to the city clerk on forms provided by such officer, which form shall state the applicant's name, trade name of business, and location of proposed amusement device.

(3) Electronic Amusement Parlor License Required. No person, firm, or corporation shall operate or keep an electronic amusement parlor, as herein defined, without having obtained and posted on the premises, in plain view, a license to operate such parlor.

(a) Application. Application shall be made to the city clerk on the form provided by such office, which form shall state the applicant's name, trade name of business, location, and number of devices to be located on said premises.

(b) The application shall be forwarded to the city's Public Policy and General Government Committee which shall hold a public hearing prior to the recommendation to the common council of granting any electronic amusement parlor license.

(c) Hours. No premises for which an electronic amusement parlor license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 2:00 A. M. and 10:00 A. M.

(d) In reviewing each application the common council shall find:

1. That the establishment, maintenance, or operation of an electronic amusement parlor at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the proposed electronic amusement parlor will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

3. That the establishment of the electronic amusement parlor will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.

4. That adequate measures have been or will be taken to maintain good order surrounding the location thereof.

#### 12.02 PUBLIC SQUARE - FARMERS MARKET AND VENDING AREA.

(1) There is hereby created and set aside that portion of the public square as shown on the attached map and which shall be deemed the Farmers Market and Public Vending area. This area shall be used exclusively for farmers for the sale of farm produce and for the vending of other goods and assorted products during the months of May, June, July, August, September, and October of each year, Tuesday through Sunday between the hours of 4:00 A.M. and 5:00 P.M. and Monday between the hours of 4:00 A.M. and 9:00 P.M. of each week. The location and number of stalls shall be determined by the City.

(2) The Farmer's Market Association shall permit spaces to be used by vendors pursuant to rules established by such association. Vending areas are established as shown on the attached map. No motorized vehicles or large trailers are allowed on the interior areas as shown on the attached map unless approved by the City.

(3) Rules and regulations for sale of produce:

(a) Vendors spaces shall be reserved to the assigned vendor until 6:30 A.M. each day. All rights to the assigned space are forfeit for that day in the event that the vendor has not arrived and occupied the space by 6:30 A.M. A vendor space is not assignable by the vendor.

(b) All produce must be grown within a 30 mile radius of Stevens Point unless grandfathered in. Some exceptions may be made for Wisconsin grown products not grown locally.

(c) Produce purchased at wholesale or retail from third parties shall not be permitted except from other market vendors who sell at this market.

(d) All vendors shall clean daily, their respective stall area and shall remove all debris and waste generated by their sales and shall not deposit such waste in adjacent dumpsters.

(e) All vendors are prohibited from using tobacco products within the vending area or reserved space.

(f) Vendors shall not engage in hawking, or use a radio or any sound amplification device emitting sound within the vending area or reserved space.

(g) Vendors shall not deposit produce or other items for sale in any area which would impede or hinder pedestrian or handicap traffic.

(h) Vendors shall not make any disparaging remarks concerning other vendors or make any false representation concerning their products.

(4) Penalty. Any vendor violating any provisions of this ordinance may suffer a forfeiture of not less than \$10 nor more than \$100 and in addition the City reserves the right to revoke such vendor's right to occupy a space.

12.03 [Repealed]

12.04 BOWLING ALLEYS.

(1) Definitions.

(a) "Bowling Alley" includes an arrangement of a floor level bowling lane equipped with bowling pins; but does not include coin operated bowling games, miniature bowling games, or bowling tables not on floor level.

(b) "Operating" a bowling alley shall include maintaining a bowling alley for use by bowlers for competition or sport and shall include such alleys maintained by clubs, lodges, and fraternal associations and other organizations whether or not use thereof is restricted to members.

(2) License Required. No person shall, within the city, operate any bowling alley or alleys without having first obtained a license therefor. Application shall be made to the city clerk on forms provided by such officer, which form shall state the applicant's name, trade name of business, and location of proposed bowling alley, and number of lanes within such premises.

12.05 CIGARETTE SALES. The sale of cigarettes in the City of Stevens Point shall require a license and shall be governed by the provisions of chapter 134.65 of the Wisconsin statutes.

12.06 NONINTOXICATING AND SODA WATER BEVERAGES.

(1) Definitions.

(a) "Wholesaler" shall mean the manufacturer of soda water beverage in packages or containers to be consumed off the premises where manufactured and sold.

(b) "Retailer" shall mean person or firm selling soda water beverage to be consumed on or off such premises.

(2) Licenses Required.

(a) Nonintoxicating beverages. No person, firm or corporation shall manufacture for wholesale or sell at retail or distribute beverages which contain less than one-half of one per centum of alcohol by volume without first having obtained a license therefor. Application shall be made to the city clerk and issued by such office pursuant to Wisconsin statutes 66.053, upon approval by the common council.

(b) No person, firm, or corporation shall manufacture for wholesale or sell at retail soda water beverage without having first obtained a license therefor. Application shall be made to the city clerk on forms provided by such officer, which form shall state the applicant's name, trade name of business or premises, and location of premises.

12.07 [Repealed]

12.08 DANCES AND DANCE HALLS (PUBLIC).

(1) Definitions.

(a) "Public dance" as used herein, is any dance to which admittance can be had by the public generally, with or without the payment of a fee, with or without the purchase, possession, or presentation of a ticket or token, or any other dance operated by any system open or offered to the public generally. A "public dance", as used herein, shall not be construed to apply to a dance conducted by a bona fide youth organization at which responsible parents are in attendance as chaperones. A "public dance", as used herein, shall not be construed to apply to a dance conducted in a church or school when such dance is conducted under the auspices of the proper church or school authorities. A "public dance", as used herein, shall not be construed to apply to private dances given by lodges, clubs, or other public or charitable institutions.

(b) "Public dance hall," as used herein, is any room, place or space within a building at which a public dance may be held.

(2) License Required. No person, firm, or corporation shall hold, conduct, or permit to be held, a public dance in any public dance hall within the City of Stevens Point without first having obtained a license for such premises. Application shall be made to the city clerk on forms provided by such officer, which form shall state the applicant's name, trade name of business, and location of premises.

(a) It shall be the duty of the public protection committee in conjunction with the building inspector to inspect any dance hall before any license shall be granted for

holding dances therein. Before passing favorably upon such application, the Public Policy and General Government Committee must find that the said building has clean and sanitary toilets; that it has adequate fire escapes; that halls, fire escapes, vestibules, entrances, and toilets are properly lighted and ventilated. In addition, any dance hall in excess of 1,000 square feet of actual dancing area or space must be found to be in substantial conformity with the state building code in construction, and that there are adequate parking facilities.

(b) License Fee According to Size. The license fee for a public dance hall with actual area or space for dancing not in excess of 1000 square feet shall be \$10.00. The license fee for a public dance hall with actual area or space for dancing in excess of 1000 square feet shall be \$25.00.

(c) Licensee Responsibility. The licensee shall be responsible for the conduct of all dancing upon the premises and shall maintain proper order at all times, and shall not permit, suffer or allow any person to use the tables, serving bar or any other type of elevated platform and containing less than 10 feet in width and 10 feet in length to dance or perform upon. The licensee shall exclude from such premises any intoxicated person and eject therefrom any person intoxicated or whose conduct shall be disorderly.

(d) The provisions herein shall be in lieu of any Portage County regulations relating to dances and dance halls.

#### 12.09 EXHIBITIONS, CARNIVALS, AND CIRCUSES.

(1) License Required. It shall be unlawful to conduct or operate within the city any exhibitions, carnivals, or circuses which are open to the public without first securing a license therefor, provided that this section shall not be held to apply to those amusements or exhibitions which are specifically licensed in other sections of this chapter.

(2) Definitions. The term "exhibitions" as used in this section shall be held to mean and include circuses, carnivals, menageries, side shows, and other similar amusement enterprises which are open to the public and for which admission is charged. The term "carnival" as used herein shall mean and include amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities, and sideshows.

(3) Condition of License. In addition to other requirements set forth herein the applicant shall furnish suitable evidence of his intention and ability to comply with the following conditions. The operator and sponsor of the carnival or exhibition shall each be wholly responsible for maintaining order and for keeping the site clean, free of trash, papers, and other debris. Trash containers in adequate number shall be placed in convenient locations for the use of the public. No ride shall be placed in operation for public use until the same has been inspected by the Wisconsin Department of Industry, Labor, and Human Relations.



Adequate safeguards shall be placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches and other possible or potential hazards.

(4) License Fees.

Circuses.....	\$100 1st day
.....	\$ 50 each succeeding day
Carnivals.....	\$100 1st day
.....	\$ 50 each succeeding day
Other public amusements or exhibitions for which no specific fee is stated, .....	\$100 per day

No fee shall be charged for any amusement, exhibition, or carnival where the same is sponsored by or given for the benefit of any religious, educational, charitable, social, or fraternal organization.

