

TITLE 7

Licensing and Regulation

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CHAPTER 1

Licensing of Dogs and Regulation of Animals

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

- (a) **LICENSE REQUIRED.** It shall be unlawful for any person in the City of Neillsville to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

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- (b) DEFINITIONS. In this Chapter, unless the context or subject matter otherwise require:
- (1) "Owner" shall mean any person owning, harboring or keeping an animal, and the occupant of any premises on which an animal remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the animal within the meaning of this Section.
 - (2) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said animal shall be deemed to be upon the owner's premises.
 - (3) "Dog" shall mean any canine, regardless of age or sex.
 - (4) "Cat" shall mean any feline, regardless of age or sex.
 - (5) "Neutered" as used herein as describing an animal shall mean an animal having nonfunctional generative organs.
 - (6) "Animal" shall mean mammals, reptiles and birds.
 - (7) "Cruel" shall mean causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - (8) "Law enforcement officer" has that meaning as appears in Section 967.02(5) Wis. Stats. includes humane officer under Section 58.07 Wis. Stats., but does not include a conservation warden appointed under Section 23.10 Wis. Stats.
 - (9) "Farm Animal" shall mean any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - (10) "Pet" means an animal kept and treated as a pet.
 - (11) "Residential Lot" shall mean a parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
 - (12) "Restrain" includes notifying the animal's owner or an officer and requesting either the owner or officer to capture and restrain the animal, or capturing and restraining the animal, and killing the animal if the circumstances require immediate action.
 - (13) "Untagged" means not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
 - (14) "Habitually barks, howls or yelps" shall mean for a continuous period of 10 minutes.
 - (15) "Habitually cries or howls" shall mean for a continuous period of 10 minutes.
 - (16) "Muzzled" shall mean a device placed over the animal's mouth, which must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any person or other animal.
 - (17) "Vicious Dog" as used in this ordinance shall mean any of the following:
 - a. Any dog, at the discretion of the Neillsville Police Department, which without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal causing serious injury;
 - b. Any dog, at the discretion of the Neillsville Police Department, which is owned or harbored primarily or in part for the purpose of fighting;
 - c. Any dog which has been found to be vicious in the discretion of the Neillsville Police Department.
 - (18) "Law Enforcement Agency" shall mean a government unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

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

Amended: Ord. 969, 06/13/00

§7-1-1(b)(16) Created: Ord. 992, 06/11/02

§7-1-1(b)(17)&(18) Created: Ord. 996, 03/11/03

SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.

- (a) LICENSE REQUIRED. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the City of Neillsville after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is obtained or brought into the City unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination.
- (b) VACCINATION TAG TO BE ATTACHED. The owner of a dog shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced in area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under subsection (a).
- (c) PENALTY FOR FAILURE TO OBTAIN RABIES VACCINATION OR ATTACH TAG. An owner who fails to have a dog vaccinated against rabies or attach the vaccination tag to the dog, as provided for herein, may be required to forfeit not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars.

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

- (a) DOG LICENSES.
 - (1) It shall be unlawful for any person in the City of Neillsville to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five months of age within the licensing year, shall annually, or on or before the date dog becomes five months of age, pay the dog license tax and obtain a license.
 - (3) The fee for the dog license shall be Five (\$5.00) Dollars for each neutered dog, upon presentation of evidence that the dog is neutered, and Eight (\$8.00) Dollars for an unneutered dog, or one-half these amounts if the dog became five (5) months of age after July 1 of the license year. The Common Council may by resolution increase the amount of the license fee, but the additional fee shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received pursuant to Section 174.09(2) Wis. Stats.

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- (4) Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. A duplicate copy of the license shall be kept on file by the City Clerk-Treasurer. The Clerk-Treasurer shall also deliver to the owner, at the time of issuance of a license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times.
 - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any city police officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
 - (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from dog license tax and every person owning such a dog shall receive annually a free dog license from the Clerk-Treasurer upon application therefore.
- (b) **KENNEL LICENSES.**
- (1) Any person may, instead of paying the license fee for each dog required herein, apply for a kennel license for the keeping or operating of a kennel.
 - (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
 - (3) Kennel licenses shall be obtained through the Clark County Treasurer pursuant to Section 174.053 Wis. Stats.

Amended: Ord. 969, 06/16/00

SEC. 7-1-4 LATE FEES.

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

SEC. 7-1-5 KEEPING OF DANGEROUS ANIMALS.

- (a) **KEEPING OF DANGEROUS ANIMALS PROHIBITED.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Neillsville:
- (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.
 - (2) Any animal having poisonous bites.
 - (3) Any animal that has previously been declared as a dangerous animal by another entity.

