

TITLE 7

Licensing and Regulation

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CHAPTER 1

Licensing of Dogs and Regulation of Animals

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SEC. 7-1-1 DOG AND CAT LICENSE REQUIRED; DEFINITIONS.

- (a) **License Required.** It shall be unlawful for any person in the City of Green Lake to own, harbor or keep any dog or cat for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) "Owner" shall mean any person owning, harboring, or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
 - (2) "At large" means to be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
 - (3) "Dog" shall mean any canine, regardless of age or sex.
 - (4) "Cat" shall mean any feline, regardless of age or sex.
 - (5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
 - (6) "Animal" means mammals, reptiles and birds.
 - (7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - (8) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec.23.10, Wis. Stats.
 - (9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - (10) "Pet" means an animal kept and treated as a pet.

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

SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR DOGS AND CATS.

- (a) **Rabies Vaccination.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog or cat reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the City of Green Lake after the dog or cat has reached four (4) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is brought into the City unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified,

within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21 (2), Wis. Stats.

- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the City stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the City.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog during competition or to a dog or cat securely confined indoors. The substitute tag shall be of durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog or cat which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

SEC. 7-1-3 ISSUANCE OF DOG, CAT AND KENNEL LICENSES.

(a) Dog and Cat Licenses.

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

Further, it shall be unlawful for any person in the City of

Green Lake to own, harbor or keep any cat more than five (5) months of age without complying with the provisions of the Green Lake Municipal Code.

- (2) The owner of any dog or cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually or on or before the date of the dog or cat becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The minimum license tax under this Section shall be Three Dollars (\$3.00) for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be Eight Dollars (\$8.00). These amounts shall be reduced by one-half (1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog or cat is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Clerk-Treasurer shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The City Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar and the collar, with the tag attached, shall be kept on the dog or cat for which the license is issued at all times, except as provided in Section 7-1-2(e). As an alternative to a collar and tag, an ear tag or other identifying feature approved by the City is permissible.
- (6) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog or cat for which a dog or cat license is required which is found without such tag attached.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk-Treasurer upon application therefor.

(b) **Kennel Licenses.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license

tax of Thirty Dollars (\$30.00) for a kennel of twelve (12) or fewer dogs and an additional Three Dollars (\$3.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Common Council, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be established in locations following issuance of a conditional use permit pursuant to the City Zoning Code.

- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition or to a dog securely confined indoors. No dog bearing a kennel tag shall be permitted to stray or to be taken any where outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trail, training or competition.
- (3) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by the City Health Officer without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to City ordinances.

State Law Reference: Section 174.053, Wis. Stats.

SEC. 7-1-4 LATE FEES.

The City Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to

the required license fee.

SEC. 7-1-5 RABIES QUARANTINE.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk-Treasurer shall promptly post in at least three (3) public places in the City notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from City Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
- (1) Quarantine or sacrifice of dog or cat. An animal control or law enforcement officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) **Quarantine of Dog or Cat.**
- (1) Delivery to isolation facility or quarantine on premises of owner. An animal control or law enforcement officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10)

days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(3) Risk to animal health.

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

b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(4) Sacrifice of a dog or cat exhibiting symptoms of

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

(e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.**

An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the

City, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

SEC. 7-1-6 RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL, AND OTHER ANIMALS.

- (a) **Restrictions.** It shall be unlawful for any person within the City of Green Lake to own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
 - (2) Assaults or attacks any person as described in Subsection (b) or destroys property.
 - (3) Is at large within the limits of the City.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-11.)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.
- (b) **Vicious Dogs and Animals.**
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
 - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) **Animals Running at Large.**
- (1) No person having in his possession or ownership

any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or City Ordinance to be licensed shall be seized and impounded by an animal control or law enforcement officer.

(2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

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

SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.

(a) **Animal Control Agency.**

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

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

- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any animal control or law enforcement officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the City, assaults or attacks any person, s at large within the any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation.

- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the City, giving a description of the animal, stating where it is

impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees.

Possession of dogs or cats impounded under this Section may be obtained by paying Ten Dollars (\$10.00) to the City Clerk-Treasurer, plus the actual cost of boarding the animal for each day or fraction thereof the dog or cat has been so impounded. Owners of unlicensed dogs shall also obtain a dog license prior to release of an impounded animal. No animal shall be released from the pound without being properly licensed if so required by state law or City Ordinance.

- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (e) **City Not Liable for Impounding Animals.** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

SEC. 7-1-8 ANIMALS RESTRICTED ON PUBLIC GROUNDS AND CEMETERIES.

- (a) No dog or cat shall be permitted in any public playground, school grounds, public park, beach, or swimming area within the City unless such dog or cat is entered in a contest or obedience class approved by the Common Council. Dogs and cats are prohibited from being in cemeteries. This section does not apply to any blindness or some other medical incapacity, but that person shall have said animal on a leash.
- (b) No horses are permitted in City parks and recreation areas.

SEC. 7-1-9 DUTY OF OWNER IN CASE OF DOG OR CAT BITE.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Chief of Police and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as the animal control officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement, health, or humane officer upon demand for examination.

SEC. 7-1-10 INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, dog, or cat to permit such animal, dog or cat to go upon any public lands or private lands or premises without the

permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

SEC. 7-1-11 BARKING DOGS OR CRYING CATS.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation of this Section when two (2) formal written complaints are filed with the animal control officer within a four (4) week period.

SEC. 7-1-12 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES, AND INSECTS.

(a) **Protected Animals.**

- (1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kemp*).
- (2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United State Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) Regulating the Importation of Certain Birds. No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial

purposes or in the preservation of their tribal customs and heritage.

- (b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) **Wild Animals; Prohibition on Keeping.** Except for state-licensed game farms, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 - (3) Baboons (Papoi, Mandrillus).
 - (4) Bears (Ursidae).
 - (5) Bison (Bison).
 - (6) Cheetahs (Acinonyx jubatus).
 - (7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
 - (8) Constrictor snakes, six (6) feet in length or more.
 - (9) Coyotes (Canis latrans).
 - (10) Game cocks and other fighting birds.
 - (11) Hyenas (Hyaenidae).
 - (12) Jaguars (Panthera onca).
 - (13) Leopards (Panthera pardus).
 - (14) Lions (Panthera leo).
 - (15) Lynxes (Lynx).
 - (16) Ostriches (Struthio).
 - (17) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
 - (18) Sharks (class Chondrichthyes).
 - (19) Snow leopards (Panthera uncia).
 - (20) Tigers (Panthera tigris).
 - (21) Wolves (Canis lupus).
 - (22) Poisonous Insects.
 - (23) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens, poultry or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in

the care, custody or control of: a state-licensed game farm; aveterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; zoological gardens; if:

- (1) Their location conforms to the provisions of the zoning ordinance of the City.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.

SEC. 7-1-13 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b)
 - (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
 - (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings, or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Section 951.10, 951.11, Wis. Stats.

SEC. 7-1-14 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.
- (d) No person may feed a feral or unlicensed cat in the City of Green Lake unless the food is placed within a house with said house being occupied by an individual(s). This Section does not apply to humane society or animal shelter organization that provides care to cats so long as the cats are fed within said shelter or society's building.

State Law Reference: Section 951.13, Wis. Stats.

SEC. 7-1-15 PROVIDING PROPER SHELTER.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
- (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
 - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
- (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) Shelter from inclement weather.
 - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
- (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic

cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Section 951.14, Wis. Stats.

SEC. 7-1-16 NEGLECTED OR ABANDONED ANIMALS.

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

- (1) No person may abandon any animal.
- (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (5) Section 948.16, Investigation of Cruelty Complaints, and Section 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

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

State Law Reference: Sections 951.15, Wis. Stats.

SEC. 7-1-17 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

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

nests or bird's eggs.

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

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

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

(e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing, or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

SEC. 7-1-18 LIMITATION ON NUMBER OF DOGS AND CATS.

- (a) **Purpose.** The keeping of a large number of dogs and cats within the City for a considerable period of time from and, in many instances, is detrimental to, health and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **Definitions.**
- (1) Dog. A dog means any canine, regardless of age or sex.
 - (2) Residential Lot. A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Number Limited.**
- (1) No family shall own, harbor or keep in its possession more than three (3) dogs and three (3) cats on any residentially zoned lot without the prior approval of the Common Council except; that a litter of pups or kittens or a portion of a litter may be kept for not more than twelve (12) weeks from birth. If more than one (1) family resides on a residential lot, then only a total of three (3) dogs and three (3) cats shall be allowed on the residential lot unless the prior approval is obtained from the Common Council. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons. Persons may keep more than three (3) dogs only if they have first received a kennel license and a conditional use permit pursuant to the City Zoning Code.
 - (2) The above requirement may be waived with the approval of the Common Council or when a kennel license has been issued by the City. Such application for waiver shall first be made to the City Clerk-Treasurer who shall forward the request to the animal control officer. After review, the animal control officer shall make a recommendation to the Common Council prior to Council action on the matter.

