

## CHAPTER 12

### LICENSES AND PERMITS

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**12.01 GENERAL PROVISIONS. (1) LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the City in the manner provided in this chapter unless otherwise specifically provided.

- (2) **APPLICATION.** Unless otherwise provided, application for a license or permit shall be made in writing to the City Clerk upon forms provided by the Clerk and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such license or permit.
- (3) **PAYMENT OF FEE.** The fees for any license or permit shall be paid at the office of the City Clerk with the application for license or permit, except that alcohol beverage licenses shall be paid not less than 15 days prior to the date the license is to be issued.
- (4) **NO REFUND OF FEES.** No license or permit fee shall be refunded if a license or permit is surrendered or revoked for cause.
- (5) **BOND AND INSURANCE.** All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the City Attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the City before the license or permit is issued.
- (6) **FORM.** Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the City Clerk and be impressed with the City Seal. The Clerk shall keep a record of all licenses and permits issued.
- (7) **LICENSE AND PERMIT TERM.**
  - (a) Unless otherwise provided, the term of the license year shall end on June 30 of each year.
  - (b) When the issuance of a license for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.
  - (c) Permits shall be issued for the term set forth in the permit.
- (8) **EXHIBITION OF LICENSES OR PERMITS.** Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.
- (9) **TRANSFER.** Unless otherwise provided, no license or permit shall be transferable or assignable.

- (10) RENEWAL. Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.
- (11) SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Council for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:
  - (a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
  - (b) Conviction of any crime or misdemeanor, subject to §111.32(5)(a) and (h), Wis. Stats.
  - (c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City upon recommendation of the appropriate City official.
  - (d) Expiration or cancellation of any required bond or insurance.
  - (e) Actions unauthorized or beyond the scope of the license or permit granted.
  - (f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.
  - (g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

## **12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except §§125.03, 125.075, 125.08, 125.14(4), 125.15, 125.16, 125.19, 125.20, 125.29, 125.30, 125.32(3), 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.59, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section.

- (2) DEFINITIONS. As used in this section, the following definitions apply:
  - (a) Legal Drinking Age. Twenty one years of age.
  - (b) Underage Person. A person who has not attained the legal drinking age.
- (3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3), Wis. Stats., and shall be filed, together with the cost of publication as provided by §125.04(3)(g)6., Wis. Stats., with the City Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under

§§125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant. The license fee shall be paid at least 15 days before the license is issued and no license shall be issued until the fee has been paid.

- (4) APPLICATION INVESTIGATION. The City Clerk shall notify the Chief of Police of each new license and permit application and the Chief shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. The Chief shall furnish to the Council, in writing, the information derived from such investigation. No license shall be renewed without a report from the Chief of Police.
- (5) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows:
  - (a) Class "A" Fermented Malt Beverage License. \$100 per year. See §125.25, Wis. Stats.
  - (b) Class "B" Fermented Malt Beverage License. \$100 per year. See §125.26, Wis. Stats.
  - (c) Temporary Class "B" License.
    1. Picnic License, Beer. \$10 per occasion. Issued to organizations enumerated in §125.32(4)(a)7., Wis. Stats., to sell or serve fermented malt beverages at a picnic, meeting or gathering. See also §125.26(6), Wis. Stats.
    2. Picnic License, Wine. \$5 per occasion, except that no fee shall be charged in the event a license under subpar. 1. above is simultaneously issued. Issued to organizations enumerated in §125.32(4)(a)7, Wis. Stats., to sell or serve wine at a picnic, meeting or gathering. See §125.51(10), Wis. Stats.
    3. Annual Quota. No more than 2 licenses may be issued to any one organization in any 12 month period.
  - (d) "Class A" Intoxicating Liquor License. \$100 per year. See §125.51(2), Wis. Stats.
  - (e) "Class B" Intoxicating Liquor License. \$500 per year, except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the State for at least 6 years shall be \$50 per year, as provided in §125.51(3)(e), Wis. Stats.
  - (f) Reserve "Class B" Intoxicating Liquor License.
    1. License Fee. \$10,000 for the initial license plus regular "Class B" license fee, except that bona fide clubs and lodges are exempt from the initial issuance fee. See §125.51, Wis. Stats.

2. Exception. \$500 per year. May be issued to certain hotels and restaurants only if all regular and reserve licenses have been issued. See §125.51(3)(e)3., Wis. Stats.

- (g) “Class C” Wine License. \$100 per year.
  - (h) Wholesalers Fermented Malt Beverage License. \$25 per year or fraction thereof. See §125.51(2), Wis. Stats.
  - (i) Operator’s License. \$25 per year or fraction thereof. Effective July 1, 1991, no new operator’s license shall be granted unless the applicant has successfully completed a VTAE responsible beverage server training course or is otherwise exempt from such requirement under §125.17(6)(a), Wis. Stats. The City Clerk may issue a provisional operator’s license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course. Operator’s licenses shall be issued to any applicant qualified under §125.04(5), Wis. Stats.
  - (j) Provisional Operator’s License. \$15 for up to 30 days, as provided in §125.17(5), Wis. Stats.
  - (k) Provision Retail Alcohol Beverage License. \$15 for up to 60 days, as provided in §125.195, Wis. Stats.
  - (l) Temporary Operator’s License. \$5 for up to 14 days, as provided in §125.17(4), Wis. Stats.
  - (m) Transfer of License to Another Premises. \$10.
- (6) OPERATOR’S LICENSE. All applications for an annual operator’s license shall be filed in the office of the City Clerk on or before May 31 of each year, provided that nothing shall prevent the Council from granting any license which is applied for at least 5 working days before a Council meeting at any other time for a fraction of the year for the annual fee.
- (7) LICENSE REQUIRED. (a) General. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all Statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.
- (b) Furnishing Alcohol Beverages in Hotel and Motel Rooms. Pursuant to the provisions of §§125.26(2m) and 125.51(4)(bm), Wis. Stats., a Class “B” or “Class B” license, respectively, authorizes a person operating a hotel or motel to furnish registered guests of legal drinking age fermented malt beverages and intoxicating liquor, respectively, in original packages.

