

**CHAPTER 16**  
**LICENSING AND REGULATION OF TRADES**

**SEC.**

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### 16.01 RIDING STABLES

- (1) Definitions. In this section, the following terms shall have the following meanings:
  - (a) Commercial Riding Stable. A business that rents horses to individuals or furnishes horses in connection with riding lessons for pay.
  - (b) Licensee. Any individual, partnership, corporation or other entity holding a City license issued under this ordinance to operate a commercial riding stable.
  - (c) Proprietor. The individual, firm, corporation or other entity operating any commercial riding stable.
  - (d) Public street. Any street, alley, highway or roadway opened or maintained by the City or any other governmental body.
- (2) License Required. No individual, partnership, corporation or other business entity shall operate any commercial riding stable located anywhere in the City without having a valid, current license as provided in this ordinance, approved by the Common Council.
- (3) License Application.
  - (a) Applicants shall make application for a license in writing on forms provided by the City Clerk's Office, along with the annual license fee as established by resolution adopted pursuant to Code sec. 2.05. The application shall state the name and address of the proprietor, the name and address of the operator, if different from the proprietor, the address and legal description at which the stable will be operated, the number of horses to be kept at the riding stable, a map showing the proposed route for trail rides along with written permission from the owner's of such properties to ride thereon, and such other and further information as shall be required by the Legislative Committee of the Common Council.
  - (b) Any license issued may not be transferred to another location unless approved by the Common Council.

- (c) The license year shall be from May 1 through April 30.
  - (d) The proposed location of a commercial riding stable shall be referred to the City Plan Commission for its recommendation as to the location. In the event of a negative recommendation, the issuance of the license shall require a 2/3rds vote of the Common Council.
- (4) Standards for Operation.
- (a) The licensed premises, including stables and grounds, shall be maintained in a clean and sanitary condition.
  - (b) Animals kept at the licensed premises shall be maintained in a safe and healthy condition and shall be provided appropriate veterinary medical care.
  - (c) The licensed premises may be inspected by City officials and their designees on an as needed or periodic basis. Inspection fees shall be established by resolution pursuant to Code sec. 2.05.
  - (d) The proprietor shall provide updated contact information for stable management staff.
  - (e) Horses from commercial riding stables may not be ridden on a public street.
- (5) Enforcement. If the City or its designee determines that there are deficiencies in the operation of a licensed premises, the licensee shall be given specific notice of the alleged deficiency. If the licensee fails to appropriately respond or cure the deficiency in a timely manner, the deficiency may be referred to the City's Legislative Committee for investigation and the license may be suspended or revoked by the Common Council.
- (6) Penalty. Any entity providing any of the provisions of the code section shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$100.00 together with the costs of prosecution, and in the default of such forfeiture and costs be imprisoned in the county jail not to exceed thirty (30) days. Each day of continued violation shall constitute a separate offense.

#### **16.015 HORSE-DRAWN VEHICLES FOR HIRE**

(1) License Required. No person or business entity shall operate, for hire or consideration, any horse-drawn vehicle within the corporate limits of the City of Wisconsin Dells without a license for such operation issued pursuant to this Code. Horse-drawn vehicle shall mean any vehicle which is operated or pulled by a horse, mule or any beast of burden which may be hired for the transportation of passengers and which is operated within the corporate limits of the City of Wisconsin Dells.

(2) Application.

(a) Written application for a license under this code shall be filed with the City Clerk of forms provided by the City Clerk and shall set forth the information as herein required. The completed application shall be accompanied by the appropriate fee.

(b) The application shall contain the following information:

1. The name, address, telephone number and form of business of the application.

2. The trade name, if any, under which the applicant proposes to do business.

3. A thorough description including photographs, of the proposed horse-drawn carriage business to be operated; the manner in which the applicant proposes to install, maintain and operate the business; the proposed hours of operation; proposed location from which the business is to be operated; the proposed route or routes to be served or utilized, together with a map or maps describing the proposed routes; the number of horse-drawn vehicles to be operated by the proposed business; the type of animal or beast of burden to be used to draw any vehicle; the kind, make and model of the vehicles to be used in the business, together with the safety and sanitation devices and methods to be employed.

4. A description of the manner and location in which the applicant proposes to feed, shelter, quarter and stable and otherwise care for the animals to be used in the business, and the method to be used in transporting the animals within and without the city.

5. A schedule of proposed rates and charges to all classes of passengers.

6. A certificate of soundness for each animal that will be pulling a permitted vehicle issued by a veterinarian licensed in the State of Wisconsin, finding such animal to be free from infectious disease, in good health and fit for hack and carriage service under this article. Each

animal shall thereafter be re-inspected at intervals of no more than six (6) months, and a certificate of soundness shall be issued by such veterinarian and filed with the city in order for such animal to remain in service. No animal shall be used to draw a horse-drawn vehicle without such certificate of soundness certified and dated within any preceding six-month period.

7. Repealed.

8. A sworn statement acknowledging the applicant's familiarity with and eligibility under the provisions of this section and any rules and regulations promulgated hereunder, and the applicant's intention to abide by the same.

9. Any such supplementary information the city shall at any time demand in order to reasonably determine whether the request for a permit should be granted.

(3) License Fee. The license fee for the operation of any vehicle under this code shall be established by resolution adopted pursuant to section 2.05 and shall be payable on or before April 30 of each license year.

(4) Driver Permit Required.

(a) Any individual who will be working for a duly licensed person or business entity must obtain a permit for a yearly cost as established by resolution adopted pursuant to section 2.05. Such permit shall be obtained by submitting written application and the appropriate fee to the City Clerk.

(b) Such permit shall not be granted to any person:

(i) under the age of 18 years; or

(ii) who has been convicted by a court of competent jurisdiction of any offense that the circumstances of which substantially relate to the nature of the operation of vehicles for hire; or

(iii) who has been convicted within the past five (5) years of operating a motor vehicle while under the influence of an intoxicant or controlled substance; or

(iv) who does not hold a valid driver's license or commercial driver's license.

(5) Repealed.

- (6) Issuance, Revocation and Transfer of License.
- (a) Licenses herein shall be issued by the Common Council after review and recommendation by the Legislative Committee; and, the Council shall specifically have the right to revoke any license issued when in its judgment the public safety so requires. The licenses may not be transferred. Each license shall be for a term of one (1) year beginning May 1 and ending April 30.
- (b) The City Council may restrict and control the number of operators, the number of carriages, times of operation and routes, and, all other matters related to the operation of horse-drawn vehicles, as it sees fit to protect the public interest and safety.
- (7) Display of License and Rates. The license granted under this Code and the rates for all services offered by the licensee shall be prominently displayed in the licensed vehicles and they shall be visible from the outside of the vehicles.
- (8) Routes of Operation. Licensees must adhere to the routes specified in their application for an operating license, New or temporary routes must be applied for and approved by the Common Council and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviance from these applications without the approval of the Common Council and filing with the City Clerk shall be a violation of this section.
- (9) Hours of Operation. No licensee or permittee shall be allowed to drive a horse-drawn vehicle for more than a period of ten (10) hours in any twenty-four hour day.
- (10) Sanitation Requirements. Licensee shall comply with the following sanitation requirements:
- (a) All horses, mules and other animals shall be equipped with adequate devices to prevent manure and other excrement from falling upon the streets of the City. Any excrement which should fall upon the streets of the city shall be removed at the expense of the licensee.
- (b) All animal waste for disposal shall be promptly transported to sites or facilities legally empowered to accept it for treatment or disposal. The City reserves the right to approve or disapprove sites taking into account routes within the city, and the rules and regulations of the governmental body having jurisdiction over said sites or facilities.
- (11) Other Duties of Licensee. Licensees shall assure adequate rest periods, feeding schedules, health and related animal performance and well-being for each animal

under the licensee's ownership, care or control. This responsibility shall include carriage load limits, hours of operation and daily hours of animal usage, except that no animal shall be required to work more than ten (10) hours per day. No animal shall be left unattended while in service.

(12) Inspection for Compliance with State and Local Laws. The police chief for the City of Wisconsin Dells or designated representative shall inspect the licensee, its business operation and all equipment for compliance with this chapter. Inspection shall be made at a minimum of once per year. Noncompliance with this Chapter shall be grounds for immediate revocation of the above license and/or permit. Applicants for licenses herein shall also comply with Wisconsin Dells ordinance sec. 16.09(2) re: operation from a permanent structure.

(13) Penalties. Any person who shall violate any of the provisions of Section 16.015 of this Code shall, upon conviction, forfeit not less than \$50 and not more than \$100, together with the costs or prosecution. Each day during which any violation of this section shall occur shall constitute a separate violation. By applying for a license, licensees accept responsibility for compliance with the City of Wisconsin Dells' ordinances both personally and by all individuals holding permits under the licensee's license.

## **16.02 LIVESTOCK AND POULTRY**

(1) Keeping of Livestock and Poultry in City. There shall be no livestock or poultry kept or maintained within the City of Wisconsin Dells, except such as are licensed pursuant to Section 16.02 of this Code.

(2) License Required for Livestock and Poultry. No person, firm or corporation shall keep or maintain livestock or poultry within the City of Wisconsin Dells, except on lands used primarily for agricultural purposes, without first obtaining a license therefor from the Common Council. The license year shall be from July 1 to the following June 30th.

(3) Application for License. Applicants shall make application for said license in writing, on forms provided by the City Clerk's Office, along with the annual license fee as established by resolution adopted pursuant to section 2.05. The application shall state the name and address of the owner; the address at which it is proposed to keep the livestock or poultry, the number and type of livestock or poultry to be kept; and such other and further information as shall be required by the Legislative Committee of the Common Council.

(4) Commercial Purpose Required. The Common Council shall issue said license only where it is satisfied that the keeping of livestock or poultry is for a reasonable commercial and business purpose.

- (5) Revocation of License. The Common Council shall be authorized to revoke any license where the manner in which the operator has kept said livestock or poultry has created a public nuisance.
- (6) Horses Included. The word livestock as used in this Section includes horses and ponies.
- (7) Penalties. Any person, firm or corporation violating any of the provisions of this Section shall, upon conviction thereof, forfeit and pay not less than \$25.00 and the cost of prosecution, and in default of such forfeiture and costs be imprisoned in the county jail until payment of such forfeiture and costs shall be made, but not exceeding 30 days for each violation. Each day of continued violation shall constitute a separate offense.

#### **16.025 BACKYARD CHICKENS**

- (1) Notwithstanding Code Sec. 16.02, this Ordinance permits the keeping of chickens in residential zoning districts as follows.
- (2) Site Standards.
- (a) Number. No more than six hens shall be allowed for each dwelling unit.
- (b) Location. Coops or cages housing chickens shall be kept at least twenty-five feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five feet of a side-yard or rear-yard lot line. Coops and cages may not be in residences or garages. Coops and cages must be in backyards and not visible from the public right-of-way.
- (c) Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over eighteen years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
- (d) Sanitation. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- (e) Slaughtering. There shall be no slaughtering of chickens on the property.
- (f) Roosters. It is unlawful for any person to keep roosters.
- (g) The owner shall abide by all state laws and regulations for livestock premises registration, including applicable sections of Wis. Stat. sec. 95.51, and Wis. Admin. Code Chap. ATCP 17 and any applicable amendments thereto. Applicants shall also



follow state law regarding import, purchase and sales of live poultry as set forth in Wis. Admin. Code Chap. ATCP 10.40 and ATCP 10.42 and any amendments thereto.

(h) There shall be no breeding or hatching of chickens.

(i) Any poultry feed shall be stored so as to keep out rodents. The owner shall practice proper poultry waste disposal in order to avoid odors. Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.

(j) The main food source for the chickens should be provided in dedicated feeding containers and scatter feeding as the primary food source is prohibited (small amounts of scratch grains that do not accumulate on the property are allowed). Fresh water shall be available at all times and adequate amounts of feed provided.

(3) Permit Required. A permit shall be required to keep chickens in the City. An application for a permit must contain the following items:

(a) The name, phone number, and address of the applicant.

(b) The location of the subject property.

(c) A site plan containing the following information: A description of any coops, cages or outdoor enclosures, providing dimensions and the precise location (if fixed) of these enclosures in relation to property lines and adjacent properties. If applicant proposes to use a mobile coop and/or a chicken run, the dimensions of the structure(s) shall be provided and the area of requested allowed placement areas shall be provided. Coops and cages must be constructed in a workmanlike manner.

(4) If the applicant proposes to keep chickens in the yard of a rented dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping chickens on the premises.

(5) Chickens may only be kept on single-family unit lots. Chickens may not be kept on two-family or multiple-family lots.

(6) Permit Process. Permits will be granted on an annual basis (unless this section is repealed). If the permittee follows the terms of the section, the permit will be presumptively renewed (unless this section is repealed) and the applicant may continue to keep chickens under the terms and conditions of the initial permit. The city may refuse to renew or may revoke the permit at any time, (after giving the permittee fifteen days' notice of the basis for the revocation or nonrenewal and an opportunity to be heard on the issue) if the permittee does not follow the terms of this section, or if city determines that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

(7) If this ordinance is repealed, no party shall have the right to keep chickens based on a nonconforming use status obtained under this section.

(8) No vested property rights are created by the issuance of a backyard chicken license.

(9) Fees. The City may establish by resolution fees related to the administration of this ordinance payable by the applicant.

### **16.03 MOBILE HOMES AND MOBILE HOME PARKS.**

(1) Purpose.

(a) It is the intent and purpose of this section to regulate manufactured and mobile home communities in the City of Wisconsin Dells to provide adequate standards to protect the public health, safety, convenience and general welfare, consistent with Wis. Stat. Sec. 66.0435 and Wis. Admin. Code Chap. SPS 326.

(b) No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled, a manufactured and mobile home community within the limits of the City without having first secured a license. The license year shall be from July 1 to June 30 and may be renewed under the provisions of this section for additional periods of one year.

(c) The application for a license or renewal shall be filed with the City Clerk and shall be accompanied by the fee in the amount set forth in City Fee Schedule. A fee shall be paid for each transfer of a license. A license may not be transferred or assigned to a new owner.

(2) Definitions. The definitions of Wis. Stat. Sec. 66.0435 and Wis. Admin. Code Chap. SPS 326 are adopted by reference as if fully set forth.

(3) Occupancy. No mobile home as defined in this chapter shall be occupied or used for living or sleeping purposes unless it is located in an area that has been granted a conditional use permit by the Common Council in accordance with the procedures set forth in this section. Temporary mobile homes or recreational vehicles used on construction projects or in conjunction with carnivals and circuses may be permitted when approved by the City Planner.

(4) Location. Mobile home parks are conditionally permitted in all zoning districts, except "A1" Residence and conservancy, in accordance with the provisions of this chapter.

(5) Mobile Home Park Applications. New mobile home parks, as herein defined, shall require a conditional use permit. Applications for conditional use permit shall contain the following information:

- (a) Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct the proposed park and make the application.
- (b) Location and legal description of the proposed mobile home park.
- (c) Existing easements/covenants affecting the property.
- (d) Land characteristics, such as natural drainage, swamp areas and wooded areas.
- (e) Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities.
- (f) Complete preliminary engineering plans and specifications of the proposed park showing, but not limited to, the following:
  - 1. The area and dimensions of the tract of land.
  - 2. The number, location and size of all mobile home lots, and the location of common and recreational areas.
  - 3. The location and width of roadways and
  - 4. mobile home stands within the mobile home lot, including a detailed sketch of at least one typical mobile home space and stand therein.
  - 5. Plans and specifications of all utilities including: sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical telephone and TV antenna systems.
  - 6. The number, location and size of all individual and common parking areas.
  - 7. Landscaping plans for the entire park, including a planting plan for the buffer strip.
  - 8. Plans and specifications of all buildings to be located within the park.
  - 9. Written statements describing proposed park operations, management, and maintenance including proposed fees and charges and rules to be established by the operator for conduct of persons within the

park.

10. Such other plans and specifications and information as may reasonably be required by the Plan Commission or City Council.

(6) Plan Commission Review and Recommendations. The Plan Commission shall conduct a public hearing and review the Conditional Use Permit application to determine its conformity with land development trends in the community; and recognized principles of design, land use planning and landscape architecture. The Plan Commission shall forward the Conditional Use Permit application to the Common Council with a recommendation that it be approved, approved with conditions, approved with modifications, or disapproved. This communication must be made within 60 days of receipt of the Conditional Use Permit application.

(7) Determination of the Common Council. After receipt of the recommendation of the Plan Commission, the Common Council shall make its determination regarding the Conditional Use Permit in accordance with Code. sec. 19.12A.

(a) Findings of Facts: Within 30 days after the close of the public hearing in regards to the proposed Conditional Use Permit, the Common Council shall approve with conditions, approve with modifications, or disapprove the Conditional Use Permit.

(b) For the Common Council to make an affirmative recommendation must find in each of the following instances that:

1. The establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. The proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

3. The proposed mobile home park will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(8) Mobile Home Park Requirements.

(a) Park Size. The minimum size of a mobile home park shall be 5 acres.