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- (4) Any pit bull dog provided that pit bull dogs registered with the City on the day this section becomes effective (2/5/2003) may be kept within the city subject to the standards and requirements set forth in subsection (b) of this section. "Pit bull dog" as that term is used in this Section is defined to mean:
 - a. The Staffordshire bull terrier breed of dog;
 - b. The American pit bull terrier breed of dog;
 - c. The American Staffordshire terrier breed of dog;
 - d. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Stafford terrier, or a combination of any of these breeds.
- (b) **KEEPING OF REGISTERED PIT BULLS.** The provisions of Subsection (a) are not applicable to owners, keepers of harbors of pit bull dogs previously registered with the City of Neillsville, however the keeping, owning or harboring of such dogs is subject to the following conditions:
 - (1) **LEASH AND MUZZLE.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than three (3) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - (2) **CONFINEMENT.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in subsection (b)(1). All pens or kennels shall comply with all zoning and building regulations of the City and shall be kept in a clean and sanitary condition.
 - (3) **CONFINEMENT INDOORS.** No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
 - (4) **SIGNS.** All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
 - (5) **REPORTING REQUIREMENTS.** All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the incident, report the following information in writing to the Clerk-Treasurer:
 - a. The removal from the City or death of a registered pit bull dog;
 - b. The birth of offspring of a registered pit bull dog;
 - c. The new address of a registered pit bull dog, should the dog be moved within the City of Neillsville.
 - d. If the registered pit bull dog is sold, the name and address of the new owner.
 - (6) **ANIMALS BORN OF REGISTERED PIT BULL DOGS.** All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks after birth of said animal(s).
 - (7) **FAILURE TO COMPLY.**
 - a. It shall be unlawful for the owner, keeper, or harborer of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this section.
 - b. If the owner, keeper or harborer of a pit bull dog registered with the City violates any of the requirements and conditions set forth in this section, they shall, upon conviction for such violation, be required to remove the pit bull dog, which was involved in the violation, from the city.

Amended: Ord. 969, 06/13/00

Amended: Ord. 995, 01/28/03

Amended: Ord. 1027, 4/2/09

SEC. 7-1-6 RESTRICTIONS ON KEEPING OF ANIMALS.

- (a) **RESTRICTIONS.** It shall be unlawful for any person within the City of Neillsville to own, harbor or keep any animal which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the City.
 - (4) Habitually barks or howls to the annoyance of any person or persons as defined in Section 7-1-13.
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.
- (b) **VICIOUS DOGS.** No vicious dog shall be allowed off the premises of its owner unless muzzled and on a leash or chain not exceeding three (3) feet in length, in charge of the owner or an able-bodied adult who is a member of the owner's immediate family at least eighteen (18) years of age. Any owner in possession of a vicious dog shall immediately be required to carry a minimum policy of \$100,000.00 liability insurance covering the vicious dog. Any vicious dog which is found off the premises of its owner other than as hereinabove provided, may be seized by any person, and upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
 - (1) **EXCEPTIONS.** The following exceptions shall be applicable to the term "vicious dog" as defined in section 7-1-1(b)(17) City Ordinances, hereby making these situations exempt from the requirements of subsection (b) herein;
 - a. No dog shall be declared to be vicious if the dog caused injury or damage to a human being or domestic animal who, at the time, was teasing, tormenting, abusing or assaulting the dog, or if the dog was protecting its owner from attack by a human being.
 - b. The owner of a dog that is used by a law enforcement agency shall not be declared to be vicious if the dog caused injury or damage to a human being or domestic animal while the dog is performing law enforcement functions.
- (c) **ANIMALS RUNNING AT LARGE.** No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any running at large unlicensed and required by state law or City Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.
- (d) **OWNERS LIABILITY FOR DAMAGE; PENALTIES.** The provisions of Section 174.02 Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (e) **LIMITATION ON NUMBER OF DOGS.**
 - (1) No person or family shall own, harbor or keep in its possession more than a total of three (3) dogs in any residential unity, except that a litter of pups or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth

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- (2) The above requirement may be waived with the approval of the City Council when a kennel license has been issued by the Clark County Treasurer pursuant to Section 7-1-3(b). Such application for waiver shall first be made to the City Clerk-Treasurer.

Amended: Ord. 969, 06/13/00
Amended: Ord. 992, 06/11/02
Amended: Ord. 995, 01/28/03
Amended: Ord. 996, 03/11/03

SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.

- (a) **IMPOUNDING OF ANIMALS.** In addition to any of the penalties provided for in this Chapter, any police officer may impound any animal which habitually pursues any vehicle upon any street, alley or highway of this City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies.
- (b) **OWNER MAY REDEEM.** After seizure of animals under this Section by law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into his possession. Possession of animals impounded under this Section may be obtained by paying Ten (\$ 10.00) Dollars to the City Clerk-Treasurer, plus Two (\$ 2.00) Dollars a day for each day or fraction thereof the animal has been so impounded, plus any costs incurred in transporting the animal to the impoundment facility. Animal impounded for a period of seven (7) days shall be destroyed by or under the direction of the Police Department.
- (c) **CITY NOT LIABLE FOR IMPOUNDING ANIMALS.** The City shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Amended: Ord. 969, 06/13/00

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

No dog or cat is permitted in any public playground, public park, or swimming area within the City unless such dog or cat is entered in a contest or obedience class approved by the Common Council or is on a leash or under control. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this Section. No dog, cat or other pet shall be allowed by owner to enter or remain at C. C. Sniteman Town Square Park without written approval of the Parks Director or Chief of Police. This section shall not apply to a person who is visually or physically handicapped.

Amended: Ord. 952, 12/9/97

SEC. 7-1-9 DUTY OF OWNER IN CASE OF ANIMAL BITE.

Every owner or person harboring or keeping an animal who knows that such animal has bitten any person shall immediately report such fact to the Police Department of the City of Neillsville and shall keep such animal confined for not less than ten (10) days or for such period of time as the Police Department shall direct. The owner or keeper of any such animal shall surrender the animal to the City Police Officer upon demand for examination.