- (8) **QUALIFICATIONS FOR LICENSES AND PERMITS.** (a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section, may be issued only to persons who:
1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.
  2. Have been residents of this State continuously for at least one year prior to the date of filing the application for license, except that Class B licenses may be issued to a person who has been a resident of the State continuously for 90 days prior to the date of the application.
  3. Have attained the legal drinking age, except that operators' licenses may be issued to persons who have attained the age of 18.
- (b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.
- (c) Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under §125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of pars. (a)1. and 3. and (b) above, except that par. (a)2. does not apply to agents.
- (9) **INTOXICATING LIQUOR LICENSE QUOTAS.** (a) “Class A”. The number of “Class A” intoxicating liquor licenses issued hereunder is limited to 7.
- (b) “Class B”. The number of “Class B” liquor licenses to be issued hereunder is limited to the number permitted under §125.51(4), Wis. Stats. Pursuant to §125.51(4) (bin), Wis. Stats., the “Class B” liquor license quota information is on file in the office of the City Clerk. In the event all regular and reserve “Class B” liquor licenses have been issued, the Council may nevertheless issue a “Class B” license as an exception to the quota, pursuant to §125.51(3) (e)3., Wis. Stats., to certain hotels and restaurants.
- (10) **LICENSE CONDITIONS AND RESTRICTIONS.** In addition to the conditions and restrictions imposed by State law on the granting of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:
- (a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.
  - (b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employe of a licensee shall constitute a violation of the licensee.

- (c) Sales to Underage Persons Prohibited. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless he is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (d) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- (e) Commencement of Operations. Within 90 days after the issuance of a "Class B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.
- (f) Cessation of Operations. If any licensee shall suspend or cease doing business for 90 consecutive days or more, his "Class B" intoxicating liquor license or his Class "B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.
- (g) Transfer of License. No license shall be transferable from person to person except as provided in §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.
- (h) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also shall conform to all ordinances and regulations of the City.
- (i) Clear View of Premises Required. Except as otherwise provided in this subsection, all windows in the front of any licensed premises shall be of clear glass, unobstructed by any signs, advertising material or venetian blinds, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk at all times.
- (j) City Taxes and Claims. No license shall be granted for operation on any premises upon which personal property taxes or assessments or other financial claims of the City are delinquent and unpaid.
- (k) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be permitted at any time on any licensed premises.
- (l) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

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

1. Hotel
2. Restaurant, whether or not it is a part of or located in any mercantile establishment
3. Combination grocery store and tavern
4. Combination sporting goods store and tavern
5. Combination novelty store and tavern
6. Bowling alley or recreation premises
7. Club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class “B” or “Class B” license or permit

(10a) NUDE DANCING IN LICENSED ESTABLISHMENTS. (a) 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, employe, entertainer or patron to perform or engage in, any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

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

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

(c) Definitions. For purposes of this subsection:

1. Licensed Establishment. Any establishment licensed by the City to sell alcohol beverages pursuant to Ch. 125, Wis. Stats.

2. Licensee. The holder of a retail “Class A”, “Class B”, Class “B”, Class “A” “ or “Class C” license granted by the City pursuant to Ch. 125, Wis. Stats.
    - (d) Penalties. Any person who violates any of the provisions of this subsection shall be subject to a forfeiture of not less than \$50 and not more than \$1,000 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 subsection constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under §125.12, Wis. Stats.
- (11) **CLOSING HOURS.** No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:
- (a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.
  - (b) Retail “Class A” or Class “A” License. Between 9:00 P.M. and 8:00 A.M.
  - (c) Retail Class B License. No premises for which a retail Class B liquor and malt beverage license has been issued shall be permitted to remain open for sale of alcohol beverages between the hours of 2:00 A.M. and 6:00 A.M., except on Saturday and Sunday the closing hour shall be 2:30 A.M.; on January 1 there are no closing hours.
  - (d) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell alcohol beverages during the closing hours stated in par. (c) above.
  - (e) Presence on Premises After Closing Hour Restricted.
    1. Any person who is not an employe of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.
    2. Any person, while on the premises after closing hours, must be actively engaged in bona fide business activities and may not consume alcohol beverages.
- (12) **SALE OF CLASS B PACKAGED GOODS.** (a) Sale Restrictions. Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any “Class B” intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.
- (b) Hours of Sale. Between the hours of 12:00 midnight and 8:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

(13) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. (a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employe. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(b) Exceptions. Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employe, lodger or boarder on the licensed premises.
2. An underage person who enters a Class A premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
3. Hotels, drug stores, grocery stores or bowling alleys or athletic fields or stadiums owned by a county or municipality.
4. Licensed restaurants where the principal business is that of a restaurant.
5. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
6. An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator shall be on the premises at all times.

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

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

1. Brewer.
2. Fermented malt beverages wholesaler.
3. Permittee other than a Class "B" or "Class B" permittee.
4. Facility for the production of alcohol fuel.

