



Legislation Details (With Text)

File #: 131559 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/4/2014 **In control:** COMMON COUNCIL
On agenda: **Final action:** 5/13/2014
Effective date:

Title: A substitute ordinance relating to standardization of licensing procedures.

Sponsors: THE CHAIR

Indexes: LICENSES

Attachments: 1. Mayors Veto Letter, 2. Fiscal Impact of CCFN 131559, 3. Fiscal Note, 4. Letter - Budget & Management Director, 5. Hearing Notice List, 6. Notice Published on 5-30-14

Date	Ver.	Action By	Action	Result	Tally
2/4/2014	0	COMMON COUNCIL	ASSIGNED TO		
4/4/2014	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
4/4/2014	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
4/8/2014	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:1
4/22/2014	1	COMMON COUNCIL	PASSED	Pass	13:1
5/1/2014	1	MAYOR	VETOED		
5/13/2014	1	COMMON COUNCIL	VETO OVERRIDDEN	Pass	11:4
5/13/2014	1	CITY CLERK	Sponsor removed		

131559
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to standardization of licensing procedures.

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This ordinance:

1. Transfers responsibility for issuance of various licenses and permits to the city clerk's office from other city departments (primarily the health department).
2. Moves fees for various licenses and permits from the health-related fees chapter of the code to the general fees chapter of the code.
3. Provides that various licenses and permits shall be valid for one or 2 years from the date of issuance, rather than for a period of time specified in the code (e.g., July 1 to June 30).
4. Increases, or changes methods of calculating, fees for various permits and licenses, including: bed and breakfast establishment permits; campground and camping resorts; filling station licenses; food dealer licenses; temporary food dealer licenses; self-service laundry registration certificates; massage establishments licenses; various weighing and measuring device licenses; festival permits. It also creates various new fees relating to food operation plan review and site evaluation.
5. Creates consistent, uniform language describing the administrative procedures for various licenses and permits issued by the city clerk. This includes, whenever possible, cross-references to the general licensing procedures chapter of the code. The standardized language is in the areas of application forms/content, plans of operation, changes to be reported, fees, age qualification for licensure, disqualification for licensure, fingerprinting and investigation requirements, the treatment of objections, license issuance, fees, posting of licenses, transfer, renewal, suspension or revocation of licenses, and emergency suspensions.
6. Provides that a licensee or permit holder may request a change to the expiration date of an existing license or permit processed by the city clerk's office for the purpose of aligning the license or permit period with the license or permit period of any other license or permit issued to the licensee or permit holder. The request shall be accompanied by a prorated fee in an amount determined by dividing the required fee by 12 or 24, depending on the license or permit period of the license or permit type, and multiplying the quotient by the number of months by which the license or permit period is being changed. A request to align license or permit expiration dates shall apply to all licenses and permits held by the requester and administered by the city clerk's office for which adjustment of expiration dates is allowed.
7. Eliminates festival permits and requires festival operators to obtain temporary public entertainment premises permits.

Whereas, It is the purpose of the common council to ensure uniformity and clarity in the procedures under which certain licenses and permits are issued by the city including standardized language in the areas of application forms, content, plan of operation, changes to be reported, fees, age qualification for licensure, disqualification for licensure, fingerprinting and investigation requirements, the treatment of objections, license issuance, fees, posting of licenses, transfer, removal, suspension or revocation of license, and emergency suspensions; and

Whereas, Standardizing licensing procedures will promote administrative efficiencies resulting in fiscal savings and the more timely processing of license and permit applications and review; and

Whereas, This ordinance transfers administrative responsibility for issuance of various licenses and permits to the city clerk's office from other city departments (primarily the Health Department and the Department of Neighborhood Services), with each department retaining its technical expertise and responsibilities under state law by statute, rule or memorandum of understanding; and

Whereas, Uniform licensing procedures are consistent with the city's exercise of police powers under s. 62.11 (5), Wis. Stats., ch. 4, City Charter, and otherwise, to promote public health, safety and welfare, to promote orderly commerce, to reduce and prevent public and private nuisances and to ensure neighborhood notice and involvement in the licensing process in order to avoid the adverse community effects that licensed premises open to the public may facilitate; and

Whereas, Public and private nuisances and adverse community effects that licensed premises may bring upon city neighborhoods include, but are not limited to, disorderly patrons, unreasonable noise and litter, excessive traffic and parking problems, loitering and cover for marketplaces for illegal products and activities such as controlled substances, prostitution and stolen goods; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-13 of the code is renumbered 81-9.5.

Part 2. Section 60-15 of the code is renumbered 81-16.

Part 3. Section 60-20 of the code is renumbered 81-51.6.

Part 4. Section 60-21 of the code is renumbered 81-55.

Part 5. Section 60-23 of the code is renumbered 81-56.

Part 6. Section 60-25 of the code is repealed.

Part 7. Section 60-27 of the code is repealed.

Part 8. Section 60-29 of the code is renumbered 81-56.3.

Part 9. Section 60-48 of the code is renumbered 81-60.7.

Part 10. Section 60-53 of the code is renumbered 81-67.

Part 11. Section 60-58 of the code is renumbered 81-74.

Part 12. Section 60-71 of the code is repealed.

Part 13. Section 60-72 of the code is repealed.

Part 14. Section 60-81 of the code is renumbered 81-119.

Part 15. Section 60-83.5 of the code is renumbered 81-121.

Part 16. Section 60-84 of the code is renumbered 81-133.5.

Part 17. Section 60-91 of the code is renumbered 81-135.

Part 18. Section 64-1 of the code is amended to read:

64-1. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. DHS 178, Wis. Adm. Code, as amended. >>The city also adopts ch. 254, Wis. Stats.<<

Part 19. Section 75-1-2 of the code is repealed and recreated to read:

75-1. Self-Service Laundries; Hours.

2. REGISTRATION REQUIRED. a. It shall be unlawful for any person to establish, maintain or operate a self-service laundry at a specific location in the city without a current and valid registration issued by the city clerk .
b. The person establishing, maintaining or operating a self-service laundry shall pay a registration certificate fee specified in s. 81-67. An additional weighing and measuring license fee specified in s. 81-135 shall be paid for each timing device used to establish self-laundry charges.

Part 20. Section 75-1-3 to 9 of the code is repealed and recreated to read:

- 3. EXEMPTION.** This section shall not apply to a self-service laundry in a residential building if the facilities of the laundry are intended for use by the residential occupants of that building, except that it shall apply to store units occupied in part for residential purposes.
- 4. APPLICATION.** See s. 85-12 for application requirements.
- 5. PLAN OF OPERATION.** An application for a registration certificate shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:
- a. The planned hours of operation for the premises.
 - b. The number of customers expected on a daily basis at the premises.
 - c. The legal occupancy limit of the premises.
 - d. The number of off-street parking spaces available at the premises.
 - e. Plans the applicant has to provide security for the premises.
 - f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
 - g. Any other licenses held by the applicant or attached to the premises.
 - h. A description of any provisions made for clean-up of the premises.
 - i. A site plan showing:
 - i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - i-2. The locations and dimensions of any off-street parking and loading areas for customers.
 - j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.
- 6. CHANGES TO BE REPORTED.** a. Application. A registration certificate holder shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The registration certificate holder shall make this notification in writing within 10 days after the change occurs.
- b. Plan of Operation. If, after the registration certificate has been issued, the registration certificate holder wishes to deviate from the plan of operation that was submitted with the original application, the registration certificate holder shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new registration certificate.
- 7. REGISTRATION FEE.** See ch. 81 for the required registration certificate fee.
- 8. AGE QUALIFICATION.** No registration certificate shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.
- 9. DISQUALIFICATION.** Whenever any application is denied, or a registration certificate is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 21. Section 75-1-10 to 21 is created to read:

10. FINGERPRINTING AND INVESTIGATION REQUIREMENTS. Each application for a new registration certificate shall be referred to the chief of police and the commissioner of neighborhood services in accordance with s. 85-21.

11. OBJECTION. If the local common council member, chief of police or commissioner recommends against an application, no registration certificate shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a certificate should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

12. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a registration certificate.

13. POSTING. Each registration certificate shall be posted in a conspicuous place on the premises.

14. TRANSFER. See s. 85-19 for provisions relating to the transfer of a registration certificate and the change of certificate holder names.

15. RENEWAL. Application for renewal of a registration certificate shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the certificate shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the certificate, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

16. REVOCATION OR SUSPENSION OF CERTIFICATE. Any registration certificate issued under this section may be suspended or revoked for cause by the common council after notice to the certificate holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

17. SAFETY AND SANITARY REGULATIONS. a. Washers and dryers shall be so constructed that they will cease to function when the door is open, with the exception of the fill and agitate cycles in top-load washers. Washers and dryers shall be installed under the provisions of the national electric code except where it is specifically provided otherwise by the city. Provision shall also be made so that in case of a blower motor or gas control failure, the dryer will shut off automatically.

b. All dryers shall be so constructed so as to be capable of having their doors open from the interior thereof upon the application of outward pressure against such doors.

c. Boilers shall be provided with a low-water cut-off device to protect the boiler from burning out should a low-water condition occur.

d. The platform for washers shall be so designed that any water spilling out shall be properly drained. The floor of the establishment shall be sufficiently and properly covered with a nonabsorbent paint or cement or other impervious material. Areas such as basements, offices and storage places shall have locked doors.

e. Store layout, design and lighting for the installations constructed after January 1, 1976, shall be so planned as to provide visibility of the interior of the unattended store from the street or sidewalk. Heating, ventilating and lighting shall be provided as required by the building and zoning code. If the store has a rear entrance from a parking area, an outside floodlight shall be so provided to satisfactorily illuminate the area leading to the rear of the store.

f. The premises and its facilities shall be kept reasonably clean and sanitary. Refuse disposal cans in unattended stores shall be provided and so designed that the covers shall be self-closing.

g. An approved fire extinguisher shall be installed in all unattended establishments when so ordered by the commissioner of neighborhood services.

h. Soft drink vending machines in unattended stores shall be of the type which dispenses from the machine directly in or into non-glass containers and be properly licensed under the provisions of the code. Licensed vending machines in the premises on January 1, 1976, and not of the types specified shall be exempt from this

provision as long as they are in good working condition and until they are replaced.

i. Posting of information regarding the coin-operated machines shall comply with the applicable provisions of s. 82-19.

j. It shall be unlawful for any person to misuse the equipment or facilities provided for public use in a self-service laundry.

k. Only persons who are using a self-service laundry for its intended purpose, or attendants or repair persons shall be authorized on the premises. It shall be unlawful for any other person to loiter on the premises.