Amended: Ord. 969, 06/13/00
Amended: Ord. 982, 07/10/01

SEC. 7-1-10 NEGLECTED OR ABANDONED ANIMALS; POLICE POWER.

- (a) Any police officer may shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected or abandoned, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and the person having possession of the animal shall have a lien thereon for his care, keeping, medical attention and expenses of notice. Whenever in the opinion of a police office, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, such police officer may kill such animal. Section 951.16 Investigation of Cruelty Complaints, and Section 951.17 Wis. Stats. expenses of Investigation are hereby adopted by reference and made a part of this Chapter.
- (b) No person shall be cruel or inhumane to an animal, said cruelty or inhumanity consisting of cruelly beating, torturing, mutilating, cruelly killing or failing to provide food, drink and shelter, or abandoning an old, sick or disabled animal.

Amended: Ord. 969, 06/13/00

SEC. 7-1-11 ANIMAL FECES.

It shall be unlawful for any person to cause or permit an animal to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

Amended: Ord. 969, 06/13/00

SEC. 7-1-12 INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any parkway or private lands or premises without the permission of the owner of such premises, and break, bruise, tear up, crush or injure the lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

Amended: Ord. 969, 06/13/00

SEC. 7-1-13 BARKING DOGS OR CRYING CATS.

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

Amended: Ord. 969, 06/13/00

SEC. 7-1-14 PENALTIES.

Any person violating one of the sections herein shall be subject to a forfeiture pursuant to the general penalties provided for under Section 1-1-7, Neillsville Code of Ordinances.

Created: Ord. 969, 06/13/00

CHAPTER 2

Fermented Malt Beverages and Intoxicating Liquor

Article A Fermented Malt Beverages and Intoxicating Liquor

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- § 7-2-2 Definitions
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Article C Penalties

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ARTICLE A

Fermented Malt Beverages and Intoxicating Liquor

SEC. 7-2-1 STATE STATUTES ADOPTED.

The provisions of Chapter 125 and Sections 778.25 and 938.344, of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.

Amended: Ord. 957, 5/12/98

SEC. 7-2-2 DEFINITIONS.

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

SEC. 7-2-3 LICENSE REQUIRED.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.26, 125.27, 125.28, 125.32 and 125.51 of the Wisconsin Statutes.

Amended: Ord. 957, 5/12/98

SEC. 7-2-4 CLASSES OF LICENSES.

- (a) RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE. A retail Class "A" intoxicating liquor license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed.
- (b) RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE. A retail Class "B" intoxicating liquor license, when issued by the City Clerk-Treasurer under authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises, except

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- that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. A Class "A" retailer's fermented malt beverage license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold, and in the original packages, containers or bottles.
 - (d) CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. A Class "B" fermented malt beverage retailer's license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percentum of alcohol by volume, without obtaining a special license to sell such beverages.
 - (e) SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE.
 - (1) A special Class "B" picnic license, when issued by the City Clerk-Treasurer under authority of the Common Council, as provided for in sec. 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Common Council.
 - (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$ 200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be acted on by the Council after a five (5) working day waiting period, not including the day of application. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility.
 - (f) RESERVE CLASS "B" LIQUOR LICENSE. A Reserve Class "B" license shall have the meaning defined in Section 125.51(4)(a)4 Wis. Stats.
 - (g) RETAIL CLASS "C" WINE LICENSE. A retail Class "C" wine license, when issued by the City Clerk-Treasurer under authority of the Common Council, shall permit its holder to possess, sell or offer for retail sale wine by the glass or in an opened original container for consumption on the premises where sold, subject to restrictions in Sec. 7-2-7(e) herein.
 - (h) WHOLESALER'S LICENSE. A wholesaler's fermented malt beverage license, when issued by the City Clerk-Treasurer under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

§ 7-2-4(e)(2) - Amended: Ord. 922, 9/8/94

§ 7-2-4(f) and (g) - Created: Ord. 957, 5/12/98

§ 7-2-4(h) - Renumbered: Ord. 957, 5/12/98

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SEC. 7-2-5 LICENSE FEES.

The following fees shall be chargeable to licenses issued by the Common Council:

- (a) Retail Class "A" Intoxicating Liquor License - \$ 150.00 annually.
- (b) Retail Class "B" Intoxicating Liquor License - \$ 200.00 annually.
- (c) Class "A" Fermented Malt Beverage Retailer's License - \$ 100.00 annually.
- (d) Class "B" Fermented Malt Beverage Retailer's License - \$ 100.00 annually.
- (e) Special Class "B" Fermented Malt Beverage Picnic License - \$ 10.00 per event.
- (f) Reserve Class "B" Liquor License - \$ 10,000.00 initial fee in addition to fee listed under (b) herein. The annual fee thereafter shall be as set forth in (b) herein.
- (g) Retail Class "C" Wine License - \$ 100.00 annually.
- (h) Wholesaler's License - \$ 25.00 annually or fractional part thereof.
- (i) License applicants shall also pay publication costs.

§ 7-2-5(f) and (g) - Created: Ord. 957, 5/12/98

§ 7-2-5(h) and (i) - Renumbered: Ord. 957, 5/12/98

SEC. 7-2-6 APPLICATION FOR LICENSE.

- (a) CONTENTS. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the State Treasurer and shall be sworn to by the applicant as provided by Sections 887.01 to 887.04, Wis. Stats, and shall be filed with the City Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) CORPORATIONS. Such application shall be filed and sworn to by the applicant, if an individual; by the president and secretary, if a corporation.
- (c) PUBLICATION. The application shall be published at least once in the official City newspaper, and the costs of publication shall be paid by the applicant.
- (d) AMENDING APPLICATION. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.