5. Retail licensee or permittee under the conditions specified in §§125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
  6. Campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- (c) Selling or Serving Alcohol Beverages. Pursuant to §§125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.
- (15) **REVOCATION AND SUSPENSION OF LICENSES.** (a) Procedure. Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or the Chief of Police or by the Council upon its own motion. No license shall be suspended, revoked or nonrenewed for a single violation of serving an underage person in a one-year period and no more than one citation may be issued for a single violation.
- (b) Repossession of License or Permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the City Clerk shall notify the licensee or permittee and the Chief of Police or such revocation or suspension and the Chief of Police or his designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk.
- (c) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months, or to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

**12.03 CIGARETTE RETAILER LICENCE.** (1) **REQUIRED.** No person shall sell cigarettes in the City without first obtaining a license from the City Clerk. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.

- (2) **LICENSE FEE.** The license fee shall be \$100 per year.

**12.04 ENTERTAINMENT LICENSE.** (1) **LICENSE REQUIRED.** No person shall conduct for gain within the City any carnival, circus, concert or any other similar entertainment without first obtaining a license.

- (2) **APPLICATION.** Application for a license shall be submitted on forms supplied by the City Clerk. The application shall be accompanied by a certificate of insurance showing that the applicant is covered by liability insurance by an insurance company licensed to do business in Wisconsin in the amount of \$300,000 for the injury or death of one person, \$100,000,000 for any one accident and \$50,000 for property damage. If the entertainment involves carnival-type

rides, proof of current inspection of such rides by the Wisconsin Department of Commerce shall be furnished.

- (3) FEE. The license fee shall be \$50 per event, except that no fee shall be charged for events held or sponsored by educational, charitable, nonprofit or religious organizations when the proceeds thereof shall be devoted to the purposes of such organization.

**12.05 RUMMAGE AND GARAGE SALES REGULATED.** (1) LICENSE REQUIRED. No person shall conduct a rummage or garage sale within the City without having obtained a license from the City Clerk, except as provided in sub. (2) below. Before issuing the license, the Clerk shall refer the application to the Building Inspector for verification as to whether or not such sale at the proposed location is compatible with ch. 17 of this Code.

- (2) EXCEPTIONS TO LICENSE REQUIREMENT. No person shall be required to obtain a license if:
  - (a) The sale is conducted in a business district and is a permitted use in such district.
  - (b) The person conducts, on his own residential premises, no more than 3 sales in any one year. Each sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.
  - (c) The sale is conducted by religious, educational, charitable or civic organizations on premises located in a residential district no more than 3 times in any one year. Each such sale may be held for no more than 3 consecutive days and shall not be conducted between the hours of 8:00 P.M. and 8:00 A.M.

- (3) LICENSE FEE. The license fee shall be \$10 per sale, such sale not to exceed 3 days.

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

- (2) DEFINITIONS. (a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services at any location other than the permanent business place or residence of said individual, partnership, association or corporation and shall include, but not be limited to, peddlers, canvassers and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.
  - (b) Transient Merchant. Any person, whether as owner, agent, consignee or employe, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor

vehicle, trailer, tent, railroad box car or boat, public room in a hotel, lodging house, apartment, shop or any street, alley or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader or auctioneer.

- (c) Permanent Merchant. A direct seller or one representing a merchant who, for at least one year prior to the submission of an application pursuant to this section, has continuously operated an established place of business in the City or has continuously resided in the City and now does business from his residence.
  - (d) Goods. Personal property of any kind and includes goods provided incidental to services offered or sold.
  - (e) Solicitor. Any individual who, for himself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organization, society, association or corporation.
  - (f) Charitable Organization. Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation for which there is provided proof of tax exempt status pursuant to §501(c)(3) or (4) of the United States Internal Revenue Code.
  - (g) Applicant. Each individual applying for registration and licensing as a direct seller, transient merchant or solicitor.
  - (h) Registrant. Each individual registered by the Clerk-Treasurer.
- (3) **EXEMPTIONS.** (a) The following shall be exempt from all provisions of this section:
1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
  2. Any person selling goods at wholesale to dealers in such goods.
  3. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.
  4. Any permanent merchant or employe thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within the County and who delivers such goods in his regular course of business.

5. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.
  6. Any person who has had, or represents a company which has had, a prior business transaction such as a prior sale or credit arrangement with a prospective customer.
  7. Any person holding a sale required by Statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (b) Charitable organizations registered with the Wisconsin Department of Regulation and Licensing, pursuant to §440.41, Wis. Stats., shall be exempt from the requirements set forth in subs. (4)(a) and (c) and (6) below if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation and provided, further, that said individuals complete an application on a form provided by the City Clerk. A license operative for the dates provided to the Clerk shall be issued without charge upon compliance with the foregoing. The Clerk shall then forward the information and notice of the issuance of a license to the Chief of Police.
- (c) Any religious organization from which there is provided proof of tax exempt status, pursuant to §501(c)(3) of the United States Internal Revenue Code, shall be exempt from the requirements set forth in subs. (4)(a) and (c) and (6) below. The provisions of par. (b) above shall be applicable to such organizations.
- (d) Any veteran who holds a special State license, pursuant to §440.51, Wis. Stats., shall be exempt from the provisions of subs. (4) and (6) below, provided that such veteran provides the Clerk with the following information:
1. The veteran's name and permanent address.
  2. The nature of the sales or solicitations.
  3. Proposed dates and times of sales or solicitations.

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

- (4) **REGISTRATION REQUIREMENTS; APPLICATION FEE.** (a) Applicants for licenses must complete and return to the City Clerk a registration form furnished by the Clerk.
- (b) Applicants shall present the following items to the City Clerk for examination:
1. A driver's license or some other proof of identity as may be reasonably required.