SEC. 7-1-19 ANIMAL FECES.

It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses, and cats, to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog, horse, or cat to be on property not owned or possessed by such person shall immediately remove all excrement of such dog, horse, or cat to a receptacle located upon property owned or possessed by such person. No person shall permit their dog or other animal to excrete feces upon public rights-of-way or in any park in the City. This Section shall not apply to a person who is visually or physically handicapped.

SEC. 7-1-20 PENALTIES.

- (a) Any person violating Sections 7-1-14, 7-1-15, 7-1-16, 7-1-17, 7-1-18, or 7-1-19 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4, and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Section 7-1-6 through 7-1-13 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

CHAPTER 2

Fermented Malt Beverages and Intoxicating Liquor

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ARTICLE A

Fermented Malt Beverages & Intoxicating Liquor

SEC. 7-2-1 STATE STATUTES ADOPTED.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.

State Law Reference: Chapter 125, Wis. Stats.

SEC. 7-2-2 DEFINITIONS.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age," "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages," shall have the meaning given them by Chapter 125, Wisconsin Statutes.

SEC. 7-2-3 LICENSE REQUIRED.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28, and 125.51 of the Wisconsin Statutes.

SEC. 7-2-4 CLASSES OF LICENSES.

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the City Clerk-Treasurer under the authority of the Common

Council, shall permit its holder to sell, deal and traffic in intoxicating liquor only in original packages or containers and to be consumed off the premises so licensed.

(b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

(c) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.

(d) **Class "B" Fermented Malt Beverage Retailer's License.**

(1) License. A Class "B" fermented malt beverage retailer's license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.

(2) Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(e) **Temporary Class "B" Fermented Malt Beverage License.**

(1) License. As provided in Sec. 125.26(1) and (6),

Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Common Council.

- (2) Application. Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Common Council at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility

(f) **Temporary "Class B" Wine License.**

- (1) License. Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular

picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stat., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.

- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Common Council at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility.

- (g) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Clerk-Treasurer under the authority of the Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

- (h) **Retail "Class C" License for the Sale of Wine.** Retail "Class C" licenses for the sale of wine by the glass or by opened original container for consumption on the premises when issued by the City Clerk-Treasurer under the authority of the Common Council and pursuant to the state statutes shall permit its holder to sell, deal and traffic in wine to be consumed by the glass or by opened or original container for consumption on the premises. Such licensee shall be governed by the existing statutes of the State of Wisconsin.

Cross Reference: Section 7-2-17.

SEC. 7-2-5 LICENSE FEES.

- (a) **License Fees.** The following license fees shall be charged for licenses issued by the Common Council for the sale of intoxicating liquors and fermented malt beverages within the City of Green Lake. All such fees are payable after approval of the application by the Common Council and prior to the release of the license being delivered to the licensee, with the exception of Special Class B Picnic Licenses, for which the fee shall be paid at the time application is submitted:
- (1) "Class A" Fermented Malt Beverage Retailer's License. The annual fee for this license shall be Thirty Dollars (\$30.00). The fee for a license less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
 - (2) Class "B" Fermented Malt Beverage License. The annual fee for this license shall be One Hundred Dollars (\$100.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
 - (3) Temporary Class "B" Fermented Malt Beverage License. The fee for this license shall be Ten Dollars (\$10.00) per event.
 - (4) Temporary Class "B" Wine License. The fee for this license shall be Ten Dollars (\$10.00) per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
 - (5) Fermented Malt Beverage Wholesalers' License. The annual fee for this license shall be Fifty Dollars (\$50.00).
 - (6) "Class A" Intoxicating Liquor Retailer's License. The annual fee for this license shall be Two Hundred Dollars (\$200.00)
 - (7) "Class B" Intoxicating Liquor Retailer's License. The annual fee for this license shall be Three Hundred-Fifty Dollars (\$350.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

- (8) "Class C" Wine Retailer's License. The annual fee for the license shall be Seventy-five Dollars (\$75.00). Application for such license shall be made on forms provided by the Clerk-Treasurer of the City, and shall be issued to restaurants only if:
- a. Less than fifty percent (50%) of the gross receipts are from alcohol sales.
 - b. There is no bar room.
 - c. There are no "Class B" liquor licenses available for issuance.

- (b) **Cancellation for Failure to Pay Fee.** The City Clerk-Treasurer shall issue each license approved by the Common Council and shall make the same available at the City Clerk-Treasurer's Office in City Hall. Any licenses for which the license fee and publication costs are not paid within fifteen (15) days of approval of the application by the Common Council shall be returned to the Common Council for cancellation or other disposition.

SEC. 7-2-6 APPLICATION FOR LICENSE.

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the City Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The City Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A", or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official City newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.** Retail intoxicating liquor and fermented malt beverage licenses issued by the Common Council shall be limited in number to the quota prescribed by state law. The City may utilize the annual population estimate

received from the Wisconsin Department of Administration Demographic Service Center or the Bureau of Census of the United States Government in determining quotas.

SEC. 7-2-7 QUALIFICATIONS OF APPLICANTS AND PREMISES.

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Section 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a) 1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the City Clerk-Treasurer a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **Sales Tax Qualification.** All applicants for retail licenses

shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e. hold a seller's permit) before they may be issued a license.

- (g) **Separate License Required for Each Place of Sale.** A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- (h) **Licensed Premises.** Licenses issued by the City shall be for the structure itself and shall not confer any license or right to property outside of the licensed structure. All sales of intoxicating liquors and fermented malt beverages within the City of Green Lake shall be limited to and shall be made upon the premises described within the license granted by the Common Council. Specifically restricted by this Section is the sale and delivery of alcoholic beverages by food delivery services.
- (i) **Issuance for Sales in Dwellings Prohibited.** No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any alcohol beverages in any dwelling house, flat, or residential apartment.

SEC. 7-2-8 INVESTIGATION.

- (a) The City Clerk-Treasurer shall notify the Chief of Police, Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the City Clerk-Treasurer in writing, who shall forward to the Common Council, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.
- (b) If the inspecting officials recommend the denial of the application, the applicant shall be notified by the City Clerk-Treasurer at least fifteen (15) days prior to the Council meeting at which the application is to be considered. The notice shall set forth the basis for such recommendation and inform the applicant of the opportunity to appear before the Common Council and to provide evidence as to why the application should be approved. In addition, the applicant shall be notified that the consideration of the application shall be held in closed session, pursuant to

Sec. 19.85(1)(b), Wis. Stat., unless the applicant requests such consideration be held in open session.

SEC. 7-2-9 APPROVAL OF APPLICATION.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the City are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the City.
- (c) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

SEC. 7-2-10 GRANTING OF LICENSE.

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Common Council, the City Clerk-Treasurer shall issue to the

applicant a license, upon payment by the applicant of the license fee to the City. The full license fee shall be charged for the whole or fraction of any year.

- (b) If the Common Council denies the license, the applicant shall be notified in writing, by registered mail or personal service of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Common Council and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Common Council consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Common Council meeting at which the application is to be reconsidered.

SEC. 7-2-11 TRANSFER AND LAPSE OF LICENSE.

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferrable from one premise to another if such transfer is first approved by the Common Council. An application for transfer shall be made on a form furnished by the City Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the City Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the City for reissuance of said license and the City, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of license is for any reason replaced, the licensee shall give the City Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Common Council, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the City Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Common Council until the successor agent or another qualified agent is appointed and approved by the City.

SEC. 7-2-12 NUMBERING OF LICENSE.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which

granted, the date of issuance, the fee paid and the name of the licensee. The City Clerk-Treasurer shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

SEC. 7-2-13 POSTING LICENSES; DEFACEMENT.

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

SEC. 7-2-14 CONDITIONS OF LICENSE.

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

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there in violation of City ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage persons, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B" or Class "B" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B" or Class "B" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and

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

- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building, or church building.
- (g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A", or "Class B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) **Improper Exhibitions.** It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
 - (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

- (3) Exposes any portion of the female breast at or below the areola thereof; or
 - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.
- (1) **Operational Telephone Required.** All premises located within the City which are licensed to sell alcoholic beverages shall, during hours they are open, be equipped with a functioning telephone which shall be available to the operators and/or patrons of the establishment.

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

SEC. 7-2-15 CLOSING HOURS.