L. No self-service laundry shall be permitted to remain open between the hours of

10 p.m. and 6 a.m. unless an adult person is upon and in charge of the premises at all times.

18. NUISANCE. Every public self-service laundry which is not maintained and conducted as hereinbefore provided shall be declared a public nuisance and abated in the same manner as every other nuisance.

19. RESPONSIBILITY. The person to whom the registration certificate is issued shall be responsible for the premises and for the acts of attendants or employees on the premises with respect to this section.

20. PENALTY. Any person, persons, firm or corporation who shall violate this section relating to the regulation of self-service laundries shall upon conviction thereof be fined not less than \$25, plus the costs of prosecution, and not more than \$200, plus the costs of prosecution, and in default of payment thereof, may be imprisoned as provided by law.

Part 22. Section 75-5-2 of the code is amended to read:

75-5. Bed and Breakfast Establishments.

2. APPLICATION. Application forms shall be obtained from the city clerk >>and require the information specified in s. 85-12<< . ~~[[When the applicant has complied with all applicable provisions of this section, an occupancy certificate has been issued by the department of city development and fees required in s. 60-13 have been paid, the commissioner shall issue a permit to operate a bed and breakfast establishment.]]~~

Part 23. Section 75-5-4 to 9 of the code is repealed and recreated to read:

4. PLAN OF OPERATION. An application for a bed and bed establishment permit shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of customers expected on a daily basis at the premises.

c. The legal occupancy limit of the premises.

d. The number of off-street parking spaces available at the premises.

e. Plans the applicant has to provide security for the premises.

f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

i. A site plan showing:

i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.

i-2. The locations and dimensions of any off-street parking and loading areas for customers.

j. Information required by the health department to complete a public health plan review.

k. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

5. CHANGES TO BE REPORTED. a. Application. A permit holder shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The permit holder shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the permit has been issued, the permit holder wishes to deviate from the plan of operation that was submitted with the original application, the permit holder shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new permit.

6. PERMIT FEE. See ch. 81 for the required permit fee.

7. AGE QUALIFICATION. No permit shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

8. DISQUALIFICATION. Whenever any application is denied, or a permit is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

9. FINGERPRINTING AND INVESTIGATION REQUIREMENTS. Each application for a new permit shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

Part 24. Section 75-5-10 to 19 of the code is created to read:

10. OBJECTION. An objection to issuance of a permit shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

11. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a permit.

12. POSTING. Each permit shall be posted in a conspicuous place on the premises.

13. TRANSFER. See s. 85-19 for provisions relating to the transfer of a permit and the change of permit holder names.

14. RENEWAL. Application for renewal of a permit shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the qualifications for a permit, the permit shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the permit, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

15. REVOCATION OR SUSPENSION OF PERMIT. Any permit issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

16. REGULATIONS. a. Adoption of State Code. The city of Milwaukee adopts ch. DHS 197., Wis. Adm. Code, as amended.

b. Ice Handling. If ice is provided for persons provided accommodations, it shall be handled, transported, stored and dispensed in such a manner as to be protected against contamination.

c. Toilet and Bathing Facilities. Toilets, showers or baths serving more than one guest room shall be accessible through the room in which the guest is staying or through a public access way without having to enter through rooms occupied by other persons. All toilet, shower or bathroom doors shall be provided with locks and provide total privacy to an occupant of the room.

d. Guest Rooms. Guest room doors shall be equipped with locks for which guests will be provided keys. If more than one guest room exists, doors shall be clearly numbered or otherwise identified.

e. Furnishings. Clean bed linen in good repair shall be provided for guests who are provided accommodations, and shall be changed between guests and as often as necessary.

f. Animals. Animals shall not be allowed in any room or area in which food is prepared, stored or served.

g. Unvented Furnaces and Space Heaters. The use of unvented furnaces and space heaters fueled by natural gas,

kerosene, alcohol or other fuel is prohibited.

17. NOTICES OF VIOLATION. If upon inspection the commissioner finds that any establishment is conducted or managed in violation of this section, or the laws of the state of Wisconsin, the commissioner shall serve a written order upon the permit holder, agent or employee in charge of the premises notifying of the violation.

18. EMERGENCY SUSPENSION. The emergency suspension procedures of s. 75-51-12 may be applicable to a bed and breakfast establishment permit if the situation warrants an emergency suspension.

19. PENALTY. Any person violating this section shall be subject to a penalty specified under s. 61-11.

Part 25. Section 75-21-2 to 10 of the code is repealed and recreated to read:

75-21. Massage Establishment Regulation.

2. LICENSE REQUIRED. No person may carry on the business of operating a massage establishment without a valid license issued under this section for each place of business.

3. EXEMPTIONS. This section does not apply to:

a. Physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the state of Wisconsin.

b. Barbers and cosmetologists licensed under the laws of the state of Wisconsin, provided that such massage practiced is limited to the head and scalp.

c. Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

d. Trainers of any amateur, semi-professional athlete or athletic team.

e. Organizations formed exclusively for the purpose of ballet performance and instruction which have received tax-exempt status from the U.S. internal revenue service, upon the presentation of documentation of such status to the health department.

4. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

5. PLAN OF OPERATION. An application for a massage establishment license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of customers expected on a daily basis at the premises.

c. The legal occupancy limit of the premises.

d. The number of off-street parking spaces available at the premises.

e. Plans the applicant has to provide security for the premises.

f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

i. A site plan showing:

i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.

i-2. The locations and dimensions of any off-street parking and loading areas for customers.

j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

6. CHANGES TO BE REPORTED. a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city

clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

7. LICENSE FEE. See ch. 81 for the required license fee.

8. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

9. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

10. FINGERPRINTING AND INVESTIGATION REQUIREMENTS. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

Part 26. Section 75-21-11 to 22 of the code is created to read:

11. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

12. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

13. POSTING. Each license shall be posted in a conspicuous place on the premises.

14. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

15. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

16. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

17. INSURANCE. a. Requirement. Every license applicant shall, at the time of applying for the license, file with the city clerk a certificate of general liability and property damage insurance in the sum of not less than \$25,000 per person, \$50,000 per accident, bodily injury liability or combined single limit of not less than \$60,000 per occurrence. The certificate shall provide that the company shall give 30 days' written notice to the city clerk of cancellation, expiration or notice of the company's intent not to renew; otherwise, the insurance shall continue in full force and effect.

b. Cancellation or Nonrenewal. In the event of a cancellation or nonrenewal of the certificate of insurance, the license shall be automatically suspended. The suspension shall terminate upon presentation of a certificate of insurance that evidences that the policies required under this subsection have been issued or reissued to the business owner. All certificates shall be executed by an insurance company licensed to do business in the state of Wisconsin.

c. Reinstatement Fee. If a license is suspended due to the cancellation, expiration or nonrenewal of a certificate of insurance required by this subsection, the licensee shall pay a fee specified in s. 81-1-6 prior to reinstatement of the license.

18. MASSAGE ESTABLISHMENT FACILITY REQUIREMENTS. Every massage establishment shall maintain facilities meeting the following requirements:

a. The establishment shall have a minimum of one washbasin.

- b. The massage room shall have a minimum of 40 foot-candles of lighting for the purpose of observing possible contra-indications of massage.
- c. Massage tables shall have a surface which is impervious to liquids and shall be furnished with linen, either disposable or washable, which are changed for each client.
- d. Doors to rooms where massage is administered shall be unlocked during business hours.
- e. For the purpose of ascertaining compliance with this section and conducting routine inspections, police officers, health inspectors and building inspectors shall have the right of entry onto the premises of any massage establishment during business hours.

19. MESSAGE ESTABLISHMENT OPERATION. Massage establishments shall comply with the following operation requirements:

- a. An establishment may not commence operations before 6 a.m., and the hours of operation may not extend later than 10 p.m. These hours shall pertain to on-site massages.
- b. Massage establishments shall prominently and publicly display their licenses on the premises during all business hours.
- c. Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens and proper storage areas for such linens. Soiled linens and paper towels shall be deposited in receptacles.
- d. Massage shall not be given unless a client's genitals are fully covered by linens or towels at all times. Female clients shall also have their breasts covered at all times.

20. PROHIBITED PRACTICES. No operator of a massage establishment may allow massages of the genital area of any patron or the breasts of any female patron.

21. EMERGENCY SUSPENSION. The emergency suspension procedures of s. 75-51-12 may be applicable to a massage establishment license if the situation warrants an emergency suspension.

22. PENALTY. a. Any person violating this section shall be subject to a forfeiture specified under s. 61-15.
b. Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

Part 27. Section 75-51 of the code is renumbered 75-23.

Part 28. Section 75-23-6 to 16 of the code is repealed and recreated to read:

75-23. Tattooing and Body-Piercing.

- 6. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.
- 7. PLAN OF OPERATION.** An application for a license required under this section shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:
 - a. The planned hours of operation for the premises.
 - b. The number of customers expected on a daily basis at the premises.
 - c. The legal occupancy limit of the premises.
 - d. The number of off-street parking spaces available at the premises.
 - e. Plans the applicant has to provide security for the premises.
 - f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
 - g. Any other licenses held by the applicant or attached to the premises.
 - h. A description of any provisions made for clean-up of the premises.
 - i. A site plan showing:
 - i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - i-2. The locations and dimensions of any off-street parking and loading areas for customers.