2. A physician's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law, such certificate to state that applicant is apparently free from any contagious or infectious disease and dated not more than 90 days prior to the date the application for license is made.
- (c) No application shall be processed until the application fee in the amount of \$10 has been paid to the City Clerk to cover the cost of processing said application.
- (5) INVESTIGATION; DENIAL OF APPLICATION (a) Upon receipt of a completed registration form, the City Clerk shall immediately refer it to the Chief of Police to make an investigation. The Chief of Police or his designee shall complete the investigation and file a report with the Clerk within 72 hours.
- (b) The Clerk shall refuse to issue a license to the applicant for any of the following reasons:
1. The application contains any material omission or materially inaccurate statement.
  2. The applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling or solicitation.
  3. The applicant failed to comply with any applicable provision of sub. (4)(b) above.
  4. If, as a result of the investigation required under this section, the applicant's business or character are found to be unsatisfactory, the Chief of Police shall endorse on said application his disapproval and his reasons for the same and return the application to the Clerk, who shall notify the applicant that his application was not approved and no license will be issued.
- (c) In the event the Clerk shall refuse to issue the applicant a license, the Clerk shall provide the applicant an opportunity to refute said reasons for denial of the license. After the Clerk has made a final determination, he shall either issue the license or provide the applicant with written reasons for refusing to issue the license.
- (d) Any person denied application for a license may appeal such action by filing with the Council, within 14 days after written notice of the denial, a written statement requesting a hearing and setting forth the grounds for the appeal. The Council shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 24 hours prior to the time set for the hearing.

- (6) REGISTRATION AND ISSUANCE OF LICENSE. (a) Upon compliance with the foregoing requirements and filing of a bond, if applicable, the Clerk shall register the applicant as a direct seller, transient merchant or solicitor and issue a license to the applicant. The license shall be operative for 90 consecutive days from the date of issuance.
- (b) Such license shall contain the signature of the Clerk; the name and address of the direct seller, transient merchant or solicitor; the type of goods or services being sold or the nature of the solicitation; the dates during which the license is operative; and the license number of any vehicle used for sales or solicitation.
  - (c) A registrant shall exhibit his license at the request of any citizen or police officer.
  - (d) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of this County, or who is such a resident and represents a business or organization whose principal place of business is located outside the State, shall file with the City Clerk a surety bond for a term of one year from the date of issuance of the license, running to City in the amount of \$500 with surety acceptable to the Clerk, conditioned that the applicant comply with all applicable ordinances of the City and Statutes of the State regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of the City that all money paid as a down payment shall be accounted for and applied according to the representations of the seller and that the property purchased shall be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the Clerk of Courts in which suit is commenced and be relieved of all further liability.
- (7) REGULATION OF DIRECT SELLERS AND SOLICITORS. (a) Prohibited Practices. 1. A direct seller or solicitor shall be prohibited from:
- a. Calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M. except by appointment.
  - b. Calling at any dwelling on Sundays and legal holidays.
  - c. Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning.
  - d. Calling at the rear door of any dwelling place.
  - e. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his visit, his identity or the identity of the organization he represents.
  3. No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets. No direct seller or solicitor shall sell or solicit in any congested area or where the public will be impeded or inconvenienced. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
  4. No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a 100 foot radius of the source.
  5. No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he is conducting business or making solicitations.
- (b) Disclosure Requirements. 1. After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller or solicitor shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
2. If any sale of goods or services is made by a direct seller or any sales order for the later delivery of goods or services is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in §423.203, Wis. Stats.; the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.
  3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; and the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (8) **REGULATION OF TRANSIENT MERCHANTS** The provisions of sub. (7)(b)2. and 3. above shall apply to transient merchants.
- (9) **RECORDS OF VIOLATIONS.** The Chief of Police shall report to the City Clerk all convictions for violations of this chapter and the Clerk shall note any violation on the record of the registrant convicted. The Clerk shall note any complaint or report of an alleged violation made by a resident of this City or a police officer.

- (10) **REVOCACTION OF LICENSE.** (a) The registrant's license may be revoked by the Council after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales or solicitation, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations.
- (B) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the acts or omissions upon which the hearing will be based.

**12.07 JUNK DEALERS LICENSE.** (1) **LICENSE REQUIRED.** No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefor, and all articles and things discarded as manufactured articles commonly referred to as "junk," without first obtaining a license from the Council.

- (2) **EXCEPTION.** No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site.
- (3) **APPLICATION.** Applications for such license shall be made on forms supplied by the City Clerk and filed with the Clerk.
- (4) **LICENSE FEE.** The license fee shall be \$25 per year. The license year shall commence on July 1 of each year.
- (5) **REFERRAL TO COUNCIL.** The application shall be referred to the Council which may grant, grant with conditions, or deny the license.
- (6) **RESTRICTIONS APPLICABLE TO JUNK DEALERS.** (a) No junk shall be displayed or stored outside the fenced area of the premises.
- (b) No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays.
- (c) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section and in accordance with the reasonable rules, regulations and directions of the Council.
- (d) Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.
- (e) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record

shall be entered in a book which shall be open to inspection by police officers at any time.

- (f) No junk shall be purchased from any person under 16 years of age without the written consent of the parent or guardian of such person.
- (7) **REVOCAION AND SUSPENSION OF LICENSE.** (a) Upon complaint being made in writing by any official of the City to the Council that any licensee hereunder has violated any of the provisions of this section, the Council shall cause a summons and complaint to be served upon the licensee to appear before it at the time specified in the summons, which shall be not less than 10 days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The Council shall thereupon proceed to hear the matter and, if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions hereunder shall not be effective unless the licensee has received a copy of the complaint from the Building Inspector and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.
- (b) Whenever a license is revoked, the licensee shall have a period of 45 days from the date of such revocation to liquidate his business, during which time he shall be required to comply with all the terms and conditions of this section.