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

- (a) RESIDENCE REQUIREMENTS. A retail Class "A" or retail Class "B" fermented malt beverage or intoxicating liquor license or retail Class "C" wine license shall be granted only to persons who are citizens of the United States, and persons who have been residents of the State of Wisconsin for at least 90 days prior to the date of application.
- (b) APPLICANT TO HAVE MALT BEVERAGE LICENSE. No retail Class "B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) RIGHT TO PREMISES. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) AGE OF APPLICANT. No Class "A" or "B" or "C" licenses shall be granted to any person under the legal drinking age.

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- (e) CLASS "C" RESTRICTIONS. A Class "C" wine license may be issued to a qualified applicant only if:
 - (1) The license is for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts.
 - (2) The restaurant does not have a barroom.
 - (3) All of the Class "B" Liquor licenses available under the municipality's statutory quota have been issued.
- (f) CORPORATE RESTRICTIONS.
 - (1) No license shall be granted to any corporation which does not comply with the provisions of sec. 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this chapter or under state law, or which has more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter or under the state law.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the City Clerk-Treasurer a statement of transfers of stock within 48 hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in section 125.12, Wis. Stats., when more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (g) SEPARATE LICENSES. A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

§ 7-2-7(a) and (d) - Amended: Ord. 957, 5/12/98

§ 7-2-7(e) - Created: Ord. 957, 5/12/98

§ 7-2-7(f) and (g) - Renumbered: Ord. 957, 5/12/98

SEC. 7-2-8 INVESTIGATION.

The City Clerk-Treasurer shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector of each new application and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

SEC. 7-2-9 APPROVAL OF APPLICATION.

- (a) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

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- (b) No license shall be granted for operation on any premises or with any equipment which taxes or assessments or other financial claims of the City are delinquent and unpaid.
- (c) No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and City Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the City.

SEC. 7-2-10 GRANTING OF LICENSE.

Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Common Council, the City Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the City. The full license fee shall be charged for the whole or fraction of any year. The fee shall be paid to the City Clerk-Treasurer who shall deposit the same in the general fund.

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

- (a) In accordance with the provisions of Section 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Common Council. An application for transfer shall be made on a form furnished by the City Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten (\$ 10.00) Dollars. Whenever a license is transferred the City Clerk-Treasurer shall forthwith notify the State Treasurer of such transfer.
- (b) Whenever the agent of a corporate holder of a license, for any reason, replaced, the licensee shall give the City Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Common Council, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting or the Common Council until the successor agent or another qualified agent is appointed and approved by the City and the Wisconsin Department of Revenue.
- (c) Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Common Council.

SEC. 7-2-12 NUMBERING OF LICENSE.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee. The City Clerk-Treasurer shall affix to the license his affidavit as provided in Sec. 125.04(4) of the Wisconsin Statutes.

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

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

SEC. 7-2-14 CONDITIONS OF LICENSE.

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

- (a) **CONSENT TO ENTRY.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there 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 offenses.
- (b) **EMPLOYMENT OF MINORS.** No retail Class "B" licensee shall employ any person under nineteen (19) years of age, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages, except pursuant to Section 125.32(2), Wis. Stats.
- (c) **DISORDERLY CONDUCT PROHIBITED.** Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **LICENSED OPERATOR ON PREMISES.** There shall be upon premises operated under a Class "B" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he possesses an operator's license, who is at the time of such service upon said premises, except pursuant to Section 125.32(2), Wis. Stats.
- (e) **HEALTH AND SANITATION REGULATIONS.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses issued under this chapter. No Class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **RESTRICTIONS NEAR SCHOOLS AND CHURCHES.** No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or

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hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

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

Amended: Ord. 957, 5/12/98

§7-2-14(f) - Amended: Ord. 1029, 4/27/10

SEC. 7-2-15 CLOSING HOURS.

- (a) Premises within the City of Neillsville for which an alcohol beverage license has been issued shall be governed by Sec. 125.32(3)(a), Sec. 125.32(3)(am), Sec. 125.32(3)(c), 125.68(4)(a), Sec. 125.68(4)(b), Sec. 125.68(4)(c), Sec. 125.68(4)(c)(3), and Sec. 125.68(4)(c)(4), Wis. Stats., and all future amendments thereto.
- (b) Premises within the City of Neillsville for which a Class "A" fermented malt beverage retailer's license has been issued shall not sell fermented malt beverages between 9:00 p.m. and 6:00 a.m.

§ 7-2-15(a) - Recreated: Ord. 889, 6/27/89

§ 7-2-15(b) - Created: Ord. 957, 5/12/98

§ 7-2-15(b) - Amended: Ord. 1032, 2/14/12

SEC. 7-2-16 RESTRICTIONS ON SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC OR SPECIAL EVENT LICENSE.

Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of the license:

- (a) There shall be at least one person properly licensed as an operator under the provisions of Article B of this Chapter on the premises at all times to supervise the service of beverages.
- (b) Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the state statutes.
- (c) For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (d) The special Class "B" fermented malt beverage license shall be posted in a conspicuous place and shall specify the date(s) and hours for which said license is issued.

Cross-Reference: Section 7-2-4(e).