(b) Density. The maximum density for mobile home parks shall be 8 mobile home units or lots per gross acre.

(c) Setbacks. No mobile home shall be located closer than 25 feet from any park property boundary line.

(d) Drainage and Landscaping. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.

(e) Recreation Areas. Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each 100 sites. The minimum area in a park shall be one-half acre.

(f) Screening. All mobile home parks shall be provided with a screening of trees or shrubs along the property boundary line separating the park and such adjacent properties, except where the adjoining property is also a mobile home park. Within 6 months after issuance of the appropriate licenses and permits for the occupation of such mobile home park, the following plantings shall be established: A permanent planting of trees and shrubs so arranged and in sufficient numbers to form a solid wall of plant material, such planting shall be a minimum height of 2 feet at the original time of planting and shall be grown or maintained at a height of not less than 10 feet, except where line of sight vision is necessary for pedestrian or vehicular traffic safety.

(9) Permitted Uses. The following uses are permitted within mobile home parks:

(a) Mobile homes used for single-family residential uses.

(b) One single-family dwelling per park for the owner, operator or caretaker thereof.

(c) Service buildings such as park offices, laundromats, and recreational buildings provided that such uses be subordinate to the residential character of the park and are intended for use primarily by park residents.

(d) Accessory structures such as storage sheds, porches and carports as approved by the park management. Accessory structures shall meet the

minimum setback requirements prescribed for the basic mobile home unit.

(e) Home occupations as permitted in §17.12 of this chapter.

(10) Prohibited Uses.

(a) Commercial sales of mobile homes.

(b) Dependent mobile homes and recreational vehicle shall be prohibited from placement and occupancy within mobile home parks.

(c) No person shall park any mobile home on any platted street, alley, highway or other public right-of-way.

(11) Access, Street and Parking Requirements.

(a) General Requirements: All mobile home stands shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the park boundaries.

(b) Park Entrances: Entrances to parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No entrance shall be from a local road through a residential subdivision.

(c) Interior Streets: Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:

2-way street, parking on both sides: 32 feet.

2-way street, parking on one side: 25 feet.

2-way street, parking prohibited: 18 feet.

1-way street, parking on one side: 22 feet.

1-way street, parking prohibited: 14 feet.

(d) Parking Requirements:

1. A minimum of 2 improved parking spaces shall be provided for each mobile home, one of which will be on the mobile home site.

2. An open, well drained, dust free storage area for the parking of boats, trailers and outside vehicles shall be provided. The minimum size of such area shall be 100 square feet per mobile home site. The storage area shall be fenced to prevent access from outside the park.

3. Walkways. Pedestrian walkways shall be provided in the area of the service buildings, along major streets, and other locations of anticipated heavy foot traffic. Walkways shall be a minimum of 3 feet wide and be dust free. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.

(12) Sanitation. All appropriate state, county and city sanitation regulations shall be strictly observed.

(13) Utilities. All utilities, including television and telephone services shall be underground whenever possible.

(14) Mobile Home Site Requirements. Each site for the placement of mobile homes shall be clearly staked or otherwise delineated and shall meet the following standards:

(a) Minimum Lot Size. Individual lots within the mobile home park shall contain an area of not less than 5,000 square feet and shall have a minimum width, at the narrowest point, of 50 feet.

(b) Mobile Home Stand. A mobile home stand with minimum dimensions of 17 feet by 70 feet intended for the actual placement of the mobile home shall be provided on each mobile home site. The stand shall be hard surfaced with asphalt, concrete or similar material and provide adequate drainage and support against settling and frost heave. The mobile home stand shall be equipped with tie downs and anchors to secure the mobile home against winds.

(c) Required Separation Between Mobile Homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one-fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.

(d) Setback and Buffer Strips. Each mobile home shall be located at least 5 feet from any mobile home lot line. There shall be a minimum setback of the mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from any park property boundary line.

(e) Skirting. Skirting shall be placed and maintained around the base of all mobile homes.

(15) Parking permit fee.

(a) There is imposed on each occupied non-exempt mobile home in the city a monthly parking, permit fee as determined under Wis. Stats. §66.0435. The term "occupied" shall mean physically occupied or connected to any city utility.

(b) The licensee of a mobile home park shall collect such permit fees from each occupied non-exempt mobile home therein and remit such fees to the clerk or treasurer. If any such parking permit fee remains delinquent for more than 30 days, the mobile home park operator shall be liable therefor, and in addition thereto the amount of such delinquencies shall be a lien against the property and may be entered in the next succeeding tax roll as charge against such property.

(c) The mobile home park licensee shall notify the clerk or treasurer upon forms provided by the clerk or treasurer of any mobile homes added to the park within five days of such addition. Failure to comply with this requirement shall subject the park operator to a forfeiture of not to exceed \$25.00, and shall be cause for revocation of his mobile home park license.

(d) Occupants of any non-exempt mobile home parked outside of a mobile home park shall remit such permit fees directly to the clerk or treasurer. If such fees are not paid within 30 days after the due date, the owner of the land upon which the mobile home is located shall be liable for the delinquent permit fee, and if not paid such shall be a lien against the property and may be entered in the next succeeding tax roll as a special charge against the property.

(16) Exceptions for Unusual Circumstances. Where there are unusual circumstances involving the location, site or configuration of a proposed mobile home park, the Common Council may approve exceptions to one or more of the terms of this ordinance. Lack of funds to comply shall not constitute a reason for an exception.

(17) Bond. The Fee required by code sec. (1)(c) shall be accompanied by a surety bond in the amount of Five Thousand and 00/100 Dollars (\$5,000.00). The bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in subsec.15 and the payment of such fees to the City, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of the City pursuant to which such license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the license violating the provisions of this section.

**16.04 CAMPGROUNDS AND CAMPING RESORTS – Repealed August 29, 2019**



**16.05 (Repealed by Ordinance A-300. All reference to Room Tax now in Chapter 4.10.)  
(RESERVED FOR FUTURE USE)**

**16.06 SEASONAL WORKFORCE HOUSING FACILITIES**

- (1) Definition. In this section, “Workforce Housing Facility” means:
  - (a) A single family dwelling unit occupied by more than four unrelated persons.
  - (b) A building or buildings originally operated and occupied as a hotel or motel, with any limited term residential occupants; i.e., staying at the facility for more than thirty (30) days in a sixty (60) day period.
  - (c) A dormitory; i.e., a building or buildings with private or semi-private rooms and sleeping areas for residents along with common bathroom facilities, cooking/eating areas, and recreation areas.
  
- (2) Exclusions. The following are not Workforce Housing Facilities:
  - (a) Hotel, motel or other facilities regulated under DHS 195 with all occupants in the facility for less than thirty-one (31) days in a sixty (60) day period; or, a single family dwelling on the premises of a hotel, motel or other facility regulated under DHS 195, used as living quarters for the operators or managers.
  - (b) Bed and breakfast established regulated under DHS 197.
  - (c) Apartment building in which the individual units meet the minimum standards of a multi-family facility including each units having a minimum of 300 sq. ft. and complete kitchen and bathroom facilities.
  - (d) Residential facilities for senior citizens or disabled persons licensed by the state.
  - (e) Single family residence (with full kitchen and bathroom facilities and minimum 850 sq. ft.), separate from the workforce housing units, occupied as a permanent dwelling for the on-site manager of a workforce housing facility.
  
- (3) License Required; Term and Inspections.

- (a) No person may maintain or operate a Seasonal Workforce Housing Facility in the City without a Seasonal Workforce Housing Facility License issued by the City.
  - (b) The licensing period shall be one (1) year; May 1<sup>st</sup> through April 30<sup>th</sup>.
  - (c) The premises shall be inspected at the time of the initial application and annually in connection with a renewal; and at such other times as deemed necessary to assure occupant safety and code compliance.
- (4) Exclusive Use. A facility licensed under this section may not be operated as business licensed under DHS 195 or 197.
- (5) Application. Applicants for a Seasonal Workforce Housing Facility License shall make written application on forms provided by the City not later than sixty (60) days prior to the anticipated occupancy date of the facility. The application shall include the following:
- (a) Site plan of the facility showing the location of units, common areas, laundry facilities, parking and waste disposal areas.
  - (b) Contact information for the owner/operator of the facility and for the on-site management and maintenance personnel.
  - (c) Narrative summary of facility supervision and maintenance plans and procedures.
  - (d) Plan to separate and screen the facility from any adjacent residence district premises.
  - (e) Facility rules.
  - (f) Proof of insurance with carrier and agent contact information.
  - (g) Title report or evidence.
- (6) Initial and Renewal Application Procedures.
- (a) Initial Application.
    1. Initial application for a Seasonal Workforce Housing Facility (SWHF) License shall be accompanied by a Conditional Use Permit (CUP) application. The CUP and SWHF applications may proceed simultaneously.

2. Initial SWHF license applications shall be accepted and reviewed by the Planning & Zoning Administrator, who shall prepare and submit a staff report and make recommendation to the appropriate committee(s). The committee(s) shall make a recommendation of the Common Council which shall approve or deny the license.
3. Approvals may include contingencies, conditions and restrictions. Denials shall be based upon specific reasons.

(b) **Renewal Applications.**

1. Each application for license renewal shall include updated information and payment of applicable fee. The Zoning Administrator shall verify that the information provided on the license renewal application is complete and in accordance with the requirements of the Section. The Zoning Administrator shall forward the application to the Police Department for their recommendation regarding any complaints received, calls for service or any actions taken regarding the licensed property.
2. The Zoning Administrator shall forward the renewal application to the Legislative Committee along with written recommendation(s) from the facility inspector. A Non-renewal shall be subject to due process standards of notice and opportunity to be heard.
3. No license shall be issued or renewed unless there is filed with the Zoning Administrator a completed Fire Inspection Report by the city's Fire Inspector dated within sixty (60) days of the issue date.

(7) **Fees.** Pursuant to Code Sec. 2.05, the City shall establish fees for facilities licensed under this section, including inspections. The fee shall be paid in connection with the filing of an application. An application may not be processed or an inspection(s) conducted unless the fee is paid.

(8) **Minimum Management Requirements.**

- (a) Except for onsite managers, or designated employees, no person shall reside in a regulated unit at a licensed facility for more than six (6) months in a twelve (12) month period.
- (b) Each facility shall keep and maintain on the premises a complete and current roster of occupants organized alphabetically and by units, with move-in and move-out dates; which roster shall be available for inspection by the City upon request.

- (c) Each facility shall have a set of rules for the premises acknowledged in writing by each occupant. Without limitation, the rules shall contain the minimum rules mandated by the City; and, the move-in and move-out dates for the individual occupant.
- (d) Each facility shall be subject to inspections during the term of a license to assess compliance with this code and license conditions. The City shall provide twenty-four (24) hours notice of inspection to owners, operator, managers or occupants except when immediate entry is necessary due to health, safety or emergency. If a request for inspection or entry is denied, the City may seek a special inspection warrant from the municipal court.
- (e) Each facility shall have, implement and maintain a process and procedure to document and correct occupant and city concerns within twenty-four (24) hours of receipt of notice.
- (f) The following contact information shall be conspicuously posted in each unit of the licensed premises:
  - (i) Owner
  - (ii) Operator
  - (iii) Manager
  - (iv) City Building Inspector
  - (v) City Police Department
  - (vi) City Fire Department
- (g) The following safety information shall be conspicuously posted in each unit of the licensed premises:
  - (i) Emergency egress and exits.
  - (ii) Care, maintenance and tampering with fire, carbon monoxide and other safety devices.
  - (iii) Proper use of electric devices, including extension cords.
- (9) Minimum Facility Requirements.
  - (a) Each room in which occupants regularly sleep shall have fifty (50) square feet of space per person and a minimum ceiling height of seven (7) feet.
  - (b) Occupants shall have immediate access to a flush water closet, a lavatory basin and a bathtub or shower; all in good working condition, and properly connected to hot and cold water lines, and to an approved water and sewer system. The flush water closet and bathtub or shower shall be contained within a separate room.

- (c) The interior common and occupied areas of each licensed premises shall be kept safe, clean and sanitary.
- (d) The exterior, including parking areas, shall be well kept and maintained including lawns, trees, vegetation and snow removal.
- (e) All solid waste shall be disposed of in a safe and sanitary manner. The City may establish disposal area screening requirements.
- (f) Animals, except service animals, may not be kept on the licensed premises.
- (g) Each licensed premises shall be equipped with adequate and operating heating, ventilating and cooling systems.
- (h) Kitchens and other areas with food preparation appliances shall have dry wall or similar fire resistant wall covering.
- (i) Occupied areas shall have safe, unobstructed egress to open space at ground level. Below grade space shall not be occupied without two (2) or more exits. Areas above ground level shall have adequate emergency exits.
- (j) Licensed premises shall be equipped with operating smoke and carbon monoxide detectors consistent with applicable standards and City conditions.
- (k) Electrical equipment, wiring and appliances shall be properly installed and maintained.
- (l) Exterior windows shall be operable and shall be equipped with adequate screens.
- (m) Licensed premises shall be kept free from nuisances or nuisance creating conditions.
- (n) The City may prescribe such additional site specific facility requirements as it deems necessary for each licensed premises.
- (o) Licensed premises shall provide each occupant with a lockable storage closet or cabinet of not less than twelve inches (12") by twelve inches (12") by eighteen inches (18").
- (p) Licensed premises shall provide free internet/wifi service in common

areas to its occupants.

- (q) Licenses premises shall provide each occupant with a separate bed.
- (r) All occupants of a room in a license premises must be of the same gender unless all occupants of the bedroom consent to mixed-gender occupancy.
- (s) The entirety of a building on a licensed premises must be habitable unless site specific conditions, such as damage caused by fire, casualty, or natural disaster permit partial use and occupancy, for a reasonable length of time.

(10) Enforcement.

- (a) License holders shall be subject to fines or forfeitures for failure to abide by the terms of this ordinance or other relevant city or state codes or regulations; including, without limitation, the provisions of Code Sec. 17.10 "Chronic Nuisance Premises"; and, for failure to observe or implement license conditions. The penalty provisions of Code Sec. 30.04 shall apply. Each day a violation continues shall constitute a separate offense.
- (b) Repeated and unabated violations of this code may also subject the license to non-renewal, suspension or revocation proceedings. Such proceedings shall include written notice to the license holder, hearing before and recommendation by the Plan Commission, and decision by the Common Council.
- (c) If a license is non-renewed, suspended or revoked, the City shall take those actions necessary to protect the interests of effected occupants.

**16.07 CARNIVALS, CIRCUSES AND THEATRICAL PERFORMANCES**

(1) License. No circus, carnival, theatrical performance or other exhibition shall be conducted until a license of the activity has reviewed by the Legislative Committee and approved by the Common Council.

(2) Application. Application for a license shall be made on a form provided by the City Clerk-Treasurer. The applicant shall provide the following information to the city:

- (a) Applicant's name and address;
- (b) Address at which the activity will be conducted;
- (c) Dates of activities

- (d) Anticipated crowd size and proposed crowd control measures;
- (e) Detailed site plan;
- (f) Specific nature of activity;
- (g) Name, address and background of the person or entity which will actually provide the entertainment, if different than the applicant;
- (h) Parking and traffic management plan;
- (i) Bathroom facilities;
- (j) Waste disposal plan, including animal waste;
- (k) Seating plan;
- (l) Hours of operation;

(3) Licensing Fee and Duration of License.

(a) Activities having duration of seven (7) days or less shall pay a license fee as provided by resolution adopted pursuant to code sec. 2.05.

(b) Activities having a duration of more than seven (7) days shall pay a licensing fee as provided by resolution adopted pursuant to code sec. 2.05 and shall be licensed annually from April 1 to March 31. Annual licenses will be reviewed on an annual basis.

(4) Exceptions. This ordinance shall not apply to non-commercial activities conducted or sponsored by community or local non-profit entities or organizations.

(5) Penalties. Any person who shall violate any of the provisions of Section 16.07 of this Code shall, upon conviction, suffer forfeiture of \$100.00 per day, together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail until paid, but not to exceed 90 days.

**16.08 PORTABLE AMUSEMENT RIDES**

(1) Definition. A "portable amusement ride" means a device, not affixed to real estate and taxable as an improvement, or not present in the City on January 1 and not taxed as personal property, that carries, transports or supports passengers in unusual entertaining or thrilling modes of motion and any vehicle providing entertainment or transportation in conjunction with an amusement ride or an amusement attraction, including, but not limited to, rider-powered and power-driven thrill rides, mild rides and ride-throughs, walk-throughs, air pillows, giant slides, and animal rides. Vehicles include parking lot trams, old fire engines, stage coaches and trains.

(2) Fee. The owners of portable amusement rides, which rides have a capacity of three or more persons or passengers, present in the City at any time shall pay a fee to the City as established by resolution adopted pursuant to Code sec. 2.05. Such fee shall be paid no later than fifteen (15) days from the day the ride commences operation. If the fee is not paid in a timely manner, the owner may not operate the

portable amusement ride in the City until the fee is paid and the fee will increase in an amount established by aforementioned resolution for each day the fee remains unpaid. Unpaid portable amusement ride fees may be charged in full, or in part, against the real estate upon which the portable amusement ride is situated and if that cost is so charged, it is a lien upon such real estate and may be assessed and collected as a special tax.