**12.08 MOBILE HOMES AND MOBILE HOME PARKS.** (1) **STATE STATUTES ADOPTED BY REFERENCE.** The provisions of §66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

- (2) **PARKING OUTSIDE LICENSED MOBILE HOME PARKS.** (a) Restricted. No occupied mobile home shall be permitted to be located in the City unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this section.
- (b) Exceptions. 1. Paragraph (a) above is not intended to restrict the location of one- and 2-family manufactured homes which meet the applicable one- and 2-family standards set forth in Ch. 101, Wis. Stats., and the requirements of ch. 17 of this Code.
    - 2. Notwithstanding other provisions of this subsection, the Council may, upon application, issue a special permit for the location of a mobile home outside a mobile home park for temporary use solely as a field office, and such permit shall specifically state the expiration date thereof which shall not exceed 12 months.
- (3) **PARK LICENSE REQUIRED.** No person shall establish or operate upon property owned or controlled by him within the City a mobile home park without having first secured a license therefor from the Council. The application for such license shall be made to the City Clerk and shall be accompanied by a fee of \$2 for each space in the existing or proposed park, but not less than \$25. Such parks shall comply with Wis. Adm. Code H 77, which is hereby adopted by reference, and all zoning requirements set forth in ch. 17 of this Code.

- (4) **ADDITIONS TO PARKS.** Licensees of mobile home parks shall furnish information to the City Clerk and the Assessor on such homes added to their parks within 5 days after their arrival on forms furnished by the Clerk.
- (5) **PARKING PERMIT FEES.** There is imposed on each mobile home located in the City a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the City Clerk on or before the 10th day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Clerk. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chs. 70 and 74, Wis. Stats.
- (6) **PAYMENT OF FEES FOR HOMES OUTSIDE PARKS.** The owner of the land on which a mobile home is located outside of a mobile home park may collect the fee from the owner of a mobile home and, on or before January 10 and on or before July 10, shall transmit to the City Clerk all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.
- (7) **MOBILE HOME PARK REQUIREMENTS.** See ch. 17 of this Code.

**12.09 REGULATION AND LICENSING OF DOGS.** (1) **DOG LICENSES REQUIRED.** It shall be unlawful for any person in the City to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.

- (2) **LICENSE FEE.** The license fee for a dog shall be as follows:
  - (a) Unneutered Male Dog. \$8.
  - (a) Unspayed Female Dog. \$8
  - (c) Neutered Male Dog. \$3
  - (d) Spayed Female Dog. \$3
- (3) **LATE FEES.** The City Clerk shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.
- (4) **KENNEL LICENSE OPTION.** The owners of kennels may opt to pay a kennel license fee of \$35 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the City Clerk shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential district.

- (5) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.
- (6) **DEFINITIONS.** In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:
- (a) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.
  - (b) At Large. A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.
  - (c) Kennel. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.
- (7) **RESTRICTIONS ON KEEPING OF DOGS.** It shall be unlawful for any person within the City to own, harbor or keep any dog which:
- (a) Habitually pursues vehicles upon any street, alley or highway.
  - (b) Molests passersby or assaults or attacks any person without provocation.
  - (c) Is at large within the limits of the City.
  - (d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the City Pound.
  - (e) Kills, wounds or worries any domestic animal.
  - (f) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.
- (8) **DOGS RUNNING AT LARGE AND UNTAGGED DOGS.** (a) Dogs Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (6)(b) above.
- (b) Untagged Dogs. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

- (c) Dogs Subject to Impoundment. Police officers shall attempt to capture and restrain any dog running at large and any untagged dog.
  - (d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit \$10 for the first offense and \$20 for subsequent offenses.
- (9) DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.
- (10) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES. (a) Quarantine or Sacrifice of Animal. The County Health Officer or a police officer may order a dog, cat or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (b) Quarantine Order. If a quarantine is ordered, the owner of the dog, cat or other animal shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.
- (11) SETTING ANIMALS AT LARGE PROHIBITED. No person shall open any door or gate of any private premises for the purpose of setting any dog, cat or other animal at large, except the owner of such animal.
- (12) IMPOUNDING AND DISPOSITION OF DOGS. (a) Impounding of Dogs. A police officer or other person restraining a dog running at large shall take such animal to the City Pound. The police officer shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.
- (b) Release of Dog to Owner or Representative. The police officer may release the dog to the owner or his representative if:
1. The owner or representative gives his name and address.
  2. The dog is licensed and vaccinated against rabies.
  3. The owner or representative pays the dog's intake fee of \$20.
- (c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the police officer may release the dog to a person other than the owner if such person:
1. Gives his name and address.

2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.
- (13) PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed:
- (a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.
  - (b) Refusal to Comply With Quarantine Order. An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Council, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

**12.10 KEEPING OF VICIOUS DOGS REGULATED.** (1) DEFINITIONS. The terms used in this section are defined as follows:

- (a) Vicious Dog.
  1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
    2. Any dog which attacks a human being or another domestic animal without provocation.
    3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.
    4. Any pit bull dog.
  - (b) Pit Bull Dog.
    1. The pit bull terrier breed of dog.
    2. The Staffordshire bull terrier breed of dog.
    3. The American pit bull terrier breed of dog.
    4. The American Staffordshire terrier breed of dog.
    5. Dogs of mixed breed or of other breeds than listed under subpars. 1. to 4. above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.
- (2) REQUIREMENTS AND PROHIBITIONS. (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in

physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief.