(5) Insurance. No license shall be issued for conducting an exhibition, circus, or carnival until the applicant therefor has placed on file with the city clerk a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident.

12.10 FOOD & REFRESHMENT IN CITY PARKS. License Required. No person, organization, or group shall sell food or refreshments, e.g., candy, snack foods, ice cream products, shaved ice products, sandwiches, or similar products, in the city parks without first obtaining a license. Application shall be made to the city clerk on forms provided by such officer, which form shall state the applicant's name, organization's name, location and date of event.

12.11 GARBAGE COLLECTION.

(1) License Required. No person or firm may operate for hire trucks, trailers, or other vehicles whose use or purpose is to pick up, collect, convey, or haul garbage or trash from any class of customer without first licensing each vehicle. The city clerk shall annually issue a license, upon application.

(2) Vehicle Requirements. Each vehicle shall be of a class commonly referred to as a "packer," be watertight and of such construction and design that the contents thereof shall be contained entirely within and surrounded by the body.

(3) Insurance Required. An insurance certificate shall be filed with the city clerk which shall provide for \$50,000 for property damage and \$100,000 to \$250,000 for liability coverage.

(4) Recycling requirements. All private firms licensed by the city shall comply with the recycling requirements as provided in section 21 of the Revised Municipal Code.

12.12 HOTEL/MOTEL PERMIT. Every person or firm furnishing rooms or lodging as defined in section 4.13 of the Revised Municipal Code shall file with the Comptroller/Treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the city treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the city treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers.

#### 12.13 JUNK DEALERS, METAL RECYCLERS, AND SCRAP METAL DEALERS

(1) License Required. No person or firm shall conduct or maintain any buildings structure, yard, or place for keeping or storing commercial quantities, whether temporarily, irregularly, or continually, for the buying or selling at retail or wholesale, any old, used, or second hand materials of any kind, including cloth, rags, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, furniture, used motor vehicles or parts thereof, or other material commonly classed as junk, without first having obtained a license pursuant to this subsection.. Application shall be made to the city clerk, on forms furnished by that officer. Applications for such licenses shall be subject to review and approval by the Common Council.

(2) Definitions. In this section:

(a) "Commercial account" means a commercial enterprise with which a scrap material dealer maintains an ongoing and documented business relationship.

(b) "Commercial enterprise" means a corporation, partnership, limited liability company, business operated by an individual, association, state agency, political subdivision, or other government or business entity, including a scrap material dealer.

(c) "Ferrous scrap" means scrap metal, other than scrap metal described in subs. (d) to (f), consisting primarily of iron or steel, including large manufactured articles that may contain other substances to be removed and sorted during normal operations of scrap metal dealers.

(d) "Metal article" means a manufactured item that consists of metal, is usable for its original intended purpose without processing, repair, or alteration, and is offered for sale for the value of the metal it contains, except that "metal article" does not include antique or collectible articles, including jewelry, coins, silverware, and watches.

(e) "Nonferrous scrap" means scrap metal consisting primarily of metal other than iron or steel, but does not include any of the following:

1. Aluminum beverage cans.
2. Used household items

3. Items removed from a structure during renovation or demolition.
  4. Small quantities of nonferrous metals contained in large manufactured items.
- (f) “Plastic bulk merchandise container” means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transport or storage of retail containers of bottled beverages.
- (g) “Proprietary article” means any of the following:
1. A metal article stamped, engraved, stenciled, or otherwise marked to identify the article as the property of a governmental entity, telecommunications provider, public utility, cable operator, as defined in Wis. Stat. § 66.0420(2)(d), or an entity that produces, transmits, delivers, or furnishes electricity, or transportation, shipbuilding, ship repair, mining, or manufacturing company.
  2. A copper conductor, bus bar, cable, or wire, whether stranded or solid.
  3. An aluminum conductor, cable, or wire, whether stranded or solid.
  4. A metal beer keg.
  5. A manhole cover.
  6. A metal grave marker, sculpture, plaque, or vase, if the item’s appearance suggests the item has been obtained from a cemetery.
  7. A rail, switch component, spike, angle bar, tie plate, or bolt used to construct railroad track.
- (h) A plastic bulk merchandise container. “Scrap dealer” means a scrap plastic dealer or scrap metal dealer.
- (i) “Scrap metal” means a metal article; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry, or other manufacturing facility.
- (j) “Scrap metal dealer” means a person who is licensed as a scrap and recycling dealer under Section 12.13(1) who is engaged in the business of buying or selling scrap metal or plastic bulk merchandise containers, as defined in this Section 12.13. “Scrap plastic dealer” means a person engaged in the business of buying or selling plastic to be processed for reuse in a mill or other manufacturing facility.
- (3) Purchases of Ferrous Scrap. A scrap metal dealer may purchase scrap metal other than nonferrous scrap, a metal article, or a proprietary article from any person over the age of eighteen (18).
- (4) Purchases of Nonferrous Scrap, Metal Articles, Proprietary Articles.
- (a) Subject to sub. (b), a metal dealer may purchase nonferrous scrap, metal articles, or

proprietary articles from any person who is over the age of eighteen (18) if all of the following apply:

1. If the seller of nonferrous scrap, metal articles, or proprietary articles is an individual, at the time of the sale, the seller provides to the scrap dealer the seller's motor vehicle operator's license or other government-issued, current photographic identification that includes the seller's full name, current address, date of birth, and recognized identification number. If the seller is not an individual, at the time of the sale, the individual who delivers the seller's nonferrous, metal articles, or proprietary articles provides to the dealer the deliverer's motor vehicle operator's license or other government-issued, current photographic identification that includes the deliverer's full name, current address, date of birth, and recognized identification number.

2. The scrap dealer records and maintains at the scrap dealer's place of business the seller's or deliverer's identification information described in sub. 1., the time and date of the purchase, the number and state of issuance of the license plate on the seller's or deliverer's vehicle, and a description of the items received, including all of the following:

a. The weight of the scrap or articles.

b. A description of the scrap or articles that is consistent with guidelines promulgated by a national recycling industry trade organization. This sub. 2.b. does not apply to plastic bulk merchandise containers.

3. With respect to a purchase of nonferrous scrap or a metal article the scrap dealer obtains the seller's signed declaration that the seller is the owner of the items being sold.

4. With respect to a purchase of a proprietary article, one of the following applies:

a. The scrap dealer receives from the seller documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, that establishes that the seller lawfully possesses the proprietary article.

(b) The scrap dealer documents that the scrap dealer has made a diligent inquiry into whether the person selling the proprietary article has a legal right to do so, and, not later than one business day after purchasing the proprietary article, submits a report to the Stevens Point Police Department describing the proprietary article and submits a copy of the seller's or deliverer's identifying information under sub. 1. This subsection does not apply to purchases of nonferrous scrap, metal articles, or proprietary articles by a scrap dealer from a commercial account, if the scrap dealer creates and maintains a record of its purchases from the commercial account that includes all of the following:

1. The full name of the commercial account.

2. The business address and telephone number of the commercial account.

3. The name of a contact person at the commercial account who is responsible for the sale of nonferrous scrap, metal articles, or proprietary articles to the scrap dealer.
4. The time, date, and value of each of the scrap dealer's purchases from the commercial account.
5. A description of the predominant types of nonferrous scrap, metal articles, or proprietary articles the scrap dealer has purchased from the commercial account.

(c) Except as provided under sub. (4), a scrap dealer may disclose personally identifiable information recorded or maintained under this subsection only to a successor in interest to the scrap dealer, including a successor in interest that arises as a result of a merger, sale, assignment, restructuring, or change of control.

(5) Other Provisions.

(a) A scrap dealer shall make the records required under sub. (3)(a)2. to 5. and (b) available to a law enforcement officer who presents the officer's credentials at the scrap dealer's place of business during business hours.

(b) A scrap dealer shall maintain the records required under sub. (3)(a)2., 4., and 5. and (b)4. and 5. for not less than two (2) years after recording it. A scrap dealer shall maintain the records required under sub. (3)(b)1. to 3. regarding a commercial account for not less than two (2) years after the dealer's most recent transaction with the commercial account.

(c) Notwithstanding Wis. Stat. § 19.35(1), a law enforcement officer or agency that receives a record under sub. (a) or a report under sub. (b) may disclose it only to another law enforcement officer or agency.

(6) Penalties.

(a) 1. A scrap dealer who knowingly violates this section and who has not knowingly committed a previous violation of this section is subject to a fine not to exceed One Thousand Dollars (\$1,000).

2. A scrap dealer who knowingly violates this section and who has knowingly committed one previous violation of this section is subject to a fine not to exceed Ten Thousand Dollars (\$10,000).

(b) Each day on which a scrap dealer knowingly violates this section constitutes a separate violation.

(7) Electronic Reporting.