(3) Exceptions. This code section does not apply to portable amusement rides which are considered coin-operated kiddie rides. This code section does not apply to portable amusement rides which have obtained a Special Events Permit from the City upon authorization by the Common Council.

#### **16.09 PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS**

(1) License Required. No peddler, canvasser or transient merchant shall engage in any such business within the City without first obtaining a license thereof in compliance with the provisions of this ordinance.

(2) Definitions. When used in this section, the following terms have the following meanings:

(a) "Peddler" is a person who does business by going about from place to place selling and delivering merchandise in a retail manner to such individuals as the peddler may be able to deal with.

(b) "Solicitor and Canvasser" is a person who does business by going about from place to place selling or taking orders for all types of merchandise for future delivery and includes magazine and book salespersons and shall also include any person who occupies a building, structure or vehicle for the primary purpose of exhibiting samples and taking orders for future delivery. In addition to the provisions of this code sec., solicitors and canvassers shall also comply with the pertinent requirements of Code sec. 19.08.

(c) "Transient Merchant" is a person who engages in the sale of merchandise or services temporarily in any place and from a temporary location and who does not intend to become and does not become a permanent merchant of the City and shall include all persons selling fruit, vegetables, farm produce and other merchandise from any motor vehicle, counter, stand, platform and other structure of a temporary nature. In addition to the provisions of this Code sec., transient merchants shall also comply with the pertinent requirements of Code sec. 19.08.

(3) Exemptions. This section shall not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper carriers, nor merchants or their employees in delivering goods in a regular course of business, nor any farmer or truck gardener who shall vend, sell or dispose of, or offer to sell, vend or



dispose of the products of the farm or garden occupied and cultivated by him, nor persons selling goods during special events authorized by the Council. Nothing contained in this section shall prohibit any sale required by statute or by order of any court, or prevent any person conducting a bonafide auction sale pursuant to law.

(4) Application. Applicants for a license under this section must file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

- (a) Name and physical description of applicant.
- (b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (c) A brief description of the nature of the business and goods to be sold.
- (d) If employed, the name and address of the employer together with credentials therefrom establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- (g) A recent photograph of the applicant, which picture shall be approximately 2" x 2", showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) The names of at least 2 property owners in Adams, Columbia or Sauk Counties, Wisconsin, who will certify as to the applicant's good character and business.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.
- (j) The last cities or villages, not to exceed 3, where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.
- (k) The application shall be accompanied by a copy of the applicant's Wisconsin Seller's Permit and by proof of insurance.

(l) At the time of filing the application, a fee as established by resolution adopted pursuant to section 2.05 shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein.

(5) Religious and Charitable Organizations' Exemption. Any organization, society, association or corporation desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvas, or in public places for a charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of subsections (4), (8) and (9), provided there is filed a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

- (a) Name and purpose of the cause for which permit is sought.
- (b) Names and addresses of the officers and directors of the organization.
- (c) Period during which solicitations are to be carried on.
- (d) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization, the Clerk shall issue a permit without charge to such organization, association or corporation and shall furnish all of its members, agents or representatives conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

(6) Investigation and Issuance.

- (a) Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within 72 hours after it has been filed by the applicant with the Clerk.
- (b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that license will not be issued.
- (c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police

shall endorse on the application his approval; return the application to the City Clerk, who shall deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued. The Clerk shall keep a permanent record of all licenses issued.

(7) Veterans. Any veteran who holds a special state license issued pursuant to Wis. Stat. sec. 129.02(2), shall be exempt from securing a license as provided herein, but shall be required to comply with Subs. (9), (10) and (11), and shall be subject to the penalty provided for violation of such subsections.

(8) Bond. Every applicant not a resident of Adams, Columbia or Sauk Counties, Wisconsin, or who being such resident, represents a firm whose principal place of business is located outside the State of Wisconsin, shall file with the City Clerk a surety bond, running to the City in the amount of \$500.00, if license is issued for less than 6 months; and \$1,000.00, if license is issued for 6 months or longer, with surety acceptable to and approved by the Mayor, conditioned that said applicant shall comply fully with all provisions of the ordinances of the City and the State Statutes regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant workers or vendors, as the case may be, and guaranteeing to any citizen in the City doing business with said solicitor, that the property purchased will be delivered according to the representatives of the solicitor. Action on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the fact amount of the bond to the Clerk of Court in which suit is commenced, be relieved without costs of all further liability.

(9) Regulations and Restrictions.

(a) Hours of Operation. Peddlers and canvassers shall be allowed to engage in the licensed activity only between 9:00 a.m. and 5:00 p.m., unless another period is applied for and approved by the City Council.

(b) Consent Required. No licensee shall go in or upon, or remain in or upon, any private residence, business establishment or office, or any other private property or public building in the City for the purpose of soliciting orders for goods, wares and merchandise or peddling or hawking the same or soliciting subscriptions for magazines or other periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of said place.

(c) Display of License. The licensee shall carry his/her license on their person while engaged in the licensed activity and shall display such license to any police officer or customer or prospective customer upon request.

(d) Misrepresentation Prohibited. No licensee shall intentionally misrepresent to any customer or prospective customer the purpose of his/her visit or solicitation, nor the name or business of his/her principal, if any, nor the source of supply of the goods, wares or merchandise which he/she sells or offers for sale nor the disposition of the proceeds or profits of his/her sales.

(e) Loud Noises and Speaking Devices. No licensee, nor any person in his/her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(f) Use of Streets. No license shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. 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 and the public impeded or inconvenienced.

(10) Duty of Police to Enforce. The police of the City shall require any person seen peddling, soliciting or canvassing and who is not known by such officer to be duly licensed to produce his license and to enforce the provisions of this section against any person found to be violating the same.

(11) Records. The Chief of Police shall report to the City Clerk all convictions for violations of this ordinance and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

(12) Revocation of License.

(a) Licenses issued hereunder may be revoked by the Council after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or incorrect statement contained in the application for license.

2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, transient merchant, itinerant merchant or itinerant vendor.
3. Any violation of this section.
4. Conviction of any crime or misdemeanor.
5. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

(13) Appeal. Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit or license may appeal to the Council. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appeal and in the same manner as provided in Subsection (12) for notice of hearing on revocation.

(14) Reapplication. No licensee whose license has been revoked shall make further application until a period of at least 6 months shall have elapsed since the last previous revocation.

(15) Expiration of Licenses. No license shall be issued for a longer period than one year. All annual licenses issued hereunder shall expire at midnight on December 31 in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.

(16) Penalty. Any person who shall violate any provision of this Section 16.09 of the Code shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$200.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

## **16.10 BUSKING**

- (1) Permit Required. No person shall engage in the act of busking within the City of Wisconsin Dells without first obtaining a permit thereof in compliance with the provisions of this ordinance.
- (2) Definitions. When used in this section, the following term shall have the following meaning:
  - (a) **Busking**. The practice of doing live performances in public places to entertain people. Those engaging in the practice are called buskers.
  - (b) **Performance**. Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
  - (c) **Soliciting of Funds**. The act of asking, begging, seeking or requesting money or goods from members of the public.
  - (d) **Offerings for Sale**. The display or demonstration of items with an implication that they are available for sale.
  - (e) **Dangerous materials and implements**. Items that pose a risk, hazard or uncertain outcome for people. Dangerous materials include flammable materials and chemical, fire, fireworks, smoke, flares, heated elements, or anything that gives off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property. Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.
  - (f) **Designated Location**. Specified sites within restricted areas where busking can occur under defined conditions.
- (3) Exemptions. Those individuals or groups hired and scheduled by the Wisconsin Dells Visitors and Convention Bureau, business covered under a Conditional Use Permit, and events otherwise covered under a Special Events Permit are exempt.
- (4) Application. Applicants for a permit under this section must file with the Police Department or designee, a sworn application in writing on a form to be furnished by the Police Department or designee, which shall give the following information:
  - (a) Full name, including middle initial of all performers including date of birth, driver's license number and state of issuance.

- (b) Current address (include mailing address if different).
  - (c) Telephone number, including cell phone number
  - (d) Brief description of type of performance that will be done
  - (e) Fee must accompany permit application and is non-refundable
  - (f) A performance audition or submitted media may be required
  - (g) All applicants are subject to a criminal history check conducted by the police department or designee. Based on the results, the Police Chief or designee may deny the permit.
- (5) Permit Fee. Fee is established by fee schedule adopted pursuant to city code section 2.05.
- (6) Regulation and Restrictions.
- (a) Hours of Performance. Busking will be allowed only during the designated hours.
  - (b) Designated Location. Busking will be allowed only in those locations designated by the city.
  - (c) Traffic Flow. Buskers must not unreasonably interfere with pedestrian or traffic flow, including by way of encouraging audience formation in such a manner to cause interference.
  - (d) Solicitation. Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in any way.
  - (e) Display of Permit. The applicant shall have city permit on display and visual at all time while engaged in the licensed activity.
  - (f) Misrepresentation Prohibited. The applicant shall not intentionally misrepresent the purpose of their busking.
  - (g) Loud Noises and Speaking Devices. The applicant, or any person on their behalf, shall not shout, cry out, blow a horn, ring a bell, use any sound amplifying device or otherwise create any noise that is solely for the purpose of attracting attention and not inherently part of the busking performance. The applicant shall not use sound amplifying devices as part of their performance.

- (h) Dangerous Materials and Implements. May be prohibited.
  - (i) Offering for Sale Prohibited. Only sales of the performer's CDs and DVDs are allowed. Sales of any other kind of merchandise are prohibited.
  - (j) Performance Cessation. The police department or designated entity may require any individual performance to cease and desist if that performance is deemed inappropriate, unsuitable for a family-friendly environment, ~~or~~ not cordial, or otherwise creates a disturbance.
- (7) Revocation of Permit. Permit issued hereunder may be revoked by the issuer at any time.
- (8) Reapplication. No applicant whose permit has been revoked shall make further application until a period of at least six (6) months has lapsed since the last revocation. An application may be denied based on a previous revocation.
- (9) Expiration of Permit. This permit is for a performance season defined on the permit application. This permit shall expire at the end of that season, regardless of when the permit was issued.

#### **16.11 JUNK DEALERS**

- (1) License Required. No person or persons, association, partnership, firm or corporation shall hereafter in the City of Wisconsin Dells, keep, conduct or maintain any building, structure, yard, or place for keeping, storing or piling in commercial quantities, or selling, at wholesale or retail, or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, used motor vehicles or parts thereof, other than articles which from their worn condition renders them practically useless for the purpose for which they were made and which, commonly classed as junk, with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided; the carrying on of the aforesaid business shall be referred to herein as "junk dealer".
- (2) Application for License. Every applicant for a license to engage in the business of junk dealer shall file with the City Clerk-Treasurer a written application upon a form prepared and provided by the City, filled by the applicant or applicants. Said application shall state:
- (a) The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.
  - (b) The length of time such applicant or applicants, if any individual, firm or partnership, or the manager or person in charge, if the applicant is a firm or



corporation, has or have resided in the City of Wisconsin Dells, or their places of previous employment, whether married or single, whether he or they, or any of them, have been convicted of a felony or a misdemeanor and, if so, what offense, when, and in what county.

(c) Whether the applicant or applicants or officers of the manager of applicants had been employed by a junk dealer or had been junk dealers.

(d) The detailed nature of the business to be conducted and that kind of materials to be collected, bought, sold or otherwise handled.

(e) The premises where such business is to be located or carried on.

(f) Every application for license to engage in the business of junk dealer shall be signed and acknowledged before a Notary Public or other officer authorized to administer oaths in the City of Wisconsin Dells.

(g) Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended at any time, for any cause, by the Legislative Committee.

(3) Condition of License.

(a) Inspection. The City Clerk-Treasurer shall report such application to the Chief of Police, Health Officer, Fire Chief, Board of Building and Fire Commissioners, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper Health, Fire, Building and Police authorities.

(b) Fireproofing. No building shall be used for the business of junk dealing unless it shall be of fireproof construction.

(c) Size and Enclosure. The premises shall not be larger than 40,000 square feet. If the junk is not contained within a building, the premises shall be enclosed with a fence not less than 6 feet in height and of a woven wire, not less than number 16 gauge, with a 2 inch mesh.

(d) Proximity to Residences. No premises shall be used for carrying on the business of junk dealing when more than three buildings, situated within a distance of 400 feet, are used solely for residence purposes.

(4) Issuance of License. Upon receiving the application for a junk dealer's license and receiving the fee as hereinafter provided, the City Clerk-Treasurer shall present the application to the next regular meeting of the Common Council, which shall approve or deny the application. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the junk business, the date of issuance and expiration of the license, and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least 6 months shall be elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

(5) License Fee and Term. Every junk dealer shall pay the annual license fee as established by resolution adopted pursuant to section 2.05. All licenses shall be issued as of the 1st day of June and shall continue in force through the 31st day of May next succeeding the date of issuance thereof, unless sooner revoked.

(6) Duties of Licensee. Every holder of a junk dealer's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for license. It shall be unlawful for any person to post such a license or to be permitted to post it upon the premises other than those mentioned in the application or knowingly to deface or destroy any such license.

(7) Penalties. Any person, persons, association, partnership, firm or corporation which shall violate any of the provisions of Section 16.11 of this Code shall, upon conviction, forfeit a sum of not more than \$25.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail for a period not to exceed 15 days. Each day in which the violation exists shall constitute a separate offense. In addition to said forfeiture, the license of the violator shall be revoked.

## **16.12 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES**

(1) State Statutes Adopted. The provisions of Chapter 125, Wis. Stats, and all future deletions, additions or amendments 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 chapter by reference. A violation of any such provision shall constitute a violation of this chapter.

(2) License Scope, Fees and Application.

(a) Fees for the following licenses shall be established by resolution adopted pursuant to section 2.05.

Retail "Class A" Licenses. A retail "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.

Retail "Class B" Licenses. A retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not be exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.

"Class C" Licenses. A retail "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

Class "A" Licenses. A Class "A" beer license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles.

Class "B" Licenses. A Class "B" beer license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises.

Pharmacist's Permit. A Pharmacist's Permit authorizes the holder to sell intoxicating liquors in quantities of less than one gallon for medicinal, mechanical or scientific purposes for consumption off premises only.

Wholesaler's Licenses. A wholesaler's license authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesalers, not to be consumed in or about the premises where sold.

(b) Full Year Fee. Upon application for a license for the sale of fermented malt beverages or intoxicating liquors, such application shall be accompanied by a full year's fee. However, in the event that the term is less than one year, the licensee shall pay a fee equal to one-twelfth of the full annual license fee for each month of the remaining part of the license year.

(c) Application. A written application for a license shall be filed with the City Clerk upon forms provided by said Clerk, accompanied by said license fee and the Clerk shall present said application and receipt to the Common Council. Such application shall contain the name, residence and age of the applicant, of an individual, or the names of the principal officers, their residences and ages, if the applicant is an association or corporation. It shall contain the name or names of one or more persons whom such corporation or association shall designate as manager or person in charge, with the address or addresses of the

same. Such application shall further state such additional information as the Clerk shall require. Each application shall state that the applicant consents to the entry of duly authorized representatives of the City of Wisconsin Dells at all reasonable hours for the purpose of inspection and searching and consents thereby to the removal from said premises of things and articles had in violation of City ordinances or State laws; and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense. Such application shall be signed and sworn by the applicant, if an individual, and if a corporation, then by the President and Secretary thereof, before a Notary Public or other officer authorized to administer oaths.

(3) Provisional Retail Licenses.

(a) The City Clerk may issue a provisional retail license to a person who has applied for a retail "Class A", retail "Class B", "Class C", Class "A", or Class "B" license and such provisional license shall authorize only the activities that the type of retail license applied for authorizes. The fee for such license shall be \$15.00.

(b) A provisional retail license expires 60 days after its issuance or when the retail "Class A", retail "Class B", "Class C", Class "A" or Class "B" license is issued to the holder, whichever is sooner. The City Clerk may revoke the license if he or she discovers that the holder of the license made a false statement on the application.

(4) Operators.

(a) Required Onsite Supervision

1. One of the following must be present on all Class A, B and C licensed premises during all business hours:

- a. The licensee, or;
- b. An adult member of premises licensee's immediate family (actually living in the licensee's household), or;
- c. The corporation, or limited liability company's agent, (the agent's immediate family members must have an operators' license, if they supervise the premises in the agent's absence), or;
- d. The holder of a provisional operator's license (issued to persons enrolled in the responsible beverage server training course pending approval of an operator's license by the municipal governing body), or;

e. The holder of an operator's or manager's license.

2. An adult working under the immediate supervision of any of the above does not need an operator's license. "Immediate supervision" means that the licensed person must be able to watch and supervise the actions of each unlicensed person. This means that the licensed person must be in the same room or area as the unlicensed person, near enough to see and talk to him or her, and to be able to actually supervise the unlicensed person.