- (b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
  - (c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
  - (d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.
  - (e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.
  - (f) Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.
- (3) **VICIOUS DOG DETERMINATION**. The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is vicious," as defined in sub. (1) above. In the event the Police Chief makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this section.

- (4) **APPEAL OF VICIOUS DOG DETERMINATION.** Any person aggrieved by the determination of the Police Chief, as provided in sub. (3) above, may appeal such determination, as provided in ch. 6 of this Code.
- (5) **COMPLIANCE.** Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub. (4) above, the owner or a vicious dog shall either comply with all provisions of this section or dispose of such dog.
- (6) **DISPOSITION OF VICIOUS DOGS.** Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.
- (7) **PENALTY.** Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

**12.11 ADULT-ORIENTED ESTABLISHMENTS.** (1) **INTENT.** The Council intends that the enforcement of this section shall be used primarily to combat the secondary effects that tend to follow unregulated adult-oriented establishments, such as prostitution, sexual assault and other criminal activity, and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational or scientific value. The Council further intends that the enforcement of this section shall be consistent with the first amendment to the United States Constitution; Article I, Section 3 of the Wisconsin Constitution; and the compelling State interest in protection of the free flow of ideas.

- (2) **DEFINITIONS.** The terms used herein shall be defined as follows:
  - (a) Adult-Oriented Establishment. This term includes, but is not limited to, adult entertainment stores, adult theaters, adult mini-theaters, adult cabarets and any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult entertainment, whether or not such adult entertainment is held, conducted, operated or maintained for commercial gain.
  - (b) Adult Entertainment Store. An establishment, including in its stock in trade for sale, rent, lease, inspection or viewing, books, films, video cassettes, novelties,, magazines or other periodicals which have as their dominant theme or are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or specified anatomical areas.
  - (c) Adult Theater. An enclosed building with a capacity of 50 or more persons used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons.

- (d) Adult Mini-Theater. An enclosed building with a capacity of less than 50 persons, used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons.
  - (e) Adult Cabaret. An establishment which features topless dancers, strippers or similar entertainers.
  - (f) Adult Entertainment. Any exhibition of any motion picture, video cassette, live performance, display or dance of any type which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated “specified sexual activities,” “specified anatomical areas,” the removal of articles of clothing or partial or total nude appearance.
  - (g) Operator. Any person, partnership, corporation or other organization operating, conducting, maintaining or owning any adult-oriented establishment.
  - (h) Specified Anatomical Areas.
    1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.
    2. Human male genitals in a discernible turgid state, even if opaquely covered.
  - (i) Specified Sexual Activities. Simulated or actual:
    1. Showing of human genitals in a state of sexual stimulation or arousal.
    2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
    3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (3) **ADULT-ORIENTED ESTABLISHMENT LICENSE.** (a) Required.
  1. No person may engage in, conduct or carry on the operation or maintenance of an adult-oriented establishment without first obtaining a valid adult-oriented establishment license issued under this section.
  2. A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person desiring to operate more than one adult-oriented establishment must have a license for each adult-oriented establishment.
  3. Any adult-oriented establishment existing at the time of the passage of this section must submit an application for a license within 60 days of the passage of this section.
- (b) Exemptions. The provisions of this section relating to the licensing of adult-oriented establishments shall not apply to establishments such as theaters, performing arts centers, civic centers and dinner theaters where

live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employes engaging in nude erotic dancing.

(4) APPLICATION FOR ADULT-ORIENTED ESTABLISHMENT LICENSE.

- (a) Any person desiring to obtain an adult-oriented establishment license shall pay the fee of \$2,000 to defray the costs of administration and investigation of the application.
- (b) Any person desiring an adult-oriented establishment license shall file a written application with the City Clerk on a form provided in the Clerk's office. The information provided to the Clerk shall be given under oath.
  - 1. Corporation. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of incorporation together with the date and state of incorporation and the names and residence addresses of each of its officers, directors and each stockholder holding 5% or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation.
  - 2. Partnership. If the applicant is a partnership, the application shall set forth the name of the partnership and the name and residence address of each of the partners, including limited partners, and be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.
  - 3. Others. If the applicant is neither a corporation nor a partnership, the application shall set forth the true full name and residence address of the applicant and be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous 5 years.
- (c) The application also shall set forth the proposed place of business of the adult-oriented establishment by business address, including suite number, and not by post office box and shall contain a description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant if an individual; each officer and director and all stockholders who own 5% or more of the stock or beneficial ownership if the applicant is a corporation; and each partner, including limited partners, if the applicant is a partnership:
  - 1. The previous residence address, if any, for a period of 3 years immediately prior to the date of application and the dates of such residence.
  - 2. Written proof that the individual is at least 18 years of age.

3. A complete set of fingerprints.
  4. The business, occupation or employment history for 3 years immediately preceding the date of application, including, but not limited to, whether such person previously operated under any permit or license in another municipality in this or another state and whether any such permit or license had ever been suspended or revoked.
  5. All convictions in any state or Federal court within the past 5 years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.
  6. All pending criminal charges in any state or Federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.
  7. The names of persons who will have custody of the business records at the business location.
  8. The name and address of the person who will be the agent for service of process.
  9. Such other information relating to the application as may be required by the Law Enforcement Committee.
- (d) The application shall include the proposed hours of operation and a detailed floor plan.
- (e) The City Clerk shall notify the Chief of Police, the Chief of the Fire Department, and the Building Inspector of any adult-oriented establishment license application and these officials shall inspect or cause to be inspected each such application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Law Enforcement Committee, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying within 5 business days of receipt of notice from the City Clerk. Upon receiving the information from said officials, the Committee shall, within 10 days, file its written recommendation with the Council.
- (f) Upon receiving a recommendation of the Law Enforcement Committee, within 30 days of receiving an application for license, the Council shall grant, with conditions, or deny a license to the applicant. The City Clerk shall notify the applicant whether the application is granted or denied.
- (g) Whenever an application is denied, the City Clerk shall advise the applicant, in writing, of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the Council.