- (a) **Closing Hours.** No premises for which an alcohol beverage license or permit has been issued shall remain open for the sale of alcohol beverages during the following hours:
- (1) Wholesale License. Between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hours shall be no later than 9:00 p.m.
 - (2) Retail Class "A" Liquor License. Between 9:00 p.m. and 8:00 a.m.
 - (3) Retail Class "A" Fermented Malt Beverage License. Between 9:00 p.m. and 8:00 a.m.
 - (4) Retail Class "B" Licenses and Permits. Between 2:00 a.m. and 6:00 a.m., except on Friday and Saturday evenings when the hours shall be between 2:30 a.m. and 6:00 a.m.; and there shall be no closing hours on January 1st. No package, container, or bottle sales (intoxicating liquor) may be made after 12:00 midnight, that is between 12:00 a.m. and 6:00 a.m.
- (b) **Exceptions.** Food stores, hotels, restaurants, and other commercial establishments whose principal business is the sale or furnishing of food or lodging, and bowling alleys and golf courses, may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during the applicable above-stated hours.

SEC. 7-2-16 RESTRICTIONS ON TEMPORARY FERMENTED MALT BEVERAGE OR WINE LICENSES.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any City-owned property or privately-owned property within the City of Green Lake, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Common Council in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of

beer and/or wine on City-owned property or privately-owned property may be authorized by the Common Council provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the Common Council may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Common Council may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the City of Green Lake. The applicant may be required to furnish a performance bond prior to being granted the license.
- (h) **Permitted Cups or Cans Only.** Intoxicants will be sold outside only in foam or plastic cups or cans.

Cross Reference: Section 11-4-1.

SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL.

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **Abandonment of Premises.** Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Common Council. All persons issued a license to sell alcohol beverages in the City for which a quota exists limiting the number of such licenses that may be issued by the City shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.
- (c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

SEC. 7-2-18 NON-ALCOHOL EVENTS FOR UNDERAGE PERSONS ON LICENSED PREMISES.

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all

public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Department to a requesting licensee.

- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

SEC. 7-2-19 THROUGH SEC. 7-2-29 RESERVED FOR FUTURE USE.

ARTICLE B

Operator's License

SEC. 7-2-30 OPERATOR'S LICENSE REQUIRED.

- (a) **Operator's Licenses; Class "A" or Class "B" Premises.**

Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it.

For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve

fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

(b) **Use by Another Prohibited.**

- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
- (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

SEC. 7-2-31 PROCEDURE UPON APPLICATION.

- (a) The Common Council may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Clerk-Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the City.
- (b) All applications are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto.
The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall recommend in writing, to the Common Council approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

SEC. 7-2-32 DURATION.

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

SEC. 7-2-33 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSE.

- (a) **Fee.** The annual fee for an operator's license shall be

Forty Dollars (\$40.00) for the term or part thereof, and the fee for a provisional license shall be Fifteen Dollars (\$15.00).

- (b) **Provisional License.** The City Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The City Clerk-Treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the Common Council or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The City Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The City Clerk-Treasurer may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.
- (c) **Temporary Operator's License.** The City Clerk-Treasurer may issue temporary operator's licenses in accordance with Section 125.17(4), Wisconsin State Statutes. Temporary licenses may only be issued to operators employed by, or donating their services to, nonprofit corporations. No person may hold more than one license of this kind per year. The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license. The fee for a temporary operator's license shall be Twenty Dollars (\$20.00).

SEC. 7-2-34 ISSUANCE OR DENIAL OF OPERATOR'S LICENSES.

- (a) After the Common Council approves the granting of an operator's license, the City Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) (1) If the application is denied by the Common Council, the City Clerk-Treasurer shall, in writing inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Common Council in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

- (2) If, upon reconsideration, the Board again denies the application, the City Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) (1) Consideration for the granting or denial of a license will be based on:
 - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - b. The financial responsibility of the applicant
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Common Council may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making, the determination to grant, deny or not renew a license. Further, the Common Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

SEC. 7-2-35 TRAINING COURSE.

- (a) Except as provided in Subsection (b) below, the Common Council may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:
 - (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", or "Class B"

license or permit or a manager's or operator's license.

- (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Common Council may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Common Council may not require that applicants for operator's licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

NOTE: This Section shall take effect July 1, 1991.

SEC. 7-2-36 DISPLAY OF LICENSE.

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

SEC. 7-2-37 REVOCATION OF OPERATOR'S LICENSE.

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

SEC. 7-2-38 THROUGH SEC. 7-2-39 RESERVED FOR FUTURE USE.

ARTICLE C

Penalties

SEC. 7-2-40 PENALTIES.

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the City of Green Lake, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the City of Green Lake, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without

a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the City of Green Lake.

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

CHAPTER 3

Cigarette License; Soda Water License; Coin Machines

- 7-3-1 Cigarette License
7-3-2 Soda Water License
7-3-3 Coin Machines

SEC. 7-3-1 CIGARETTE LICENSE.

- (a) **License Required.** No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the City Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the City Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the City Clerk-Treasurer a license fee of Fifty Dollars (\$50.00).
- (c) **Issuance and Term of License.** Licenses for the sale, keeping exchange, barter, disposition of, or giving away or for sale of cigarette paper or cigarette wrappers, or any substitute therefor shall be issued by the City Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

SEC. 7-3-2 SODA WATER LICENSE.

No person shall, in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away nor keep for sale any soda water, pop, or other soft drinks (excluding milk and water) without first obtaining a license therefor from the City Clerk-Treasurer. This Section shall not apply to jobbers or manufacturers doing interstate business with customers outside

Wisconsin. The fee for such soda water license shall be Five Dollars (\$5.00). All soda water licenses shall be signed by the City Clerk-Treasurer and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue.

SEC. 7-3-3 COIN MACHINE LICENSES.

No person shall, in any manner, directly or indirectly, manufacture, sell, or operate any coin-operated gaming machine or device without first obtaining a license therefor from the City Clerk-Treasurer. No such machines which are "gambling" machines as defined by Chapter 945 of the Wisconsin Statutes shall be licensed, and their operation shall be illegal as provided by state law. A gambling machine does not include any device used in conducting a Bingo occasion or raffle event under Chapter 163 of the Wisconsin Statutes or any amusement device if it rewards the player exclusively with one (1) or more nonredeemable free replays for achieving certain scores and does not change the ratio or record the number of free replays so awarded. The fee for coin machine licenses shall be Twenty-Five Dollars (\$25.00).

All coin machine licenses shall be signed by the City Clerk-Treasurer and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue. Such licenses are nontransferable. Any license required under this Subsection of the Code shall be in addition to any licenses required by the Wisconsin Statutes for the operation of such devices.

Direct Sellers

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemptions
7-4-4	Registration
7-4-5	Investigation
7-4-6	Appeal
7-4-7	Regulation of Direct Sellers
7-4-8	Revocation of Registration

SEC. 7-4-1 REGISTRATION REQUIRED.

It shall be unlawful for any direct seller to engage in direct sales within the City of Green Lake without being registered for that purpose as provided herein.

SEC. 7-4-2 DEFINITIONS.

In this Chapter:

- (a) **Direct Seller** means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to: peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) **Permanent Merchant** means a direct seller who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business in this City; or
 - (2) Has continuously resided in this City and now does business from his/her residence.
- (c) **Goods** shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
- (d) **Charitable Organization** shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.
- (e) **Clerk** shall mean the City of Green Lake Clerk-Treasurer.
- (f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

SEC. 7-4-3 EXEMPTIONS.

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

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- (d) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (e) Any person who has had, or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (f) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (g) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (h) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the City Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter; it is intended to include any employee, officer, agent or member of any local charitable organization having a local group or association.
- (i) Any person who claims to be a permanent merchant, but against whom complaint has been made to the City Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the City Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this City for at least one (1) year prior to the date complaint was made.
- (j) Any person participating in a flea market providing that the organizing charitable organization is registered under this Chapter or is exempt under Subsection (i) above, and provided further that at least five (5) days before the flea market, the City Clerk-Treasurer and Police Chief are notified by the charitable organization of the time, place, and duration of the flea market.

SEC. 7-4-4 REGISTRATION.

- (a) **Registration Information.** Applicants for registration must complete and return to the City Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and

- temporary address, if any;
- (2) Height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Nature of business to be conducted and a brief description of the goods offered and any services offered;
 - (6) Proposed method of delivery of goods, if applicable;
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (8) Last cities, villages, town, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (9) Place where applicant can be contacted for at least seven (7) days after leaving this City;
 - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.

(b) **Identification and Certification.** Applicants shall present to the City Clerk-Treasurer for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required;
- (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently

free

from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.