(b) General.

1. Pursuant to Wis. Stat. sec. 125.17(1), an operator's license may be granted and issued by the City Clerk after investigation and report by the Police Department. If the Police Department does not recommend granting a license, the City Clerk shall forward the application to the Legislative Committee for recommendation and action by the Common Council.

2. Applications for such license shall be in writing and verified, and shall state the name and residence of the applicant, the applicant's age and the name of the license holder by whom the applicant is to be employed.

3. An operator's license may be issued only if:

a. The applicant is at least 18 by the time of issuance.

b. Subject to Wisconsin's Fair Employment Law, Wis. Stat. Ch. 111, the applicant has not been convicted of a felony or be a "habitual law offender."

c. The applicant has completed a responsible beverage server training course. Applicants are exempted from the training course requirement if they are renewing an existing operator's license, have completed the training course within the last two years, or have held a retail license or manager's or operator's license anywhere in the state within the last two years.

4. Operator licenses shall be for a 2-year period commencing each 2-year period on July 1 of the even numbered years.

5. The fee for such operator's license shall be established by resolution adopted pursuant to Section 2.05.

6. An operator's license may be revoked if any operator, or any person employed by the operator, is found to have violated this ordinance.
7. Licenses issued during the 2-year period shall be prorated as follows:
  - a. Months 1-18 (July 1st year to December of 2nd year) @ 100% of License Fee Months 19-24 (January to June of 2nd year) @ 50% of License Fee.
  - b. The date shown on the application when submitted will be the determining date of the fee.

(c) Provisional Operators Licenses Authorized.

1. Pursuant to Wis. Stat. sec. 125.17(5), the City Clerk may issue a provisional license which shall expire 60 days after its issuance or when an Operator's License is issued, whichever is sooner. Applicants must file an application for an Operator's License before receiving a provisional license.
2. The fee for a provisional license shall be established by resolution adopted pursuant to section 2.05 and shall be in addition to the fee for an Operator's License.
3. The City Clerk shall refuse to issue a provisional license if the application discloses the following: conviction of a felony or misdemeanor; conviction of a violation of an ordinance regulating the sale and consumption of fermented malt beverages or intoxicating liquors, or, pending federal, state or local criminal charges.
4. If the City Clerk discovers that the holder of a provisional license made a false statement on an application, the City Clerk shall suspend said provisional license.
5. Refusal by the City Clerk to issue a provisional license shall not otherwise prejudice the applicant.

(d) Temporary Operators Licenses Authorized.

1. Pursuant to Wis. Stat. sec. 125.17(4), the City Clerk may issue a Temporary Operators License to persons employed by, or donating their services to a nonprofit organization. Applicants must first file an application before receiving the license.

2. The fee shall be established by resolution and adopted pursuant to sec. 2.05. Only two such licenses are allowed per year and said license is only valid for a period not to exceed 14 days, and must be indicated on the license.

(5) Restrictions Relating to Underage Persons.

(a) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(c) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

(d) No adult may intentionally encourage or contribute to a violation of subsec. (6)(a) or (b).

(e) The penalty provisions of Wis. Stat. sec. 125.07(1)(b) shall apply to violations of this subsection.

(6) Sales of Alcohol Beverages to Intoxicated Persons.

(a) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(c) The penalty provisions of Wis. Stat. sec. 125.07(2)(b) shall apply to violations of this subsection.

(7) Presence in Places of Sale.

(a) An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to 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 license premises with or for the licensee or his or her employee. 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. This paragraph does not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
2. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
3. Hotels, drug stores, grocery stores, bowling centers, service stations, vessels, cars operated by any railroad, regularly established athletic fields, or stadiums.
4. Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, curling clubs, private soccer clubs and private tennis clubs.
5. Premises operated under both a Class "B" or "Class B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
6. Premises operating under both a "Class C" license and a restaurant permit.
7. An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.
8. A person who is at least 18 years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
9. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given



away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subdivision.

10. An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.

11. An underage person who enters and remains on premises for which a temporary Class "B" license is issued under sec. 125.26 (6) if the licensee is authorized by the official or body of the municipality that issued the license to permit underage persons to be on the premises under sec. 125.26(6) and if the licensee permits underage persons to be on the premises.

(b) The penalty provisions of Wis. Stat. sec. 125.07(3)(b) shall apply to violations of this subsection.

(8) Underage Persons; Prohibitions.

(a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.
2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensee premises.
3. Enters, knowingly attempts to enter or is on licensed premises in violation of sub. (3)(a).
4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Except as provided herein, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(c) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in sec. 125.32(2) or 125.68(2) or for delivery of unopened containers to the home or vehicle of a customer.
6. A 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.

(d) The penalty provisions of Wis. Stat. sec. 125.07(4) shall apply to violations of this subsection.

(9) License Posted. Licenses shall be posted in a conspicuous place upon the licensed premises.

(10) Gambling Devices. It may be unlawful to permit slot machines or other gambling devices upon any premises for which a license shall have been issue hereunder.

(11) Delinquent Assessments. No initial or renewal of fermented malt or intoxicating beverage license shall be granted for any premises for which taxes, assessments, utility bills or other claims of the City are delinquent and unpaid. No initial or renewal fermented malt and intoxicating beverage license shall be granted to any person who is delinquent in payment of any taxes, assessments, utility bills or other claims owed to the City and/or is delinquent in payment of forfeitures resulting from the violation of any ordinance in the City.

(12) "Class C" Restrictions.

(a) "Class C" Wine License. A "Class C" wine license may be issued only to a person qualified under Wis. Stat. sec. 125.04(5) for a restaurant in which the sale of alcoholic beverages accounts for less than fifty (50%) percent of gross receipts and which does not have a barroom as defined in Wis. Stat. sec. 125.51 (3m)(a).

(b) "Class C" Wine Quota. A "Class C" wine license may be issued to a qualified person only if the City statutory quota prohibits the City from issuing a "Class B" liquor license to that person.

(c) "Class C" Wine Issuance to Foreign Corporations. A "Class C" wine license may not be issued to a foreign corporation or a person acting as agent to or in the employ of another.

(d) Multiple Licenses. Except in the case of hotels, no person may hold both a retail "Class A" liquor license and a "Class C" wine license for the same premises, or for connecting premises.

(e) Granting of Licenses. Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the application by the Common Council, the City Clerk shall upon the payment of the license fee to the City herein provided, issue to the applicant a license as provided in this Code. Such license fee shall be paid to the City Clerk who shall transfer said fees to the general city fund. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the dates of issuance, the fee paid, the name of the licensee, and the class of license.

(13) Retail Class A Licenses.

(a) Retail Class A Beer and/or Liquor Licenses may be issued to, subject to appropriate site by site limitations and/or restrictions:

1. Liquor Stores
2. Drug Stores/Pharmacies
3. Department Stores (i.e. Wal-Marts)
4. Convenience Stores with/without gasoline
5. Grocery Stores

(b) Retail Class A Beer and/or Liquor Licenses may be issued, on a case by case discretionary basis, to specialty retail establishments where the sale of select "Class A" products will complement and enhance the sale of specific products and product lines; or contribute to a unique retail shopping concept; subject to appropriate site limitations and/or restrictions.

(14) Retail "Class B" License Restriction.

Retail "Class B" licensees may sell intoxicating liquor until 12:00am, except that hotels and motels which hold a retail "Class B: license may not sell intoxicating beverages after 9:00p.m. unless the sale is made in the restaurant/bar area of the hotel or motel.

(15) "Class B" Quota Plus Exceptions

Pursuant to Wis. Stat. Sec. 125(51)(4)(v) and notwithstanding the City's "Class B: quota, the City may issue a license for the following:

- (a) A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons.
- (b) A hotel that has 50 or more rooms of sleeping accommodations that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets are attended by 400 or more person may be held.

(16) Penalties. Any person, firm, or corporation violating any provisions of this section of this Code shall, upon conviction thereof, pay forfeiture consistent with the forfeiture provisions of Wis. Stat. Chapter 125, of not less than \$10.00 nor more than \$200.00, together with costs of prosecution. Each day on which a violation continues shall constitute a separate offense.

### **16.125 ALCOHOL BEVERAGE LICENSES - Revocation, Suspension and Non-renewal**

(1) *Scope of Section.* Whenever the holder of any license issued under Code sec. 16.12 violates any state statute or city ordinance, proceedings for the suspension, revocation or non-renewal of such license may be instituted in the manner and under the procedure established by this section.

(2) *Abandonment of Premises.* Any licensee holding a license to sell alcohol beverages which abandons such business shall forfeit any right or preference such licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the

licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the common council.

(3) *Procedures.*

(a) *Notice.* Whenever a person holding a license to sell alcohol beverages has failed to maintain the premises according to standards prescribed for sanitation, or when the licensee has not observed and obeyed any lawful order of the common council or police officers, or has violated city ordinances or state law, or for any other good reason, the city council shall issue a summons, to be signed by the City Clerk, commanding the licensee complained of to appear before the Legislative Committee of the common council on a day and time and at a place named in the summons to show cause why the license should not be revoked or suspended. Such summons shall be served not less than three (3) and not more than ten (10) days before the time at which the licensee is commanded to appear and may be served personally upon the licensee or the agent of the licensee or upon the person in charge of the licensed premises. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date and place of the offense and the facts constituting the alleged offense. If such licensee shall not appear as required by

the summons, the complaint shall be taken as true, and if the Legislative Committee deems its allegations sufficient, the Legislative Committee shall recommend the revocation or suspension of the license as provided in this section.

(b) *Hearing: effect of revocation.*

1. The chair of the Legislative Committee shall conduct the hearing and may issue subpoenas. The City Clerk shall administer oaths to all witnesses. The complainant shall have the burden of proving the charges to a preponderance of the evidence. The licensee and the complainant may be represented by counsel, may call and examine witnesses and may cross-examine witnesses of the other party. All proceedings and testimony shall be transcribed. The City Clerk shall serve as secretary to the Legislative Committee and shall make and receive all exhibits admitted into the record.

2. Upon the completion of the hearing, the Legislative Committee, upon the testimony and evidence presented at the hearing, shall determine by simple majority vote of those present whether the charges are true and, if so, shall submit a report to the common council including its findings of fact, conclusions of law and a recommendation as to what action, if any, the common council should take with respect to the license. If the recommendation is to suspend the license, it shall be for a period of not less than two (2) days or more than ninety (90) days. Following the procedure in this subsection, the recommendation may be to revoke the license. If the Legislative Committee determines that the charges are not substantiated, it shall recommend to the common council that the complaint be dismissed without cost to either party. The Legislative Committee's recommendation shall be promptly filed with the City Clerk.

3. At the regular meeting of the common council after the filing of the Legislative Committee's recommendation, the common council shall act on the recommendation and may reverse or modify any portion thereof by a simple majority vote. The recommendation of the Legislative Committee shall become the decision of the common council unless reversed or modified. No further testimony or evidence shall be allowed before the common council. Only those members of the common council who have certified to the City Clerk in writing that they have read the transcript, exhibits and recommendation made shall be permitted to vote on the matter. The City Clerk shall make the certifications a part of the record. The decision of the common council shall be a final determination for purposes of judicial review.

4. If the complaint is found to be true, the licensee shall pay to the city the actual cost of the proceedings. If the complaint is found by the common council to be malicious and without probable cause, the complainant shall pay the cost of the proceedings in the same amount.

5. When a license is revoked, it shall be so entered of record by the City Clerk, and no other license shall be granted to such licensee for such premises for a period of twelve (12) months from the date of the revocation, nor shall any part of the money be paid as application fee for any license so revoked be refunded.

(c) *Non-renewal of license.* The city attorney may, after investigation, commence an action before the Legislative Committee to hear evidence and make a recommendation to the common council that a license issued pursuant to this article not be renewed. The chair of the Legislative Committee shall, in writing, notify the licensee of the consideration for non-renewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of non-renewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for non-renewal, costs may be assessed against the licensee, and any renewal application fee shall be forfeited. In all other respects, subsection (b) of this section shall apply. The commencement of this action shall stay action by the common council on the licensee's application until the Legislative Committee makes its recommendation.

(4) *Point values for violations, revocations and suspensions.*

(a) *Purpose.* The purpose of this subsection is to administratively interpret those portions of this chapter relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

(b) *Point schedule.* The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders which have repeatedly violated state statutes and city ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

	<u>Type of Violation</u>	<u>Point Value</u>
1.	Underage person on premises.	25
2.	False statement on license application	25

3.	No licensed bartender on premises.	25
4.	Licensed premises in non-compliance with sanitary/building codes.	25
5.	Sell or dispense after hours.	25
6.	Place to place deliveries.	25
7.	Sell or serve on a public street without permit.	25
8.	Improper exhibitions.	50
9.	Open after closing hours.	25
10.	Assault on a police officer by an employee.	200
11.	Refusal to allow police to search premises or refusal to cooperate with lawful police investigation.	50
12.	Failure to display permit.	25
13.	Sale of alcohol beverages without license or permit	100
14.	Sale of controlled substances on licensed premises with knowledge of owner.	100
15.	Licensee, agent or operator not on premises.	25
16.	Intoxicated employees.	25
17.	Selling to intoxicated person.	25
18.	Leaving with open containers.	25
19.	Nonappearance before the Legislative Committee when requested (licensee or their representative.)	100
20.	Other violations of state law or city code.	25

(c) *Determination of demerit points.* In determining the accumulated demerit points against a licensee within twelve (12) months, the city shall use the date each violation was committed as the basis for the determination.

(d) *Counseling, suspension or revocation of license.*

1. Any licensee who is convicted of a violation of state law or the city code shall be required to appear before the Legislative Committee at its next regularly scheduled meeting to discuss the offense and the steps the licensee will take to avoid future violations.

2. The Legislative Committee shall call before it for purposes of a revocation or suspension hearing all licensees which have accumulated 200 points in a 12-month period as a result of court-imposed convictions.

3. If the demerit point accumulation, calculated from the date of violation, exceeds 200 points in a 12-month period, 250 points in a 24-month period or 300 points in a 36-month period, the suspension shall be for not less than two (2) days or more than ninety (90) days. If the license is revoked, no other license shall be granted to such licensee for such premises for a period of twelve (12) months from the date of

revocation.

4. The procedure to be used for suspension or revocation shall be that found in subsection (3) above.

5. If multiple citations are issued in connection with a single event or incident, demerit points shall be assigned as follows:

Three or fewer citations	1 offense
Six or fewer citations	2 offenses
Nine or fewer citations	3 offenses
Ten or more citations	the actual number of offenses

### 16.13 IMPROPER EXHIBITIONS

(1) Nude dancing in Licensed Establishments Prohibited. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

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

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

(3) Definitions. For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Common Council of the City of Wisconsin Dells to sell alcoholic beverages pursuant to Wis. Stat. Ch. 125. The term "licensee" means the holder of a retail "Class A," "Class B," Class "A," or Class "B," or Class "C"



license granted by the Common council of the city of Wisconsin Dells pursuant to Wis. Stat. Ch. 125.

(4) Penalties. Any person, partnership or corporation who violates any of the provisions of this ordinance shall be subject to forfeiture as set forth at Code Sec. 30.04.

### **16.135 PICNIC LICENSES**

(1) Temporary Class "B" picnic licenses for the consumption of fermented malt beverages or wine of 6% or less alcohol content, may be issued to bonafide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations for a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the Common Council, but may not exceed \$10.00.

(2) It shall be unlawful for any person or organization, on a temporary basis, to sell or offer to sell any alcohol beverage upon any City owned property or privately owned property within the City of Wisconsin Dells, except through the issuance of a Temporary Class "B" Picnic License issued in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Picnic License authorizing the sale and consumption of beer and/or wine on City owned property or privately owned property may be authorized provided the following requirements are met:

(a) Compliance with Eligibility Standards. The organization shall meet the eligibility requirements of a bonafide club, association, lodge or society as set forth in Wis. Stats. sec. 125.26(6), and shall fully comply with the requirements of this section. Members of an organization which is issued a temporary license and who re issued operator's licenses for the event shall attend a pre-event informational meeting at which they shall be instructed on the topic of their responsibilities as bartenders.

(b) Posting of Signs and Licenses. All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person or to any person without adequate age identification.

(c) Underage Persons Prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale,

(d) Permitted Cups or Cans Only. Intoxicants may be sold outdoors only in paper or plastic cups or aluminum cans.

(e) Notwithstanding Code sec. 18.04(4), fermented malt beverages or wine may be consumed or possessed in public places if done so in connection with a temporary permit issued hereunder. If a temporary permit issued hereunder does not include a fencing requirement, no person shall consume or possess fermented malt beverages or wine beyond 300 feet of the point of sale.

(f) Temporary licenses issued hereunder may be accompanied by rules of operation and site restrictions, including fencing requirements, as may be imposed by the Chief of Police or other City officials.

(g) Insurance. The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish Certificate of Comprehensive General Liability insurance with the City of Wisconsin. The applicant may be required to furnish a performance bond prior to being granted the license.