- (h) Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding said application or refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial.
- (5) **STANDARDS FOR ISSUANCE OF AN ADULT-ORIENTED ESTABLISHMENT LICENSE.** The Council shall issue an adult-oriented establishment license if, upon recommendation by the Law Enforcement Committee, it finds that:
- (a) An annual license fee of \$15,000 has been paid.
  - (b) The application conforms in all respects to this section.
  - (c) The location of the adult-oriented establishment is not within 1,000 feet of any church or synagogue building, school, park or recreational area, licensed day care facility, public library or City offices, public information center, elderly housing facility or residential district.
  - (d) The applicant has not knowingly made a material misstatement in the application.
  - (e) The applicant has supplied all the information required under sub. (3) above and the information requested by the Law Enforcement Committee regarding the investigation of his application.
  - (f) The adult-oriented establishment, as proposed by the applicant, would comply with all applicable laws, including, but not limited to, chs. 14 and 17 of this Code.
  - (g) The applicant has not had an adult-oriented establishment license or permit or other similar license or permit revoked or suspended in this State or any other state within 3 years prior to the date of application.
  - (h) The applicant, if an individual; any of the stockholders holding 5% or more of the stock or beneficial ownership of the corporation, and any officers, agents or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for or within 5 years prior to the date of application, has not been convicted of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Chs. 944 or 948, Wis. Stats., as amended, or the laws of another state similar in nature to said Chs. 944 or 948, Wis. Stats., or other offense, subject to §111.335, Wis. Stats., as amended.
  - (i) The applicant, if a corporation, is licensed to do business and is in good standing in the State.

- (j) All individual applicants; all stockholders holding 5% or more of the stock or beneficial ownership, directors and officers if the applicant is a corporation; and all partners, including limited partners, if the applicant is a partnership, are at least 18 years of age.
- (6) **DISPLAY OF ADULT-ORIENTED ESTABLISHMENT LICENSE.** The adult-oriented establishment license shall be displayed in a conspicuous public place in the adult-oriented establishment.
- (7) **RESTRICTIONS ON CORPORATE LICENSES.** Any corporation holding an adult-oriented establishment license under this section shall report to the City Clerk, in writing, within 15 days of the event described herein, any of the following:
- (a) Any change of officers of the corporation.
  - (b) Any change in the membership of the board of directors of the corporation.
- (8) **SALE OR TRANSFER.** Upon the sale or transfer of any interest in an adult-oriented establishment, the license shall be void. Any person desiring to continue to operate an adult-oriented establishment following sale or transfer shall apply for a license.
- (9) **RESPONSIBILITIES OF THE OPERATOR OF AN ADULT-ORIENTED ESTABLISHMENT.** (a) Any act or omission of any employe constituting a violation of the provisions of this section 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.
- (b) No employes of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment.
  - (c) The operator shall maintain the adult-oriented establishment in a clean and sanitary manner at all times.
  - (d) The operator shall maintain at least 10 foot candles of light in the public portions of the adult-oriented establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.
  - (e) No alcohol beverage may be served or permitted on the premises.
  - (f) No sexual activity of any kind shall be permitted on the premises.
  - (g) The operator shall insure compliance of the adult-oriented establishment and its patrons with the provisions of this section.

- (h) No person licensed as an adult-oriented establishment may, in any manner, advertise its establishment as licensed by the City.
- (10) PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT. Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment 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-oriented 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 or cubicles and any nonpublic areas by a wall.
    - 2. Each booth shall have at least one side totally open to a lighted public 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 6 feet and be light colored, nonabsorbent, smooth textured and easily cleanable.
    - 4. The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.
    - 5. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of 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 shall engage in any type of sexual activity.
- (11) RENEWAL. (a) Every license issued pursuant to this section will terminate at the expiration of one year from date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. All applications for the renewal of adult-oriented establishment licenses issued by the City shall be filed with the City Clerk's office on forms to be provided by the Clerk no later than 60 days prior to the expiration of the licenses. The renewal application shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. Applications to renew licenses shall be processed by the City in the same fashion as new applications. No license shall be renewed without a re-inspection of the premises as required under sub. (3)(e) above.
- (b) A license renewal fee of \$15,000 shall be submitted with the renewal application. In addition to the renewal fee, a late penalty of \$100 shall be assessed against any applicant who files for renewal less than 60 days before the license expires. If the application is denied, 1/2 of the total fees collected shall be returned.

- (12) **SUSPENSION OR REVOCATION.** (a) Any adult-oriented establishment license may be suspended for not more than 90 days or revoked by the Council for any of the following reasons:
1. Any of the grounds that would warrant the denial of the original application for the license.
  2. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
  3. The operator or any employe of the operator violates any provision of this section or any rules or regulations adopted by the Council pursuant to this section, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employe, the penalty shall not exceed a suspension of 30 days if the Council shall find that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.
  4. The operator becomes ineligible to obtain a license or permit.
  5. Any cost or fee required to be paid by this section is not paid.
  6. Any intoxicating liquor or fermented malt beverage is served or consumed on the premises of the adult-oriented establishment.
  7. The establishment is operated outside of operation hours established by the Council.
  8. There is any substantial change in the floor plan approved by the Council without the approval of the Council.
- (b) An adult-oriented establishment license may be suspended or revoked after notice and hearing before the Council to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and may be served by certified mail addressed to the licensee at the current address of the licensee on file with the City Clerk's office. The notice shall state the grounds of the complaint against the licensee and shall designate the time and place where the hearing will be held.
- (c) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for 6 months from the date of revocation of the license.
- (13) **PENALTY.** Any person violating this section shall, upon conviction, be subject to a forfeiture not less than \$500 nor greater than \$2,500.