(c) **Registration Fee.**

- (1) At the time of filing applications, a fee of Twenty-five Dollars (\$25.00) shall be paid to the City Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Each and every member of a group must file a separate registration form.
- (2) The applicant shall sign a statement appointing the City Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

- (3) Upon payment of said fee and the signing of said statement, the City Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of six (6) months from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below. If the applicant would leave the City and then return during the six (6) month time period, the applicant shall notify the Clerk of his/her return to the City.

SEC. 7-4-5 INVESTIGATION.

- (a) Upon receipt of each application, the City Clerk-Treasurer may refer it immediately to the Police Department for an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The City Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

SEC. 7-4-6 APPEAL.

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

SEC. 7-4-7 REGULATION OF DIRECT SELLERS.

(a) Prohibited Practices.

- (1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 8:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered

for

sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

(3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

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

(5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) **Disclosure Requirements.**

(1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

(2) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-Five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1) (a) (b) and (c), (2) and (3), Wis. Stats.

(3) If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether

a

guarantee or warranty is provided and, if so, the terms thereof.

(4) A direct seller shall carry his license while engaged in licensed activities and shall display his license upon demand by any police officer of the City of Green Lake.

SEC. 7-4-8 REVOCATION OF REGISTRATION.

(a) Registration may be revoked by the Common Council after

notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

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

CHAPTER 5

Mobile Homes

7-5-1 Monthly Parking Fee; Limitations on Parking

SEC. 7-5-1 MONTHLY PARKING FEE; LIMITATION ON PARKING.

(a) There is hereby imposed on each owner of a non-exempt occupied mobile home in the City of Green Lake a monthly parking fee as determined in accordance with Section 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein.

It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the City Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the City Clerk-Treasurer may reasonably promulgate.

- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the City Clerk-Treasurer and Assessor on such homes added to their park or land within five (5) days after arrival of such homes on forms furnished by the City Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
- (2) Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Clerk-Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile homes therein and to remit such fees to the City Clerk-Treasurer as

provided in Subsection(a).

- (b) Owners of non-exempt, occupied mobile homes, upon receipt of notice from the City Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the City Clerk-Treasurer a cash deposit of One Hundred Dollars (\$100.00) to guarantee payment of such fees when due to the City. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, non-exempt mobile home therein and to remit such deposits to the City Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the non-exempt, occupied mobile home has been or is about to be removed from the City, the City Clerk-Treasurer shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- (c) It shall be unlawful for any person to park a mobile home outside a mobile home park in the City of Green Lake.

State Law Reference: Sec. 66.058, Wis. Stats.

CHAPTER 6

Regulation and Licensing of Fireworks

7-6-1 Regulation of Fireworks

SEC. 7-6-1 REGULATION OF FIREWORKS.

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

- (1) Fuel or a lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (6) A toy snake which contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
- (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
- (12) A device that emits smoke with no external flame and does not leave the ground.
- (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
- (14) A cone fountain no exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(b) **Sale.**

No person may sell or possess with intent to sell fireworks, except:

- (1) To a person holding a permit under Subsection (c) (3);
- (2) To a municipality; or
- (3) For a purpose specified under Subsection (c) (2)b-f.

(c) **Use.**

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

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

- a. The City, except that City fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
- b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
- c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
- d. The possession or use of explosive or combustible materials in any manufacturing process.
- e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.

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

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

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

(5) Bond. The Mayor issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be

taken in the name of the City, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy together with a copy of the permit, shall be filed in the office of the Clerk-Treasurer.

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

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

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

(9) The fee for such permit shall be Twenty-five Dollars (\$25.00)

(d) **Storage and Handling.**

- (1) Fire Extinguishers Required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- (2) Smoking Prohibited. No person may smoke where fireworks are stored or handled.
- (3) Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- (4) Storage Distance. No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
- (5) Restrictions on Storage. No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold

in

quantities exceeding one (1) gallon.

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

State Law Reference: Section 101(1)(j), Wis. Stats.

CHAPTER 7

Pawnbrokers and Secondhand Article and Jewelry Dealers

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7-7-9	Secondhand Article Dealer Mall or Flea Market
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SEC. 7-7-1 DEFINITIONS.

In this Chapter:

- (a) **Article** means any of the following articles except jewelry:
 - (1) Audio-visual equipment;
 - (2) Bicycles;
 - (3) China;
 - (4) Computers, printers, software, and computer supplies;
 - (5) Computer toys and games;
 - (6) Crystal;

- (7) Electronic equipment;
 - (8) Fur coats and other fur clothing;
 - (9) Ammunition and knives;
 - (10) Microwave ovens;
 - (11) Office equipment;
 - (12) Pianos, organs, guitars and other musical instruments;
 - (13) Silverware and flatware;
 - (14) Small electrical appliances;
 - (15) Telephones;
- (b) **Charitable Organization** means a corporation, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (c) **Customer** means a person with whom a pawnbroker, secondhand article dealer or secondhand jewelry dealer or an agent there of engages in a transaction of purchase, sale, receipt or exchange of any secondhand article or secondhand jewelry.
- (d) **Jewelry** means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.
- (e) **Pawnbroker** means any person who engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.
- (f) **Secondhand** means owned by any person, except a wholesaler, retailer or secondhand article dealer or secondhand jewelry dealer licensed under this Chapter, immediately before the transaction at hand.
- (g) **Secondhand Article Dealer** means any person who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:
- (1) Any transaction at an occasional garage or yard sale, an estate sale, a gun knife, gem or antique show, a convention or an auction.
 - (2) Any transaction entered into by a person while engaged in a business for which the person is licensed under Sections 7-7-2 and 7-7-4 or while engaged in the business of junk collector, junk dealer, auctioneer or scrap processor or described in Sec. 70.995(2)(x), Wis. Stats.
 - (3) Any transaction while operating as a charitable organization or conducting a sale; the proceeds of which are donated to a charitable organization.
 - (4) Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:
 - a. The return of the article;
 - b. The exchange of the article for a different, new

article.

- (5) Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
 - (6) Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.
- (h) **Secondhand Jewelry Dealer** means any person who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:
- (1) Any transaction at an occasional garage or yard sale, an estate sale, a gun knife, gem or antique show, a convention or an auction.
 - (2) Any transaction with a licensed secondhand jewelry dealer.
 - (3) Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles, if the person has no retail operation open to the public.

- (4) Any transaction between a buyer of new jewelry and the person who sold the jewelry when new, which involves any of the following:
 - a. The return of the jewelry.
 - b. The exchange of the jewelry for different, new jewelry.
- (5) Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.
- (6) Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

SEC. 7-7-2 LICENSE FOR PAWNBROKER.

No person may operate as a pawnbroker unless the person first obtains a pawnbroker's license under this Chapter.

SEC. 7-7-3 LICENSE FOR SECONDHAND ARTICLE DEALER.

- (a) Except as provided in Subsection (b), no person may operate as a secondhand article dealer unless the person first obtains a secondhand article dealer's license under this Chapter.
- (b) A person who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand dealer mall or flea market license under Section 7-7-9 need

not obtain a secondhand article dealer's license.

SEC. 7-7-4 LICENSE FOR SECONDHAND JEWELRY DEALER.

No person may operate as a secondhand jewelry dealer unless the person first obtains a secondhand jewelry dealer's license under this Chapter.

SEC. 7-7-5 LICENSE APPLICATION.

A person wishing to operate as a pawnbroker, secondhand article dealer or secondhand jewelry dealer in the City shall apply to the City Clerk-Treasurer for a license. The Clerk-Treasurer shall furnish application forms which shall require the following:

- (a) The applicant's name, place and date of birth and residence address.
- (b) The names and addresses of the business and of the owner of the business premises.

- (c) A statement as to whether the applicant has been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.
- (d) Whether the applicant is a natural person, corporation or partnership, and:
 - (1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - (2) If the applicant is a partnership, the names and addresses of all partners.
- (e) The name of the manager or proprietor of the business.
- (f) Any other information that the City Clerk-Treasurer may reasonably require.

SEC. 7-7-6 INVESTIGATION OF LICENSE APPLICANT.

The Police Department shall investigate each applicant for a pawnbroker's secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under Section 7-7-5(c) and, if so, the nature and date of the offense and the penalty assessed. The Police Department shall furnish the information derived from that investigation in writing to the City Clerk-Treasurer.

SEC. 7-7-7 LICENSE ISSUANCE.

- (a) The Common Council shall grant the license if all of the following apply:
- (1) The applicant, including an individual, a partner or an officer, director or agent of any corporate applicant, has not been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.
 - (2) With respect to an applicant for a pawnbroker's license, the applicant provides to the City a bond of Five Hundred Dollars (\$500.00), with not less than two (2) sureties, for the observation of all City ordinances relating to pawnbrokers.
- (b) No license issued under this Section may be transferred.
- (c) (1) Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from January 1st until the following December 31st.
- (2) Each license for a secondhand article dealer mall or flea market is valid for two (2) years, from May 1st of an odd-numbered year until April 30th of the next odd-numbered year.