(3) Issuance. Temporary Class "B" Picnic licenses may be issued either by the Common Council; or, by the Mayor and City Clerk.

(4) Penalty.

(a) Any organization or person who violates the provisions of Section 16.135, upon conviction thereof, shall pay a forfeiture of not less than \$10.00 nor more than \$200.00, together with the costs of prosecution; and, in default thereof, shall be imprisoned in the county jail not to exceed ninety (90) days. Each incident shall constitute a separate offense.

(b) The Common Council may at any time for good cause, or in the interest of public safety or health, suspend or revoke a temporary license issued hereunder.

#### **16.14 MESSAGE ESTABLISHMENTS, MESSAGE TECHNICIANS AND THE PRACTICE OF MASSAGE.**

Massage Therapist and Body Workers. No person shall engage in the practice of massage therapy or body work or perform massage therapy or body work unless the person has been issued and holds a valid license of registration pursuant to Wis. State Stat. Chapter 460.

## **16.15 CIGARETTE & TOBACCO PRODUCT SALES**

- (1) License Required. No person shall in any manner or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person not holding a license as herein provided or a permit as provided under Wis. Stat. sec. 134.65 without obtaining a license from the City. This requirement extends to persons who sell products which contain or deliver nicotine.
- (2) Issuance of License. Upon filing of a proper written application, said license shall be issued on July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked. The fee for such license shall be established by resolution adopted pursuant to section 2.05 which shall be paid to the City Clerk-Treasurer before the license is issued.
- (3) License Specifications. Each such license shall name the licensee and specifically describe the premises where such business is to be conducted. Such licenses shall not be transferable from one person to another nor from one premises to another.
- (4) Records. A licensed retailer shall keep complete records of all purchases and receipts of cigarettes. Such records shall be preserved on the licensed premises for 2 years in such a manner to insure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.
- (5) Penalties. Any person violating any of the provisions of Section 16.15 of the Code shall pay a forfeiture of not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$25.00 nor more than \$200.00 for the second offense. If upon such second or subsequent violation, the person so violating this Section was personally guilty of a failure to exercise due care to prevent violation thereof, he shall pay a forfeiture of not less than \$25.00 nor more than \$300.00. Such conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and such person shall not be entitled to another license hereunder for a period of 5 years thereafter, nor shall he in that period act as a servant or agent of a person licensed hereunder for the performance of the acts as authorized by the license. Any person convicted of a violation of this Section shall pay the costs of prosecution. In the event of his failure to pay the forfeiture and costs, he shall be imprisoned in the county jail, not to exceed 90 days.

### **16.155 RESTRICTION ON SALE OR GIFT OF CIGARETTE OR TOBACCO PRODUCTS.**

- (1) Purchase or possession of cigarettes or tobacco products by person under 18 prohibited. Wis. Stat. sec. 254.92(1) through (3) are adopted in their entirety.

### **16.157 PROHIBITED USE OF CIGARETTES AND TOBACCO PRODUCTS.**

- (1) Restrictions on sale or gift of cigarettes or tobacco products. Wis. Stat. secs. 134.66 (1) through (4) are adopted in their entirety.

## **16.16 OUTSTANDING INDEBTEDNESS; LICENSES**

~~The officers of the City of Wisconsin Dells shall not issue any license to any person, firm, corporation, partnership, individual or any other association whatsoever that has not paid all of its outstanding bills, debts and obligations of any and all kinds whatsoever to the City. (REPEALED 3/26/20)~~

## **16.17 HANDBILL DISTRIBUTION REGULATED**

- (1) Generally. No person shall distribute commercial advertising materials of any kind, in or upon any automobile, sidewalk, street, alley or public place within the City.
- (2) Distribution to Vacant or Posted Dwellings. No distribution of any of the printed material referred to previously in this section shall be made to any dwelling or apartment which is or appears to be vacant, or where the owner or occupant has placed a visible sign stating "No Handbills."
- (3) Protection of Lawns. No person engaged in distributing any of the advertising matter described in this section shall cross any lawn or pass over or through any hedges or shrubbery.
- (4) Political, Religious or Educational Matter. The provisions of this section shall not apply to the distribution of political, religious or educational items or newspapers or other publications printing news of a general nature, or keeping space therein open to the public for the publication of advertising matter. If such materials are distributed, they shall be handed to persons willing to accept them or securely affixed or fastened in a manner which prevents the creation of litter.
- (5) Penalties. Any person, firm or corporation who fails to comply with any provision of this section shall, upon conviction thereof, forfeit not less than \$25.00 or more than \$200.00 together with the cost of prosecution for each violation and in default of payment thereof shall be imprisoned in the county jail until the payment of such forfeiture and costs; but, not to exceed ninety (90) days. Each day in which the violation continues shall constitute a separate violation.

## **16.18 ADULT-ORIENTED ESTABLISHMENTS.**

- (1) Definitions. For the purpose of this ordinance, the following words and phrases shall mean:

- (a) Adult-oriented establishment shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, and further means any premises to which public patrons or members are invited or admitted and which are so 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-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.
- (b) Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas as defined below, and in conjunction herewith have facilities for the presentation of adult entertainment, as defined below, including adult-oriented films, movies or live performances, for observation by patrons therein.
- (c) Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons used for presenting material 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, as defined below, for observation by patrons therein.
- (d) Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty (50) persons used for presenting material 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, as defined below, for observation by patrons therein.
- (e) Adult cabaret means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.
- (f) Council means the Common Council of the City of Wisconsin Dells, Wisconsin.
- (g) Adult entertainment means any exhibition of any motion pictures, 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 or specified anatomical areas, as defined below, or the removal of articles of clothing or appearing partially or totally nude.

(h) Operators means any person, partnership or corporation operating, conducting, maintaining or owning any adult oriented establishment.

(i) Specified sexual activities means 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.

(j) Specified anatomical areas means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if opaquely covered.

(2) License

(a) Except as provided in subsection (d) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the City of Wisconsin Dells without first obtaining a license to operate issued by the City of Wisconsin Dells.

(b) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each.

(c) No license or interest in a license may be transferred to any person, partnership or corporation.

(d) All adult-oriented establishments existing at the time of the passage of this ordinance must submit an application for a license within ninety (90) days of the passage of this ordinance. If an application is not received within said ninety (90) day period, then such existing adult-oriented establishment shall cease operations.

(3) Application for License

(a) Any person, partnership or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed in triplicate with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the Wisconsin Dells Police Department and to the applicant.

(b) The application for a license shall be upon a form provided by the City Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:

1. Name and address;
2. Written proof that the individual is at least eighteen (18) years of age;
3. The address of the adult-oriented establishment to be operated by the applicant;
4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five (5%) percent of the stock in said corporation and all officers and directors of the corporation.

(c) Within twenty-one (21) days of receiving an application for a license, the City Clerk shall notify the applicant whether the application is granted or denied.

(d) Whenever an application is denied, the City Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held within ten (10) days thereafter before the Council, as hereinafter provided.

(e) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the City Clerk.

(4) Standards for Issuance of License

(a) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

1. If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age;

(ii) The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

2. If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under Section (3)(b) shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under Section (3)(b) shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

3. If the applicant is a partnership, joint venture or any other type or organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of the application.

(5) Fees

(a) A license fee as established by resolution adopted pursuant to section 2.05 shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

(6) Display of License or Permit.

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



(7) Renewal of License or Permit.

(a) Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (6) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the Wisconsin Dells Police Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) A license renewal fee as established by resolution adopted pursuant to sec. 2.05 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

(c) If the Wisconsin Dells Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk.

(8) Revocation of License.

(a) The Council shall revoke a license or permit for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
2. The operator or any employee of the operator violates any provision of this ordinance or any rule or regulation adopted by the Council pursuant to this ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (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.
3. The operator becomes ineligible to obtain a license or permit.
4. Any cost or fee required to be paid by this ordinance is not paid.

5. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.

(b) The Council, before revoking or suspending any license or permit, shall give the operator at least ten (10) days' written notice of the charges against him, and the opportunity for a public hearing before the Council, as hereinafter provided.

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one (1) 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 six (6) months from the date of revocation of the license.

(9) 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) Access. 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) Construction. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.

2. Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.

4. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

(c) Occupants. Only one (1) individual shall occupy a booth, room or cubicle at any times. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(10) Responsibilities of the Operator.

(a) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee 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 as defined herein.

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

(e) The operator shall maintain at least ten (10) foot candles of light in the public portions of the 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, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

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

(11) Administrative Procedure and Review. The City of Wisconsin Dells Municipal Code and Wisconsin Statutes shall govern the administrative procedure and review regarding the granting, denial, renewal, and non-renewal, revocation or suspension of a license.

(12) Exclusions. All private schools, and public schools as defined in Wis. Stat. Chap. 115, located within the City of Wisconsin Dells are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(13) Penalties and Prosecution.

Any person who shall violate any provision of this ordinance or who shall fail to obtain a license or permit as required hereunder, or who shall operate after his license is revoked, shall be subject to penalty as follows:

(a) First Offense. (Am. #11-78) Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$1 nor more than \$500 together with the cost of prosecution and a penalty assessment as provided by Wis. Stat. sec. 165.87, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense. Any person found guilty of violating any ordinance on ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof forfeit not less than \$10.00 nor more than \$500 for each such offense, together with the costs of prosecution, and a penalty assessment as provided by Wis. Stat. sec. 165.87, and in default of payment of such forfeiture and cost shall be imprisoned in the County jail until such forfeiture and costs or prosecution are paid, but not to exceed 6 months.

(c) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

#### **16.19 AIRCRAFT AND PARACHUTE LANDING**

(1) General Prohibition. No person may ascend or land with any aircraft, including gliders, balloons, helicopters and parachutes within the City Limits. This proscription

shall not apply to emergency landings nor to military operations. This proscription shall not apply to any emergency medical service aircraft.

(2) Hot-Air Balloons and Parachutes. The City Council may permit the ascent and landing of hot-air balloons and the landing of parachutes in connection with special events and rallies during a limited number of hours or days upon such terms and conditions as it sees fit to protect the public interest and safety. The City Council shall prescribe, by resolution, the manner in which permits for such events and rallies may be applied for and issued.

(3) Penalties. Any person who violates any of the provisions of Wisconsin Dells code sec. 16.19, upon conviction thereof, shall forfeit not less than \$200.00 and not more than \$500.00 together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

## **16.20 REGULATION OF FIREWORKS**

(1) Definition: In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use; and, without limitation, includes:

- (a) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (b) A toy snake which contains no mercury.
- (c) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects.
- (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (e) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
- (f) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49CFR 173.50.
- (g) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(h) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

(2) Sale Regulated. Except as provided herein, no person shall sell, or possess with intent to sell, fireworks in the City of Wisconsin Dells.

(3) Use Regulated. No person shall possess or use fireworks in the City of Wisconsin Dells without a user's permit issued pursuant to Wis. Stat. sec. 167.10(3) and Wisconsin Dells Code sec. (5) following; except that the following fireworks may be possessed and used without a permit: Those fireworks specifically enumerated at Code secs. 16.20(1)(a) through (h) above.

(4) Sale License.

(a) Those fireworks specifically enumerated at Code secs. 16.20(1)(a) through (h) above may be sold or possessed for sale by persons holding a Fireworks Sale License issued hereunder.

(b) Applicants for a Fireworks Sale License shall make application in writing on forms provided by the City Clerk. A licensee may possess and sell the enumerated fireworks at not more than ten (10) sites within the city. A non-refundable license application fee as established by resolution adopted pursuant to section 2.05 shall accompany each application.

(c) The application for license shall include, without limitation, the following information:

1. Name, address and telephone number of the applicant;
2. Address(es) at which the applicant intends to sell the enumerated fireworks;
3. Name(s), address(es) and consent(s) of the owner(s) of the real estate upon which the enumerated fireworks will be sold;
4. Itemization of which enumerated fireworks the applicant intends to sell.

(d) The Legislative Committee shall consider the applications for licenses hereunder and submit its report and recommendations to the Common Council which may issue licenses hereunder.

(e) Licenses issued hereunder shall be for a term of one (1) year; from May 1 through the following April 30. Application for annual licenses shall be filed not later than April 1 each year.

(f) The Common Council may condition the issuance of licenses hereunder as it sees fit to protect the public interest and safety.

(g) The Common Council shall have the right to suspend or revoke any licenses issued hereunder as it sees fit to protect the public interest or safety. If a license is suspended or revoked, the licensee shall be entitled to a public hearing before the Common Council within seven (7) days of the suspension or revocation.

(h) Without limitation, it shall be grounds for suspension or revocation of a person's Fireworks Sale License if the licensee sells or possesses for sale fireworks other than those enumerated in Code secs. 16.20(1)(a) through (h).

(i) Licenses issued hereunder may not be transferred or assigned without the consent of the Common Council; and, no licensee may use a site other than the site licensed pursuant to the application of the licensee.

(5) Use Permit. As provided in Wis. Stat. sec. 167.10(3), fireworks user's permits may be issued by the Mayor, or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount he deems necessary. A copy of the permit and proof of insurance shall be filed with the City Clerk and copies of the permit shall be given to the Fire Chief and the Chief of Police at least two (2) days before the authorized use.

(6) Obnoxious Odor Devices and Products.

(a) No person may sell, possess or use any device, product or item which has as its primary purpose the production of an obnoxious odor or smell.

(b) Without limitation, it shall be grounds for suspension or revocation of a person's Fireworks Sale License if the licensee sells or possesses for sale any obnoxious odor devices, products or items.

(7) Penalties.

(a) Any person who violates the provision of Wisconsin Dells Code sec. 16.20(2) or 16.20(6)(a), upon conviction thereof, shall forfeit not less than \$500.00, and not more than \$1,000.00, together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

(b) Any person who violates the provisions of Wisconsin Dells Code sec. 16.20(3), upon conviction thereof, shall forfeit not less than \$50.00 and not more than \$500.00 together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

(c) Any parent or legal guardian of a minor who consents to the use of fireworks by the minor contrary to the provision of Wisconsin Dells Code sec. 16.20(3), upon conviction thereof, shall forfeit not less than \$50.00 and not more than \$500.00 together with the costs of prosecution; and, in default of such forfeiture and costs, shall be imprisoned in the county jail for not more than 30 days. Each day of continued violation shall constitute a separate violation and offense.

## **16.21 Taxicabs and Drivers**

### **(1) Definitions.**

(a) "Taxicab" means a motor vehicle which carries or transports passengers for a fee or fare. The term does not include:

1. Vehicles which operate on a fixed route pursuant to authority granted by the state or federal government.
2. Vehicles commonly referred to as "rent-a-cars".
3. Vehicles solely operating as funeral cars or ambulances
4. Amphibious motor vehicles properly registered and licensed and operating on the highway upon routes between lake access points or operated as free business shuttles
5. Free shuttle services operated by businesses.
6. Limousine services.

(b) "Taxicab Service" means a person which owns or operates one or more taxicabs.

### **(2) Taxicab Service License Required**

(a) No person shall own or operate a taxicab service in the City without a license.



- (b) This section does not apply to taxicabs or taxi services which are licensed in other jurisdictions and which do not regularly do business in the City.
- (3) Application for Taxicab Service License.
- (a) Applications for a license to operate a taxicab service shall be made in writing to the office of the City Clerk on forms furnished by the Clerk and signed by the applicant or agent.
  - (b) The following information shall be provided by the applicant regarding the person or business which will operate the taxicab service:
    - 1. Name and address.
    - 2. Structure; i.e. sole proprietorship, partnership, corporation or limited liability entity.
    - 3. Address for mailing and service of process.
    - 4. Business contact names, titles and telephone numbers.
    - 5. Insurance carrier.
    - 6. Proposed rates.
    - 7. The information regarding vehicles and drivers set forth in subsecs. 6(b) and 7(b).
- (4) Action on Taxicab Service Application. Applications submitted pursuant to sec. (3) shall be forwarded to the Chief of Police for review and recommendation. The Chief shall make a recommendation to the Legislative Committee. The Legislative Committee shall review the application and make a recommendation to the Common Council. The Common Council shall approve or reject the issuance of a license and may attach such conditions to the license as it deems necessary for the public convenience and protection.
- (5) License Fees and Terms. The City may establish by resolution fees for taxicab services, taxicab vehicles and taxicab drivers. Taxicab services shall be licensed on an annual basis from April 1 through March 31. Taxicab vehicles shall be licensed on an annual basis. Taxicab drivers shall be licensed on an annual basis from April 1 through March 31.
- (6) Taxicab Vehicles.