(a) A scrap dealer shall electronically submit to the Stevens Point Police Department a report of each purchase of nonferrous scrap, metal articles, and proprietary articles not later than the business day following the purchase, including each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle, by electronically

transferring it from their computer to the Police department approved date server. All records must be transmitted completely and accurately and in accordance with standards and procedures established by the Police Department.

(b) If a scrap dealer is unable to successfully transfer the required reports electronically, the scrap dealer shall notify the Police Department of the reason the dealer is unable to transfer the required reports and shall provide the Police Department with an estimated time of compliance. The scrap metal dealer shall provide the Police Department with electronic copies of all reportable transactions that have not been transmitted electronically in a form approved by the Police Department by 5:00 p.m. of the next business day after the due date, unless the scrap dealer electronically transfers the data prior to that time.

12.14 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE.

(1) The provisions of Chapter 125 of the Wisconsin Statutes, and any amendatory provisions thereto, relating to intoxicating liquor and fermented malt beverages, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of statutes, are hereby adopted and made a part of this section by reference. The penalty for violation of any provision of this ordinance shall be a forfeiture which amount shall be within the minimum and maximum of the forfeiture or penalty prescribed in Chapter 125 of the Wis. Stats. for the respective violation. In addition to any forfeiture imposed a suspension of a violator's operating privileges may be imposed as provided in the penalty provisions of Chapter 125 as they relate to sections 125.07 (1) or (4) (a), (b) or (bm), 125.08 (3) (b) or 125.09 (2) of the Wis. Stats.

(2) When License Required. No person, except as provided above, shall distribute, vend, sell, offer, or keep for sale at retail or wholesale, deal, or traffic in, or for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all state ordinances and regulations of the state and city applicable thereto.

(a)

1. Provisional Retail Licenses - A provisional retail license may be issued by the City Clerk to a person who applies for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and expires 60 days after its issuance or when the retail license is issued to the holder, whichever is sooner, pursuant to 125.185(4) Wis. Stats.

2. Prior to the issuance of such provisional retail license the clerk shall determine that the applicant and the premises will meet all standards required for the issuance of a regular retail license including qualifications of applicant, location of premises and physical condition of premises.

3. The City Clerk shall upon issuance of such license report the same to the Common Council at its next regular scheduled meeting.

4. The license fee is \$15.00 for the provisional retail license.

(3) No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling, house, flat, or residential apartment.

(4) Building Requirements for Sale of Class "A" Fermented Malt Beverages and "Class A" Liquor. No premises shall be issued a Class A Fermented Malt Beverage license or Class A Liquor license unless the area which will be used for storage, sale, or bartering in such commodity shall be a separate and distinct room upon the premises, containing separate entrances-staffed by an employee who holds a valid operator's license. This provision shall not prohibit the display or sale of accompaniments or snacks generally associated with the sale of liquor, within such area.

(a) The separate room shall consist of solid unbroken walls at least six feet high separating the area devoted to the sale of such commodity from any and all other businesses conducted on the same premises. Doors or entrance ways to the separate rooms shall not be wider than ten (10) feet or narrower than three (3) feet, except where the administrative code may require a larger entrance. There may be a separate exit to the outside.

(b) The licensee shall designate cash registers for the sale of all fermented malt beverages and liquor which must be staffed by an individual holding a bartender's license who shall be present in the cash register-checkout area at all times when the sale of liquor is permitted and who shall observe the checkout of all alcohol beverages.

(c) The area in which fermented malt beverages or liquor is sold shall be arranged and constructed in a manner so as to permit and facilitate its closing during the hours and days required by the Wisconsin statutes and applicable city ordinances. This secured area shall include a permanent door or flexible-gate to prevent entrance during closed hours.

(d) No operator shall permit any person under the legal drinking age, not accompanied by a parent or guardian, to enter and remain upon the premises segregated for sale of malt beverages/intoxicating liquor except as provided by state law.

(e) Prior to approving a license, the Public Policy and General Government Committee shall review the building's floor plans to determine if the premises meets the requirements of this ordinance.

(f) That the provisions relating to Section 12.14(4) shall not apply to any premises to which there is issued a brewers license.

(g) That the provisions relating to Section 12.14(4) shall not apply to any premises which is a grocery retailer larger than 15,000 square feet in size.

(h) 12.14(4) That the provisions of Section 12.14(4) shall not apply to any premises less than 15,000 square feet in size provided that all products governed by Chapter 12 of the Revised Municipal Code of the City of Stevens Point are locked securely in an area inaccessible to customers between the hours of 9:00pm and 6:00am.

1. A Class "B" fermented malt beverage and/or intoxicating liquor licensee whose premises are expanded to outdoor areas such as patios, volleyball pits, beer gardens and the like shall be required to install fencing around the perimeter of the outside premises. Such fencing may consist of wire mesh, solid vegetation, wood, plastic, or other similar material which will provide for an enclosed area on the outside of the licensed premises.

2. Prior to installation of such fencing, a diagram of the proposed fencing shall be presented to the City to ensure that the proposed fencing will adequately protect neighbors, limit noise, and prevent or limit access by underage individuals and provide visibility to law enforcement to ensure the premises is complying with alcohol beverage requirements.

3. That in lieu of the fencing required above, the City may authorize the use of security personnel to patrol such outdoor premises on a full time basis during such times that the outdoor premises are open for business.

4. That outdoor volleyball courts, horseshoe pits, or other athletic areas licensed as premises shall cease operation after 11:00 P.M. of each day in such outdoor licensed areas.

(5) Sale of Fermented Malt Beverages by City. The sale of fermented malt beverages by officers or employees of the city in city parks may be permitted pursuant to Wisconsin statutes 125.06(6) and with the consent of the mayor.

(6) Hearing. Opportunity shall be given by the common council to any person to appear for or against the granting of any license.

(7) Requirements for Licenses. An applicant for license or permit shall meet the minimum requirements as provided in chapter 125 of the Wisconsin statutes, as amended, addition to any requirements as provided in Section 12.14 of the Revised Municipal Code of the City of Stevens Point.

(a) Any person applying for a Class "B" Combination Intoxicating Liquor license shall have a premises at the time application is made or within the license year. In the event a permit for construction or remodeling has been issued and substantial progress is being made on such construction or remodeling, the licensee shall be considered to meet the requirement of having a premises. In the event such licensee does not so obtain a premises such license shall be subject to revocation or non-renewal. Any licensee granted a license who closes or abandons such Class "B" Combination Intoxicating Liquor business shall be subject to non-renewal.



(b) Unless extended by the common council for good cause shown, the closing of any premises for 90 consecutive days shall be prima facie evidence of the abandonment.

(c) All license fees shall be due on or before June 30 in the year of its renewal, or in the event of a transfer during the license year within five days of the common council granting of such transfer. Non-payment of license fees within the required time shall be grounds for revocation.

(8) Occupancy Requirements for Holders of Class "B" Combination Intoxicating Liquor Licenses. No owner, operator, or person shall permit, suffer, or allow a greater number of persons in a building or premise or part thereof for which a license is required under paragraph 2 above than that which the premise will accommodate under the standards of the Wisconsin Administrative Code as amended or any other ordinance provision as amended which applies to occupancy.

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

(10) Inspection of Application and Premises. The clerk shall notify the health officer, chief of police, and fire inspector of all license and permit applications and these officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances, and laws applicable thereto and the applicants fitness for the trust to be imposed. These officials shall furnish to the Public Policy and General Government Committee in writing the information derived from such investigation. No license shall be issued for any premises which do not conform to the sanitary, safety, and health requirements of the State Board of Health and to all such ordinances and regulations adopted by the city and the county, where applicable.

#### (11) CLOSING HOURS

(a) Class B Closing Hours. No premises for which a Class "B" fermented malt beverages license or "Class B" liquor license shall be issued shall remain open for the sale of liquor, fermented malt or other beverages in the city between 2:00 A.M. and 6:00 A.M., Monday through Friday, and between 2:30 A.M. and 6:00 A.M. Saturday and Sunday. On January 1st, Class B premises are not required to close.

(b) "Class A" Closing Hours. No premises for which a "Class A" liquor license shall be issued shall remain open for the sale of liquor in the City of Stevens Point between the hours of 9:00 p.m. and 8:00 a.m.

(c) No premises for which a Class "A" fermented malt beverage license shall be issued shall remain open for the sale of fermented malt beverages between the hours of midnight and 6:00 am.

## (12) PRESENCE OF UNDERAGE PERSONS ON PREMISE.

(a) Underage persons who are not accompanied by a parent, legal guardian or spouse who has attained the legal drinking age may enter and remain in a room on a Class “B” or “Class B” licensed premise which is separate from any room where alcohol beverages are sold or served if:

1. No alcohol beverages are furnished or consumed by any person in the room where the underage person is present, and

2. The Class “B” or “Class B” licensee obtains a written authorization from the Police Department of the City of Stevens Point permitting underage persons to be present on a specified date set forth in the authorization. Prior to the issuance of any authorization, the Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. Licensees shall obtain a separate authorization for each date on which underage persons will be present on the premises.