SEC. 7-7-8 PAWNBROKER AND DEALER REQUIREMENTS.

- (a) **Identification.** No pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:
- (1) A county identification card.
 - (2) A state identification card.
 - (3) A valid Wisconsin motor vehicle operator's license.
 - (4) A valid motor vehicle operator's license, containing a picture, issued by another state.
 - (5) A military identification card.
 - (6) A valid passport.
 - (7) An alien registration card.
 - (8) A senior citizen's identification card containing a photograph.
 - (9) Any identification document issued by a state or federal government whether or not containing a picture, if the pawnbroker, secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

(b) **Transaction with Minors.**

- (1) Except as provided in Subsection (b)(2) below, no pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.
- (2) A pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under Subsection (b)(1) above, if the minor is accompanied by his or her parent or guardian at the time of the transaction or if the minor provides a pawnbroker, secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written consent to engage in the particular transaction.

(c) **Records.**

- (1) Except as provided in Subsection (b), each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form. No entry on such a form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one (1) year after the date of the transaction except as provided in Subsection (e), and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time.
- (2) For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory, the secondhand article dealer shall record the name and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one (1) year after the date of the transaction except as provided in Subsection (e), and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer

for inspection at any reasonable time.

(d) **Holding Period.**

- (1) Except as provided in Subsection (d)(5), any secondhand article purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than thirty (30) days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it.
- (2) Except as provided in Subsection (d)(5), any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than ten (10) days after the date of purchase or receipt.

- (3) Except as provided in Subsection (d)(5), any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than fifteen (15) days after the date of purchase or receipt.

- (4) During the period set forth in Subsections (d)(1), (2) and (3) above, the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The pawnbroker, secondhand article dealer or secondhand jewelry shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within twenty-four (24) hours after a written request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable length of time which the law enforcement officer considers necessary to identify it.

- (5) Subsections (d)(1)-(4) above do not apply to any of the following:
 - a. A coin of the United States, any gold or silver coin or gold or silver bullion.
 - b. A secondhand article or secondhand jewelry consigned to a pawnbroker, secondhand article dealer or secondhand jewelry dealer.

- (e) **Report to Law Enforcement Agency.** Within twenty-four (24) hours after purchasing or receiving a secondhand article or

secondhand jewelry, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection by a law enforcement officer, the original form or the inventory under Subsection (c) above, whichever is appropriate. Notwithstanding Sec. 19.35(1), Wis. Stats.,

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law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it

only

to another law enforcement agency.

- (f) **Exception for Customer Return or Exchange.** Nothing in this Section applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

SEC. 7-7-9 SECONDHAND ARTICLE DEALER MALL OR FLEA MARKET.

- (a) The owner of any premises or land upon which two (2) or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:
- (1) Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as a separate secondhand article dealer.
 - (2) The secondhand article dealer mall or flea market is operated under one (1) name and at one (1) address, and is under the control of the secondhand article dealer mall or flea market license holder.
 - (3) All sales are completed at a central location under the control of the secondhand article dealer mall or flea market license holder, who maintains a record of all sales.
- (b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with Section 7-7-8.

SEC. 7-7-10 LICENSE REVOCATION.

The Common Council may revoke any license issued by it under this Section for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this Chapter or Secs. 943.34, 948.62 or 948.63, Wis. Stats.

SEC. 7-7-11 FEES.

The annual license fees under this Chapter are:

- (a) For a pawnbroker's license: Ten Dollars (\$10.00).
- (b) For a secondhand article dealer's license: Ten Dollars

- (c) (\$10.00).
For a secondhand jewelry dealer's license: Ten Dollars (\$10.00).
- (d) For a secondhand article dealer mall or flea market license: Ten Dollars (\$10.00).

SEC. 7-7-12 PENALTY.

- (a) Upon conviction for a first offense under this Chapter, a person shall forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00).
- (b) Upon conviction for a second or subsequent offense under this Chapter, a person shall forfeit not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00).

CHAPTER 8

Garage Sales

7-8-1 Garage Sales

SEC. 7-8-1 GARAGE SALES.

- (a) **Definitions.** The following definitions are applicable to this Section:
- (1) Garage Sale. All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled rummage, lawn, yard, porch, basement, room, backyard, patio or garage sale.
- (2) Personal Property. Property which is owned, utilized, and maintained and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.
- (b) **Hours; Frequency.** Garage sales shall be conducted between 7:00 a.m. and 8:00 p.m. Each sale shall last no longer than four (4) consecutive days. No more than three (3) such sales may take place at any one (1) location or street address in one (1) calendar year.
- (c) **Signs.**
- (1) Garage sale signs may not have an area more than six (6) square feet with a maximum of two (2) faces. Garage sale signs shall identify the location of the sale and must be located off

- of the City right-of-way.
- (2) No garage sale sign may be located on utility poles, traffic control devices or on property or the adjoining right-of-way of property the owner of which has not been given explicit written permission for its location by the Police Department.
 - (3) No garage sale sign shall be displayed more than one (1) day before the sale or one (1) day following the sale.
 - (4) No more than one (1) garage sale sign may be located at the sale site and no more than four (4) garage sale signs may be located off the site, except that two (2) signs are permitted on corner lots, one (1) facing each street.

CHAPTER 9

Licensees to Pay Local Claims; Appellate Procedures

7-9-1 Licensees Required To Pay Local Taxes, Assessments and Claims; Appellate Procedures

SEC. 7-9-1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.

- (a) **Payment of Claims as Condition of License.** The City shall not issue or renew any license to transact any business within the City of Green Lake:
 - (1) For any purposes for which taxes, assessments or other claims of the City are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:

- a. Of any taxes, assessments or other claims owed the City; or
 - b. Of any forfeiture resulting from a violation of any City Ordinance.
- (b) **Exception.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (c) **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Appeals; Notice and Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
 - (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Section 125.12, Wis. Stats., as amended from time to time.
 - (2) With respect to licenses other than those described in Subsection (a) herein, the Common Council or its assignee shall notify the applicant in writing of the City's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Common Council. If the applicant shall fail to appear before the Council on the date indicated on the notice, the Council shall deny the application for renewal. If the applicant appears before the Council on the date indicated in the notice and denies that the reasons for non-renewal exist, the Common Council shall conduct a hearing with respect to the matter. At the hearing, both the City and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Common Council determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.
- (e) **Other License Denial Appeals.** Where an individual, business or corporation wishes to appeal the Clerk-Treasurer's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Clerk-Treasurer that the matter be referred to the Common Council. A public hearing shall be scheduled within fourteen (14) calendar days by the Common Council. All parties may be represented by counsel. The Council shall consider all relevant information and shall render a decision which shall be binding.

CHAPTER 10

SEXUALLY-ORIENTED ESTABLISHMENTS

SEC. 7-10-1 PURPOSE AND FINDINGS.

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- as
- (a) It is the purpose of this section to regulate sexually-oriented entertainment establishment businesses (hereinafter referred to as adult-oriented establishments) to promote the health, safety, morals, and general welfare of the citizens of the City of Green Lake, to prevent the location and concentration of sexually oriented businesses within the City, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.
- (b) Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City of Green Lake, and on findings incorporated in the cases of City of Renton v. Playtime Theatres Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas, Garden Grove, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Common Council find:
- (1) Sexually oriented establishments lend themselves to ancillary unlawful and unhealthy activities. There is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
 - (2) Certain employees of sexually oriented establishments defined in this ordinance as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
 - (3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented establishments, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.
 - (4) Offering and providing such space encourages such activities, which creates unhealthy conditions.
 - (5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented establishments for the purpose of engaging in sex within the premises of such establishments.
 - (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented establishments, including, but not limited to, syphilis, gonorrhoea, human

- immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections.
- (7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
 - (8) The number of cases of early (less than one year) syphilis in the United States reported annually has risen.
 - (9) The number of cases of gonorrhea in the United States reported annually remains at a high level.
 - (10) The surgeon general of the United States in his report of October 22 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
 - (11) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
 - (12) Sanitary conditions in some sexually oriented establishments are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
 - (13) Numerous studies and reports have determined that semen is found in the areas of sexually oriented establishments where persons view "adult" oriented films.
 - (14) The findings noted in paragraphs 1 through 14 raise substantial governmental concerns.
 - (15) Sexually oriented establishments have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
 - (16) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented establishments. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented establishment is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City of Green Lake. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented establishment, fully in possession and control of the premises and activities occurring therein.
 - (17) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres.
 - (18) Requiring licenses of sexually oriented establishments to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
 - (19) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented establishment, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
 - (20) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in

- the conduct which this ordinance is designated to prevent or who are likely to be witnesses to such activity.
- (21) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.
 - (22) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
 - (23) The general welfare, health, morals and safety of the citizens of the City of Green Lake will be promoted by the enactment of this Ordinance.