- (a) Taxicab vehicles shall be regulated and licensed by the Chief of Police or designee.
  - (b) The following information shall be provided regarding the vehicles which will be operated by the taxicab service:
    - 1. Make, model and year of manufacture.
    - 2. Vehicle identification number.
    - 3. License plate number and type.
    - 4. Certificate of title number.
    - 5. Vehicle capacity.
  - (c) Taxicab vehicle information provided by a taxicab service pursuant to subsec. (b) shall be updated and revised by the taxicab service as vehicles are added and removed from the service's fleet.
  - (d) The Chief of Police or designee shall inspect each taxicab vehicle prior to operation in the City. The taxicab vehicles licensed by the City shall be issued a sticker which shall be prominently displayed on the left rear bumper of the vehicle.
  - (e) The Chief of Police or designee may make periodic inspections of licensed taxicab vehicles to assure their continued suitability for operation.
- (7) Taxicab Drivers.
- (a) Taxicab drivers shall be regulated and licensed by the Chief of Police or designee.
  - (b) The following information for each licensed driver shall be provided to the City and updated as provided herein:
    - 1. Name and address.
    - 2. Valid driver's license and number.
    - 3. Such identification evidence as deemed necessary by the City.
  - (c) Taxicab driver information provided by a taxicab service pursuant to subsec. (b) shall be updated and revised by the taxicab service as drivers are added to or removed from the service's roster of drivers.

- (d) The Chief of Police or designee shall provide to each licensed taxicab driver a license of such form and style as the Chief of Police or designee may prescribe which shall be prominently displayed in the taxicab when the driver is engaged in operation.

(8) Insurance.

- (a) No taxicab service license shall be issued until the operator deposits with the City Clerk a policy of liability insurance covering all vehicles to be operated by the service. Such policy shall describe each vehicle by make, model and serial number, number of passengers capable of being accommodated and the state motor vehicle license number. The insurance policy shall be issued by a company licensed to do business in the State of Wisconsin and insure the licensee against loss from liability in the amount of \$100,000.00 for the injury or death of one person in any one accident, and in the amount of \$300,000.00 for the injury or death of more than one person in any one accident and in the amount of \$100,000.00 for damage to property of others for any one accident due to the negligent operation of a vehicle. Policy shall contain a provision that the policy may not be cancelled or terminated except upon 30 days written notice to the City.
- (b) The cancellation or other termination of any insurance policy issued shall automatically revoke and terminate all licenses issued for the vehicles covered by such insurance policy unless another policy has been filed and approved pursuant to this Section and shall be in effect at the time of such cancellation or termination.

(9) General Regulations.

- (a) All taxicabs shall be suitably marked or identified as such and shall display the name of the taxicab service on the exterior of the vehicle.
- (b) The State traffic code and City traffic code shall apply to the use and operation of taxicabs.
- (c) No owner or operator shall carry or permit to be carried in any taxicab more than the number of passengers specified on the license applicable to the taxicab.
- (d) No person may drive or operate a taxicab vehicle under any of the following circumstances:
  - 1. While having an alcohol concentration above 0.0.
  - 2. Within 4 hours of having consumed or having been under the

influence of an intoxicating beverage, regardless of its alcohol content.

3. While possessing an intoxicating beverage, regardless of its alcohol content.

- (e) The rates for taxicab services shall be displayed in a conspicuous manner in the interior of the taxicab vehicle.
- (f) The Chief of police or designee may conduct a criminal history and driver file review covering any person who applies for a license under this section; and, the results of those reviews may be considered in the licensing process established in this section.
- (g) A taxicab service licensed under this code section may not allow a person to operate its vehicles without a taxicab driver's license issued pursuant to this code section.

(10) Enforcement.

- (a) The Chief of Police may suspend or revoke licenses issued under this section when it is determined that the licensee or permittee has violated a state statute, a City Ordinance or any rule established under the authority of this Ordinance. In order to suspend or revoke a license or permit issued under this Section, the Chief of Police shall follow the procedures in this subsection.
- (b) Any offense or misconduct substantially related to taxicab or other vehicle operation by any service or driver shall be cause for revocation or suspension of up to twelve (12) months by the Chief of Police of the license issued under this section. When a license is revoked no other license shall be granted to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded. The Chief of Police shall inform the owner, operator or driver of the revocation or suspension and the reasons therefore in writing.
- (c) Any suspension or revocation imposed by the Chief of Police may be appealed to the Common Council Legislative Committee by filing a Notice of Appeal with the City Clerk within ten (10) days after the date of such notice of revocation or suspension. The Notice of Appeal shall state the basis upon which the licensee seeks review of the Chief of Police's determination.
- (d) The suspension or revocation of a license ordered by the Chief of Police shall take effect five (5) days after the date of the notice of suspension or revocation, unless the Chief of Police grants a stay. The Chief of Police

may grant a stay if:

1. Written request for a stay is received on or before the effective date of the suspension or revocation; and
2. The request for a stay states reasons supporting the request; and
3. The Chief of Police finds that granting a stay of the suspension or revocation will not constitute a danger to the public health, safety, welfare or convenience.

(e) At a hearing before the Legislative Committee the licensee shall have an opportunity to cross examine witnesses, may call witnesses and may be represented by legal counsel. After holding a hearing, the Legislative Committee shall by majority vote make findings of facts and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the Chief of Police. Decisions of the Legislative Committee are final determinations subject to judicial review as provided by law.

(11) Forfeitures. Any person violating the provisions of this Section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each and every offense.

## **16.22 WO ZHA WA**

(1) Vendors to be Licensed. All persons who sell goods, items, food or services at the WoZhaWa festival shall have affixed to their booth or sales location, in a prominent place, a license issued by the City Clerk or designee. A separate license is required for each vendor stand or booth.

(2) License Fee and Distribution of Monies. The Common Council, after consultation with the organizers and coordinators of the WoZhaWa festival may, on an annual basis, establish by resolution the fees to be paid by vendors for licenses issued pursuant to sub sec. (1) above. The Common Council may by resolution direct the distribution of fee collected.

(3) Police to Enforce. The Wisconsin Dells Police Department shall enforce the license requirement of sub sec. (1) above and shall issue citations to those vendors who do not have licenses. The Wisconsin Dells Police Department may also take reasonable steps to prevent vendors who do not have licenses from displaying or selling their goods.

- (4) Penalty. Vendors who do not have a license issued pursuant to sub. sec. (2) may be fined \$407.00 per day. Vendors who default in payment of their forfeiture may be confined in the county jail not more than three (3) days.

#### **16.23 REGULATIONS OF PAWNBROKERS, SECONDHAND ARTICLE AND JEWELRY DEALERS.**

The City adopts by reference the provisions of Wis. Stat. sec. 134.71 as it is amended from time to time

#### **16.24 RENTAL OF CERTAIN MOTORIZED DEVICES.**

- (1) No person or entity in the City may rent for use by the public on any public way, any of the following: motorcycles, motorized bicycles, mo-peds, scooters, Segways or similar devices.
- (2) Penalty. Any person who violates this section, upon conviction thereof, shall forfeit not less than \$200.00 and not more than \$500.00 together with the costs of prosecution; and in default of such forfeiture and costs shall be incarcerated in the county jail for not more than thirty (30) days. Each of continued violation shall constitute a separate violation and offense.

#### **16.25 (Reserved for Future Use)**

#### **16.26 COMMERCIAL DISTRICTS**

- (1) Definition. In this code section, the term “commercial districts” means C-1 “Neighborhood commercial” and C-2 “Downtown commercial”.
- (2) Sound Amplification. In the commercial districts, no device, machine or speaker for the amplification of sound or noise may be placed or mounted on the exterior of a building or storefront on the public right of way.
- (3) Video Monitors. In the commercial districts, and subject to code sec. 22.19(9), video monitors placed in windows or visible from the public right of way, may not have screens larger than 32 inches measured.

#### **16.27 RESERVED FOR FUTURE USE**

#### **16.28 COMMERCIAL ANIMAL SALES**

- (1) No person or entity may operate a commercial business for the sale of animals, or include animals in connection with a business promotion.

#### **16.29 RESERVED FOR FUTURE USE**

### **16.30 OUTDOOR DISPLAY OF RETAIL MERCHANDISE**

- (1) Retail merchandise for sale in a store may be displayed outside of the store on adjacent private property; not upon the public right-of-way.
- (2) The following exterior display devices may be used: mannequins, no more than four (4) per store front, for apparel and accessories; and, fixtures, no more than one per store front, such as benches, shelves and carts with the following

maximum dimensions: width-four (4) feet, length-one (1) foot, height-four (4) feet.

- (3) All sales must be consummated inside the adjacent store.
- (4) The City Zoning Administrator shall establish rules and issue annual licenses for outdoor display devices and fixtures. A license fee may be established by resolution.

### 16.35 OVERNIGHT LODGING - TOURIST ROOMING HOUSES & SHORT TERM RENTALS

- (1) **Purpose.** The purpose of this section is to ensure that the quality of tourist rooming houses operating within the City is adequate to protect public health, safety and general welfare, including establishing minimum standards of space for human occupancy, for adequate levels of maintenance, determining the responsibilities of owners, operators and property managers offering these properties for tourists, to protect the character and stability of City neighborhoods, to provide minimum standards for the health and safety of persons occupying or using the regulated premises; and, provisions for the administration and enforcement.

Pursuant to Sec. 66.1014(2) Wis. Stats, the City of Wisconsin Dells is authorized to regulate the rental of residential dwellings located in residentially-zoned districts. This authority allows the City of Wisconsin Dells to prohibit the rental of residentially-zoned dwellings for a period of less than 7 days. **As a result, the Common Council has enacted an Ordinance, which prohibits the rental of single family and duplex homes in residentially-zoned districts for periods of less than 7 days.**

- (2) **Definitions.** In this section, the following terms shall have the following meanings:
  - (a) **Bathroom.** Full bath.
  - (b) **Clerk.** The City Clerk of the City of Wisconsin Dells, or designee.
  - (c) **Corporate Entity.** A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
  - (d) **Council.** City of Wisconsin Dells Common Council.
  - (e) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family.
  - (f) **Hotels and Motels.** A place where sleeping accommodations are offered for pay to transients, in five (5) or more rooms (sleeping units), and all related rooms, buildings, and areas. Hotels and Motels are not subject to this section.
  - (g) **Overnight Lodging.** A building, or portion thereof, where sleeping accommodations are provided for pay to tourists or transients; and all related rooms, buildings, and areas. The term includes hotels, motels and



- tourist rooming houses. It does not include bed & breakfast establishments. Hotels, Motels & PDDs are not subject to this section.
- (h) **Planned Development District (PDD).** A special zoning district that allows for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for the community. PDDs are not subject to this section.
  - (i) **Property Manager.** The manager of an overnight lodging facility under this section. The property manager can also be the property owner.
  - (j) **Person.** Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this section prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members, and as to corporations, shall include the officers, agents or members who are responsible for any violation of this section.
  - (k) **Property Owner.** The owner of the real estate that a tourist rooming house or STR is located.
  - (l) **Primary Residence.** A dwelling unit that serves as the property owner's fixed and permanent home for no less than 183 days in one calendar year and to which, whenever absent therefrom, that individual intends to return. An individual can only have one primary residence.
  - (m) **Room Tax Permit.** A Permit that is applied for an issued for a tax imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotel keepers, motel operators, campground operators and other similarly situated persons furnishing accommodations that are available to the public.
  - (n) **Short Term Rental (STR).** A residential dwelling unit located *in a residentially-zoned district* offered for overnight lodging for more than six (6) but fewer than thirty (30) consecutive days.
  - (o) **State.** The State of Wisconsin Department of Agriculture, Trade & Consumer Protection, or its designee.
  - (p) **Tourist Rooming House (TRH).** Any dwelling unit with four (4) or less bedrooms *in a commercially-zoned or mixed-use districts* where sleeping accommodations are offered for overnight lodging. Houses, cabins, and/or condominium units contiguously located, owned and operated by a hotel, motel or resort are not TRHs under this section.

**(3) Operation of TRHs (Commercially and Mixed-Use Zoned Properties)**

- (a) Tourist Room Houses are a form of overnight lodging conditionally permitted in the following districts: C-1, C-2, C-3, C-4 and M-1.
- (b) Every TRH shall be operated by a City approved Property Manager.
- (c) Each TRH is required to have the following licenses and permits:
  - 1. Conditional Use Permit issued by the City;
  - 2. Annual Overnight Lodging – TRH License issued by the City;
  - 3. Room Tax Permit issued by the City;
  - 4. Wisconsin Seller’s Permit issued by the Wisconsin Department of Revenue;
  - 5. Wisconsin Department of Revenue Premier Resort Tax number issued by the Wisconsin Department of Revenue (Code Sec. 4.11);
  - 6. License issued by the State.
- (d) Exemptions. The following activities are exempt from complying with the requirements of this section:
  - 1. Private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
  - 2. Hotel, motel or resort license issued by the State .
  - 3. Bed and breakfast establishments.

**(4) Operation of STRs (Residentially-Zoned Properties)**

- (a) STRs are a form of overnight lodging conditionally permitted in all zoning districts subject to the regulatory provisions of this section, and further subject to the following limitations:
  - 1. The STR premises shall be the applicant’s primary residence. Applicants shall provide sworn statements regarding the primary residence status;
  - 2. Rentals must be for more than six but fewer than 30 consecutive days;
  - 3. The total number of days of operation within any calendar year shall not exceed 180 days, which must be consecutive and must be specified in advance;
  - 4. Rental contracts may not overlap;
  - 5. No person may operate more than one (1) STR premise in the City of Wisconsin Dells;
  - 6. Provisions 1-6 above shall apply to applications for STR premises filed after the effective date of May 1, 2020.
- (b) Each STR is required to have the following licenses and permits:
  - 1. Conditional Use Permit issued by the City;
  - 2. Annual Overnight Lodging – STR License issued by the City;
  - 3. Room Tax Permit issued by the City;
  - 4. Wisconsin Seller’s Permit issued by the Wisconsin Department of Revenue;

5. Wisconsin Department of Revenue Premier Resort Tax number issued by the Wisconsin Department of Revenue (Code Sec. 4.11);
6. License issued by the State.

(5) **Property Manager.**

- (a) All TRHs and STRs are required to appoint a Property Manager for the receipt of service of notice of violation of this Section's provisions and for service of process pursuant to this Section. Such a designation shall be made by the owner and shall accompany each Conditional Use Permit application form. The applicant shall immediately notify the Clerk of any change in residence or information regarding the Property Manager. A change in designation shall be made by the owner and shall accompany a Conditional Use Permit application form.
- (b) To qualify as a Property Manager, the person must meet the following requirements:
  1. Be a natural person residing in or within 30 minutes of the City of Wisconsin Dells; or a corporate entity with offices located within 30 minutes of the City of Wisconsin Dells.
  2. The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor 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 Wis. Stat. Chap. 944, as amended.
  3. The applicant is authorized by owner to accept service of process for all City communications, citations and orders.
- (c) Each Property Manager shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this Section's provisions and for service of process pursuant to this Section and shall be authorized by the owner to allow City employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Chapter and/or the City Code.

(6) **Procedure.**

- (a) All Conditional Use Permit, Overnight Lodging License & Room Tax Permit Applications shall be filed with the City on forms provided. Applications must be filed by the property owner or on the owner's behalf by the Property Manager.
- (b) Each applicant shall certify that the TRH or STR is in compliance with the provisions of this Section. No permit or license shall be processed unless the

completed application forms are accompanied by payment of the required fees.

- (c) **Application Review.**
  - 1. Initial Overnight Lodging License Applications shall be accompanied by a Conditional Use Permit (CUP) application and Room Tax Permit application. The applications shall proceed simultaneously.
  - 2. CUP applications shall be accepted and reviewed by the Zoning Administrator, or designee, who shall prepare and submit a report and recommendation to the Plan Commission. The Commission shall make a recommendation to Council which shall approve or deny the application.
  - 3. Overnight Lodging License and Room Tax applications shall be accepted and reviewed by the City Clerk, or designee, to the Legislative Committee. The Committee shall make a recommendation to Council which shall approve or deny the application.
  - 4. Approvals may include conditions and restrictions. Denials shall be based upon specified reasons; and denials shall be subject to due process standards of notice and opportunity to be heard.
- (d) The City shall issue a Conditional Use Permit, Room Tax Permit and Overnight Lodging License for each TRH & STR approved by Council. The License shall include the following information:
  - 1. Property Owner Name & Contact Information;
  - 2. Property Manager Name & Contact Information;
  - 3. The maximum occupancy for the premises;
  - 4. Dates of Operation for STRs; and
  - 5. Contact information for the City.
- (e) No Overnight Lodging License shall be issued unless there is filed with the Building Inspector a completed Fire Inspection Report dated not more than 60 days before the date of issuance.
- (f) No Overnight Lodging License shall be issued if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, unless arrangements for payment have been approved by the Council.

(7) **Room Tax.**

- (a) Each TRH shall comply with the room tax reporting requirements of the City Code.
- (b) Each Property Manager shall file separate consolidated monthly room tax returns for each TRH or STR.

(8) **Inspections.**

- (a) Each separate unit which is offered for rent as a TRH or STR is required to be inspected annually by the State and the City Fire Inspector. If the State fails

to inspect the TRH or STR, the applicant may request that the building inspector conduct the inspection.

- (b) If the Building Inspector conducts the inspection, the Owner shall be responsible for payment of the inspection fees.
- (c) If the Building Inspector or Fire Inspector at any time is unable to conduct an inspection due to denial of access, the TRH or STR shall not operate until it has passed the inspection.