- j. Information required by the health department to complete a public health plan review, which shall include:
 - j-1. A floor plan indicating the procedure areas, restroom, hand washing sinks, customer lounge /reception area, equipment sterilization room with associated sinks and sterilization equipment, mop sink and utility sink area.
 - j-2 An equipment list of all items to be used during a tattoo or body art procedure or used for sterilization.
 - j-3 A list of all finish materials used on floors, walls, ceilings, counter tops, storage cabinets and procedural tables and surfaces.
 - j-4 A lighting plan, showing locations of light fixtures and specifications of fixtures to be used.
 - j-5 A plan for sharps disposal.
 - j-6. An insect and rodent control plan.
 - j-8. An infection prevention and control plan, including either a copy of the initial spore test results or a request for a variance if all disposable equipment is to be used .
 - j-7 A copy of the practitioner licenses for all artists.
 - j-4 A copy of the client log, consent form, aftercare instructions, and age limitation sign to be used.
 - k. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.
- 8. CHANGES TO BE REPORTED.** a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.
- b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.
- 9. LICENSE FEE.** See ch. 81 for the required license fee.
- 10. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.
- 11. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.
- 12. FINGERPRINTING AND INVESTIGATION REQUIREMENTS.** Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.
- 13. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.
- 14. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.
- 15. POSTING.** Each license shall be posted in a conspicuous place on the premises.
- 16. TRANSFER.** See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

Part 29. Section 75-23-17 to 22 is created to read:

- 17. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

18. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

19. EMERGENCY SUSPENSION. a. Whenever the department finds that the activities of a licensee constitute an immediate danger to public health, the department may immediately act to abate that danger and may immediately suspend without notice a license issued under this section. Activities that constitute an immediate danger to public health include, but are not limited to, use of unsterile needles or instruments, lack of properly operating sterilization equipment on the premises or infections that the department has attributed to the activities of the licensee.

b-1. An emergency suspension shall be for no longer than 14 calendar days. The department may, before expiration of an emergency suspension, determine that the immediate danger to public health continues to exist, and that the temporary order shall remain in effect after the expiration date of the original emergency suspension until a hearing has been concluded and the environmental health board has made a decision on the matter.

b-2. The department may inform the licensee in writing, at the time the suspension is imposed or at any later time prior to the expiration of the emergency suspension, that the suspension may be continued after the expiration date if the department determines that the immediate danger to public health continues to exist.

c. Whenever an emergency suspension is imposed, the department shall at the same time provide written notice to the licensee that the environmental health board shall hold a hearing on the suspension. The notice shall specify either the date of the hearing or a telephone number and address where this information can be obtained. The notice shall state that a written notice of hearing shall be mailed to the licensee.

d. The board, by certified mail, return receipt requested, shall mail a written notice of hearing to a licensee whose license has been suspended under this subsection. The notice shall be mailed to the address on the application or a more recent address furnished in writing by the licensee to the department, which shall constitute service on the licensee or the licensee's agent. The notice shall be sent to the applicant so that the applicant has at least 4 calendar days' notice of the hearing. The notice shall specify the date, time and location of the hearing. The notice shall state that the licensee shall be given an opportunity to respond to and challenge any reason for suspension, to present witnesses under oath and to confront and cross-examine opposing witnesses under oath. The notice shall state that the licensee may be represented by an attorney of the licensee's choice at the licensee's expense, if the licensee so wishes.

e. The board shall hold a hearing on the suspension not more than 14 calendar days after the imposition of the suspension. After the hearing, the board shall determine whether the suspension shall be discontinued or continued. The hearing shall be a due process hearing under sub. 20.

f. The hearing under par. e need not be held if the licensee and the department mutually agree that no purpose would be served by a hearing.

20. DUE PROCESS HEARING. a. At the hearing, the board chair shall open the meeting by stating that a notice was sent and shall make the notice part of the record. The chair shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

b. A due process hearing shall be conducted in the following manner:

b-1. All witnesses shall be sworn in.

b-2. The chair shall ask the department to proceed first.

b-3. The appellant shall be permitted an opportunity to cross-examine.

b-4. After the conclusion of the department's testimony, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

b-5. Board members may ask questions of witnesses.

b-6. Both the department and the appellant shall be permitted brief summary statements.

c. The decision of the board regarding the appellant shall be based only on evidence presented at the hearing. Probative evidence concerning whether or not the appeal should be upheld may be presented on the factors

enumerated in sub. 9-b or 11-a, whichever is applicable.

d. The board may decide whether the department's decision shall be upheld, modified or reversed immediately following the hearing or at a later date. Written notice of the board's decision, including the specific reasons for the decision, shall be mailed to the appellant. The notice shall be mailed to the address on the application or a more recent address furnished in writing by the appellant to the department.

21. ENFORCEMENT. a. The department shall enforce this section by issuance of orders and citations. A citation may be issued for a violation of this section without prior issuance of an order for that violation.

b. The police department shall enforce this section by issuance of citations.

22. PENALTIES. a. Except as otherwise provided in par. b, a person who violates this section or fails to comply with an order issued under this section shall be subject to a forfeiture not to exceed \$500 for each violation or failure to comply.

b. Any person who tattoos or offers to tattoo a person under 18 years of age shall be subject to a forfeiture not to exceed \$200.

Part 30. Section 81-1-2.5 of the code is created to read:

81-1. General Provisions.

2.5. ALIGNMENT OF EXPIRATION DATES; 2 OR MORE LICENSES OR PERMITS. Except where a set license or permit expiration date is provided in this code, a licensee or permit holder may request a change to the expiration date of an existing license or permit processed by the city clerk's office for the purpose of aligning the license or permit period with the license or permit period of any other license or permit issued to the licensee or permit holder. The request shall be accompanied by a prorated fee in an amount determined by dividing the fee imposed by this chapter by 12 or 24, depending on the license or permit period of the license or permit type, and multiplying the quotient by the number of months by which the license or permit period is being changed. A request to align license or permit expiration dates shall apply to all licenses and permits held by the requester and administered by the city clerk's office for which adjustment of expiration dates is allowed.

Part 31. Section 81-2-1 of the code is repealed and recreated to read:

81-2. Alarm Licenses.

1. Each license shall be valid for 2 years from the date of issuance.

Part 32. Section 81-2.7-1 of the code is repealed and recreated to read:

81-2.7. Aluminum Can Reclaiming Machine.

1. Each license shall be valid for 2 years from the date of issuance.

Part 33. Section 81-4-1 of the code is repealed and recreated to read:

81-4. Amusement Machine or Jukebox Distributor License.

1. Each license shall be valid for one year from the date of issuance.

Part 34. Section 81-8-1 of the code is repealed and recreated to read:

81-8. Auto Wrecker's License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 35. Section 81-9.5-1 and 2 of the code is repealed and recreated to read:

81-9.5. Bed and Breakfast Establishment Permit.

1. A non-refundable of \$200 shall be charged at the time of application to anyone intending to operate a bed and breakfast establishment.
2. The fee for renewal shall be \$100.
 - a. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.
 - b. Each bed and breakfast permit shall be valid for one year from the date of issuance.

Part 36. Section 81-12-1 of the code is repealed and recreated to read:

81-12. Bill Posting License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 37. Section 81-16 of the code is repealed and recreated to read:

81-16. Campground and Camping Resort Fees.

1. A non-refundable of \$350 shall be charged at the time of new application.
 2. The renewal fee for a campground or camping resort shall be as follows:
 - a. 1-25 sites: \$200.
 - b. 26-50 sites: \$275.
 - c. 51-100 sites: \$325.
 - d. Over 100 sites: \$400.
 3. 20% of the fee will shall be used to pay the state of Wisconsin administrative fee under sub. 2.
 4. Each campground and camping resort permit shall be valid for a one-year period following the date of issuance.
- (See s. 64-01.)

Part 38. Section 81-22-2 of the code is amended to read:

81-22. Class “A” Fermented Malt Beverage Retailer’s License (Package Store).

2. Each license shall be ~~[[issued]]~~ >>valid<< for one year effective from the date the license is ~~[[granted]]~~ >>
issued<< .

Part 39. Section 81-22-4 and 5 of the code is repealed.

Part 40. Section 81-23-2 of the code is amended to read:

81-23. Class “A” Retailer’s Intoxicating Liquor License.

2. Each license shall be ~~[[issued]]~~ >>valid<< for one year effective from the date the license is ~~[[granted]]~~ >>
issued<< .

Part 41. Section 81-23-3 and 5 of the code is repealed.

Part 42. Section 81-24-2 of the code is amended to read:

81-24. Class “B” Fermented Malt Beverage Retailer’s License.

2. Each license shall be ~~[[issued]]~~ >>valid<< for one year effective from the date the license is ~~[[granted]]~~ >>
issued<< .

Part 43. Section 81-24-4 of the code is repealed.

Part 44. Section 81-26-2 of the code is amended to read:

81-26. Class “B” Retailer’s Intoxicating Liquor License.

2. Each license shall be ~~[[issued]]~~ >>valid<< for one year effective from the date the license is ~~[[granted]]~~ >>issued<<.

Part 45. Section 81-26-3 and 5 of the code is repealed.

Part 46. Section 81-27-2 of the code is amended to read:

81-27. Class “B” Retailer’s Service Bar License.

2. Each license shall be ~~[[issued]]~~ >>valid<< for one year effective from the date the license is ~~[[granted]]~~ >>issued<<.

Part 47. Section 81-27-3 of the code is repealed.

Part 48. Section 81-30 of the code is repealed.

Part 49. Section 81-30.5-2 of the code is amended to read:

81-30.5. Class “C” Wine Retailer’s License.

2. Each license shall be ~~[[issued]]~~ >>valid<< for one year effective from the date the license is ~~[[granted]]~~ >>issued<<.

Part 50. Section 81-30.5-4 of the code is repealed.

Part 51. Section 81-41-1 of the code is repealed and recreated to read:

81-41. Direct Seller’s License.

1. Each license shall be valid for one year from the date of issuance.

Part 52. Section 81-44.7-1 of the code is repealed and recreated to read:

81-44.7. Driver’s License, Public Passenger Vehicle.

1. Each license shall be valid for 2 years from the date of issuance.

Part 53. Section 81-44.7-3 of the code is repealed.

Part 54. Section 81-49.8-1 of the code is repealed and recreated to read:

81-49.8. Escort License.

1. Each license shall be valid for one year from the date of issuance.

Part 55. Section 81-49.9-1 of the code is repealed and recreated to read:

81-49.9. Escort Service License.

1. Each license shall be valid for one year from the date of issuance.

Part 56. Section 81-51-1 of the code is repealed and recreated to read:

81-51. Extended Hours Establishments.

1. Each license shall be valid for one year from the date of issuance.

Part 57. Section 81-51.6-1 and 2 of the code is repealed and recreated to read:

81-51.6. Filling Station License.

1. a. The fee for each new license shall be \$275.
- b. The fee for each renewal license shall be \$250.
2. Each filling station license shall be valid for a one year period following the date of issuance.

Part 58. Section 81-55 of the code is repealed and recreated to read:

81-55. Food Dealer's License.