**12.12 REGULATION AND LICENSING OF PAWNBROKERS.** (1) **DEFINITIONS.**  
In this section, the terms used shall be defined as follows:

- (a) Article. 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. 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. A person with whom a pawnbroker, secondhand article dealer or secondhand jewelry dealer or an agent thereof engages in a transaction of purchase, sale, receipt or exchange of any secondhand article or secondhand jewelry.
- (d) Jewelry. Any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.
- (e) Pawnbroker. Any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased or selling it on consignment, the provisions of this section shall be applicable. A person is not acting as a pawnbroker 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, or a convention.
  2. Any transaction entered into by a person while engaged in the business of junk collector, junk dealer or scrap processor as described in §70.995 (2)(x), Wis. Stats.
  3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.

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:
  - (f) Reportable Transaction. Every transaction conducted by a pawnbroker in which an article or articles are received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended, voided or redeemed, or for which a unique transaction number of identifier is generated by their point-of-sale software, and is reportable except:
    1. The bulk purchase or consignment of new or used articles from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker shall maintain a record of such purchase or consignment that describes each item, and shall mark each item in a manner that relates it to that transaction record.
    2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.
  - (g) Secondhand. Anything owned by a person, except a wholesaler, retailer or licensed secondhand article deal immediately before the transaction at hand.
- (2) PAWNBROKER LICENSE. No person may operate as a pawnbroker unless the person first obtains a pawnbroker's license.
  - (a) License Application. A person wishing to operate as a pawnbroker, in the City shall apply to the City Clerk for a license. The Clerk shall furnish application forms which shall require the following:
    1. The applicant's name, place and date of birth and residence address.
    2. The names and addresses of the business and of the owner of the business premises.
    3. A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 5 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.
    4. Whether the applicant is a natural person, corporation or partnership and:
      - a. If the applicant is a corporation, the state where incorporated and all officers and directors.

- b. If the applicant is a partnership, the names and addresses of all partners.
  - 5. The name of the manager or proprietor of the business.
  - 6. Any other information that the Police Department or City Clerk may reasonably require.
- (b) Investigation of License Applicant. The Police Department shall investigate each application for a pawnbroker's license to determine whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 5 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under subpar. 3. above 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 and a recommendation to the Council.
- (c) Issuance of License. 1. The Council may grant the license if the following apply:
- a. The applicant, including an individual, a partner or an officer, director or agent of any corporate applicant, has not been convicted within the preceding 10 years of a felony or within the preceding 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.
  - b. The applicant provides to the City Clerk a bond of \$1,000, with not less than 2 sureties, for the observation of all municipal ordinances relating to pawnbrokers.
  - c. Compliance with all other applicable codes and regulations.
2. No license issued under this subsection may be transferred.
3. Each license for a pawnbroker is valid from July 1 until the following June 30.
- (d) All applications for a license under this section shall be filed at least 15 days prior to the granting thereof.
- (e) Revocation of License. The Council may revoke any license issued by it under this section for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this section or §§943.34, 948.62 or 948.63, Wis. Stats.

- (f) Fees. The license fees are included in the Fee Schedule on file in the office of the City Clerk.
- (3) PAWNBROKER REQUIREMENTS. (a) Identification. No pawnbroker may engage in a transaction of purchase, receipt or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker 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 obtains a clear imprint of the customer's right index finger.
- (b) Transactions With Minors. 1. Except as provided in subpar. 2. below, no pawnbroker may engage in a transaction of purchase, receipt or exchange of any secondhand article from any minor.
2. A pawnbroker may engage in a transaction described under subpar. 1. above if the minor is accompanied by his parent or guardian at the time of the transaction or if the minor provides the pawnbroker with the parent's or guardian's written consent to engage in the particular transaction.
- (c) Records. For each transaction of purchase, receipt or exchange of any secondhand article from a customer, a pawnbroker 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 shall retain an original and a duplicate of each form for not less than one year after the date of the transaction except as provided in par. (e), and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time.
- (d) Holding Period. 1. Except as provided in subpar. 3. below, 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 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 recovers it.

2. During the period set forth in subpar. 1. above, the secondhand article shall be held separate and apart and may not be altered in any manner. The pawnbroker shall permit any law enforcement officer to inspect the secondhand article during this period. Upon reasonable advance notice and in any event, within 24 hours after a written request of a law enforcement officer during this period, a pawnbroker shall make available for inspection any secondhand article which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article was not sold or exchanged by the lawful owner may direct a pawnbroker to hold that secondhand article for a reasonable length of time which the law enforcement officer considers necessary to identify it.
  3. Subpars. 1. and 2. 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 consigned to a pawnbroker.
  - (e) Report to Law Enforcement Agency. Within 24 hours after purchasing or receiving a secondhand article, a pawnbroker shall provide to the Police Department, for inspection by a law enforcement officer, the original form completed under par. (c) above. Notwithstanding §19.35(1), a law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it only to another law enforcement agency.
- (4) PENALTY. (a) Upon conviction for a first offense under this section, a person shall forfeit not less than \$50 nor more than \$1,000.
- (b) Upon conviction for a second or subsequent offense under this section, a person shall forfeit not less than \$500 nor more than \$2,000.

**12.15 PENALTY.** Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a forfeiture as provided in sec. 25.04 of this Code.