SEC. 7-10-2 DEFINITIONS.

- (a) "Adult Entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance based on or is distinguished or characterized by an emphasis on sex and/or sexual gratification, or any actual or simulated performance of "specified sexual activities," or exhibition and viewing of "specified anatomical areas", as defined herein, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."
- (b) "Adult-Oriented Establishment" shall include, but not be limited to, "adult bookstores", "adult motion picture theatres (indoor or outdoor)", "adult mini-motion picture theatres", "adult motels", "adult novelty shops", "adult cabarets", "adult bath houses", "adult modeling studios", "adult body painting studios", and further means any premises to which public patrons or members are regularly invited, admitted and/or allowed to view "adult entertainment", whether or not such entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- (c) "Adult Bathhouse" means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities", as defined herein.
- (d) "Adult Body Painting Studio" means an establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, "adult body painting studio" shall not be deemed to include a tattoo parlor.
- (e) "Adult Bookstore" means, but shall not be limited to, an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities". An "adult bookstore" shall also include, but not be limited to, establishments which have a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls, for the presentation of "adult entertainment", as defined herein, including adult-oriented films, movies or live performances for observation by patrons therein, or which, as part of its regular and substantial course of conduct, offers for sale, rent, trade, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing

- or relating to "adult entertainment", as defined herein.
- (f) "Adult Cabaret" means a cabaret which features male or female impersonators or similar entertainers.
 - (g) "Adult Modeling Studio" means an establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.
 - (h) "Adult Mini-motion Picture Theatre" means an enclosed building with a capacity of fifty (50) or less persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified anatomical areas" or specified sexual activities", as defined herein, for observation by patrons therein.
 - (i) "Adult Motion Picture Theatre" means an enclosed building with a capacity of more than fifty (50) persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating "specified anatomical areas" or specified sexual activities", as defined herein, for observation by patrons therein.
 - (j) "Adult Motion Picture Theatre (outdoor)" means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to "specified anatomical areas" or specified sexual activities", as defined herein.
 - (k) "Adult Motel" means a hotel, motel, or similar commercial establishment which:
 - (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities", as defined herein; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
 - (l) "Adult Novelty Shop" means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on "specified anatomical areas", or designed for "specified sexual activities", as defined herein.
 - (m) "Booth", "room" or "cubicle" shall mean such enclosures as are specifically offered to the public or members of an "adult-oriented establishment" for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "room", or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes.
 - (n) "Church" means a building, whether situated within the City or

not in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

- (o) "Customer" means any person who:
 - (1) Is allowed to enter an "adult-oriented establishment" in return for the payment of an admission fee or any other form of consideration or gratuity; or,
 - (2) Enters an "adult-oriented establishment" and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or,
 - (3) Is a member of and on the premises of an "adult-oriented establishment" operating as a private club.
- (p) "Day Care Center" means a facility licensed by the State of Wisconsin, pursuant to sec. 48.65 of the Wisconsin Statutes, whether situated within the City or not.
- (q) "Residential" means pertaining to the use of land, whether situated within the County or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.
- (r) "School" means a building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, stadiums and other structures or grounds used in conjunction therewith. The term is limited to:
 - (1) Public and private schools used for primary or secondary education in which any regular kindergarten or grades one through twelve (1-12) classes are taught; and
 - (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through twelve (1-12).
- (s) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an "adult-oriented establishment".
- (t) "Entertainer" means any person who provides entertainment within an "adult-oriented establishment" as defined herein, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as employee or independent contractor.
- (u) "Operator" means any person, partnership or corporation operating, conducting, maintaining or owning any "adult-oriented establishment."
- (v) "Specified Sexual Activities" means:
 - (1) Showing of human genitals in a state of sexual stimulation for arousal;
 - (2) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
- (w) "Specified Anatomical Areas" means:
 - (1) Less than completely and opaquely covered:
 - a. human genitals, pubic region;
 - b. buttocks;
 - c. female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (x) "Substantial" as used in various definitions shall mean fifty percent (50%) or more of a business' stock in trade, display

space, floor space or retail sales in any one month during the license year.

SEC. 7-10-3 LICENSE REQUIRED.

- (a) Except as provided in subsection (d) below, from and after the effective date of this ordinance no "adult-oriented establishment" shall be operated or maintained within the corporate limits of the City of Green Lake without obtaining a license to operate issued by the City of Green Lake.
- (b) A license may be issued only for one "adult-oriented establishment" located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one "adult-oriented establishment" must have a separate license for each.
- (c) No license or interest in a license may be transferred to any person, partnership or corporation.
- (d) All "adult oriented establishments" existing at the time of the passage of this ordinance need not immediately obtain a license, but must submit an application for a license within 90 days of the passage of this ordinance. If an application is not received within said 90-day period, then such existing adult establishment shall cease operations. An "adult oriented establishment" shall be deemed to be existing at the time of the passage of this ordinance if it fell within the definition of such term at any point during the thirty (30) day period prior to the passage of this ordinance, and intends to continue adult oriented operations beyond the date of the passage of this ordinance.

SEC. 7-10-4 APPLICATION FOR LICENSE.

- (a) **License Procedure.** Any person, partnership, or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed in triplicate. A copy of the application shall be distributed within ten (10) days of receipt thereof to the Green Lake Police Chief, Fire Chief/Inspector, Building Inspector, and Planning/Zoning Coordinator.
- (b) The application for a license shall be upon a form approved by the City Clerk.
All such licenses shall specify the nature of the holder and the license and the dates for which it is applicable as well as any conditions that may be imposed by the City. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, all officers or directors of a corporate applicant, all members of a limited liability company applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:
 - (1) Name and address, including all aliases.
 - (2) Written proof that the individual is at least eighteen (18) years of age.
 - (3) All residential addresses of the applicant for the past ten (10) years.
 - (4) The business, occupation, or employment of the applicant for the ten (10) years immediately preceding the date of application.
 - (5) Whether the applicant previously operated in this or any county or city under an "adult-oriented establishment" license or similar business license; whether the applicant has ever had such license revoked or suspended, the reason therefore and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

- (6) All criminal convictions, whether federal or state, or county ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (7) Fingerprints and two portrait photographs at least two (2) inches by two (2) inches of the applicant. Each applicant shall make arrangements to provide fingerprints in person at the Green Lake Police Department and pay all costs or fees as may be charged by the Police Department. The required photograph may also be taken through the Police Department, although not necessary, provided the applicant pays all costs or fees as may be charged by the Police Department.
- (8) The address of the "adult-oriented establishment" to be operated by the applicant.
- (9) If the applicant is a corporation or limited liability company the application shall specify the name of the corporation or limited liability company, the date and State of incorporation or organization, the name and address of the registered or principal agent, and all officers, directors or managing members of the corporation or limited liability company.

SEC. 7-10-5 STANDARDS FOR THE ISSUANCE OF A LICENSE.

- (a) **General Requirements:** To receive a license to operate an "adult-oriented establishment", each person required to be named for the "adult-oriented establishment" under Section 4, (b) must meet the following standards:
- (1) The person shall be at least 18 years of age.
 - (2) Subject to Chapter 111, Wis. Stats., the person shall not have been convicted of or pleaded nolo contendere to a felony or any crime or ordinance involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - (3) The person shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
- (b) No license shall be issued unless the Green Lake Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the City Clerk no later than fourteen (14) days after the date of the application.
- (c) The Fire Chief/Inspector, Health Department, Building Inspector and Planning/Zoning Coordinator shall inspect the premises proposed to be licensed to verify compliance with their respective codes and shall report compliance findings to the City Clerk within fourteen (14) days of the date of application. No license may be issued hereunder unless the premises is approved by the above inspection authorities.
- (d) No license shall be issued unless the applicant provides proof of one of the following:
- (1) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-conforming use status.
 - (2) A lease on a building which is properly zoned to house the venture. Proper zoning includes permissible non-conforming use status.
 - (3) An option to purchase property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.
 - (4) An option to lease property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.
- (e) No license shall be granted for operation on any premises or with

any equipment for which taxes, assessments, forfeitures or other financial claims of the City are delinquent or unpaid.

- (f) No more than three (3) annual licenses, issued under this section, shall be issued to license holders within the City of Green Lake limits at one time.

SEC. 7-10-6 LICENSE FEE.

A license application shall be accompanied by a fee of \$500. If for any reason the license is denied, \$250 shall be returned to the applicant. If the license is granted, the City will retain the entire fee.

SEC. 7-10-7 DISPLAY OF LICENSE PERMIT.