(b) The presence of underage persons on a licensed premise authorized by subsection A. above or s. 125.07(3)(a)10 of the Wisconsin Statutes shall be subject to the following restrictions and requirements:

1. Each application must be received at least five business days prior to the date requested.

2. During the period of time when underage persons are permitted on premise, persons entering the premise or that portion of the licensed premise shall be restricted to those individuals at least 18 years of age. This restriction shall not apply to parents, guardians, employees of the establishment, police officers, city officials or anyone else for business purpose authorized by the licensee to enter said premises.

3. No person shall be admitted to a licensed premise during the period of authorization if it is determined that that person has been drinking alcohol beverages or been using any other drugs not prescribed and taken in accordance with instructions from a licensed physician.

4. People attending events authorized under subsection A. must be provided with restroom facilities separate from those being used by individuals present on other portions of the licensed premise where alcohol beverages are being served, sold or consumed.

5. There shall be at least one chaperon of each sex present during authorized time periods. Chaperons shall be at least 21 years of age. Service personnel shall not qualify as chaperons.

6. A licensee shall not suffer or allow such underage person to loiter outside the licensed premises including public sidewalks or parking lots adjacent thereto.

7. All chaperons required by this ordinance shall be licensed bartenders or have obtained a certificate from the "Responsible Beverage Service Class."
8. The exterior of the premises shall be lighted so as to provide for the safety of patrons.
9. The separate room shall not contain any gambling paraphernalia or advertisement relating to alcohol or fermented malt beverage.
10. The Police Department may refuse to authorize underage presence on premises under subsection A. if the following has occurred:
  - a. The applicant has violated any provisions of this section.
  - b. The applicant has failed to comply with the information contained on a prior application.
  - c. Laws of the City of Stevens Point or the State of Wisconsin were violated during a previously authorized date of operation.
  - d. Events have taken place on a prior authorized date or dates which make the Police Department unable to further certify that the presence of underage persons on the licensed premise will not endanger health, welfare, or safety or that of other members of the community.

### (13) Operator's License

(a) **New Applications.** The City Clerk shall be the designated municipal official for issuance of operator's licenses under Wis. Stats § 125.17. **New applicants for an operator's license** shall be issued a provisional license by the City Clerk in accordance with Section 125.17(5), Wisconsin statutes, if all other conditions of Section 125.04(5) of the Statutes have been met, until the responsible beverage server training course requirements have been fulfilled, but not to exceed 60 days from date of issuance. The provisional and regular license fee is set forth in Section 12.00. Upon successful completion of the training course, a regular operator's license shall be issued by the city clerk at no additional cost, to expire on June 30th following issuance. Persons failing to complete such course within 60 days may apply for no more than one additional provisional license within the license year upon payment of another fee.

(b) **Renewal Applications.** Holders of regular operators licenses may apply for renewal. Renewal licenses shall expire on the second June 30th following issuance of such license. The renewal license fee is set forth in Section 12.00.

(c) Applicants for Operator's License (New or Renewal) shall truthfully answer all questions on the application form provided by the City Clerk and sign such. In the event the applicant fails to complete the form, or does not answer fully, the Clerk shall not issue the license. The applicant shall be notified of the omissions and may submit a new form after a waiting period of sixty days, and remit a new fee. If the applicant

does not meet all of the lawful qualifications for issuance of a license, the Clerk shall not issue the license and shall provide the applicant a written document indicating the reasons for such denial. An applicant may appeal such denial by filing a request in writing for a hearing before the Common Council. Such hearing and any further appeal from the decision rendered following such hearing shall be governed by Wis. Stats. § 125.12.

(14) Delinquent Taxes. Prior to issuance of any liquor license to any applicant, the clerk shall review the records of the city treasurer to determine whether all real estate, personal property, or other city taxes are paid in full. Any applicant who has taxes outstanding shall not be issued a license until the same have been paid in full.

(15) Manager's License. Pursuant to section 125.18(1) of the Wisconsin Statutes, there is created a "Manager's License," the purposes of which shall be to comply with sections 125.32(1) and 125.68(1) of the Wisconsin Statutes. It shall be unlawful for any person to perform the duties and tasks of a manager as outlined in said sections 125.32(1) and 125.68(1) without first having obtained such license. Completion of the responsible beverage server training course is required within 60 days of issuance of a manager's license. The exemptions from training requirement contained in Sec. 125.17(6), Wisconsin statutes, for operators licenses shall also apply to managers licenses. Failure to satisfy this condition will result in automatic revocation.

(a) Applicants for Manager's License shall truthfully answer all questions on the application form provided by the City Clerk and sign such. In the event the applicant fails to complete the form, or does not answer fully, the Clerk will not forward such application to the Common Council. The applicant shall be notified of the omissions and may submit a new form after a waiting period of sixty days, and remit a new fee.

(16) Temporary Operator's License. Pursuant to 125.17(4) of the Wisconsin statutes, there may be issued a temporary operator's license, providing that:

(a) The operator is donating the services to a non-profit organization.

(b) No person may hold more than one license of this kind per year.

(c) The license is valid for a period of not more than fourteen (14) days, and the period for which it is valid and the non-profit organization shall be stated on the license.

(d) The applicant must be of legal drinking age, and may not have an arrest or conviction record subject to Sec. 111.335, and may not be a "habitual law offender."

(e) Application must be made in writing.

There shall be no fee for a temporary operator's license.

(17) Temporary Wine License. "Class B" temporary wine licenses may be issued by the clerk pursuant to Wisconsin statutes 125.51(10) and upon approval of the common council.

(18) Applications Due. Applications for Class "B" picnic licenses must be made not less than fifteen (15) days prior to granting of the licenses. Applications for "Class B" temporary wine licenses must be made not less than fifteen (15) days prior to granting of the licenses. The city clerk shall have the authority to approve requests for picnic licenses for those events for which common council approval may not be obtained through the normal meeting schedule and for which the applying organization has obtained approval by the council for previous events. The Clerk shall notify the Council in the event that a license is issued pursuant to this subsection.

(19) Prohibiting live, totally nude, non-obscene, erotic dancing in establishments licensed to sell alcoholic beverages and creating an exception from such prohibition for theaters, civic centers, performing arts centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis.

It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

Expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, nor shall suffer or permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof; and

No licensee shall permit or any person to perform acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation or flagellation.
2. The touching, caressing or fondling on the breast, buttocks, anus or genitals.
3. The displaying of the pubic hair, anus, vulva or genitals. No licensee shall permit any person to show film, still pictures, electronic reproduction, or other visual reproductions depicting:
  1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
  2. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
  3. Scenes wherein a person displays the vulva or the anus or the genitals.

4. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any or the prohibited activities described above.

**PENALTY.** Any person violating subsection 12.14(19) shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day of violation shall constitute a separate offense. Failure or refusal to pay forfeiture shall result in imprisonment for a period of not more than twenty five (25) days for each offense. In lieu of or in addition to any forfeiture assessed, any person who violates any provision of section 12.14 and who holds any license or permit under section 12.14 may have such license or permit suspended or revoked.

**DEFINITIONS.** For purposes of this ordinance, the term "licensee" means any person licensed by the Common Council of the City of Stevens Point to sell alcoholic beverages pursuant to ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" license granted by the Common Council of the City of Stevens Point pursuant to ch. 125, Stats.

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

**SEVERABILITY.** If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

(20) Keg Registration.

(a) Definitions. For the purpose of this subsection the following definitions shall apply:

1. "Keg" means any container capable of holding four gallons or more of beer, which is designed to dispense fermented malt beverages (beer) directly from the container for purposes of consumption.

2. "Registration-seal" means any document, stamped declaration, seal, decal, sticker or device approved by the City Police Department, which is designed to be affixed to kegs, and which displays a registration number and such other information as may be prescribed by the City Police Department.

(b) Registration-Seal Requirement. No licensee of fermented malt beverages may sell fermented malt beverages in a keg without having registered the sale, on a form provided for by the City Police Department, and affixing a registration seal on the keg at the time of the sale.

(c) Registration - Declaration. The registration-declaration shall contain the following:

1. Require the purchaser of fermented malt beverages to sign a declaration and receipt for the keg or other container in substantially the form provided for in Paragraph (c)3. of this ordinance.

2. Require the purchaser to provide two pieces of identification; one must contain the purchaser's picture.

3. Require the purchaser to sign a statement on the declaration that:

a. The purchaser is of legal age to purchase, possess, or use fermented malt beverages.

b. The purchaser will not allow any person, contrary to state law under the age of twenty-one (21) years to consume the beverage.

c. The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under this ordinance to be affixed to the container.