SEC. 7-2-17 LICENSE QUOTAS.

In the interest of protecting the health and safety and to promote the general welfare of the citizens of the City of Neillsville, quotas are hereby established limiting the number of each of the following types of licenses which may be granted as follows:

- (a) The license quota for Reserve Class "B" Liquor licenses shall be as provided in Section 125.51(4), Wis. Stats.
- (b) The license quota for all other Class "A", Class "B" or "C" licenses shall be as provided by Wis. Stats.

Recreated: Ord. 957, 5/12/98

SECS. 7-2-18 THROUGH 7-2-19 RESERVED.

ARTICLE B

Operator's License

SEC. 7-2-20 OPERATOR'S LICENSE REQUIRED.

There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license, a Class "A" or Class "B" fermented malt beverage license, or a special Class "B" fermented malt beverage picnic license, at all times the licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.

State Law Reference: Section 125.17, Wis. Stats.

SEC. 7-2-21 PROCEDURE UPON APPLICATION.

The Common Council may issue an operator's license, which license shall be granted only upon application in writing on blanks to be obtained from the City Clerk-Treasurer to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the City.

Amended: Ord. 979, 6/12/01

SEC. 7-2-22 DURATION.

Licenses issued under the provisions of this Chapter shall be valid for a period of one year and shall expire on the thirtieth day of June.

SEC. 7-2-23 FEE.

The fee for an operator's license shall be Fifteen (\$ 15.00) Dollars per year.

Amended: Ord. 1022, 6/10/08

SEC. 7-2-24 ISSUANCE.

After the Common Council approves the granting of an operator's license, the City Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

SEC. 7-2-25 DISPLAY OF LICENSE.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.

SEC. 7-2-26 REVOCATION OF OPERATOR'S LICENSE.

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

Amended: Ord. 982, 07/10/01

SEC. 7-2-27 MANDATORY OPERATORS TRAINING

- (a) All persons applying for, or presently licensed as beverage operators in a Class A or Class B establishment, shall complete a mandatory Alcohol Awareness and Training Program approved by the City Council.
 - (1) All individuals applying for licenses commencing July 1, 1987 must show to the City Clerk that he/she has successfully completed the approved training program and the City Clerk endorses the date of the program completion on the face of the license.
 - (2) All renewals commencing July 1, 1987 must show to the satisfaction of the City Clerk that he/she has successfully completed the approved training, and the City Clerk endorses the date of the program completion on the face of the license.
- (b) Where application is made for a Class A or Class B license on behalf of a proprietorship, the sole proprietor shall successfully complete the program prior to being licensed. Where such application is made on behalf of a partnership, all partners shall successfully complete the program prior to licensing. Where such application is made on behalf of a corporation, the registered agent shall successfully complete the program prior to licensing.
- (c) Participants in the approved training program shall pay a tuition fee not to exceed \$ 15.00.
- (d) The coordinator of the approved training program shall notify the City Clerk of all persons successfully completing the program each time the program is given.
- (e) The City Clerk shall, for good cause shown by the applicant, and subject to approval by the City Council, issue a temporary license to an applicant who has not completed the approved training program, which license shall be revoked without further notice to the applicant if the applicant does not successfully complete the next scheduled approved training program. If the approved training program is successfully completed, the license shall become permanent.

Recreated: Ord. 875, 7/16/87

SECS. 7-2-28 THROUGH 7-2-29 RESERVED.

ARTICLE C

Penalties

SEC. 7-2-30 PENALTIES.

- (a) Forfeitures for violations of Sections 125.07(1) - (5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the City of Neillsville, Wisconsin, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the City of Neillsville, Wisconsin, except as otherwise provided in subsection (a) herein, or who shall conduct any activity of make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the City of Neillsville, Wisconsin.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

CHAPTER 3

Pharmacists' Permits; Cigarette License

§ 7-3-1	Pharmacists' Permits
§ 7-3-2	Cigarette License
§ 7-3-3	Soda Water Beverage License

SEC. 7-3-1 PHARMACISTS' PERMITS.

- (a) A permit for the sale of intoxicating liquor pursuant to section 125.57 of the Wisconsin Statutes may be granted to a registered pharmacist upon action by the Common Council. A separate application for each premises shall be made to the City Clerk-Treasurer upon forms provided by him.
- (b) Upon the approval of the application by the Common Council, the City Clerk-Treasurer shall, upon filing by the applicant of a receipt showing the payment to the City of a permit fee of \$ 10.00, issue to the applicant a permit.
- (c) Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid and the name of the licensee.

State Law Reference: Section 125.57, Wis. Stats.

SEC. 7-3-2 CIGARETTE LICENSE.

- (a) LICENSE REQUIRED. No person, firm or corporation shall in any manner, directly or indirectly, upon any premises or by any device sell, exchange, barter, dispose of, or give away or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) APPLICATION FOR LICENSE; FEE. Every person, firm or corporation desiring a license under this Section shall file with the Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Clerk-Treasurer a license fee of \$ 5.00.
- (c) ISSUANCE AND TERM OF LICENSE. Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th, unless sooner revoked for any violation of this Section.
- (d) RESTRICTION ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS. The City of Neillsville hereby adopts Sec. 134.66, Wis. Stats. in its entirety.
- (e) RESTRICTIONS ON PURCHASE OF CIGARETTES OR TOBACCO PRODUCTS BY MINORS. The City of Neillsville hereby adopts Sec. 48.983, Wis. Stats. in its entirety.