**(9) Renewal.**

- (a) Overnight Lodging Licenses issued hereunder shall be for a term of one (1) year; from May 1 through the following April 30.
- (b) Each application for a renewal of an Overnight Lodging License shall include updated information for the documentation on file with the City and payment of the applicable fee.
- (c) The Zoning Administrator, or designee, shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Section. The Zoning Administrator, or designee, shall request reports from the Police Department and the Code Enforcement Officer regarding any complaints received, calls for service or actions taken regarding the permitted properties.
- (d) The City Clerk, or designee, shall issue renewal Overnight Lodging Licenses within ten (10) days of the filing of the application, unless the information provided is incomplete or otherwise not in compliance with the requirements of this Section, and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property.
- (e) If the Zoning Administrator, or designee, finds that the license or permit should not be renewed, or that the application should be considered by Council, the Zoning Administrator, or designee, shall forward the application to the Legislative Committee for recommendation to Common Council for action along with a written explanation of the reason for referral.
- (f) No Overnight Lodging License shall be issued or renewed unless there is filed with the Building Inspector/Zoning Administrator a completed Fire Inspection Report by the City fire inspector dated within one (1) year of the issue date.
- (g) No Overnight Lodging License shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the Building Inspector, or designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Council.

- (h) **Electronic Filing.** Applications, reports and supporting documentation filed under this section may be filed electronically in the manner and form prescribed by the City Clerk.
- (10) **Standards for TRHs & STRs.** Each TRH & STR shall comply with the requirements of this Section and any other applicable City ordinance; and failure to do so constitutes a nuisance. Each TRH & STR shall comply with the following minimum standards:
- (a) Not less than one (1) bathroom for every six (6) occupants.
  - (b) Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two people.
  - (c) Not less than one and one quarter (1¼) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy.
  - (d) A safe, unobstructed means of egress leading to safe, open space at ground level.
  - (e) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Wis. Admin. Code Chap SPS 362.
  - (f) Shall not have an accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.
  - (g) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure.
- (11) **Fees.** The City may establish by resolution fees related to TRH and STR regulation, including, without limitation, application, inspection and renewal.
- (12) **Enforcement.**
- (a) The provisions of this ordinance shall be enforced by the Fire Chief, Chief of Police, Building Inspector, Zoning Administrator, Code Enforcement Officer, or their designees or agents.

- (b) Owners and others shall be subject to fines or forfeitures for failure to abide by the terms of this ordinance or other relevant city or state codes or regulations; including, without limitation, the provisions of Code Sec. 17.10 “Chronic Nuisance Premises”; and, for failure to observe or implement Permit or License conditions. The penalty provisions of Code Sec. 30.04 shall apply. Each day a violation continues shall constitute a separate offense.
- (c) Repeated and unabated violations of this Code may subject the Conditional Use Permit & Room Tax Permit to be suspended or revoked, and may further subject the permit to suspension or revocation proceedings. Such proceedings shall include written notice to the permit holder, a hearing and decision by the Common Council.

**(13) Denial, Non-Renewal, Suspension & Revocation**

- (a) An Overnight Lodging License may be revoked by the Zoning Administrator and/or Council for one or more of the following reasons:
  1. Failure to make payment on taxes or other debts owed to the City;
  2. Three or more justified and validated calls for police service, building inspection, health department or fire inspector for nuisance activities or other law violations in a 12 month period;
  3. Failure to maintain all required local, county and state licensing requirements;
  4. Any violation of local, county or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.
- (b) The denial, suspension or revocation of any permit under this article may be appealed by filing a written appeal request with the Clerk within 10 days of the Zoning Administrator’s notice of denial, suspension or revocation. The appeal shall be heard by Council. The Council shall consider the recommendations and may deny, suspend, revoke, approve, or renew the permit.

**16.36 (Reserved for Future Use)**

**16.37 Commercial Pedal Tour Quadricycles.**

- (1) Definition. In this section the following terms shall mean:

Commercial Quadricycle.

A vehicle with fully operational pedals for propulsion entirely by human power, that has four wheels, and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and passengers providing pedal power to the drive train of the vehicle that is used for commercial purposes.

- (2) General Regulations.

- (a) Commercial quadricycles operating within the City shall comply with applicable City and State codes and regulations.
  - (b) No person shall drive a commercial quadricycle upon any street, sidewalk or other public place in the City without first registering and obtaining a City license for such commercial quadricycle and securing a license/sticker which shall be displayed.
  - (c) No person shall park a commercial quadricycle upon any sidewalk or undesignated parking stall.
  - (d) No person shall drink from or have in their possession an open container of fermented malt beverage or intoxicating liquor while on a commercial quadricycle.
  - (e) No glass beverage containers shall be carried on a commercial quadricycle while operated on the public way.
  - (f) Hours of operation. No person shall operate a commercial quadricycle except between the hours of 10:00 a.m. to 10:00 p.m. daily.
  - (g) No music or amplified sound shall be played, other than tour-type information relating to the area landmarks, history and amenities. There shall be no yelling or conversation conducted in such a manner that the sound carries to nearby residences or properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the sound.
- (3) License and registration required.
- (a) Application for registration and license for a commercial quadricycle shall be made by the owner of the quadricycle, in writing, upon forms furnished by the City. Such application shall be signed by the owner and approved by the City Council on an annual basis. The fee for an annual license shall be set by resolution of the City Council and paid to the City prior to issuance of a license. Such license shall be issued on the 1<sup>st</sup> day of April each year, or thereafter when applied for, and shall expire on the 31<sup>st</sup> day of March following its issuance.
  - (b) Upon payment of the necessary fees and approval of the Legislative Committee and Common Council, the City may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person or quadricycle is prohibited.
  - (c) Revocation. A license may be revoked by the City for any of the following reasons:
    1. Failure to comply with any of the provisions of this section of the code.
    2. Violating any state statutes or City Code violations.
  - (d) Any applicant whose license has been denied or revoked under the provisions of this section may appeal said denial or revocation to the Common Council.



- (4) Inspections.
- (a) The City shall require an initial and annual pedal tour quadricycle inspection to be conducted by the Police Department and may designate minimum safety standards for equipment and body defects. Commercial quadricycles that do not meet minimum inspection standards may be identified as “out of service” and shall not operate until such defects have been repaired and approved.
  - (b) The City shall have the right to examine and inspect any licensed commercial quadricycle at any reasonable time in order to ensure compliance with all applicable ordinances, laws and rules.
  - (c) If an inspector finds a commercial quadricycle in operation exhibiting continuing and present safety concerns, the commercial quadricycle may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to failure to abide by applicable ordinances, laws or rules, flat tires, inoperable headlights or taillights, or other mechanical or operational issues making the vehicle presently unsafe to operate.
- (5) Equipment Requirements. Commercial quadricycles operating within the City shall be equipped with the following:
- (a) Lighting on the vehicle which shall be the following:
    - 1. A light on the front which shall emit a white light visible from a distance of 300 feet to the front.
    - 2. A taillight mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of 500 feet to the rear.
    - 3. A brake light on the rear which shall emit a red light and which shall be actuated upon application of the service (foot) brake and which may, but need not, be incorporated with a taillight. Every brake light shall be plainly visible and understandable from a distance of 300 feet to the rear, both during normal sunlight and at nighttime.
  - (b) Rear signage which shall conform with those standards and specifications adopted by Ch. Trans 304, Wis. Adm. Code, for slow-moving vehicles by the American Society of Agricultural Engineers standard ASAE, S276.3, or shall be an emblem of the same shape and size painted on such vehicle in a bright and conspicuous retro reflective red orange paint. Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three to five feet above the roadway, and shall be maintained at all times in a clean and reflective condition.
  - (c) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
  - (d) A braking system, operable by the driver, that is capable of overriding all

- methods of propulsion and bringing the vehicle to a complete stop.
- (e) A barrier on both sides of bench seating that restricts sliding beyond seating capacity.
- (6) Insurance. All quadricycles operating for commercial purposes must maintain the following insurance:
- (a) No owner of a commercial quadricycle or any other person shall operate or authorize any other person to operate a quadricycle for commercial purposes within the City unless the owner has in effect a policy of comprehensive general liability insurance issued by an insurance company duly authorized to do business in the State of Wisconsin, which policy provides for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of a quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide coverage with limits in an amount of not less than \$1,000,000.00 per accident. The policy shall provide that the insurer shall give notice of any cancellation or nonrenewal of a policy which is due names insured.
  - (b) The owner of a quadricycle shall maintain on file with the City Clerk's office a copy of the current policy of comprehensive general liability insurance required by subparagraph (a) above. Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the quadricycle commercially within the City. Notice of suspension shall be given in writing by the City Clerk or Chief of Police.
- (7) Operator.
- (a) The operator of a commercial quadricycle must have a valid Wisconsin Driver's license to drive/operate a commercial quadricycle in the City.
  - (b) No operator of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.
  - (c) No operator may operate a commercial quadricycle while the person has a blood alcohol concentration of more than 0.02.; or while impaired by any substance/medication; or while distracted.
  - (d) No operator may operate a commercial quadricycle on which any alcohol beverages are carried or consumed.
  - (e) The owner or operator of a commercial quadricycle shall advise passengers that they may not consume alcohol on quadricycles and shall conspicuously post a notice of these restrictions upon the commercial quadricycle in a form and manner approved by the Wisconsin Dells Policy Chief.
- (8) Passengers.
- (a) No passenger may occupy a commercial quadricycle on a seat equipped with a pedal unless such person is physically able to sit upright in the seat and operate the pedals which power the vehicle.
  - (b) Every passenger on a commercial quadricycle must have access to

protective headgear approved by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(9) Quadricycle route.

- (a) The plan of operation of a licensed commercial quadricycle shall be reviewed by City staff and approved by the Chief of Police. The plan of operation must include the geographic area in which the quadricycle shall routinely operate and may include a description of procedures for notifying police or other authorities when anticipated operation of a commercial quadricycle deviates from customary routes.
- (b) Any deviation from this route may include a description of procedures for notifying police or other authorities when anticipated operation of a quadricycle deviates from customary routes.

(10) Failure of a licensee to comply with the regulations of this section shall constitute grounds for nonrenewal, suspension or revocation of the license.

#### **16.40 Pedicabs**

1) Definitions.

- a) Pedicab: A multi-wheeled, hooded or unhooded vehicle that is propelled by human power, is used in the transport of passengers and is available for hire on the public streets within the corporate limits of the City of Wisconsin Dells.
- b) Pedicab driver: Any person who drives a pedicab, including an operator or an employee of an operator.
- c) Pedicab operator: Any person, partnership, corporation, association, or other organization engaged in the business of transporting passengers for hire by means of one or more than one pedicabs.

2) License Required.

- a) No person shall engage in or conduct the business of pedicab operator without a license as provided in this code section.
- b) No person shall drive a pedicab, employed or engaged by a pedicab operator, without a pedicab driver license as provided in this code section.
- c) The City may limit the number of operator licenses issued and the number of pedicabs in service operated by licensed operators.

3) License Fee. The City Council shall establish by resolution the license fees for pedicabs, pedicab drivers and pedicab operators. Fees may be prorated.

4) License Term. Licenses shall expire on March 31 of each year.

5) Pedicab Identification. Each pedicab operated under this Section shall have a valid license identification decal designed and furnished by the City. The license decal shall be displayed upon the pedicab at all times on the left side rear bumper of the vehicle so as to be plainly visible at all times.

6) License Applications. See Sections 6.1 and 6.2 below.

6.1) Operator License Applications.

- a) Application for a pedicab operator license under this chapter shall be made on forms provided by the City and shall contain such information as the City may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a pedicab on behalf of the licensee.
- b) Pedicab operators shall agree to collect the City's Premier Resort Tax; and, prepare a training program for pedicab drivers covering, at a minimum, the safe operation of pedicab vehicles, customer service policies, and the requirements of this chapter.
- c) The operator license application shall include the applicant's plan of operation including proposed routes, hours of operation, description of vehicles and equipment including passenger capacities; and, distinctive vehicle and driver identification.

6.2) Driver License Applications.

- a) Application for a pedicab driver license under this chapter shall be made on forms provided by the City licensing official and shall contain such information as the City may require, including the name, address and telephone number of the applicant.
- b) Each application shall indicate the name of the pedicab operator for which the driver works. No pedicab driver shall drive for a different pedicab operation without first notifying the City and obtaining a new driver's license indicating the new pedicab operator.
- c) Every pedicab driver shall meet and maintain the following requirements in order to hold a pedicab driver license:

- (1) Possess a valid Wisconsin driver license or a valid driver license from their

home state. Those with out of state driver licenses must not have a currently cancelled, revoked or suspended Wisconsin driver license. Those with out of state driver licenses, must provide a certified copy of their driving and criminal history from their home state.

- (2) Be a minimum of eighteen (18) years old.
  - (3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.
  - (4) Shall not have been convicted of careless or reckless driving within the last three (3) years.
  - (5) A pedicab driver license issued under this chapter shall be coterminous with the licensee's driver license. Any time that a licensee's driver's license is suspended, revoked, or cancelled, his or her pedicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The pedicab driver's license shall immediately be surrendered to the licensing official until such time his or her driver's license is reinstated.
  - (6) All pedicab drivers must display an identification badge which shows the drivers' information: Name and photograph.
- 7) Pedicab Inspections. To ensure the safe condition of all pedicabs, the City shall require an inspection at initial licensing and annually upon renewal by a reputable bicycle technician (other than the vehicle owner) of each licensed pedicab. The City may designate minimum safety standards for equipment and body defects. Vehicles found not to meet minimum inspection standards shall be removed from service until such time as any defect is repaired and passes inspection.
- 8) Vehicle Operation; General. Every pedicab shall be operated in compliance with all applicable federal, state and local traffic law, and in a manner so as to assure the safety of persons and property.
- 9) Operating Restrictions and Conditions; Specific.
- a) No pedicab shall be operated upon a public sidewalk or other city property where the operation of a pedicab is prohibited.
  - b) No pedicab driver shall consume an alcoholic beverage while on duty or allow any passenger of the pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.
  - c) All pedicabs shall be clean and maintained in a good state of repair. All pedicabs shall be maintained by the operator so as to be well painted and have a damage

or deterioration free appearance, and in safe operational condition. Pedicabs shall be, at all reasonable times, subject to inspection by the City.

- d) Pedicab drivers shall have in their possession a valid driver's license, proof of insurance and a pedicab driver license while in control of any pedicab, and shall operate the pedicab in compliance with all applicable federal, state, and local traffic laws, and in a manner so as to assure the safety of persons and property.
- e) All pedicab drivers and operators shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or licensing official, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.
- f) At no time shall anyone other than a licensed pedicab driver be allowed to operate the pedicab.
- g) Pedicab drivers shall not play or allow the playing of any amplified sound equipment.
- h) Pedicab drivers shall be appropriately attired with a distinctive operators' shirt, pants or shorts, and secure footwear.
- i) Pedicab drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic.

#### 10) Vehicle Safety & Equipment Standards.

No pedicab operator or driver shall operate or allow the operation of a pedicab on any street unless the pedicab meets the following equipment and safety standards:

- a) *Tires.* Tires shall be of a size appropriate for the pedicab with no mismatched tires. There shall be no cuts to the tires, localized worn spots that expose the ply, or visible tread wear indicators.
- b) *Operational Horn.* The pedicab shall be equipped with a fully operational horn or bell.
- c) *Brakes.* It shall be unlawful for a licensee to operate, or cause to be operated, a pedicab that is not equipped with a front and rear braking system capable of being manipulated by the driver from a normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a complete stop within a distance of fifteen (15) feet from a speed of ten (10) miles per hour in a linear path of motion when each wheel of the pedicab is in

contact with the ground on dry, level, clean pavement. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes which are unaffected by rain or wet conditions.

- d) *Headlights, Tail Lights, Mirrors, Turn Signals, and Other Requirements.* Every pedicab shall be equipped with the following operational equipment:
1. A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times during darkness.
  2. A side mounted mirror affixed to the pedicab to reflect to the pedicab driver a view of the street for a distance of at least two hundred (200) feet from the rear of the pedicab.
  3. A red tail light and brake light affixed to the rear of the pedicab which must be visible for a distance of at least five hundred (500) feet from the rear of the pedicab and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.
  4. All pedicabs shall have reflectors on each pedal, the front of the pedicab frame, mounted on the spokes of each wheel, and a red reflector mounted on each side of the rear of the pedicab, at least one (1) inch from the outer edge and centered.
- e) Pedicabs may be equipped with a maximum 750 watt electric assist motor.

#### 11) Operating Hours & Routes.

- a) The City shall establish by permit or resolution pedicab operating hours and routes, including parking and loading/unloading locations; and, without limitation, the determination of pedicab routes shall include consideration of bike lane usage and Broadway turning restrictions.
- b) The Chief of Police may, in the interest of public safety and convenience, modify hours, routes and number of operating vehicles for limited periods of time.

12) Advertising. Pedicabs may display the distinctive identification logo and markings of the operator and such other advertising permitted by the City Sign Code, Chap. 22. Banners, flags or detached signs are not permitted.