1. Each individual food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a food dealer's license and be assessed fees in accordance with this section.
2. A non-refundable of \$300 shall be charged at the time of new application.
3. The annual food dealer's license fee shall be as follows:
 - a. Prepack restaurants: For each license renewal year: \$250.
 - b. All other restaurants:

Anticipated Gross Annual Sales for
All Food Operations

Less than \$20,000	\$ 525
\$20,001 - \$200,000	800
\$200,001 - \$2,000,00	1250
Over \$2,000,000	1,725

c. Food Stores - Processing:

Anticipated Gross Annual Sales for
All Food Operations

Less than \$20,000	\$ 350
\$20,001 - \$200,000	575
\$200,001 - \$2,000,000	1325
Over \$2,000,000	2050

d. Distributors/Food Stores -
No Processing:

Anticipated Gross Annual Sales for
All Food Operations

Less than \$20,000	\$200
\$20,001 - \$200,000	300
\$200,001 - \$2,000,000	575
Over \$2,000,000	875

4. If multiple independent restaurant locations are operated at the same address and by the same person, a separate fee shall be charged for each additional location. An additional restaurant location shall be considered independent if it is physically separated from any other food preparation areas. The annual fee for each additional location shall be \$100.

5. The annual fee for a meal service establishment shall be \$35.

6. Each permit shall be valid for one year from the date of issuance.

7. A renewal shall be filed by the deadline established by the city clerk. There shall be an additional fee for the filing of a late renewal application in the amount of \$75. A late renewal application filed 10 days or less before permit expiration shall be assessed an additional fee of \$125.

8. The fee for a duplicate license shall be \$11.

9. A portion of the fee will shall be used to pay the state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection.

10. a. The fee for a licensed food establishment that extends its operation to the outside on a permanent basis shall be \$50.

b. Locations filing for alcohol beverage extensions under s. 81-90 at the same time shall be charged a total fee of \$75.

11. After issuance, the fee for filing an amendment to the permit or plan of operation shall be \$150.

Part 59. Section 81-55.3 of the code is repealed and recreated to read:

81-55.3 Food Operation - Public Health Plan Review And Site Evaluation.

1. The fee for a food establishment public health infrastructure plan review shall be as follows:

a. For significant equipment changes without any remodeling: \$50.

b. For modification of a food peddler vehicle, cart or container: \$100.

c. For remodeling of the establishment's food preparation or display area: \$200.

2. The fee for a food establishment public health operation plan review shall be as follows:

a. For an existing establishment or peddler making significant changes to the food operation including significant menu changes, changes in the type or complexity of food processing, requests for modifications or variances to public health requirements or the review of a specialized process requiring health department approval or a HACCP plan: \$75.

b. For a risk control or compliance plan ordered by the department as part of progressive enforcement: \$150.

c. The fee shall be waived for an operator who voluntarily submits a risk control plan or compliance plan for review by the department.

4. The registration, plan review and inspection fee for a Wisconsin department of agriculture, trade and consumer protection traveling license used in the city shall be equivalent to the application and license fee issued by the city for that use.

5. The public health plan review fee shall double for any food establishment that initiates operational changes or infrastructure changes requiring plan review prior to obtaining health department approval.

6. Public health plan review fees include the cost of all inspections required for plan validation, approval or verification.

7. The public health plan review fee for new establishments is included in the initial application fee.

8. The fee for a food operation site evaluation shall be \$100.

9. Fees under this section are nonrefundable unless the plan is withdrawn prior to plan review being performed.

Part 60. Section 81-56-0 and 3 to 7 of the code is amended to read:

81-56. ~~[[Temporary]] Food Dealer's License >>, Temporary<< .~~

- 3. FEES.** a. Restaurants. a-1. The fee per temporary event for the 1st day of operation of each temporary restaurant and for a temporary restaurant that operates no more than one day shall be \$100.
- a-2. The fee per temporary event for each additional day of operation for each temporary restaurant shall be \$35.
- a-3. A portion of the fee will shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services.
- b. Retail. b-1. The fee per temporary event for temporary food operations that process food at the point of sale shall be \$100.
- b-2. The fee per temporary event for temporary food operations that do not process food at the point of sale shall be \$75.
- b-3. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of agriculture, trade and consumer protection.
- c. Farmer's market. c-1. The fee for an annual temporary food dealer's license for vendors who offer for sale foods other than restaurant foods shall be \$125.
- c-2. A portion of the fee will be used to pay the state of Wisconsin administrative fee, which is on file with the Wisconsin department of agriculture, trade and consumer protection.
- d. Temporary extension. The following fees shall apply to a licensed food establishment that extends its operation to the outside on a temporary basis:
- d-1. \$50, if the application is filed on or before the filing deadline established by the city clerk.
- d-2. \$100, if the application is filed after the filing deadline established by the city clerk.
- e. Special nonprofit temporary event.
- e-1. For one to 3 days, the fee for the license shall be \$25.
- e-2. For 4 to 14 days, the fee for the license shall be \$150.
- 4. APPLICATION DEADLINE.** Failure to pay and be issued a permit to operate a temporary event during regular business hours of city operation shall result in the applicant not being allowed to participate in the event. No application may be made at the event. Any applicant who has failed to pay for a previous temporary event and has not withdrawn the application prior to the previous event, shall pay for an outstanding fees prior to any other temporary event application being accepted.
- 5. LATE FEE.** Any person who does not meet the application deadline in sub. 4 shall pay a late application fee of \$75 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary event. Any person meeting the application deadline for a temporary food dealer's license shall pay the fee for the temporary food dealer's license within 10 days of application or be assessed a late fee of \$75.
- 6. DUPLICATE PERMIT.** The fee for a duplicate permit shall be \$11.
- 7. STATE FEES.** A portion of the fee will shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection.
- (See s. 68-4.)

Part 61. Section 81-56.3 of the code is repealed and recreated to read:

81-56.3. Food Peddler Permits. 1. The fee for each food peddler basic permit shall be as follows:

- a. For each motorized vehicle: \$305.
- b. For each pushed, pedaled or pulled vehicle: \$275.
- c. For each person carrying containers: \$185.

(See s. 74-1.)

2. The surcharge for a food peddler permit to allow night operation by a food peddler shall be \$45.
3. Each food peddler permit shall be valid for one year from the date of issuance.
4. a. A permit renewal shall be filed by the date established by the city clerk.
b. There shall be an additional fee for the filing of a late renewal application in the amount of \$75.
c. A late renewal application filed 10 days or less before permit expiration shall be assessed an additional fee of \$125.
5. The fee for a duplicate permit or identifying device shall be \$11.
6. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection.
(See s. 74-1.)

Part 62. Section 81-58.5-1 of the code is repealed and recreated to read:

81-58.5. Handicapped-Elderly Vehicle Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 63. Section 81-60-1 of the code is repealed and recreated to read:

81-60. Home Improvement Contractor's or Salesperson's License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 64. Section 80-60.5-1 of the code is repealed and recreated to read:

81-60.5. Horse and Surrey Livery Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 65. Section 81-60.7 of the code is repealed and recreated to read:

81-60.7. Ice Cream Peddler License.

1. The fee for each ice cream peddler license shall be \$75.
2. Each license shall be issued for one year from the date of issuance.
3. The fee for a duplicate license shall be \$11.
4. A license renewal shall be filed by the deadline established by the city clerk.
5. There shall be an additional fee of \$25 for the filing of a late renewal application.
6. A late renewal application filed 10 days or less before license expiration shall be assessed an additional fee in the amount of \$50.
(See s. 74-2.)

Part 66. Section 81-63-1 of the code is repealed and recreated to read:

81-63. Junk Collector License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 67. Section 81-64-1 of the code is repealed and recreated to read:

81-64. Junk Dealer License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 68. Section 81-67 of the code is repealed and recreated to read:

81-67. Laundry, Self-Service Registration Certificate.

1. Each self-service laundry registration certificate shall be issued for a specific location for a one-year period beginning from the date of issuance.
2. The fee for each new certificate shall be \$125.
3. The fee for each renewal certificate shall be \$100.

Part 69. Section 81-68-1 of the code is repealed and recreated to read:

81-68. Limousine Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 70. Section 81-70-1-0 of the code is repealed and recreated to read:

81-70. Loading Zone Permit.

1. Each permit shall be valid for 2 years from the date of issuance.

Part 71. Section 81-74-1 and 2 of the code is repealed and recreated to read:

81-74. Massage Establishment License.

1. Each massage establishment license shall be valid for one year from the date of issuance.
2. a. The fee for each new license shall be \$350.
b. The fee for each renewal license shall be \$325.
(See s. 75-21.)

Part 72. Section 81-76-1 of the code is repealed and recreated to read:

81-76. Motorcycle Used for Tours Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 73. Section 81-78-1 of the code is repealed and recreated to read:

81-78. Newspaper Vending Box Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 74. Section 81-78-3 of the code is repealed.

Part 75. Section 81-81-1 of the code is repealed and recreated to read:

81-81. Parking Lot or Place License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 76. Section 81-88-1 of the code is repealed and recreated to read:

81-88. Pawnbroker's License.

1. Each license shall be valid for one year from the date of issuance.

Part 77. Section 81-89-1 of the code is repealed and recreated to read:

81-89. Pedicab Owner's Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 78. Section 81-93-1 of the code is repealed and recreated to read:

81-93. Photographer's License, Professional.

1. Each license shall be valid for 2 years from the date of issuance.

Part 79. Section 81-99.5-1 of the code is repealed and recreated to read:

81-99.5. Precious Metal and Gem Dealer's License.

1. Each license shall be valid for one year from the date of issuance.

Part 80. Section 81-101.2-1-a of the code is amended to read:

81-101.2. Public Entertainment Premises License.

1. REGULAR LICENSE.

- a. Each public entertainment premises license shall be [[issued]] >>valid<< for a one-year period commencing on the date of the [[granting]] >>issuance<< of the license. If a premises is also licensed as a retail alcohol beverage establishment, the public entertainment premises license shall be [[issued]] >>valid<< for one year or part thereof, effective from the date the license is [[granted]] >>issued<< , and shall expire on the same date as the retail alcohol beverage license.

Part 81. Section 81-102.2-1 of the code is repealed and recreated to read:

81-102.2. Publication Rental Boxes.

1. Each permit shall be valid for 2 years from the date of issuance.

Part 82. Section 81-104-1 of the code is repealed and recreated to read:

81-104. Secondhand Dealer's License.

1. Each license shall be valid for one year from the date of issuance.

Part 83. Section 81-104.5-1 of the code is repealed and recreated to read:

81-104.5. Secondhand Dealer Mall License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 84. Section 81-104.6-1 of the code is repealed and recreated to read:

81-104.5. Secondhand Motor Vehicle Dealer's License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 85. Section 81-106.5-1 of the code is repealed and recreated to read:

81-106.5. Shuttle Vehicle Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 86. Section 81-106.7-1 of the code is amended to read:

81-106.7. Sidewalk Area Dining Permit.