§ 7-3-2(d) - Created: Ord. 892, 7/11/89

§ 7-3-2(e) - Created: Ord. 891, 7/11/89

SEC. 7-3-3 SODA WATER BEVERAGE LICENSE.

- (a) APPLICATION. Application for a soda water beverage license shall be made in writing to the City Clerk-Treasurer on forms to be provided by him, which application shall be properly signed and sworn to before a notary public or other official authorized to administer oaths. The

Pharmacists' Permits; Cigarette License

application shall designate the specific premises for which the license is sought and shall be referred by the City Clerk-Treasurer to the Common Council.

- (b) FEES. The license fee for a soda water beverage license shall be \$ 5.00.
- (c) EXPIRATION. The license issued under the provisions of this section shall expire on the thirtieth day of June following the date of issuance.
- (d) REMOVAL OF BUSINESS. In case of the removal within the license period of the place of business from the premises designated in the license to another location within the City, the licensee shall give notice of such change of location, and the license shall be amended accordingly without payment of an additional fee. No such license, however, shall be transferable from one person to another.

CHAPTER 4

Direct Sellers

§ 7-4-1	Registration Required
§ 7-4-2	Definitions
§ 7-4-3	Exemptions
§ 7-4-4	Registration
§ 7-4-5	Investigation
§ 7-4-6	Appeal
§ 7-4-7	Regulation of Direct Sellers
§ 7-4-8	Records
§ 7-4-9	Revocation of Registration

SEC. 7-4-1 REGISTRATION REQUIRED.

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

SEC. 7-4-2 DEFINITIONS.

In this Chapter:

- (a) DIRECT SELLER means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) PERMANENT MERCHANT means a direct seller who, for at least one year prior to the consideration of the application of this Chapter to said merchant:
 - (1) has continuously operated an established place of business in this City; or
 - (2) has continuously resided in this City and now does business from his/her residence.
- (c) GOODS shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.
- (d) CHARITABLE ORGANIZATION shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) CLERK-TREASURER shall mean the City of Neillsville Clerk-Treasurer.

SEC. 7-4-3 EXEMPTIONS.

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

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

- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;
- (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under sec. 440.41, Wis. Stats. Any charitable organization not registered under sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter;
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant; provided that there is submitted to the Clerk-Treasurer, proof that such person has leased for at least one year, or purchased, the premises whom which he/she is conducting business, or proof that such person has conducted such business in this City for at least one year prior to the date complaint was made.

SEC. 7-4-4 REGISTRATION.

- (a) Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) name, permanent address and telephone number, and temporary address, if any;
 - (2) age, height, weight, color of hair and eyes;
 - (3) name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 - (4) temporary address and telephone number from which business will be conducted, if any;
 - (5) nature of business to be conducted and a brief description of the goods offered, and any services offered;
 - (6) proposed method of delivery of goods, if applicable;
 - (7) make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (8) last cities, Citys, towns, not to exceed three, where applicant conducted similar business;
 - (9) place where applicant can be contacted for at least seven days after leaving this City;
 - (10) statement as to whether applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction.

- (b) Applicants shall present to the Clerk-Treasurer for examination:
 - (1) a driver's license or some other proof of identity as may be reasonably required;
 - (2) a state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (3) a state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) LICENSE REGISTRATION FEE.
 - (1) At the time the registration is returned, a fee of Twenty-five (\$ 25.00) Dollars shall be paid to the Clerk-Treasurer to cover the cost of processing said registration.
 - (2) The applicant shall sign a statement appointing the Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon payment of said fee and the signing of said statement, the Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section 7-4-4(b) below.

SEC. 7-4-5 INVESTIGATION.

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

SEC. 7-4-6 APPEAL.

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

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

- (a) PROHIBITED PRACTICES.
 - (1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers,"

- "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements, concerning the quality, quantity or character of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.
 - (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
 - (4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred (100) foot radius of the source.
 - (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) **DISCLOSURE REQUIREMENTS.**
- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
 - (2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-Five (\$ 25.00) Dollars, in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a) (b) and (c), (2) and (3), Wis. Stats.
 - (3) If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

SEC. 7-4-8 RECORDS.

The Chief of Police shall report to the Clerk-Treasurer all convictions for violation of this Chapter and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

SEC. 7-4-9 REVOCATION OF REGISTRATION.

- (a) Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted

- of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Editorial Note: This section is based on a model ordinance prepared by the Office of Consumer Protection of the Department of Justice. This section conforms with the repeal of Sec. 440.85, Wis. Stats., and the uniform state plan recommended by the Department of Justice. Religious, patriotic, philanthropic or other organizations currently exempted from registration as charitable organizations under Sec. 440.41, Wis. Stats., are no longer exempt from registration under this section.

CHAPTER 5

Regulation and Licensing of Amusement Arcades

§ 7-5-1	Definitions
§ 7-5-2	Amusement Arcade License
§ 7-5-3	Hours of Operation for Amusement Parlors
§ 7-5-4	General Requirements for Amusement Parlors
§ 7-5-5	License Revocation

SEC. 7-5-1 DEFINITIONS.

- (a) "AMUSEMENT ARCADE" means any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing use of "amusement devices" to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of use of "amusement devices" to the public at retail.
- (b) "AMUSEMENT DEVICE" means any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video games, and shall also include billiard tables and pool tables (whether coin operated or not). Such definition does not include a bowling alley, juke box or other coin operated music machine or a mechanical children's amusement riding device.