4. Require the purchaser to provide their name and address.

5. Such other information as may be required by the City Police Department.

(d) Keg Return-Procedure to be followed by Licensee. When a registered keg is returned to the licensee, the registration seal shall be removed or obliterated and note of such action shall be made on the registration records of the licensee.

(e) Seizure or forfeiture of keg. If a person is in possession of a keg used for or containing beer in violation of this ordinance, then the keg and its contents shall be subject to seizure by the City of Stevens Point Police Department.

(f) Responsibility to Maintain Records. All licensees of fermented malt beverages shall maintain a complete and accurate record of all registration forms and other documentation of the sale of kegs at the place of business selling kegs for a period of not less than one (1) year. Such records regarding keg sales shall be open to inspection by the City Police Department at reasonable times.

(g) Administration of Keg Registration. The City Police Department, by its Chief of Police, or his or her designee, shall provide for the implementation of this ordinance, which is intended to prevent the misuse of alcohol consumption, as well as provide for orderly, compatible, livable neighborhoods.

(h) No person shall possess or control an unregistered keg within the City of Stevens Point except as otherwise provided here within.

Any person violating subsection 12.14(20) shall be subject to a forfeiture of not less than one hundred dollars (\$100) for the first offense, two hundred and fifty dollars (\$250) for the second offense, and five hundred dollars (\$500) for the third and subsequent offenses. And in the event that such payment is not made, imprisonment in the county jail for the term set by the court.

This ordinance shall not apply to any person or corporation who otherwise holds a fermented malt license for the distribution or sale of fermented malt products or for an activity which is held within a public park for which a license agreement has been entered into with the Parks Department.

(21) RESERVE "CLASS B" LICENSE ECONOMIC DEVELOPMENT REIMBURSEMENT GRANT

(a) The City of Stevens Point hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.

(b) Criteria for Receipt of Grant for Certain Reserve "Class B" Liquor Licensees

- (1) All requirements necessary for the granting of a "Class B" license under Wisconsin Statutes Ch. 125 and Chapter 12 of the Stevens Point Revised Municipal Code have been and continue to be met.
- (2) The applicant and all of the employees of the applicant have answered truthfully all questions in applications for any licenses to be used in conjunction with the business applying for the grant.
- (3) Grants shall be provided only to Applicants applying for and receiving new "Class B" licenses at new licensed premises, not persons applying for renewal licenses. Any requirements of an approved site plan approval have been completed.
- (4) The property must comply in all respects with any other requirements of the City of Stevens Point.

(c) Process for Application and Receipt of Grant

- (1) The Applicant shall submit to the City Clerk's Office a completed application for a Reserve "Class B" License Economic Development Reimbursement Gr. The form for such application shall be drafted and provided by the City Clerk, Comptroller/Treasurer and Community Development Director. The Applicant may submit such application prior to applying for a Reserve "Class B" license.
- (2) An application for a grant submitted under section (c)(1) shall be reviewed by the City Clerk, Comptroller/Treasurer, and Community Development



Director. Such review shall consider the interests of the public welfare identified under Section (a) above in addition to any other factors identified in the application.

- (3) After reviewing the application with the Applicant, the City Clerk, Comptroller/Treasurer, and Community Development Director shall forward a recommendation to the Common Council to either approve or deny the grant. The Council's approval or denial of any grant application shall be wholly discretionary.
  - (4) If the Common Council approves the grant, the Applicant must satisfy the following requirements in order to receive the grant funds:
    - (i) No sooner than three months and no later than one year after the licensed establishment has begun operating, the Applicant shall submit to the City Clerk a request for payment of the grant.
    - (ii) The request for payment shall include complete, legible copies of paid invoices or receipts evidencing or documenting improvements made to the licensed premises in an amount equal to or greater than the amount requested in the grant application.
    - (iii) The Applicant must provide documentation along with a signed statement from a certified public accountant or qualified financial professional that at least 51% of the sales are non-alcoholic.
    - (iv) The Applicant shall provide appropriate documentation that the licensed premises has been created and operated in a manner substantially matching what the Applicant described in its application for the grant under Section (C)(1).
    - (v)
  - (5) Upon receipt of the request for payment under Section (4), the City Clerk, Comptroller/Treasurer, and Community Development Director shall review the request for compliance with the provisions of Section (4).
  - (6) If the City Clerk, Comptroller/Treasurer and Community Development Director finds that the provisions of Section (4) have been met, the grant funds shall be issued to the Applicant. The grant shall be reimbursement for improvements to the real property and structures constituting the licensed premises, and shall exclude reimbursement for personal property, signage, and other items not incorporated into the structure or real estate. The reimbursement shall be 50% of the amount spent on eligible improvements, not to exceed a total grant amount of nine thousand five hundred dollars (\$9,500).
- (d) If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof, or as

they may hereafter be amended, then in such case, the state statute shall supersede the provisions hereof, to the extent applicable.

- (e) If any provision of this ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the ordinance and the remainder of this ordinance shall continue in full force and effect.

#### 12.15 [Repealed]

#### 12.16 MOBILE HOMES & MOBILE HOME PARKS.

(1) State Statutes Adopted. The provisions of section 66.0435 of the Wisconsin statutes and the definitions therein are hereby adopted by reference.

(2) Parking Permit Fee. There is hereby imposed on each occupied non-exempt mobile home located in the city a monthly parking fee as determined in accordance with section 66.0435 of the Wisconsin statutes. Said fees shall be paid to the city treasurer on or before the tenth day of the month following the month for which such fees are due.

(3) Park License Required. It is unlawful for any person to establish or operate, upon property owned or controlled by the owner within the city, a mobile home park without having first secured a license therefor from the city clerk. The application for such license shall be accompanied by a fee of two dollars for each space in the existing or proposed park but not less than twenty-five dollars.

(4) Reports Required.

(a) Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the city clerk and city assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the clerk in accordance with section 66.0435 of the Wisconsin statutes.

(b) It shall be the full and complete responsibility of the licensee of a mobile home park to collect all fees from owners of non-exempt, occupied mobile homes and remit such fees to the city treasurer.

(c) Any licensee failing to comply with the reporting requirement of section 66.0435 (3)(c) or (e) shall be subject to a forfeiture of \$25.00 for each failure to report.

#### 12.17 PAWNBROKERS AND SECONDHAND SHOPS.

(1) PURPOSE.

a. The City Council finds that the services offered by pawnshops and secondhand shops provide an opportunity for individuals to readily transfer

stolen property to those businesses. The Council also finds that consumer protection regulation is warranted in transactions involving these businesses. The Council further finds that pawnshops have outgrown the city's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this ordinance is to prevent pawnshops and secondhand shops from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of the citizens, and pursuant to the authority granted by section 134.71, Wis. Statutes.

b. This ordinance implements and establishes the required use of the Leads Online system to help the Police Department better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops and secondhand shops, and to increase identification of criminal activities in pawnshops and secondhand shops through the timely collection and sharing of transaction information.

## (2) DEFINITIONS.

a. "Article" means any items of value.

b. "Charitable organization" means a corporation, trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

c. "Secondhand shop" means businesses that engage in the buying and selling of coins, other collectable currency, jewelry, digital media articles, and/or consumer electronics that have been previously used, rented, or leased.

e. "Customer" means a person with whom a pawnbroker or secondhand shop, or an agent thereof, engages in a transaction of purchase, sale, receipt or exchange of any secondhand article.

f. "Digital Media Article" means any video game, digital video disc, Blue Ray disc, compact disc, or other audio or video recording.

g. "Pawnbroker" means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, or a convention.

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

2. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.

3. Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:

a. The return of the article

b. The exchange of the article for a different, new article.

4. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

h. "Reportable transaction" means every transaction conducted by a pawnbroker or secondhand shop in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, except:

1. The bulk purchase or consignment of new or used articles from a retailer, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker or secondhand shop 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 pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

3. Transactions at secondhand shops where the customer transfers articles to the secondhand shop for in-store credit only.

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

(3) INSPECTION OF ITEMS. At all times during the term of the license, the pawnbroker or secondhand shop must allow the Police Department 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, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

(4) LICENSE. No person may operate as a pawnbroker in the city of Stevens Point unless the person first obtains a pawnbroker license under this chapter.(5) DISPLAY OF LICENSE. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

(6) LICENSE APPLICATION. A person wishing to operate as a pawnbroker 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. 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 names and addresses of all officers and directors.

2. If the applicant is a partnership, the names and addresses of all partners.

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

4. The name of the manager or proprietor of the business.

5. Any other information that the clerk may reasonably require.

d. A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager or proprietor has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place and offense of all such convictions.

e. Whether the applicant or any other person listed in subsection **d.** 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.

f. Whether the applicant or any other person listed in subsection **d.** above has previously been denied or had revoked or suspended a pawnbroker license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

(7) INVESTIGATION OF LICENSE APPLICANT. The Police Department shall investigate each applicant and any other person listed in subsection C above for a pawnbroker license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager or proprietor.