1. The initial application fee for a sidewalk area dining permit shall be ~~[[\$115]]~~ >> \$100 <<.

Part 87. Section 81-106.7-2 of the code is repealed and recreated to read:

2. The fee for a renewal permit shall be as follows:

- a. Class 1: 0-100 total area: \$25.
- b. Class 2: 101-200 total area: \$50.
- c. Class 3: 201-300 total area: \$75.
- d. Class 4: 301-400 total area: \$100.
- e. Class 5: 401-500 total area: \$150.
- f. Class 6: 501-1,000 total area: \$225.
- g. Class 7: 1,001-1,500 total area: \$300.
- h. Class 8: 1,501 or greater total area: \$500.

Part 88. Section 81-106.7-3 of the code is repealed.

Part 89. Section 81-114-1 of the code is repealed and recreated to read:

81-114. Snow Plowing Motorized Equipment License.

1. Each license shall be valid for one year from the date of issuance.

Part 91. Section 81-121-8-1 to 3 and 5 of the code is repealed and recreated to read:

81-121. Tattooing and Body-Piercing Establishments.

1. TATTOO ESTABLISHMENT LICENSE. a. The fee for a new tattoo establishment license shall be \$375.
- b. The fee for each renewal license shall be \$200.
- c. The fee for a temporary tattoo establishment license shall be \$175.

2. BODY-PIERCING ESTABLISHMENT LICENSE. a. The fee for a body-piercing establishment license shall be \$375.

- b. The fee for each renewal license shall be \$200.
- c. The fee for a temporary tattoo establishment license shall be \$175.

3. COMBINED TATTOO/BODY-PIERCING LICENSE. a. The fee for a new combined tattoo/body-piercing establishment license shall be \$550.

- b. The fee for each combined tattoo/body-piercing renewal license shall be \$325.
- c. The fee for a temporary combined tattoo/body-piercing establishment license shall be \$175.

4. STATE FEE. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services.
(See s. 75-51.)

Part 91. Section 81-126-1 of the code is repealed and recreated to read:

81-126. Taxicab Permit.

1. Each permit shall be valid for one year from the date of issuance.

Part 92. Section 81-129.5-1 of the code is amended to read:

81-129.5. Transient Merchant License.

1. Each transient merchant license shall be issued for the ~~[[calendar year]]~~ >>length of the event, not to exceed one year<< .

Part 93. Section 81-130-1 of the code is repealed and recreated to read:

81-130. Used Bicycle, Tire or Battery Dealer's License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 94. Section 81-131-1 of the code is repealed and recreated to read:

81-131. Used Motor Vehicle Dealer-Parts Only License.

1. Each license shall be valid for 2 years from the date of issuance.

Part 95. Section 81-133-1 of the code is repealed and recreated to read:

81-133. Waste Collector's License, Private.

1. Each license shall be valid for 2 years from the date of issuance.

Part 96. Section 81-133.5 of the code is repealed and recreated to read:

81-133.5. Waste Tire Transporters and Generators.

1. Each waste tire generator or transporter license shall be valid for one year from the date of issuance.

2. The following fees shall apply to waste tire transporter and generator licenses:

a. For a waste tire transporter license:

a-1. For the first vehicle: \$140.

a-2. For each additional vehicle: \$35.

b. For each waste tire generator license: \$250.

3. No fee shall be charged to city departments or the vehicles of those departments.

(See s. 84-48.)

Part 97. Section 81-135 of the code is repealed and recreated to read:

81-135. Weighing and Measuring Device Licenses. Weighing and Measuring Device Licenses. Each of the following weighing and measuring device licenses shall be valid for one year from the date of issuance.

Weighing and measuring device licenses shall not be transferable between operators, establishments, devices or vehicles. Weights and measures inspection fees for noncompliant devices shall be as provided in s. 60-70.

1. LINEAR METERS. a. The fee for each linear meter license shall be \$30.

2. RETAIL PETROLEUM METERS.

a. The fee for each retail petroleum meter license shall be \$60.

3. SCALES. a. The following schedule of fees shall apply to scale licenses:

Capacity	Annual Fee
0 - 50 pounds	\$ 55

51 - 1,000 pounds \$ 85
Over 1,000 pounds \$150

4. SCANNING DEVICES. a. The fee for a scanning device license for each retail establishment with 3 or fewer devices shall be \$65.

b. The fee for a scanning device license for each retail establishment with 4 or more devices shall be \$125. (See s. 82 20.)

5. TAXIMETERS. a. The fee for each taximeter license shall be \$60.

c. No duplicate may be issued.

6. TIMING DEVICES. a. The fee for each timing device license shall be \$15.

7. VEHICLE TANK AND BULK PLANT METERS. a. The fee for each vehicle tank and bulk plant meter license shall be \$125.

8. VEHICLE SCALES. Each license shall be issued for the calendar year.

a. Public Vehicle Scales. The fee for each public vehicle scale shall be \$235.

b. "Type I" Nonpublic Vehicle Scales. The fee for each "type I" nonpublic vehicle scale shall be \$175.

c. "Type II" Nonpublic Vehicle Scales. The fee for each "type II" nonpublic vehicle scale shall be \$175. (See s. 82-14.)

Part 98. Section 82-6-4 of the code is repealed.

Part 99. Section 82-14 of the code is repealed and recreated to read:

82-14. Weighing or Measuring Device License. 1. REQUIRED. a. General.

No person, firm or corporation may operate or maintain weights and measures, weighing or measuring devices and systems and accessories relating thereto which are used commercially within the city in determining the weight, measure or count of commodities or cost of services or things bought or sold or offered or exposed for sale on the basis of weight, measure or count unless each such device is specifically licensed, is accurate and is operated in compliance with this section. No device may be operated without a current license and seal.

2. EXEMPTIONS. The following shall be exempt from the license requirement of this section:

b-1. A public or nonpublic vehicle scale which has a valid license or registration certificate as set forth in s. 82-30.

b-2. A public utility system that operates meters, other weighing and measuring devices and is regulated by the Wisconsin public service commission as set forth in s. 196.16, Wis. Stats.

b-3. Postal scales under the control of the state or federal government.

b-4. A vehicle tank meter which has a valid license or inspection certification issued by another city within the state or by the state of Wisconsin, provided the operator provides proof of licensing or inspection.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

4. PLAN OF OPERATION. An application for a license required under this section shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk.

5. CHANGES TO BE REPORTED. a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

6. LICENSE FEE. See ch. 81 for the required license fee.

- 7. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.
- 8. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.
- 9. INVESTIGATION.** Each application for a new license shall be referred to the commissioner of health in accordance with s. 85-21.
- 10. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, police chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.
- 11. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.
- 12. POSTING.** Each license shall be posted in a conspicuous place on the premises.
- 13. TRANSFERABILITY.** Licenses are not transferable between owners, meters, vehicles, vehicle scales or establishments. No device may be moved or transferred to another premises in the city and put into service, whether operated by the same owner or not, unless application is made first, a new fee paid and a license issued. See s. 85-19 for additional provisions relating to the transfer of a license and change of licensee names.
- 14. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the commissioner of health. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is an objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.
- 15. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

Part 100. Section 82-20 of the code is repealed and recreated to read:

- 82-20. Scanning Devices. 1. LICENSE REQUIRED.** All business establishments, stores, corporations or other parties selling goods or products shall obtain an annual license for each premises on which an electronic scanning devices is used to determine or record the sale price of any item. Electronic scanning devices shall be subject to inspection prior to the issuance of a license and may be reinspected at such times as the department determines.
- 2. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.
- 3. CHANGES TO BE REPORTED.** A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.
- 4. LICENSE FEE.** See ch. 81 for the required license fee.
- 5. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.
- 6. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.
- 7. INVESTIGATION.** Each application for a new license shall be referred to the commissioner of health in accordance with s. 85-21.

8. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

9. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

10. POSTING. Each license shall be posted in a conspicuous place on the premises.

11. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the commissioner of health. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is an objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

12. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

13. EMERGENCY SUSPENSION. The emergency suspension procedures of s. 75-51-12 may be applicable to a scanning device license if the situation warrants an emergency suspension.

Part 101. Section 82-25-0 of the code is repealed.

Part 102. Section 82-25-1 of the code is repealed and recreated to read:

82-25. Public Vehicle Scale Operator License.

1. LICENSE REQUIRED. No scale operator shall operate a public vehicle scale unless he or she holds a valid public vehicle scale operator's license. See s. 82-30 for licensing procedure and requirements.

Part 103. Section 82-30 of the code is repealed and recreated to read:

82-30. Licensing Requirements and Procedures. 1. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

2. CHANGES TO BE REPORTED. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

3. LICENSE FEE. See ch. 81 for the required license fee.

4. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

5. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

6. INVESTIGATION. Each application for a new license shall be referred to the commissioner of health in accordance with s. 85-21.

7. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The

procedure for considering an appeal shall be as provided in s. 85-2.7.

8. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

9. POSTING. Each license shall be posted in a conspicuous place on the premises.

10. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the commissioner of health. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is an objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

11. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

12. EMERGENCY SUSPENSION. The emergency suspension procedures of s. 75-51-12 may be applicable to a public vehicle scale operator's license if the situation warrants an emergency suspension.

Part 104. Section 84-7-5 to 16 of the code is repealed and recreated to read:

84-7. Extended Hours Establishments.

5. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. Post office box numbers shall not be acceptable for addresses required for extended hours establishment licenses.

6. PLAN OF OPERATION. An application for a license required under this section shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

- a. The planned hours of operation for the premises.
- b. The number of patrons expected on a daily basis at the premises.
- c. If the premises for which the license is sought is a restaurant, the legal capacity of the premises.
- d. If the premises for which the license is sought is a personal service establishment or a restaurant, the number of off-street parking spaces available at the premises.
- e. Plans, if any, the applicant has to provide security for the premises.
- f. Plans, if any, the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
- g. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

7. OTHER APPLICATION REQUIREMENTS. a. All applicants shall be fingerprinted as provided in s. 85-21-1.

b. The building owner or applicant shall file with the license application a valid occupancy certificate issued by the commissioner of city development for the operation of the premises, or provide proof of having applied for an occupancy certificate.

8. CHANGES TO BE REPORTED. a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

9. LICENSE FEE. See ch. 81 for the required license fee.

10. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

11. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not

renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

12. INVESTIGATION. Each application for a new license shall be referred to the chief of police and the commissioner of neighborhood services in accordance with s. 85-21.

13. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

14. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

15. POSTING. Each license shall be posted in a conspicuous place on the premises.

16. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

Part 105. Section 84-7-17 to 19 of the code is created to read:

17. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If all 3 indicate that the applicant still meets the licensing qualifications, the license shall be referred to the common council for approval unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

18. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3. The common council shall consider the matter of suspension or revocation of the license in the manner provided in s. 85-5.

19. PENALTY. a. Any person who violates any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than \$1,000 and, in default thereof, may be imprisoned as provided by law.
b. Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court appearance set forth in s. 50-25 shall apply.

Part 106. Section 84-10-3 to 6 of the code is repealed and recreated to read:

84-10. Bill Posting Business License.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

4. CHANGES TO BE REPORTED. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

5. LICENSE FEE. See ch. 81 for the required license fee.

6. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

Part 107. Section 84-10-7 to 15 of the code is created to read:

7. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

- 8. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If any interested party objects to the application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the objection. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.
- 9. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.
- 10. POSTING.** Each license shall be posted in a conspicuous place on the premises.
- 11. TRANSFER.** See s. 85-19 for provisions relating to the transfer of a license and the change of licensee names.
- 12. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.
- 13. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.
- 14. REGULATIONS.** a. In all instances a permit must be obtained from the department of city development for the posting of each and every sign, except for the posting of posters within business establishments, as provided for in s. 244-2.
b. No person shall post or maintain any sign or advertisement on a billboard, building, or structure which does not fully comply with the regulations set forth in ch. 244.
c. It shall be unlawful to post any advertisement on any premises in the city without the consent of the owner of such premises.
d. It shall be unlawful for any person engaged in the bill posting business to permit any refuse resulting from this work to accumulate anywhere in the city except by placing it in properly established refuse receptacles.
- 15. PENALTY.** Any person or firm violating this section shall upon conviction, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution; and, in default of payment, may be imprisoned as provided by law.

Part 108. Section 84-20-2 to 5 of the code is repealed and recreated to read:

84-20. Parking Lots or Places.

- 2. LICENSE REQUIRED.** a. No person shall conduct a business storing motor vehicles for hire in a parking place within the limits of the city without first having obtained a license therefor, except that no license shall be required for a parking place in a residential district and operating under a temporary conditional permit issued after a hearing by the board of appeals.
b. The person conducting such a business shall pay the fee specified in ch. 81. An additional weighing and measuring license fee shall be paid for each timing device used to establish parking charges.
- 3. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.
- 4. PLAN OF OPERATION.** An application for a parking lot or place license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:
a. The planned hours of operation for the premises.
b. The number of customers expected on a daily basis at the premises.
c. The legal occupancy limit of the premises.
d. The number of off-street parking spaces available at the premises.
e. Plans the applicant has to provide security for the premises.
f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter

and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

i. A site plan showing:

i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.

i-2. The locations and dimensions of any off-street parking and loading areas for customers.

j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

5. CHANGES TO BE REPORTED. a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

Part 109. Section 84-20-5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 and 5.9 of the code is created to read:

5.1. LICENSE FEE. See ch. 81 for the required license fee.

5.2. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

5.3. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

5.4. INVESTIGATION. Each application for a new license shall be referred to the commissioner of neighborhood services in accordance with s. 85-21.

5.5. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If there is an objection to the application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the objection. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

5.6. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

5.7. POSTING. Each license shall be posted in a conspicuous place on the premises.

5.8. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

5.9. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

Part 110. Section 84-20-9 of the code is repealed.

Part 111. Section 84-20-6 to 8 of the code is renumbered 85-20-7 to 9.

Part 112. Section 84-20-6 of the code is created to read:

6. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended

or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

Part 113. Section 84-33-2-0 of the code is amended to read:

84-33. Professional Photographer.

2. ~~[[EXCLUSION]]~~ >>EXEMPTION<<. The term “professional photography” does not include the following:

Part 114. Section 84-33-4 to 17 of the code is repealed and recreated to read:

4. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

5. PLAN OF OPERATION. An application shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

- a. The planned hours of operation for the premises.
- b. The number of customers expected on a daily basis at the premises.
- c. The legal occupancy limit of the premises.
- d. The number of off-street parking spaces available at the premises.
- e. Plans the applicant has to provide security for the premises.
- f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
- g. Any other licenses held by the applicant or attached to the premises.
- h. A description of any provisions made for clean-up of the premises.
- i. A site plan showing:
 - i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - i-2. The locations and dimensions of any off-street parking and loading areas for customers.
- j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

6. CHANGES TO BE REPORTED. a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

7. LICENSE FEE. See ch. 81 for the required license fee.

8. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

9. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

10. FINGERPRINTING AND INVESTIGATION. Each application for a new license shall be referred to the chief of police and the commissioner of neighborhood services in accordance with s. 85-21.

11. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If there is an objection to the application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the objection. An appeal shall be forwarded by the city clerk to the

licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

12. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

13. POSTING. Each license shall be posted in a conspicuous place on the premises.

14. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and change of licensee names.

15. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

16. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

17. REGULATIONS. a. **Businesses Outside City Limits.** Every person, firm or corporation whose place of business is located outside of the limits of the city and who shall conduct any part of his or her business within the city shall obtain a license in accordance with this section, except that no investigation and report by the commissioner of neighborhood services shall be required. The applicant shall, however, have an established place of business. In lieu of posting the license in a conspicuous place on the premises, it shall be carried on the person of the individual while engaged in carrying on such business within the city. For such licensees, the city clerk shall issue a form of license that can be conveniently carried on the person.

b. **Littering Prohibited.** Littering the street or highway with cards, circulars or literature or any other paper or material shall be prohibited.

c. **Literature.** Any literature, card, circular or paper passed out shall include the name and bona fide permanent street address within the city of the licensee.

d. **License Card and Badge.** The licensee shall carry the license card and wear the badge with the photograph of the photographer plainly displayed on the badge, which license card and badge in suitable form shall be issued to each licensee by the city clerk, while engaged in activities described in sub. 1-c.

Part 115. Section 84-43-3.5, 3.7 and 4 of the code is renumbered 84-43-9, 10 and 11.

Part 116. Section 84-43-3 of the code is repealed and recreated to read:

84-43. Cigarette and Tobacco License.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

Part 117. Section 84-43-4 to 8 of the code is created to read:

4. PLAN OF OPERATION. An application for a cigarette and tobacco license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

- a. The planned hours of operation for the premises.
- b. The number of customers expected on a daily basis at the premises.
- c. The legal occupancy limit of the premises.
- d. The number of off-street parking spaces available at the premises.
- e. Plans the applicant has to provide security for the premises.
- f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
- g. Any other licenses held by the applicant or attached to the premises.
- h. A description of any provisions made for clean-up of the premises.
- i. A site plan showing:

- i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - i-2. The locations and dimensions of any off-street parking and loading areas for customers.
 - j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.
- 5. CHANGES TO BE REPORTED.** a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.
- b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.
- 6. LICENSE FEE.** See ch. 81 for the required license fee.
- 7. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.
- 8. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.

Part 118. Section 84-45-2 and 3 of the code is repealed and recreated to read:

84-45. Filling Stations.

- 2. DEFINITION.** In this section, “filling station” (gas station) means a place, building, pump or device maintained and used on private premises for the purpose of dispensing to the public gasoline or other fuels for use in motor vehicles of any kind.
- 3. LICENSE REQUIRED.** a. No person, firm or corporation shall operate a filling station unless the person, firm or corporation possesses a valid license issued pursuant to this section. See s. 81-51.6 for the required fee.
- b. An additional weighing and measuring license fee specified in ch. 81 shall be paid for each pump or device used to establish charges for gasoline or other fuels.

Part 119. Section 84-45-4 to 14 of the code is repealed and recreated to read:

- 4. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.
- 5. PLAN OF OPERATION.** An application for a filling station license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:
- a. The planned hours of operation for the premises.
 - b. The number of customers expected on a daily basis at the premises.
 - c. The legal occupancy limit of the premises.
 - d. The number of off-street parking spaces available at the premises.
 - e. Plans the applicant has to provide security for the premises.
 - f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
 - g. Any other licenses held by the applicant or attached to the premises.
 - h. A description of any provisions made for clean-up of the premises.
 - i. A site plan showing:
 - i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - i-2. The locations and dimensions of any off-street parking and loading areas for customers.
 - j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

- 6. CHANGES TO BE REPORTED.** a. **Application.** A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.
- b. **Plan of Operation.** If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.
- 7. LICENSE FEE.** See ch. 81 for the required license fee.
- 8. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.
- 9. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.
- 10. FINGERPRINTING AND INVESTIGATION REQUIREMENTS.** Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.
- 11. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.
- 12. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.
- 13. POSTING.** Each license shall be posted in a conspicuous place on the premises.
- 14. TRANSFER.** See s. 85-19 for provisions relating to the transfer of a license and the change of licensee names.

Part 120. Section 84-45-15 of the code is renumbered 84-45-18.

Part 121. Section 84-45-15 and 16 of the code is created to read:

- 15. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.
- 16. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

Part 122. Section 84-48-1-a to c of the code is repealed.

Part 123. Section 84-48-1-d to h of the code is renumbered 84-48-1-a to e.

Part 124. Section 84-48-3 and 4 of the code is repealed and recreated to read:

- 3. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

- 4. PLAN OF OPERATION.** An application for a waste tire generator or transporter license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:
- a. The planned hours of operation for the premises.
 - b. The number of customers expected on a daily basis at the premises.
 - c. The legal occupancy limit of the premises.
 - d. The number of off-street parking spaces available at the premises.
 - e. Plans the applicant has to provide security for the premises.
 - f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
 - g. Any other licenses held by the applicant or attached to the premises.
 - h. A description of any provisions made for clean-up of the premises.
 - i. A copy of the current state vehicle registration of each vehicle that will be used to transport waste tires.
 - j. A site plan showing:
 - j-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - j-2. The locations and dimensions of any off-street parking and loading areas for customers.
 - k. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

Part 125. Section 84-48-5, 7 and 9 of the code is renumbered 84-48-17, 18 and 19.

Part 126. Section 84-48-5 of the code is created to read:

- 5. CHANGES TO BE REPORTED.** a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.
- b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

Part 127. Section 84-48-6 of the code is repealed and recreated to read:

- 6. LICENSE FEE.** See ch. 81 for the required license fee.