#### 13) Accidents.

- a) A pedicab driver shall immediately report to the city police department and the pedicab owner any accident or collision in which they are involved while

operating a pedicab, which results in property damage or personal injury of any kind.

- b) A pedicab operator which pedicab is involved in an accident or collision resulting in property damage or personal injury of any kind shall within forty-eight (48) hours of being informed of the accident or collision give a written report thereof to the city police department.

#### 14) Insurance.

- a) Each pedicab operator shall file and maintain with the City Clerk a valid commercial policy or certificate of public liability and property damage insurance issued by an insurance company authorized to do business in the State of Wisconsin. Coverage shall be provided for general liability in the minimum amount of \$2,000,000.00 for bodily injury and property damage per occurrence covering all pedicab operations. This coverage may be provided in any combination of primary and umbrella/excess insurance coverage. Said policy shall also provide that the indemnitor be directly liable for and shall pay all damages for injuries to persons or property that may be recovered against the pedicab owner or operator. Said policy shall name the City of Wisconsin Dells, its elected and appointed officials, officers, employees and authorized agents as additional insureds.
- b) Said insurance policy shall further provide that the same may not be cancelled before the expiration of its term except upon 30 days' written notice to the City Clerk. The cancellation or other termination of any such insurance policy shall automatically revoke and terminate all licenses issued for the pedicab operator covered by such insurance policy, unless another policy shall be provided and be in effect at the time of such policy cancellation or termination.

#### 15) Denial, Suspension or Revocation of License.

- a) The Common Council may deny, revoke or suspend any license for reasons which it deems to be in the best interest of the City or of the licensee lacks the necessary qualifications for the license.
- b) The Common Council may suspend or revoke any license because of the conduct of any licensee, their employee or agent, or any driver who threatens the public safety or welfare provokes or tends to provoke violence, defrauds or attempts to defraud, attempts to default or overcharge any person or passenger, fails to furnish adequate and timely service or determines that the licensee has violated a State statute or City ordinance.
- c) The Chief of Police may revoke any license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the



applicant's necessary qualifications.

- d) Notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Legislative Committee. The Committee shall make findings and a recommendation to the Common Council.
- e) The provisions of subsection (d) of this section shall not apply to summary suspensions for failure to provide proof of insurance, mechanical defect in a vehicle that renders it unsafe or failure to submit a vehicle to an inspection. A licensee may appeal a summary suspension to the Legislative Committee, and the decision of the Legislative Committee shall be final.

#### **16.45 Regulation of Tattooing & Body Piercing**

- (1) Adoption by Reference. Wis. Admin. Code. Ch. SPS 221 and Wis. Stat. secs. 463.10(4) and 463.12(4), and all subsequent amendments, additions and recodifications hereto are hereby adopted by reference.
- (2) Definitions. Words and phrases in this section have the meanings designated by Wis. Admin. Code ch. SPS 221; except that:
  - (a) "Establishment" means an entity comprised by one or more practitioners, organized as a corporation, limited liability company, partnership, sole practitioner or other association operating in a single building, structure, area or location at which tattoos are applied, or body piercing is performed or all of the above. The establishment area shall be separately maintained from other business activities.
  - (b) "Practitioners" means "Tattooists" and "Body Piercers"
- (3) Licenses Required.
  - (a) Establishments and practitioners shall have the licenses required by state laws and rules.
  - (b) No person may operate a tattoo or body-piercing establishment or combination thereof unless the person has obtained a City license and paid the fees specified in this section.
- (4) License
  - (a) establishment shall be operated or maintained in the City of Wisconsin Dells without first obtaining a license to operate issued by the City of Wisconsin Dells.

- (b) A license may be issued only for one (1) establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one establishment must have a license for each.
- (c) No license or interest in a license may be transferred to any person, partnership or corporation.
- (d) All establishments existing at the time of passage of this ordinance must submit an application for a license within thirty (30) days of the passage of this ordinance. If an application is not received within said thirty (30) day period, then such existing establishment shall cease operations.

(5) Application for License.

- (a) Any person, partnership or corporation desiring to secure a tattoo establishment, body piercing establishment or combination tattoo/body piercing establishment license shall make application to the City Clerk.
- (b) The application shall be on a form provided by the City Clerk and shall provide the following information:
  - (i) The name(s) (including aliases), addresses and dates of birth of the applicant.
  - (ii) If the applicant is a partnership, corporation or limited liability entity the name and address of the registered agent; and, the names and addresses of any partners, shareholders or members having more than a 10% interest.
  - (iii) Written proof that each person identified in sec. (b)(i) and (b)(ii) is at least 18 years of age.
  - (iv) Driver's License number.
  - (v) The address of the establishment to be licensed.
  - (vi) Whether the applicant or any person identified in sec. (b)(i) and (b)(ii) is currently operating or has previously operated, in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person named in sec. (b)(i) and (b)(ii) has ever had such a license or permit suspended or revoked, the reason therefore and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
  - (vii) Proof of ownership, lease or other legally enforceable right to possess,

use and control premises where the licensed establishment is to be located.

- (c) Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the investigation of the application or refusal to appear at any reasonable time and place for examination regarding said application shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
- (6) Investigation. Upon receipt of an application and fee, the City Clerk shall refer the application to Chief of Police & Building Inspector. The Building Inspector shall make an investigation of the premises to ensure that it complies with applicable state and local laws. The Chief of Police shall make an investigation of the statements made in the application. Each shall notify the City Clerk as to the results of their investigation.
- (7) Standards for granting of a license. The Common Council may grant a license if all of the following conditions are met:
  - (a) The business operation as proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state law.
  - (b) The applicant, or any of the officers, directors or persons having more than a 10% interest have not, within the five years immediately preceding the date of the application, been convicted of violating this chapter, or of any other offense substantially related to tattooing or body piercing.
  - (c) The applicant, if an individual, partners or the officers, directors or persons holding more than a 10% interest are at least 18 years of age on the date of application.
  - (d) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or other information required in conjunction therewith.
  - (e) The applicant, if a corporation or limited liability entity, is licensed to do business and is in good standing in the State of Wisconsin.
  - (f) The applicant has substantially complied with all building, zoning, plumbing, electrical, fire and health codes.
- (8) Fees. A license fee as established by resolution adopted pursuant to Code section 2.05 shall be submitted with the application for a license.

- (9) Display of License or Permit. The license shall be displayed in a conspicuous public place in the establishment.
- (10) License Year.
- (a) All licenses granted under this chapter shall expire on April 30 and must be renewed yearly.
  - (b) An annual nonrefundable renewal fee in the amount as set forth in Sec. 8, Fees as well as any and all State of Wisconsin administrative fees, shall be paid by the renewal applicant.
  - (c) Application for renewal shall be made no later than March 1.
- (11) Enforcement and Inspection. The Police Department and Building Inspector, and their designees, shall have the authority to enter any tattoo or body piercing establishment at all reasonable times to inspect the premises and enforce this section.
- (12) Suspension, revocation and nonrenewal.
- (a) A license issued pursuant to the provisions of this section is subject to suspension, revocation or nonrenewal by the Common Council. Unless the public health and safety required an immediate suspension, no license shall be suspended, revoked, or nonrenewed without first providing the operator with due notice and hearing before the Common Council for the purpose of determining whether grounds for such suspension, revocation or non-renewal exist. The operator shall have 10 days from the date the findings and recommendations were mailed to make written objections to the findings and recommendations of the Common Council. The Common Council shall then determine whether sufficient grounds exist and whether the license should be suspended, revoked or nonrenewed. The City Clerk shall notify the operator in writing of the decision of the Common Council. Notice shall be served by first class mail.
  - (b) The Common Council may suspend, revoke, or refuse to renew a tattoo or body piercing license for the following reasons:
    - (i) Violation of this section or any other ordinance, administrative rule, or statute related to the practice of tattooing or body piercing.
    - (ii) Misrepresenting, misstating or failing to disclose information requested on the application form(s) or requested by the Common Council.

- (iii) Employing, directly or indirectly, a suspended, revoked, or unlicensed person to perform tattooing or body piercing.
- (iv) Permitting another person to use the license issued under this section.
- (v) Engaging in "Sexual harassment", as that term is defined in Wis. Stat. sec. 111.32(13), of a patron.
- (c) An operator whose license has been revoked or not renewed shall not be eligible for licensure under this section for a period of one year from the date the revocation or nonrenewal takes effect.
- (d) Except for emergency suspensions for the public health and safety, a suspension shall be for not less than 3 days or more than 30 days.
- (e) Any aggrieved person may appeal the decision of the Common Council to the Circuit Court of Columbia County within 30 days from the date of service of the decision upon the operator.

(13) Violations and Penalties.

- (a) Any person, partnership, or corporation who is found to have violated any provision of this chapter shall forfeit the sum of not less than \$50 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment until the forfeiture and costs are paid, but not in excess of the number of days set forth in Wis. Stat. sec. 800.095(4). In addition to the monetary penalty imposed, violation of this chapter may further result in the suspension, revocation or nonrenewal of any license issued under this chapter and legal action for injunction or other relief.
- (b) Each violation of this chapter shall be considered a separate offense, and each and every day an offense continues shall be considered a separate offense.

**16.90 Fair and Open Housing**

- (1) State Law adopted. The City Council of the City of Wisconsin Dells adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- (2) Authority and Enforcement Procedures implemented. The officials and employees of the City of Wisconsin Dells shall assist in the orderly prevention and removal of all discrimination in housing within the City of Wisconsin Dells by

implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

- (3) Complaints. The City Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Wisconsin Dells to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

## CHAPTER 16 REVISIONS

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10-28-93 A-337  
05-20-94 A-343  
12-22-94 A-356 Permit fees  
02-28-96 A-383 Regulation of Fireworks  
02-28-96 A-384 Improper Exhibitions  
02-28-96 A-387 Helicopter Regulations  
11-27-96 A-396 Liquor and Fermented Malt Licenses  
01-29-97 A-403 Mobile Home Committee eliminated; Manufactured homes defined;

Deletes provisions for mobile homes being located outside of mobile home parks.

05-14-97 A-408 Redefine fireworks & prohibit devices producing an obnoxious odor.

08-27-97 A-413 Prohibit tethered or captive balloons used for signage 16.19(1).

11-17-97 A-417 Refers license fees and other charges for this chapter to Schedule of Fees.

12-24-97 A-420 Portable Amusement Rides - 16.08

01-28-98 A-421 Helicopters banned effective 1-1-2002 - sec. 16.19

01-28-98 A-423 Renewal fee for Adult Oriented Est. referred to Resolution - 16.18(7)(b)

01-28-98 A-424 Quota exception, site-specific liquor licenses. 16.12(3)(a).

04-29-98 A-426 Define tattoo and body piercing establishments as Adult Oriented. 16.18(1)(a) and 16.18(1) (k) through (q)

05-27-98 A-428 Establish license requirements/fees for Wo Zha Wa vendors.

02-04-99 A-436 Establish provision for reserve Class B licenses – 16.12(3)(a)

03-31-99 A-435a Improper Exhibitions – 16.13 repealed & recreated.

07-28-99 A-442 Regulation of Pawnbrokers, Secondhand Article and Jewelry Dealers 16.21

06-28-00 A-463 Define and regulate Employee Lodging Facilities.

09-02-00 A-469 Change Saddle Horse/Horse Drawn Vehicle License to May 1-April 30

02-28-01 A-477 Est. License period date for Lodging Facilities 16.06(5)(d)

06-27-01 A-482 New guidelines for disciple of liquor license holders. 16.125

06-27-01 A-483 Clarifies that Class B sales cannot be after 9pm in convenience stores. 16.12(15)

07-25-01 A-488 Defines “units” for Employee Lodging Facilities. 16.06(1)

10-24-01 A-494 Tavern Operator Licenses to 2-year term. 16.12(5)(a) amended

02-06-02 A-498 Deletes sightseeing helicopters from city code. 16.19 repealed

02-06-02 A-499 Deletes Ins. requirement for saddle horses/horse drawn veh.16.01 & 16.015

03-27-02 A-502 Amends title and description of (Employee) Lodging Facilities. 16.06

05-29-02 A-504 Changes Massage Therapist/Body Workers to follow state statutes. 16.14

07-24-02 A-507 Increase penalty for WoZhaWa vendor license violations. 16.22(1)&(4)

01-29-03 A-517 Recreates Mobile Home regulations. 16.03

01-29-03 A-518 Regulated Taxicab services. 16.21

01-29-03 A-519 Regulated the distribution of handbills. 16.17

03-26-03 A-526 Eliminates Public Hearing from Taxicab License req. 16.21(b)

08-27-03 A-531 Clarifies penalty for Circus without a permit. 16.07(4)

08-27-03 A-532 Amends portable amusement rides to exclude kiddie rides. 16.08(3)

06-30-04 A-555 License Committee becomes Legislative Committee (incl. Ord. Committee now)

07-28-04 A-560 Amends Circus license requirement. (provides for year-round). 16.07

03-30-05 A-573 Defines requirements for Quota Plus Liquor License. 16.12(16)

06-29-05 A-577 Provides for suspension/revocation of Taxicab License. 16.21(9)

08-31-05 A-581 Amends definition of taxicab. 16.21(1)

08-31-05 A-582 Amends cigarette license to include tobacco products. 16.15(1)

07-16-07 A-620 Provides for Temporary Operator Licenses. 16.12(5)(c) created

12-26-07 A-628 Prohibits rental of motorized devices. 16.24

04-23-08 A-634 Establishing Busking (street performers) Permit. 16.10

04-23-08 A-635 Adds criminal history check for Taxi service license. 16.21(6)

06-21-08 A-642 Updates insurance limits for Taxicabs. 16.21(5)

08-02-08 A-645 No pets allowed at lodging facilities. 16.06(8)(i)



02-25-09 A-652 Repeals and recreates criteria for Quota Plus Liquor Licenses. 16.12(16)

06-20-09 A-659 Repeals and recreates criteria for Riding Stable License. 16.01

02-24-10 A-674 Repeals and recreates licensing procedure for Taxicabs & Drivers. 16.21.

06-30-10 A-682 Ins. Amount down to \$300,000 for Taxicab services. 16.21(8)

06-30-10 A-684 Regulate sound amp. and video monitors in commercial districts. 16.26

06-30-10 A-685 Regulate Commercial Animal Sales. 16.28

01-01-11 A-694 Lodging Fac. Definitions, Heating season addressed. 16.06(1)&(5), (8)(j)

02-26-11 A-697 Outdoor burning exception for campgrounds. 16.04(13)

04-27-11 A-701 Amends point system for alcohol license violations. 16.125(4), 16.12(11),

04-25-12 A-719 Recreates Employee/Workforce Housing regulations. 16.06

07-24-13 A-731 Prohibits Commercial Animal Sales eff. 1/1/2014. 16.28

04-23-14 A-745 Amends prorated bartender license fee. 16.12(5)(a)

05-24-14 A-746 Amends Taxicab service license insurance -city notified of changes. 16.21(8)(a)

03-28-15 A-761 Regulated Outdoor Displays of retail merchandise. 16.30

05-27-15 A-767 Mobile Home License amended. 16.03

04-02-16 A-795 Busker Permit Revisions 16.10

06-04-16 A-798 Quota Plus "Class B" Liquor License 16.12(16)

04-26-17 A-808 Tourist Rooming House 16.35 created

06-19-17 A-810 Workforce Housing Licensing Updates 16.06(1,3,5,6 rev) & (9)(o-r)created

07-26-17 A-813 Seasonal Employee Lodging Facility Licensing Updates 16.06(1)thru(6)amended

05-03-18 A-827 Permits residential backyard chickens 16.025 created

06-28-18 A-832 Creates criteria for Class A Beer & Liquor Licenses 16.12(14) created

03-28-19 A-840 Commercial Pedal Tour Quadricycles license and regulate 16.37 created

05-30-19 A-844 Remove sunset clause from Backyard Chicken ordinance 16.025(10)removed

06-27-19 A-846 Short term rentals defined and regulated to number of days 16.35(1a) & (2)(k)

08-29-19 A-847 Campground & Camping Resorts repealed in its entirety 16.04

03-26-20 A-851 16.12(2) and 16.16 Repealed

04-21-20 A-853 Limits short term rentals in residential areas 16.35(1a) amended

08-27-20 A-855 Workforce housing update 16.06(9)(s)

11-26-20 A-856 Fair and Open Housing created (16.90)

02-25-21 A-860 Pedicabs created (16.40)

04-20-21 A-864 Updates Cigarette & Tobacco license requirement to include products  
containing nicotine & vapor products (16.15)

05-17-21 A-865 Deletes tattoos & body piercing references from Adult-Oriented Establishments  
(16.18)(1)(a) & (16.18)(1)(k-q) & creates Regulation of Tattooing & Body Piercing  
(16.45)

10-28-21 A-872 Allows City Clerk to grant operator's licenses (16.12)(4)

06-30-22 A-878 Update and clarify overnight lodging and short term rentals (16.35)