(8) LICENSE ISSUANCE.

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

1. The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335 of the Wisconsin Statutes.

2. The applicant provides to the city clerk a bond of \$2,500 with not less than two sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.

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

c. Each license is valid from January 1 until the following December 31.

#### (9) REQUIREMENTS FOR TRANSACTIONS.

a. Identification. No pawnbroker or secondhand shop may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker or secondhand shop shall require the customer to present one of the following types of identification:

1. Current, valid Wisconsin's driver's license;

2. Current, valid Wisconsin identification card;

3. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

b. Transactions with minors.

1. Except as provided in subsection **b, 2.**, no pawnbroker or secondhand shop may engage in a transaction of purchase, receipt or exchange of any second hand article from any minor, defined as a person under the age of 18 years.

2. A pawnbroker or secondhand shop may engage in a transaction described under subsection **b, 1**, 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.

c. Records required. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker or secondhand shop 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 pawnbroker or secondhand shop, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker's records.
5. Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race, color of eyes, and color of hair.
6. The identification number and state of issue from any of the following forms of identification of the seller:
  - a. Current, valid Wisconsin Driver's license;
  - b. Current, valid Wisconsin identification card;
  - c. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.
7. The signature of the person identified in the transaction. Renewals, extensions, and redemptions. The pawnbroker or secondhand shop shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extension, and redemptions.
8. Record retention. Data entries shall be retained for at least 1 year from the date of transaction and may not be removed from the Leads Online system by a pawnbroker or secondhand shop.
9. For every secondhand article purchased, received, or exchanged by a pawnbroker or secondhand shop from a customer off the pawnbroker's premises, or consigned to the pawnbroker or secondhand shop for sale on their premises, the pawnbroker or secondhand shop shall keep a written inventory. In this inventory the pawnbroker or secondhand shop shall record the name and address of each customer, the date, time and place of the transaction, and a detailed description of the article that is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state he or she owns the secondhand article. The pawnbroker or secondhand shop shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt, or exchange of any secondhand article for

not less than one year after the date of the transaction, except as provided in subsection **e.**, and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

d. Holding Period

1. Except as provided in subsection **d. 3**, any secondhand article purchased or received by a pawnbroker shall be kept on the premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article redeems it.

2. During the period set forth in subsection **d. 1.**, the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker shall permit any law enforcement officer to inspect the secondhand article during this period. Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker shall make available for inspection any secondhand article which is kept off the premises for safekeeping.

3. Subsections **d, 1** and **2**. Do not apply to a secondhand article consigned to a pawnbroker or any items consigned to or sold to a secondhand shop

e. Redemption period. Any person pledging, pawning or depositing any item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60 day holding period, items may not be removed from the licensed location. Pawnbrokers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, 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 the approval of the Police Department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with subsection **c. 9**.

f. Police order to hold property.

1. Investigative hold. Whenever a law enforcement officer from any agency notifies a pawnbroker or secondhand shop 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 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to subsection 2, whichever comes first.

a. Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the police department may physically confiscate and remove it from the shop, pursuant to a written order from the police department.



b. When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker or secondhand shop, and shall provide the pawnbroker or secondhand shop with the name and phone number of the confiscating officer and the case number related to the confiscation.

c. When an order to confiscate is no longer necessary, the police department shall so notify the pawnbroker or secondhand shop.

g. Daily reports to police.

1. Pawnbrokers and secondhand shops must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers and secondhand shops must provide to the police department all information required in subsection c and other required information, by uploading it from their computer to [leadsonline.com](http://leadsonline.com). All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the business and the police department. Pawnbrokers and secondhand shops must display a sign of sufficient size in a conspicuous place on the premises which informs all patrons that all transactions are reported daily to the department and Leads Online.

2. If a pawnbroker or secondhand shop fails to upload the required reports to [leadsonline.com](http://leadsonline.com) on the same day the transactions occur, it shall be charged a daily reporting failure fee of \$25.00 per day until the reports are properly uploaded.4. The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

h. Exception for customer return or exchange. Nothing in this section applies to the return or exchange from a customer to a pawnbroker or secondhand shop of any secondhand article purchased from that establishment.

(10) RECEIPT REQUIRED. Every pawnbroker and secondhand shop must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for 3 years. 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 pawnbroker or secondhand shop.

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 employee that conducted the transaction.
- f. The amount advanced or paid.
  
- i. The monthly and annual interest rates, including all pawn fees and charges.
  
- j. 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, residence address, residence telephone number, and date of birth of the pledger or seller.
  
  - j. The identification number and state of issue from any of the following forms of identification of the seller;
    - 1. Current, valid Wisconsin Driver's License
    - 2. Current, valid Wisconsin identification card.
    - 3. Current, valid photo driver's license or identification card issued by another state or province of Canada.
  
  - k. Description of the pledger or seller, including approximate age, height, weight, race, color of eyes, and color of hair.
  
  - l. The signature of the pledger.

(11) LABEL REQUIRED. Pawnbrokers and secondhand shops must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the 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 items 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 shall not be reused.

#### (12) PROHIBITED ACTS

- a. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, nor may any pawnbroker receive any goods from a person under the age of 18 years, except as permitted by section 12.17(9)(b)1.
  
- b. No pawnbroker or secondhand shop may receive any goods from a person of unsound mind or an intoxicated person. No pawnbroker or secondhand shop may receive any goods through a reportable transaction unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.

c. No pawnbroker or secondhand shop may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.

d. No person may pawn, pledge, sell, consign, leave or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker.

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

(13) LICENSE DENIAL, SUSPENSION, OR REVOCATION

a. The city council 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 Sec. 12.17 of the Revised Municipal Code and sections 134.71, 943.34, 948.62 or 948.63, Wis. Statutes, or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

(14) FEES.

a. The license fee under this chapter shall be as contained in the City of Stevens Point Fees and Licenses Schedule.

(15) PENALTY. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than \$5 or more than \$500, and in default of such payment, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day of violation shall constitute a separate offense.

(16) SEVERABILITY. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

12.18 FOOD VENDING CARTS ON CITY PROPERTY.

(1) Definitions. In this chapter:

(a) Portage County Environmental Health Supervisor - the person designated by the County of Portage as the Restaurant inspector. (b) "Food" means all articles used for food, drink or condiment including ice or water used by humans whether simple, mixed, or compound and articles used or intended for use as ingredients in the composition or preparation thereof.

(c) "Food peddler" means any person who sells food in the city from a pushed, pedaled, pulled or motorized vehicle or from a carried container.

(d) "Person" means any individual, firm or corporation.

(2) Permit Required.

(a) Parked two hours or less. No person shall engage in the sale of any food from any vehicle on public streets, except streets adjacent to any public park land or streets lying within a public park, without first receiving from the City Clerk a permit to do so; provided further that any person engaged in the sale of any food from a vehicle shall not remain in any location adjacent to any one block area, which block contains non-residential occupancy or use, more than two hours on any one day, except as provided in sub. 2(b). This section, and the permits issued thereunder, shall not permit any person to sell food from a temporary or permanent structure or a vehicle other than a vehicle selling food on public streets or contrary to any other ordinance of the city.

(b) Special Permit, Over One Hour. Whenever any street or portion thereof has been closed to traffic by common council resolution in connection with any civic event, the City Clerk may, upon receipt of the required fee, issue a permit to any person holding a permit for the sale of food from a vehicle further permitting such person to park on such closed streets longer than the one hour limit provided in sub.2(a). The permit shall specify the dates for which issued and the fee required in

Section 12 shall be charged for each such date. No such permit shall be issued without the approval of the City Clerk, unless the Common Council by resolution shall so direct.

(c) Location of Vehicle: Penalty. The number of vehicles at any given event, in any given block, and the spacing of such vehicles, as well as the number of blocks within the closed traffic section allocated for such vehicles, shall be determined by the Police Department.

(d) Exceptions. The Common Council may, by resolution, designate specific exceptions as to locations, dates and/or individual events, to the provisions of this ordinance.

(3) Permit Not Required. A person selling only bottled or canned water or bottled or canned soda and no other food items is not required to have a permit issued under this section but must comply with all other requirements of this section.

(4) Sales from Median or Safety Island Prohibited. No food peddler shall sell or offer for sale any food while the person is on any roadway median or safety island, except when the roadway has been closed to traffic under sub.(2)(b) and the peddler is otherwise in compliance with this section.

(5) Permit Categories.

(a) Pushed, Pedaled, or Pulled Vehicles. A food peddler permit shall be issued by the City Clerk upon the payment of the fee required for each approved pushed, pedaled, or pulled vehicle which does not have a mechanical engine to propel it.

(b) Motorized Vehicle. The food peddler permit fee required shall be charged for each approved motorized vehicle.

(c) Carried Containers. The food peddler permit fee required shall be charged for each person who carried food on foot for retail sale.