SEC. 7-5-2 AMUSEMENT ARCADE LICENSE.

- (a) LICENSE REQUIRED. No person, firm, or corporation shall operate or keep an amusement parlor or arcade, as defined herein, without having obtained and posted on the premises, in plain view, a license to operate such parlor. Application shall be made to the Clerk-Treasurer on the form provided by such office, accompanied by an application fee of Fifty (\$ 50.00) Dollars, which shall cover the cost of processing the application and shall be non-refundable. This application shall set forth the following information:
 - (1) The name and address of the applicant, or, if a partnership, the name and address of all the partners, or, if a corporation, the names and addresses of the principal officers and registered agent thereof, and the name and address of the person who will supervise the game room.
 - (2) The name and addresses of the owners of the amusement devices to be located on the licensed premises, if such owners are different from that of the applicant. If the owners of the amusement devices is a partnership, the names and address of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent thereof.

Regulation and Licensing of Amusement Arcades

- (3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
- (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises, and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within twenty (20) feet of the property lines of the premises to be licensed.
- (5) If the applicant operates other game rooms in other areas, the names and address of such other licensed establishments.
- (6) Such application shall also contain such additional information as the City deems necessary to assist it in determining the qualifications of the applicant for such license.
- (b) PUBLIC HEARING. The application shall be forwarded to the Common Council which shall hold a public hearing prior to the granting or denial of any amusement parlor license. In reviewing each application, the Common Council shall find:
 - (1) That the establishment, maintenance, or operation of an amusement parlor at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - (2) That the proposed amusement parlor will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
 - (3) That the establishment of the amusement parlor will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate measures have been or will be taken to maintain good order surrounding the location thereof.
- (c) ISSUANCE OF LICENSE; TERM. The Clerk-Treasurer shall issue a license upon approval of the application by the Common Council, upon the payment by the applicant of an annual license fee of One Hundred Fifty (\$ 150.00). All licenses issued herein shall be for one year ending on the 30th day of June and shall not be transferable.

SEC. 7-5-3 HOURS OF OPERATION FOR AMUSEMENT PARLORS.

- (a) No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m., except on Friday and Saturday when the closing hours shall be between 12:00 midnight and 10:00 a.m.
- (b) No premises for which an amusement parlor license has been issued and which is less than 1,000 feet from the main entrance of any established public or parochial school, shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which such school is in regular session.
- (c) For the purpose of this section the term public school or parochial school shall be any institution providing learning facilities for Grades K thru 8. The 1,000 foot distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school to the main entrance of such premises.

SEC. 7-5-4 GENERAL REQUIREMENTS FOR AMUSEMENT PARLORS.

The following general requirements shall apply to all amusement parlors licensed in accordance with this Chapter:

- (a) All amusement parlors shall have an adult supervisor on the premises at all times in which the game room is open to the public.
- (b) Every amusement parlor shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as to not occupy any portion of a public sidewalk or to otherwise obstruct pedestrian passage to and from the premises.
- (c) Game rooms licensed herein shall comply with all other building, fire code, and applicable City laws and regulations.

SEC. 7-5-5 LICENSE REVOCATION.

Licenses may be revoked by the Common Council after a hearing, in the event an amusement parlor's location or operation fails to conform to standards provided in this Chapter, or violates any other provision of this Code of Ordinances.

CHAPTER 6

Mobile Homes

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ARTICLE A

Administration and Compliance

SEC. 7-6-1 SHORT TITLE.

This Chapter shall be known and may be cited as the City of Neillsville, Clark County, Wisconsin, "Mobile Home Community Chapter."

SEC. 7-6-2 FINDINGS AND POLICY.

- (a) The Common Council hereafter referred to as Governing Body of the City of Neillsville, Clark County, Wisconsin, hereinafter referred to as the City finds that properly planned and operated Mobile Home Communities:
- (1) Promote the safety and health of the residents of such communities and of other nearby communities;
 - (2) Encourage economical and orderly development of such communities and other nearby communities;
- (b) It is, therefore, declared to be the policy of this City to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the standards and regulations necessary to accomplish these purposes.

SEC. 7-6-3 DEFINITIONS.