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

SEC. 7-10-8 RENEWAL OF LICENSE OR PERMIT.

- (a) Every license issued pursuant to this ordinance will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate. The renewal application shall be distributed to the same inspection authorities and subject to the same background check and building inspection requirements as for an application for a new license. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- (b) A license renewal fee of \$500 shall be submitted with the application for renewal. If for any reason the license renewal is denied, \$250 shall be returned to the applicant. If the license renewal is granted, the City will retain the entire fee.

SEC. 7-10-9 GRANTING AND DENIAL OF APPLICATION.

- (a) Opportunity shall be given by the Common Council to any person to be heard for or against the granting of any license hereunder. Only upon the approval of the applicant by the Common Council, the City Clerk shall issue to the Applicant the license.
- (b) If the Common Council denies the initial application, the City Clerk shall within fourteen (14) days of the denial, send notice to the applicant in writing stating the reasons for such action. The notice shall also inform the applicant of the opportunity to appear before the Common Council and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(a), Wis. Stats. unless the applicant requests such reconsideration be held in open session and the Common Council consents to the request. If the applicant requests a hearing within ten (10) days of receipt of the notice of denial, the hearing before the Common Council shall occur at its next regularly scheduled meeting.
- (c) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with the investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial

thereof by the City Clerk.

- (d) No application for any license hereunder which has been denied by the Common Council for any reason shall again be considered by the Common Council for a period of three (3) months from the date of such denial.

SEC. 7-10-10 GENERAL REQUIREMENTS OF ADULT ESTABLISHMENTS.

Any adult establishment having open for customers, patrons, or members any booth, room, or cubicle for the private viewing of any sexually-oriented adult establishment must comply with the following requirements:

- (a) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishment and shall be unobstructed by any door, lock, or other control-type devices.
- (b) Every booth, room or cubicle shall meet the following construction requirements:
 - (1) Each booth, room or cubicle shall be separated from adjacent booths, rooms, cubicles, and any non-public areas by a wall.
 - (2) Each booth, room or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.
 - (3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, non-absorbent, smooth textured and easily cleanable.
 - (4) The floor must be light colored, non-absorbent, smooth textured, and easily cleanable.
 - (5) The lighting level of each booth, room or cubicle, when in use, shall be a minimum of ten (10) foot candles at all times as measured from the floor.
- (c) Only one individual shall occupy a booth, room or cubicle at any time. No occupant of the same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room or cubicle. No individual shall damage or deface any portion of the booth, room or cubicle.
- (d) No dancer, performer, or any individual, who is performing, singing or dancing, shall have either direct or indirect physical contact with any patron.
- (e) While dancing or other performance is in progress, the establishment shall be adequately illuminated so as to permit safe ingress and egress from the premises.
- (f) Good order shall be maintained at all times. Without limitation due to enumeration, a lack of "good order" for purposes of this ordinance shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons, urinating in public, profane language and/or fighting.
- (g) Music and other entertainment which is amplified inside shall cease no later than 2:00 a.m.
- (h) The license holder shall ensure that building capacity limits are set so that the appropriate fire inspection and/or building inspection authorities are complied with at all times.
- (i) The license holder shall comply with the applicable State Statutes and regulations and all County and City ordinances, including but not limited to, the totally nude dancing restrictions for certain liquor-licensed establishments set forth in Title 7, Chapter 11 of the Code of Ordinances.
- (j) The management and employees of all license holders shall obey all reasonable orders and directions of any law enforcement officer.
- (k) The performance of any dance by performers under the auspices of the management shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in the dance.

- (l) It is forbidden by this ordinance to perform live acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law, on the premises so licensed.
- (m) The actual live touching, caressing or fondling of the breasts, butt cheeks, anus or genitals is prohibited.
- (n) The actual live use of simulated sexual organs during dance or performances is prohibited.
- (o) Entertainers or dancers are prohibited from soliciting or serving drinks or food while performing.
- (p) No person who serves beverages or food may be nude or unclothed, which means the showing of specified anatomical areas as defined herein.
- (q) No customer may pay gratuity or consideration to an entertainer or dancer while performing, whereby the gratuity or consideration, any part of the customer's body or clothing or any device held or controlled by the customer comes into contact with the entertainer's or dancer's body, clothing or any device held or controlled by the entertainer or dancer.
- (r) No license holder shall permit any amateur dancing, obscene entertainment, or performances on the license holder's premises in violation of this section or any applicable State and Federal laws.
- (s) No adult oriented establishment, licensed under this Chapter shall be located within two hundred (200) feet of any residential area or zoned residential district, church, school, day care center, public park or other adult oriented establishment licensed under this Chapter. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a use listed herein, or to the nearest portion of the building or structure used as the part of the premises where another sexually oriented business is conducted, whichever is applicable. Presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection.

SEC. 7-10-11 RESPONSIBILITIES OF OPERATORS.

- (a) An operator, licensed under this ordinance, shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth-date, sex, telephone numbers, Social Security number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination of the employee.
- (b) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Green Lake Police Department at all reasonable times.
- (c) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or is a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punished for such act or omission in the same manner as if the operator committed the act or caused the omission.
- (d) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- (e) No employee of an "adult-oriented establishment" shall allow any minor to loiter around or to frequent an adult-entertainment

establishment or to allow any minor to view "adult entertainment" as defined herein.

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

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

(h) The operator shall ensure there is conspicuously posted inside each booth room or cubicle an un-mutilated and un-defaced sign or poster supplied by the Health Inspection Authority which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(i) The operator shall ensure there is conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Health Inspection Authority pertaining to sexually transmitted diseases.

(j) The operator shall ensure there is posted regulations concerning booth, room or cubicle occupancy on signs, with lettering at least one (1) inch high, that are placed in conspicuous areas of the establishment and in each of the booths, rooms or cubicles.

(k) The operator shall be responsible for paying all reasonable costs or fees charged by the Health Inspection Authority for supplying posters, brochures, pamphlets, and other information as described under this Section.

SEC. 7-10-12 REGISTRATION OF EMPLOYEES.

(a) All operators, employees, and independent contractors working in any "adult-oriented establishment" licensed hereunder shall, prior to beginning employment or contracted duties, register with the Green Lake Police Department, unless such person(s) have already done so under the license application procedures required under this Chapter. Such registration shall include the following:

(1) Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer.

(2) Photographs and fingerprinting submitted according to the same standards established under the license application procedures under Section 4. Each person governed by this provision shall make arrangements to provide fingerprints in person at the Green Lake Police Department and pay all costs or fees as may be charged by the Green Lake Police Department. The required photographs may also be taken through the Police Department, although not necessary, provided the applicant pays all costs or fees as may be charged by the Police Department.

(b) All registrations hereunder are valid for a period of one (1) year.

SEC. 7-10-13 LICENSE SUSPENSION, REVOCATION OR NON-RENEWAL.

(a) **In General:** Any license granted herein may be revoked or suspended, indefinitely, or not renewed by the Common Council as follows:

(1) If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive.

(2) For the violation of any provision of this section, except for establishment license matters involving the violation of City Building Codes, whereby in such case the license shall be revoked after the second conviction thereof in any license year.

(3) After one conviction of any establishment personnel of an offense under Chapter 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance in Sub. 11 of Chapter 961, Wis. Stats., where there is shown the participation or

knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(b) **Notice of Hearing:** No license shall be revoked, suspended, or not renewed by the Common Council hereunder except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Committee of the Whole. Notice of such hearing shall be in writing and shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses to present witnesses on his or her own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Committee of the Whole shall prepare and submit a report including findings of fact and conclusions of law and a recommendation of action with respect to the license. The Committee shall provide the complainant and licensee with a copy of the report. The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk, and a copy thereof delivered to the licensee and complainant within twenty (20) days after its decision.

SEC. 7-10-14 EXCLUSIONS.

All private schools and public schools, as defined in Chapter 115, Wis. Stats., located within the City of Green Lake are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

SEC. 7-10-15 PENALTY.

In addition to any other actions allowed by law or taken by the Common Council, including the action of license revocation or non-renewal, anyone who violates any of the provisions of this ordinance shall forfeit not less than five hundred dollars (\$500.00), but no more than one thousand dollars (\$1,000.00), for each and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law.

SEC. 7-10-16 SEVERABILITY CLAUSE.

If any section, clause, provision or portion of this ordinance is adjudicated as being unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall not be affected thereby.

BE IT FURTHER ORDAINED that Ordinance No. _____ take effect upon passage and publication.

CHAPTER 11
LIVE, TOTALLY NUDE, NON-OBSCENE, EROTIC DANCING
IN ALCOHOL LICENSED ESTABLISHMENTS PROHIBITED

SEC. 7-11-1 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

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

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

SEC. 7-11-2 EXEMPTIONS.