(6) Company Name. Each side of the vehicle or cart shall display the name of the person to whom the permit is issued, and local telephone number in lettering not less than 4 inches high.

(7) Application. Each person requiring a permit shall make written application therefor to the City Clerk on blanks provided therefor.

(8) Permit Suspension and Revocation.

(a) Any permit issued in accordance with this section is subject to summary revocation by the Portage County Environmental Health Supervisor or any of the Health Supervisor's authorized agents at any time that the holder thereof is guilty of a violation of any of the provisions of this code or state laws governing the sale or handling of food. Any person to whom such an order is issued shall immediately comply therewith, but upon written petition to the City Clerk shall be afforded a hearing before the Public Policy and General Government Committee within 15 working days of such petition.

(b) Whenever the Portage County Environmental Health Supervisor finds unsanitary or other conditions related to the operation of a food peddler which are in violation of this section, rules and regulations adopted by the Portage County Environmental Health Supervisor, state statutes or rules promulgated by an agency of the state, and the violations, in the Portage County Environmental Health Supervisor's opinion, constitute a substantial hazard to the public health, safety and welfare, the Portage County Environmental Health Supervisor without warning, notice or hearing, issue a written order to the permit holder, operator or employee in charge of the food peddler operation citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If the Portage County Environmental Health Supervisor deems it necessary, the order shall state that the permit is immediately suspended and all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall immediately comply therewith, but upon written petition to the Portage County Environmental Health Supervisor, shall be afforded a hearing before the Public Policy and General Government Committee within 15 working days of such petition. Failure to allow an inspector immediate access to determine whether such grounds exist shall be grounds for suspension.

(c) For serious or repeated violations of any of the requirements of this section, or for interference with the Portage County Environmental Health Supervisor in the

performance of his or her duties, a permit may be revoked after an opportunity for a hearing has been provided by the Public Policy and General Government Committee. Prior to such action, the Portage County Environmental Health Supervisor shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be revoked at the end of 5 working days following service of such notice, unless the permit holder files with the Portage County Environmental Health Supervisor a request for a hearing within such 5-day period.

(d) The hearings provided for in this section shall be conducted by the Public Policy and General Government Committee at a time and place designated by the City Clerk. Based upon the record of such hearing, the City Clerk shall be charged with enforcing the decision of the Committee. The City Clerk shall furnish the permit holder with a written report of the hearing decision.

(e) No person, association or corporation may operate after a permit suspension or revocation unless the suspension is released in writing or the revocation is not upheld by the Public Policy and General Government Committee or court.

(9) Permits and Identifying Devices Not Transferable. Permits and permit identifying devices shall be nontransferable except upon order of the City Clerk. Any food peddler selling, giving away or exchanging any permit or permit identifying device, or any food peddler obtaining a permit by misrepresentation, or improperly registering their name or address shall be subject to the fines provided for in sub.(15).

(10) Prohibited and Required Acts.

(a) A food peddler shall not:

1. Sell food between the hours of 11:00 P.M. and 6:00 A.M. the following morning. This prohibition shall not apply during any other specific hours specified by the Common Council by resolution.

2. Block or restrict an individual's access to a business or residential doorway.

3. Block or restrict pedestrians on the public way.

4. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, profane, filthy or indecent.

5. Sell food door-to-door, except for non-profit organizations, as defined under Section 12.25 Direct Sellers/Transient Merchants.

(b) A food peddler shall:

1. Make all sales on the public way directly from a pushed, pedaled, pulled, or motorized vehicle or a carried container.

2. Keep all perishable foods in one of the following ways:

a. Frozen.

b. Refrigerated at 40 degrees F or lower by means of mechanical refrigeration.

c. Heated and maintained at 150 degrees F.

3. Provide a scale for items that are sold by weight and weighed at the time of sale.

(c) Comply with all parking regulations.

(11) Sale of Unwholesome Food Prohibited. No food peddler shall sell any food or food product that is unwholesome or tainted, or that is unclean, or that has been handled in an unclean manner, or has been exposed to unclean or contaminating things or conditions, or contrary to any rules and regulations adopted by the State of Wisconsin or Portage County.

(12) Sale of Soda Water. Soda water shall be sold in single serving cups, aluminum cans, or plastic bottles only.

(13) Rules and Regulations. The Portage County Environmental Health Supervisor is authorized to make and adopt the written rules and regulations as may be necessary for the proper enforcement of this section. The Portage County Environmental Health Supervisor shall file a certified copy of all rules and regulations which he may adopt with the City Clerk. Such rules and regulations shall have the same force and effect as the provisions of this section, and the penalty for violations thereof shall be the same as the penalty for violations of this section as hereinafter provided.

(14) Peddlers are Agents of Permit Holders. Whenever a business, organization or individual holds a food peddler's permit and individual peddlers make sales under the authority of that permit, each such individual peddler is an agent of that business, organization or individual for purposes of those sales. Any violation of this section by an agent shall be imputed to the business, organization or person that holds the food peddler's permit under which the agent's sales are made.

(15) Penalties.

(a) A person who violates any provision of this ordinance shall be subject at the discretion of the court, to any or all of the following penalties:

1. A forfeiture of not less than \$20 nor more than \$200 for each violation.

2. A suspension of the food peddler's license for not less than 10 days nor more than 30 days, or a revocation of the food peddler's license for the remainder of its term.

## 12.19 PHOTOGRAPHER (TRANSIENT).

(1) Definition. A transient photographer, within the meaning of this section, is defined as one who engages in the taking and sale of photographs of all kinds within the city on a temporary basis, and who does not become a permanent photographer within the city.

(a) Store affiliated. A photographer scheduled on a regular basis four or more times per year by a locally established store shall be known as store affiliated, providing the following conditions are met:

1. The store shall annually provide the City of Stevens Point with a schedule of dates for the subsequent six months or one year period.

2. The store shall assume all liability with respect to the taking and sale of photographs, and shall give written certification to the city clerk of same.

3. The store shall maintain a log showing the name and home address of the photographer.

(b) Non-affiliated. A photographer who is not scheduled by a locally established store, or one who is providing the service only for an occasional promotion of the local store less than four times per year.

(2) License Required. No person shall engage in the business or occupation of a transient photographer without first having made application and having obtained a license for same. Such license may be issued on an annual or semi-annual basis in the case of a store-affiliated photographer, providing the schedule of dates has been included with the application.

## 12.20 SIDEWALK AND CEMENT CONSTRUCTION.

(1) License Required. No person, firm or corporation shall engage in the business of making or laying sidewalks without first having obtained a license from the City of Stevens Point, with the exception of the property owner who desires to lay his own sidewalk.

(3) Bond and Liability Insurance. Every licensee or any property owner desiring to lay his own sidewalk shall file a bond in the sum of \$3,000, executed as surety by some reputable and satisfactory surety company, conditioned for the payment of all penalties and damages which the licensee or the owner may incur respecting the business for which the license is issued, and further conditioned that the licensee or owner will build, lay, and construct all sidewalks for which a permit is granted according to the requirements of the city. The bond shall further be conditioned that the owner or licensee shall be held responsible for all violations of city ordinances regarding construction of streets, alleys, or sidewalks, the tearing up of same, the accumulation of materials, and the repair or



payment of damages which may be caused by such work. Such bond shall be renewed annually on or before the first day of May.

In addition to the bond, every licensee shall maintain such insurance as to provide protection from any claims for damages and personal injury, including death, which may arise from the sidewalk installation. A certificate for such insurance shall be filed with the city clerk with minimal allowable coverage as follows:

Property Damage (each accident)	\$100,000
Public Liability/Bodily Injury	
Each Person	\$100,000
Each Accident	\$300,000

(3) Revocation of License. Any license granted for the purpose of building, laying, and constructing of any sidewalk may be revoked upon inspection and disapproval of such sidewalk construction.

12.21 SNOW REMOVAL OPERATOR.

(1) License Required. No person, firm, or corporation, except municipal corporations, shall have or keep or use for hire snow plows or any other mechanical, motor-driven snow removal equipment in the city without having made application and having obtained a license from the city.

(2) Additional Requirement. Such license shall be issued upon condition that the applicant shall file with the City Clerk a certificate of insurance issued by a reliable insurance company, under the laws of the State of Wisconsin, with the minimum bodily injury limits of \$100,000 for one person and \$250,000 for one accident, and minimum property damage liability limits of \$25,000 for one accident to insure the payment of all sums imposed upon the insured by law for damages caused by accident and arising out of the ownership, maintenance, or use of the snow plow or other mechanical, motor-driven snow removal equipment.

(3) Prior to issuance of license, the Clerk shall receive a written statement, prepared by the Clerk, and executed by the license holder that the snow plowing and removal equipment is in good working order.