Part 128. Section 84-48-7 of the code is created to read:

- 7. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

Part 129. Section 84-48-8 of the code is repealed and recreated to read:

- 8. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 130. Section 84-48-9 to 15 of the code is created to read:

9. FINGERPRINTING AND INVESTIGATION REQUIREMENTS. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

10. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

11. ISSUANCE. a. See s. 85-12.5 for provisions relating to the issuance of a license.

b. In addition to the license, for each vehicle covered in this section, the commissioner shall issue a tag, sticker, plate or decal to be attached to the vehicle in such place and manner as the commissioner may direct.

12. POSTING. Each license shall be posted in a conspicuous place on the premises.

13. TRANSFER. Licenses and vehicle tags, stickers, plates and decals are not transferable to other business location or vehicles, are personal to licensees, and cannot be transferred, sublet, leased, assigned, given away, loaned, borrowed or sold under any circumstances. See s. 85-19 for additional provisions relating to the transfer of a license and the change of licensee names.

14. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

15. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

Part 131. Section 84-49-6 of the code is repealed and recreated to read:

84-49. Distribution of Newspapers, Publications, etc. in City Hall Complex.

6. REVOCATION OR SUSPENSION OF PERMIT. Any permit issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

Part 132. Section 85-2.5-1 of the code is repealed and recreated to read:

85-2.5. Notice of Hearing Upon Council Member Request. **1. CITY CLERK TO NOTIFY.** Upon request of the local council member, the city clerk may provide, by mail, written notice, regarding an application for any business license processed by the city clerk, which is scheduled for a hearing before the licensing committee of the common council, to up to 100 single-family residences in the immediate area of the property for which a license is sought, or to each resident of the circular area having a radius of 250 feet, centered on the property for which a license is sought, whichever is greater.

Part 133. Section 85-4-1.5 and 4-c-23 of the code is created to read:

85-4. Hearing Procedure.

1.5. MULTIPLE LICENSE TYPES. When the committee conducts a hearing relating to the possible denial, non-renewal, suspension or revocation of a business type license and the licensee holds one or more other types

of licenses or permits issued by the city clerk for the same premises, the committee shall also consider possible non-renewal, suspension or revocation of the other licenses or permits at the same hearing. Notice of possible denial, non-renewal, suspension or revocation of the non-alcohol beverage licenses or permits shall be provided in accordance with s. 85-3.

4. GROUNDS FOR NON- RENEWAL, SUSPENSION OR REVOCATION.

c.

c-23. Failure to comply with the approved plan of operation.

Part 134. Section 85-18 of the code is created to read:

85-18. Failure to Receive License or Permit. If any person fails to have issued by the city clerk prior to the one year from the date of granting or approval the license or permit, the person shall not be permitted to be issued the license or permit nor apply for renewal of license or permit for the premises. The common council may waive the requirement of this paragraph upon demonstration of unusual circumstances.

Part 135. Section 85-21-2-c of the code is amended to read:

85-21. Fingerprinting and Investigation Required.

2. INVESTIGATION REQUIREMENT.

c. If referral of a license or permit application to the commissioner of neighborhood services >>commissioner of health, commissioner of public works or chief of police<< for investigation is required, the commissioner >>or chief of police<< shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the city clerk's referral of the application to the commissioner >>or the chief of police<<.

Part 136. Section 85-29-1 of the code is repealed and recreated to read:

85-29. Discrimination by License Holders.

1. DISCRIMINATION PROHIBITION. No holder of any license, permit or franchise issued by the city may willfully refuse services or add charges or require deposits not required of the general public under such license, permit or franchise because of sex, race, religion, color, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status, the fact that a person is a past or present member of the military service, whether dressed in uniform or not, or because a person is affiliated, or perceived to be affiliated, with a protected individual.

Part 137. Section 92-4-3 of the code is repealed.

Part 138. Section 108-3-2.5 of the code is created to read:

108-3. Definitions.

2.5. FESTIVAL means a special event campground or program of cultural events, celebrations or entertainment conducted by any person, group,, organization or association outdoors on private property within the city of Milwaukee.

Part 139. Section 108-3-6 of the code is amended to read:

6. PUBLIC ENTERTAINMENT means any entertainment of any nature or description to which the public generally may gain admission, either with or without the payment of a fee. Any entertainment operated commercially for gain by membership, season ticket, invitation or other system open or offered to the public

generally shall be deemed to constitute a public entertainment. This definition includes dances, shows and exhibitions provided for a fee including plays, skits, musical revues, children's theater, dance productions, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, phonograph, jukebox, television, video reproduction, tape recorder, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration. This term includes a carnival, >> festival,<< motion picture house or theater and, when offered to the public for a fee, bowling, billiard tables or amusement machines as defined in s. 107-13.

Part 140. Section 108-3-7.5 of the code is created to read:

7.5. SPECIAL EVENT CAMPGROUND means any parcel or tract of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight used by 4 or more camping units, during the course of a single event, such as a fair, rally or festival, for a maximum of 7 consecutive nights or the maximum number of nights permitted by the zoning code, whichever is less. In this subsection, "camping unit" means any portable device, not more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

Part 141. Section 108-5-2-h to k of the code is created to read:

108-5. License Required.

2. EXEMPTION.

- h. Festivals limited to 3 consecutive days or less and occurring one time per calendar year on land or within buildings or portions thereof customarily incidental and subordinate to the principal use of the primary building site and located on the same lot with the principal use.
- i. Festivals held in public parks or playgrounds or public or quasi-public premises.
- j. Festivals which require the issuance of permits or licenses by the state of Wisconsin, Milwaukee county or any other governmental jurisdiction.
- k. Festivals which require occupancy permits from the department of public works for occupancy of the city right-of-way.

Part 142. Section 108-5-5-a of the code is amended to read:

5. TEMPORARY PUBLIC ENTERTAINMENT PREMISES PERMIT.

- a. Authority. The granting of a temporary public entertainment premises permit shall authorize the permit holder to operate public entertainment lasting no longer than 4 consecutive days, except in the case of a carnival >>or festival<< , in which case the public entertainment may be offered up to 14 consecutive days, but only between the hours of ~~[[10 a.m.]]~~ >>8 a.m.<< and midnight. This authority shall be contingent upon the permit holder also obtaining any other special privileges or licenses required for the conduct of a public entertainment.

Part 143. Section 108-14 of the code is created to read:

108-14. Standards for Festivals. All festivals shall meet the following standards:

- 1. No festivals, including those identified in s. 108-5-2-h to k, may be approved or held unless they meet the requirements of the health department specified in ch. 68, and the requirements of the department of public works, specified in ss. 105-55.5 to 105-59, and have obtained the necessary licenses or permits required by city code.

2. The festival use of land or buildings shall be a permitted use within the district as regulated by ch. 295.
3. The festival use of land or buildings shall not include rummage sales or the retail sales of any used goods or secondhand merchandise.
4. Each temporary public entertainment premises permit application for a festival shall contain a statement that: "The applicant agrees to indemnify and save harmless the city from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, including both parties thereto and their employees, arising as a consequence of the granting of the permit for such festival." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.
5. Each applicant for a temporary public entertainment premises permit for a festival shall furnish with the application fee submitted to the city clerk a certificate of insurance written by a company licensed in the state of Wisconsin, approved by the city and covering any and all liability or obligations which may result from the operations by the applicant's employees, agents, contractors or subcontractors, and including workers' compensation coverage in accordance with ch. 101, Wis. Stats. The certificate shall provide that the company will furnish the city with a 10-day written notice of cancellation, nonrenewal or material change. The insurance shall be written in comprehensive form and shall protect the applicant and city against all claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors. The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of \$1,000,000, or such other insurance as deemed to be adequate by the city attorney.

Part 144. Section 108-16 of the code is created to read:

108-16. Standards for Special Event Campgrounds. All special event campgrounds shall meet the following standards:

1. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ch. DHS 178, Wis. Adm. Code. The permit application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy shall be obtained in accordance with s. 200-42. In addition to the campground permit, and the temporary public entertainment premises permit required by this section, other permits and licenses, including but not limited to an alcohol beverage license or a food dealer license, may be required for campground operations.
2. All roads and parking areas in the campground shall be paved with concrete, asphalt macadam, tar macadam, crushed stone, paving blocks, traffic bond or other paving material.
3. The campground shall be located not less than 600 feet from the nearest residential use.
4. The campground operator shall prepare an emergency evacuation plan and provide copies of the plan to all campers. A copy of the plan shall also be provided to the city at the time of application for the temporary public entertainment premises permit.
5. No open-air fires shall be permitted at the campground except fires in substantial burners built of metal, concrete or brick that are well-covered or screened to prevent the escape of sparks and burning embers.
6. No cooking shall be permitted at indoor campsites except cooking that is explicitly permitted by a food dealer license or license for temporary operation of a food establishment issued by the health department.
7. The campground operator shall provide on-site, 24-hour security service on the campground premises. The name of the business or organization providing security, and the cellular telephone number used by the business or organization, shall be provided to the department of neighborhood services at the time of campground permit application.
8. The campground shall contain fire department access lanes at least 20 feet wide.

9. All parts of the campground shall be located within 400 feet of the nearest fire hydrant.
10. The campground premises shall be restored to its original condition at the termination of campground operation.

Part 145. Section 115-32.6-4 of the code is repealed and recreated to read:

115-32.6. Sidewalk Area Dining Facilities; Permits.

4. APPLICATION. Application for a permit shall be made to the city clerk in accordance with s. 85-12. An application shall include both a written plan of operation and a plan drawing.
 - a. The plan of operation shall, at a minimum, indicate:
 - a-1. The expected starting date and ending date of the sidewalk area dining facility.
 - a-2. The proposed daily hours.
 - a-3. The planned capacity of the sidewalk area dining facility.
 - a-4. Whether any of the proposed sidewalk area dining facility improvements would be physically attached to public infrastructure and, if so, how.
 - a-5. The number of customers expected on a daily basis at the premises.
 - a-6. The legal occupancy limit of the premises.
 - a-7. Plans the applicant has to provide security for the premises.
 - a-8. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
 - a-9. A description of any provisions made for clean-up of the premises.
 - b. The plan drawing shall be legible, submitted on 8.5" x 11" paper and include, at a minimum, the following:
 - b-1. The business name, address, phone number, contact person's name and contact person's phone number.
 - b-2. The length and width of each proposed sidewalk seating area.
 - b-3. The curb line, property line and building face.
 - b-4. All tables, chairs, benches, planters, server stations, umbrellas, heating lamps and other furniture or fixtures.
 - b-5. The names of all streets shown on the drawing.
 - b-6. A north arrow.
 - b-7. Any other information the city clerk would from time to time require.
 - c. The application shall be signed by both the applicant and the property owner (if other than the applicant).