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

SEC. 7-11-3 DEFINITIONS.

For the purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Common Council of the City of Green Lake, to sell alcohol beverages pursuant to ch. 125, Stats. The term "licensee" means the holder of a retail "Class A" "Class B" "Class C", "Class A", "Class B", or "Class C" license granted by the Common Council of the City of Green Lake pursuant to ch. 125, Stats.

SEC. 7-11-4 PENALTIES.

Any person, partnership, limited liability company or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than five hundred dollars (\$500.00), and not more than one thousand dollars (\$1,000.00) per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance may constitute sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under Title 7, Chapter 10 of this Code of Ordinances.

SEC. 7-11-5 SEVERABILITY.

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

CHAPTER 7

SEX OFFENDER CHILD SAFETY ZONES

7-12-1	Purpose
7-12-2	Definitions
7-12-3	Child Safety Zones
7-12-4	Child Safety Zones Exceptions
7-12-5	Child Safety Zone Violations

Sec. 7-12-1. Purpose. This chapter is a regulatory measure aimed at protecting the health and safety of children in Green Lake from the risk that convicted sex offenders may re-offend in locations where children tend to congregate or be regularly present. The City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders re-enter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children frequent. The City finds and declares that in addition to schools, libraries and day care centers, children congregate or play at public parks.

Sec. 7-12-2. Definitions. As used in this chapter and unless the context otherwise requires:

A *sexually violent offense* shall have the meaning as set forth in Wis. Stats. §980.01(6) as amended from time to time.

A *crime against children* shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stats. §940.225(1)	First Degree Sexual Assault
Wis. Stats. §940.225(2)	Second Degree Sexual Assault
Wis. Stats. §940.225(3)	Third Degree Sexual Assault
Wis. Stats. §940.22(2)	Sexual Exploitation by Therapist
Wis. Stats. §940.30	False Imprisonment - Victim was a minor and not the offender's child
Wis. Stats. §940.31	Kidnapping - Victim was a minor and not the offender's child
Wis. Stats. §944.01	Rape (prior statute)
Wis. Stats. §944.06	Incest
Wis. Stats. §944.10	Sexual Intercourse with a child (prior statute)
Wis. Stats. §944.11	Indecent behavior with a child (prior statute)
Wis. Stats. §944.12	Enticing child for immoral purposes (prior statute)
Wis. Stats. §948.02(1)	First Degree Sexual Assault of a child
Wis. Stats. §948.02(2)	Second Degree Sexual Assault of a child

Wis. Stats. §948.025	Engaging in repeated acts of sexual assault of the same child
Wis. Stats. §948.05	Sexual exploitation of a child
Wis. Stats. §948.055	Causing a child to view or listen to sexual activity
Wis. Stats. §948.06	Incest with a child
Wis. Stats. §948.07	Child enticement
Wis. Stats. §948.075	Use of a computer to facilitate a child sex crime
Wis. Stats. §948.08	Soliciting a child for prostitution
Wis. Stats. §948.095	Sexual assault of a student by school instructional staff
Wis. Stats. §948.1	1(2)(a) or (am) Exposing child to harmful material - felony sections
Wis. Stats. §948.12	Possession of child pornography
Wis. Stats. §948.13	Convicted child sex offender working with children
Wis. Stats. §948.30	Abduction of another's child
Wis. Stats. §971.71	Not guilty by reason of mental disease - of an included offense
Wis. Stats. §975.06	Sex crimes law commitment

Person means a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children, or otherwise required to register as a sex offender under Wis. Stats. §301.45.

Residence means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

Sec. 7-12-3. Child Safety Zones. No person shall enter or be present upon, or be within 1000 feet of the closest point of, any real property upon which there exists any facility used for or which supports a use of:

- (1) A public park, parkway, parkland, park facility;
- (2) A public swimming pool;
- (3) A public library;
- (4) A recreational trail;
- (5) A public playground;
- (6) A school for children;
- (7) Athletic fields used by children;
- (8) A movie theatre;
- (9) A day care center;
- (10) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school;
- (11) Aquatic facilities open to the public;
- (12) A church, synagogue, mosque, temple or other house of religious worship (collectively "church"); and
- (13) Any facility for children (which means a public or private school, a group home as defined in Wis. Stats. §48.02(7), a residential care center for children and youth as defined in Wis. Stats. §48.02(15d), a shelter care facility as defined in Wis. Stats. §48.02(6), a treatment foster home as defined in Wis. Stats. §48.02(17q), a day care center

licensed under Wis. Stats. §48.65, a day care program established under Wis. Stats. §120.13(14), a day care provider certified under Wis. Stats. §48.651, or a youth center as defined in Wis. Stats. §961.02(22)).

A map, as amended from time to time, depicting the locations of the real property supporting the above enumerated uses, and the 1000 foot restricted areas surrounding thereof, shall be kept on file in the police department for public inspection.

The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above-enumerated use(s).

Sec. 7-12-4. Child Safety Zones Exceptions. A person does not commit a violation of Sec. 7-12-3 above and the enumerated uses may allow such person on the property supporting such use or within the 1000-foot restricted area surrounding thereof, if any of the following apply:

- (1) The property supporting an enumerated use under Sec. 7-12-3 also supports a church lawfully attended by a person as a congregation member and the following conditions apply:
 - a. Entrance and presence upon the property, or within the 1000 foot restricted area surrounding thereof, occurs only during hours of worship or other religious program/service as posted to the public; and
 - b. Written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
 - c. The person shall not participate in any religious education programs which include individuals under the age of 18.
- (2) The property supporting an enumerated use under Sec. 7-12-3 also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property or within the 1000-foot restricted area surrounding thereof, subject to the following conditions:
 - a. Entrance and presence upon the property, or within the 1000-foot restricted area surrounding thereof, occurs only during hours of activity related to the use as posted to the public; and
 - b. Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.

- (3) The property supporting an enumerated use under Sec. 7-12-3 also supports a polling location in a local, state or federal election, subject to the following conditions:
 - a. The person is eligible to vote;
 - b. The designated polling place for the person is an enumerated use; and
 - c. The person travels directly to and enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the person vacates the property, and the 1000-foot restricted area surrounding thereof, immediately after voting.
- (4) The property supporting an enumerated use under Sec. 7-12-3 also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property, or within the 1000-foot restricted area surrounding thereof, supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.
- (5) The person is on the property which the person's residence is located and that property is located within the 1000-foot restricted area surrounding a property supporting an enumerated use under Sec. 7-12-3 only if the person's residence has continuously been on such property since prior to the adoption of this article.
- (6) The person is actually engaged in travel to or from the person's residence excepted under Sec. 7-12-3 only under the following conditions:
 - a. There is no other route upon a city highway available to the person which avoids entering a restricted area under Sec. 7-12-3; and
 - b. The person does not stop, linger, loiter, wander, stroll or stand for a period of time or take any other action which would be inconsistent with the purpose of continuing the immediate pursuit of travel to or from the person's residence.
- (7) The person is on a city highway while actually engaged in interstate travel, so long as the person does not stop, linger, loiter, wander, stroll or stand for a period of time or take any other action which would be inconsistent with the purpose of continuing the immediate pursuit of such interstate travel.
- (8) The presence of the person is necessitated by an emergency situation in which property or human life are in jeopardy, and the prompt summoning or rendering of aid is essential.
- (9) The person is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility.

- (10) Under a permit granted by the Common Council upon recommendation from the Chief of Police or his or her designee. A permit shall only be issued upon a determination that the permitted activities of the person will not likely lead to a disruption of the stated purpose of this article. The Chief of Police, or his or her designee, shall establish an application process and permit form consistent with this purpose, which process and permit form shall be approved by the Common Council. The Chief of Police, or his or her designee, shall have the power to revoke or temporarily suspend a permit issued hereunder if, in his or her opinion, the activities of the permit holder are not in compliance with the terms and conditions of this article or the permit granted, or circumstances have changed from the date of initial permit issuance whereby the permitted activities will constitute an unreasonable safety hazard to the general public or will otherwise lead to a disruption of the stated purpose of this article. Further, any permit granted hereunder may be revoked or temporarily suspended by the Chief of Police, or his or her designee, if the permit holder commits a crime or violates any other City ordinance as a result of or during the permitted activities hereunder. The decision of the Chief of Police, or his or her designee, to revoke or suspend a permit hereunder shall be final, subject only to review by the Common Council under Wis. Stats. Ch. 68.

Sec. 7-12-5 Child Safety Zone Violations. Persons violating this article shall be subject to the general penalty provisions set forth under Sec. 1-1-7 of the Code of Ordinances.