12.22 TAXICAB FIRMS

(1) License Required. It shall be unlawful to engage in the business of operating a taxicab or limousine in the city without first having secured a license therefore. Applications for such licenses shall be made in writing to the clerk, and shall state thereon the name of the applicant, the intended place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given. Taxicab licenses are non-transferable between owners and must be surrendered to the City whenever the business

experiences a change of ownership.

- (4) Definition. The term "taxicab" as used in this ordinance shall mean and include any vehicle used to carry passengers for hire, originating in the city of Stevens Point, but not operating on a fixed route; excluding all non-profit and government agencies that may operate vehicles for parallel purposes.

(3) Character of Applicant. No such license shall be issued to or held by any person who has been convicted of a felony, or who is addicted to the use of alcohol or a controlled substance; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.

(4) Fee. An annual fee shall be established for such business and for each vehicle, payable in advance. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the clerk of such change and shall pay the additional fee. Such fee may be transferred to any taxicab put into service to replace one withdrawn from service.

The licensee shall notify the clerk of the vehicle identification number and state license number of each cab operated.

(5) Vehicles. No vehicle shall be operated unless it bears a state license duly issued; and no such vehicle shall be operated unless it conforms to chapter 347 of the Wisconsin statutes as amended. The business owner shall provide to the City Clerk a current (no more than 30 days old) certificate of inspection and compliance with all applicable sections of chapter 347 of the Wisconsin statutes as amended. The certificate must be completed by a state certified or reputable local garage or service station for every vehicle for hire operated by the licensed business. This certification must be presented before the Clerk issues the license for that vehicle. The inspection process must be completed annually, and re-submitted to the City Clerk annually before each year's license can be renewed.

Vehicles shall be marked with the owner/trade name, identifying the vehicle as taxi service or other appropriate description. Further, a card containing the name of the owner, taxi license number and vehicle number, shall be placed, and at all times kept in plain view, within the vehicle. Also displayed shall be a picture ID listing the driver's name, address, date of birth, and Wisconsin Drivers License number.

(6) Drivers. It shall be the duty of the licensee to assure that no person shall drive a taxicab, or be hired or permitted to do so, unless he/she is duly licensed by law to carry passengers for hire. It shall be the duty of the licensee to ensure that any driver who works (drives) for 10 or more hours within any 15 hour consecutive period takes a mandatory 8 consecutive hour break.

It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor or use any controlled substances which would cause impairment of the operator.

(7) Insurance/bond. Such license shall be issued only upon the filing of an indemnity bond issued by a reliable surety company with a minimum bodily injury limit of \$250,000.00 for one person and \$1,000,000.00 for one accident, and with the minimum property damage liability limit of \$100,000.00 for one accident to ensure payment of all sums imposed upon the insured by law for damages caused by accident and arising out of the ownership, maintenance or use of the vehicle.

Any licensed firm with 1 or more employees must maintain workman compensation insurance per the terms of the Wisconsin Statutes.

(8) Passengers. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person conducts himself/herself in an orderly manner.

(9) Persons who have complaints about a Stevens Point licensed taxi or limousine service may bring their complaint to the Stevens Point Police Department for review.

#### 12.23 TAXICAB DRIVER.

(1) License Required. Every driver of any automobile, coach, or taxicab used for hire for transportation of persons within the city shall make application for and obtain a license. Application shall be made at the police department, with the following stipulations:

(a) License shall be granted to any person under the age of 21 years, nor to any person who has been convicted by a court of competent jurisdiction of any offense involving moral turpitude or for driving a motor vehicle as a conveyance of persons or baggage for hire while under the influence of intoxicating liquor while said conviction remains of record and is not reversed; provided, however, that the Public Policy and General Government Committee of the common council may grant a permit to such convicted person after five years following the completion of any sentence or the payment of any fine imposed as a result of said conviction, or after the granting of any complete pardon and restoration of civil rights, if, after an investigation, it shall be established that said convicted person has, since said conviction, led an exemplary life except that any person convicted of a violation of chapter 944 of the Wisconsin statutes, or murder as defined in chapter 940 of the Wisconsin statutes, in which case no license shall be issued.

(2) License Revocation. Any taxicab driver license issued herein may be revoked by the Public Policy and General Government Committee for any one or more of the following causes: When said operator has been convicted by a court of competent jurisdiction of an offense involving moral turpitude, or reckless driving, or for driving while under the influence of intoxicating liquor as defined in the Revised Municipal Code, when such sentence remains of record and unreversed.

## 12.24 THEATERS

(1) License Required. No person, firm, or corporation shall operate a motion picture theater without first having applied for and obtained an annual license.

(2) Inspection Required. No such license shall be issued until the electrical wiring, lighting, seating, egress, and construction of the building have been determined by inspection to conform to Wisconsin statutes and city ordinances.

## 12.25 DIRECT SELLERS/TRANSIENT MERCHANTS

(1) Registration required. It shall be unlawful for any direct seller to engage in direct sales within the city of Stevens Point without being registered for that purpose as provided herein.

(2) Definitions. In this ordinance:

(a) "Transient merchant" means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this 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 year prior to the consideration of the application of this ordinance to said merchant 1) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or 2) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from 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 clerk.

(3) Exemptions. The following shall be exempt from all provisions of this ordinance:

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

- (b) Any person selling merchandise at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which the person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (h) 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;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under sec. 440.41, Wisconsin statutes. Any charitable organization engaging in the sale of merchandise and not registered under sec. 440.41, Wisconsin statutes, or which is exempt from that statute's registration requirements, shall be required to register under this ordinance;
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk, proof that such person has leased for at least one 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 year prior to the date complaint was made.
- (k) Any individual licensed by an examining board as defined in sec. 15.01(7), Wisconsin statutes;
- (l) This ordinance does not apply to authorized transient merchants while doing business at special events authorized by the City of Stevens Point Common Council.

(4) Registration.

- (a) Applicants for registration must complete and return to the clerk a registration form furnished by the clerk which shall require the following information:
  1. name, permanent address and telephone number, and temporary address, if any;
  2. age, height, weight, color of hair and eyes;
  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 goods 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/her business;
8. most recent cities, villages, towns (three) where applicant conducted his/her business;
9. place where applicant can be contacted for at least seven 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 years, and the nature of the offense and the place of conviction.

(b) Applicants shall present to the clerk for examination:

1. a driver's license or some other proof of identity as may be reasonably required;
2. a state certificate of examination and approval from the sealer of weights and measures where 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; free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, a fee of \$50.00 shall be paid to the clerk to cover the cost of processing said registration, a \$10.00 fee for police background check per applicant and a charge of \$1.00 per badge per applicant.

The applicant shall sign a statement appointing the clerk his/her 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. Upon payment of said fee and the signing of said statement, the clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec. 5(b) below.

(5) Investigation.

(a) Upon receipt of each application, the clerk may refer it immediately to the chief of police who may make and complete an investigation of the statements made in such application within 72 hours.

(b) The clerk 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 most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of section 4 above.

(6) Appeal. Any person refused or denied registration may appeal to the common council by filing a written statement therewith within 14 days after date registration was refused setting forth the grounds for appeal. The common council shall notify the applicant, at least 48 hours prior to the hearing date, of the time and place set for the hearing, such notice to be sent to the address given by the applicant in his statement of appeal or served personally on appellant.

(7) Regulation of Direct Sellers.

(a) Prohibited Practices.

1. A transient merchant shall be prohibited from calling at any dwelling or other place between the hours of 8:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; and remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise 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 shall specifically disclose what portion of the sale price of the merchandise 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 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 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 foot radius of the source.

5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of merchandise or services he/she offers to sell. In addition, such transient merchant shall have a label or other insignia clearly indicating his/her name and the name of the organization, and shall be provided by the city clerk for cost of

the badge. Such badge is not required if the transient merchant is wearing the uniform of a known organization.

2. If any sale of goods is made by a transient merchant, or any offer for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in sec. 423.203, Wisconsin statutes; the seller shall give the buyer two copies of a typed or printed notice of that fact; such notice shall conform to the requirements of Sec. 423.203(1)(a), (b) and (c), (2) and (3), Wisconsin statutes.

3. If the transient merchant 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.

(8) Records. The chief of police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.

(9) Revocation of Registration.

(a) Registration may be revoked by the common council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this ordinance, or was convicted of any crime, or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally or pursuant to sec. 4(c) above on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(10) Penalty. Any person convicted of violating any provision of this ordinance shall be fined not less than ten dollars nor more than one thousand dollars for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

(11) Severance Clause. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

12.26 [Repealed 06-23-97]

12.27 PENALTIES. Whenever the doing of any act or the omission to do any act constitutes a breach of any section of the provisions of this chapter, and there shall be no forfeiture or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than \$25 nor more than \$500 for each offense and in lieu of payment thereof imprisoned for a period not to exceed six (6) months. A separate offense or breach shall be deemed committed on each day during or on which a violation occurs or continues.