Part 146. Section 115-32.6-5 to 9 is renumbered 115-32.6-19 to 23.

Part 147. Section 115-32.6-5 to 9 of the code is created to read:

5. CHANGES TO BE REPORTED.
 - a. Application. A permit holder shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The permit holder shall make this notification in writing within 10 days after the change occurs.
 - b. Plan of Operation. If, after the permit has been issued, the permit holder wishes to deviate from the plan of operation that was submitted with the original application, the permit holder shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new permit.
6. PERMIT FEE. See ch. 81 for the required permit fee.
7. INSURANCE.
 - a. Requirements. Prior to issuance of a permit, every person applying for a permit shall file with the city clerk a certificate of general liability and property damage insurance that maintains the minimum insurance coverages specified in s. 245-12-3-b. The certificate shall provide that the company shall give 30 days' written notice to the city clerk of cancellation, expiration or the company's intent not to renew; otherwise, the insurance shall continue in full force and effect. Every certificate shall be executed by an insurance

company licensed to do business in the state of Wisconsin.

b. Cancellation or Nonrenewal. In the event of a cancellation or nonrenewal of a certificate of insurance, the permit shall be automatically suspended. The suspension shall terminate upon presentation of a certificate of insurance that evidences that the policies required under this subsection have been issued or reissued to the business owner.

c. Reinstatement Fee. If a permit is suspended due to the cancellation, expiration or nonrenewal of a certificate of insurance required by this subsection, the business owner shall pay a fee specified in s. 81-1-6 prior to reinstatement of the permit.

8. AGE QUALIFICATION. No permit shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

9. DISQUALIFICATION. Whenever any application is denied, or a permit is revoked, surrendered or not renewed, the procedures for disqualification for permit and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 148. Section 115-32.6-10 to 18 of the code is created to read:

10. INVESTIGATION REQUIREMENTS. Each application for a new license shall be referred to the commissioners of public works, neighborhood services and health in accordance with s. 85-21.

11. OBJECTION. An objection to issuance of a permit shall be based on the factors set forth in s. 85-2.7-4. If the local common council member or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

12. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a permit.

13. PERMIT TERM. A sidewalk area dining permit shall expire the same date as other licenses issued for the premises.

14. POSTING. Each permit shall be displayed in proximity to the sidewalk seating area so that it is visible from the public sidewalk.

15. TRANSFER. See s. 85-19 for provisions relating to the transfer of a permit and the change of permit holder names.

16. RENEWAL. Application for renewal of a permit shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the commissioner of public works. If the applicant still meets the permitting qualifications, the permit shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the permit, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

17. REVOCATION OR SUSPENSION OF PERMIT. Any permit issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

18. OPERATIONAL REQUIREMENTS. a. Hours of Operation. The hours of operation of the sidewalk area dining facility shall be as approved by the common council.

b. Pedestrian Clearance. All sidewalk seating areas shall at all times maintain a minimum clearance of 5 feet for pedestrian traffic. The clearance area shall be clear of all obstructions and provide a straight pedestrian path to the greatest degree possible.

c. Paved Surface. At no time shall any furniture that is part of a sidewalk seating area be placed on grass, landscaping mulch or other unpaved surfaces. Sidewalk seating area furniture shall be placed on a paved surface of concrete, asphalt, pavers or other approved surface material.

d. No Permanent Attachment. No sidewalk seating area tables, chairs, planters, server stations or other

furniture or fixtures shall be permanently affixed to the public sidewalk, light poles, traffic signal poles, bicycle racks, street trees or other public improvements. Nothing shall be hung from street trees, light poles, sign posts or traffic signal poles.

e. Alterations of Public Improvements. Existing public improvements in the sidewalk area, such as benches, planter boxes, tree grates, bicycle racks, kiosks and trash receptacles, shall not be moved or removed to accommodate a sidewalk seating area unless it is determined that the improvements are no longer needed or that they can be appropriately relocated. Any alterations to public improvements shall be approved by the commissioner of public works and made at the permit holder's expense.

f. Food or Beverage Preparation Within Public Right-of-Way. Any food or beverages shall be stored and prepared within the affiliated establishment. No storage or preparation of food or beverages shall occur within the public right-of-way.

g. Compliance With Plan of Operation. Failure to comply with the approved plan of operation shall constitute grounds for modification, nonrenewal, suspension or revocation of a permit as provided in s. 85-4-4.

h. Other Requirements. The common council may establish other operational requirements as may be necessary to regulate the location, design and operation of the sidewalk seating area.

Part 149. Section 115-33.5-4-c and d of the code is renumbered 115-33.5-4-d and e.

Part 150. Section 115-33.5-4-c of the code is created to read:

115-33.5. Newspaper Vending Boxes; Newspaper Vending Box Permits.

4. APPROVAL.

c. An objection to issuance of a permit shall be based on the factors set forth in sub. 8 and s. 85-2.7-4. If the common council member or commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

Part 151. Section 115-33.5-10 of the code is repealed and recreated to read:

10. APPEAL OF REMOVAL. If a permittee whose box has been ordered to be removed wishes to appeal the decision of the commissioner to remove the box pursuant to sub. 9, the permittee may upon written request to the city clerk appeal to the appropriate committee of the common council within 10 working days of the date on which the notice of denial was issued. A hearing of an appeal shall be conducted as set forth in s. 90-12-5-b. The committee may make a decision immediately following the hearing or on a later date. In making its decision committee members shall consider the factors set forth in sub. 8. Written notice of the committee's decision shall be provided if the decision is made at a later date or if the applicant was not present. The decision of the committee shall be final, and the applicant shall have no right of appeal to the common council.

Part 152 Section 200-33-15 of the code is repealed.

Part 153. Section 200-33-26-b-1 of the code is amended to read:

200-33. Fees.

26. LICENSED DWELLING FACILITIES.

b. Hotels.

b-1. The fee for a hotel permit shall be \$325 per year for a hotel>>or motel<< with ~~[[less than]]~~ 99 >>or fewer

<< rooms. For a hotel or motel with more than 99 rooms, the permit fee shall be \$500. ~~[[In addition the applicant shall]]~~ >>A portion of the fee shall be used to<< pay the state of Wisconsin administrative fee, the amount of which is on file with the department of neighborhood services.

Part 154. Section 200-33-26-f of the code is amended to read:

f. The ~~[[commissioner shall charge a]]~~ fee ~~[[of \$75]]~~ for the processing of a late license renewal application for each licensed dwelling facility >>shall be \$75<< .

Part 155. Section 261-103 of the code is repealed.

Part 156. Section 275-20-3 to 6 of the code is repealed and recreated to read:

275-20. Licensing of Licensed Dwelling Facilities.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. In addition, if the applicant is a nonresident of Milwaukee county, the application shall contain the name and street address of a local representative inside the Milwaukee county limits who shall be a natural person upon whom service can be made under this chapter of a summons or other processes issued by any court.

4. PLAN OF OPERATION. An application for a licensed dwelling facility license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

- a. The planned hours of operation for the premises.
- b. The number of customers expected on a daily basis at the premises.
- c. The legal occupancy limit of the premises.
- d. The number of off-street parking spaces available at the premises.
- e. Plans the applicant has to provide security for the premises.
- f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.
- g. Any other licenses held by the applicant or attached to the premises.
- h. A description of any provisions made for clean-up of the premises.
- i. A copy of the current state vehicle registration of each vehicle that will be used to transport waste tires.
- j. A site plan showing:
 - j-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.
 - j-2. The locations and dimensions of any off-street parking and loading areas for customers.
- k. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

5. CHANGES TO BE REPORTED. a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

6. LICENSE FEE. See s. 200-33 for the required license fee.

Part 157. Section 275-20-7 of the code is renumbered 275-20-20.

Part 158. Section 275-20-7 of the code is created to read:

7. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

Part 159. Section 275-20-8 of the code is repealed and recreated to read:

8. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 160. Section 275-20-8.2 of the code is repealed.

Part 161. Section 275-20-8.5 of the code is renumbered 275-20-17.

Part 162. Section 275-20-9 to 11 is repealed and recreated to read:

9. INVESTIGATION. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

10. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

11. ISSUANCE. a. General. See s. 85-12.5 for provisions relating to the issuance of a license.

b. Occupancy. Each license shall list the maximum number of persons that may reside in the total building or portion thereof for which the license is issued.

c. Expiration. A license shall expire on the date specified, unless sooner suspended or revoked as provided in this section.

Part 163. Section 275-20-12 of the code is renumbered 275-20-22.

Part 164. Section 275-20-12 to 16 of the code is created to read:

12. POSTING. Each license shall be posted in a conspicuous place on the premises.

13. TRANSFER. No license for a licensed dwelling facility may be transferred. See s. 85-19 for additional provisions relating to the transfer of a license and change of licensee names.

14. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

15. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

16. DUE PROCESS AND COMMON COUNCIL REVIEW. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council

consideration in ss. 85-3 to 85-5 shall apply.

Part 165. Section 275-20-17-0 of the code is repealed and recreated to read:

17. CAUSES FOR NONRENEWAL, SUSPENSION OR REVOCATION. In addition to the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including sub. 20 and any of the following:

Part 166. Section 275-20-18 and 19 of the code is created to read:

18. EFFECTIVE DATE OF NON-RENEWAL. Non-renewal shall take effect 60 days following the final action of the common council.

19. EFFECTIVE DATE OF REVOCATION. Revocation of a license shall take effect 60 days following the final action of the common council.

Part 167. Section 275-20-20-a and c of the code is repealed.

Part 168. Section 275-20-21 of the code is created to read:

21. EMERGENCY ORDERS. The commissioner may issue emergency orders to the owner, operator or occupancy of a licensed dwelling facility in accordance with the provisions of s. 200-12.5.

Part 169. Parts 1, 4, 5, 6, 7, 8, 9, 12, 13, 18, 22, 23, 24, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 98, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 131, 132, 133, 134, 135, 136, 137, 149, 150 and 151 of this ordinance shall be effective July 1, 2014.

Part 170. Parts 97, 99, 100, 101, 102 and 103 of this ordinance shall be effective October 1, 2014.

Part 171. Parts 2, 3, 10, 11, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 37, 57, 68, 71, 90, 96, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167 and 168 of this ordinance shall be effective January 1, 2015.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

City Clerk

LRB151098-2

Jeff Osterman/Teodros W. Medhin

04/02/2014