- (1) Accessory Structure: Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.
- (2) Building: A roofed structure erected for permanent use.
- (3) Common Area: Any area or space designed for joint use of tenants occupying mobile home developments.
- (4) Common Management: The person who owns or has charge, care or control of the mobile home development.
- (5) Community System: (Water or Sewerage) A central system which serves all living units and is not publicly owned.
- (6) Density: The number of mobile homes or mobile home stands per gross acre.
- (7) Driveway: A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots of common facilities.
- (8) Dwelling: Same as living unit.
- (9) Easement: A vested or acquired right to use land, other than as a tenant, for specific purposes; such right being held by someone other than the owner who holds title to the land.
- (10) Enforcing Agency: The Common Council or other authorized representative of the City charged with the duty to enforce the provisions of this regulation.
- (11) Housing: Living units, dwellings and/or other structures that shelter or cover.
- (12) License: A written document issued by the enforcing agency allowing a person to operate and maintain a mobile home development under the provisions of this regulation.
- (13) Living Unit: A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (14) Lot Area: The total area reserved for exclusive use of the occupants of a mobile home.
- (15) Lot Line: A line bounding the Lot as shown on the accepted plot plan.
- (16) Mobile Home: A mobile home as defined by Section 66.058, Wis. Stats.
- (17) Mobile Home Community: A mobile home development and related utilities and facilities, including the mobile home and all of the people living within the development.
- (18) Mobile Home Development: A contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of developments intended for the sale of individual lots or parcels for the placement of mobile homes shall not be included within the definition of a mobile home development, with the exception of section 10, and shall not be subject to the provisions of this Chapter, but shall conform to other applicable land use control measures of the City.
- (19) Mobile Home Lot: A parcel of land for the placement of a mobile home and the exclusive use of its occupants.
- (20) Mobile Home Stand: That part of an individual mobile home lot which has been reserved for the placement of a mobile home.
- (21) Occupied Area: That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.
- (22) Permit: A written document issued by the enforcing agency permitting the construction, alteration or expansion of a mobile home development.
- (23) Permanent Building: A building, except a mobile home accessory structure.
- (24) Person: Any individual, firm, trust, partnership, public or private association or corporation.
- (25) Plat: Any map, plan or chart of a city, village, town, section or subdivision, indicating the location and boundaries of individual properties.
- (26) Plot: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.
- (27) Power Supply Assembly: The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plugs, caps and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.
- (28) Private Street: A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
- (29) Property: A plot with any buildings or other improvements located thereon.
- (30) Property Line: A recorded boundary of a plot.
- (31) Public Street: A public way which affords principal means of access to abutting properties.
- (32) Public System: (Water or Sewerage) A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of a state.
- (33) Rights-of-Way: The area, either public or private, over which the right of passage exists.
- (34) Service Building: A building housing toilet, lavatory and such other facilities as may be required by this regulation.
- (35) Service Equipment: The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply to that mobile home or building.

- (36) Sewer Connection: A connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home development.
- (37) Sewer Riser Pipe: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- (38) Shall: Indicates that which is required.
- (39) Should: Indicates that which is recommended but not required.
- (40) Site: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.
- (41) Water Connection: A connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- (42) Water Riser Pipe: That portion of the water supply system serving the mobile home development which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

SEC. 7-6-4 PERMITS.

- (a) **PERMIT REQUIRED.** It shall be unlawful for any person to construct, alter or extend any mobile home development within the City unless he holds a valid permit issued by the Common Council in the name of such person for the specific construction, alteration or extension proposed.
- (b) **PERMIT APPLICATIONS.** All applications for permits shall contain the following:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the mobile home development.
 - (3) Complete engineering plans and specifications of the proposed development showing but not limited to the following:
 - a. The area and dimensions of the tract of land;
 - b. The number, location, and size of all mobile home lots;
 - c. The location and width of roadways and walkways;
 - d. The location of water and sewer lines and riser pipes;
 - e. Plans and specifications of the water supply and refuse and sewage disposal facilities;
 - f. Plans and specifications of all buildings constructed or to be constructed within the mobile home development; and
 - g. The location and details of lighting and electrical systems.
- (c) **FEE.** All applications shall be accompanied by the deposit of a fee of One Hundred (\$ 100.00) Dollars.
- (d) **ISSUANCE OF PERMIT.** When, after review and recommendation of the application by the Plan Commission, the Common Council is satisfied that the proposed plan meets the requirements of this Chapter, a permit shall be issued.
- (e) **DENIAL OF PERMIT.** Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing on the matter before the Common Council under the procedure provided by this Chapter.

SEC. 7-6-5 LICENSES.

- (a) It shall be unlawful for any person to administer any mobile home community in the City unless he holds a valid license issued annually by the Common Council in the name of such person for the specific mobile home community. All applications for licenses shall be made to the Common Council, who shall issue a license upon compliance by the applicant with provisions of this Chapter.

- (b) Every person holding a license shall give notice in writing to the City Clerk-Treasurer within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home community. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home community. Upon application in writing for transfer of the license and payment of Ten (\$ 10.00) Dollars, the license shall be transferred if the mobile home community is in compliance with the applicable provisions of this Chapter.
- (c) (1) Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by deposit of a fee of One Hundred (\$ 100.00) Dollars for each fifty (50) spaces or fraction thereof, and shall contain: the name and address of the applicant, the location and legal description of the mobile home community showing all mobile home stands, structures, roads, and other service facilities. If the application is approved, the deposit fee shall be the first year's license fee.
- (2) Applications for renewal of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of One Hundred (\$ 100.00) Dollars and shall contain any change in the information submitted since the original license was issued or the latest renewal granted. If the application is renewed, the renewal fee shall be the license fee.
- (d) Any person whose application for a license under this Chapter has been denied may request and shall be granted a hearing on the matter before the Common Council under the procedure provided by Section 7-6-7(a) of this Chapter.
- (e) Whenever, upon inspection of any mobile home community, the Plan Commission or Common Council finds that conditions or practices exist which are in violation of this Chapter, the enforcing agency shall give notice in writing in accordance with Section 7-6-7(a) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Common Council, the license shall be suspended. At the end of such period, officials of the City of Neillsville shall reinspect such mobile home community and, if such conditions or practices have not been corrected, shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension such person shall immediately cease administration of such mobile home community except as provided in Section 7-6-7(b).

SEC. 7-6-6 INSPECTION.

- (a) The Common Council or its authorized designee is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.
- (b) The authorized officials of the City of Neillsville shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter.
- (c) The City officials shall have the power to inspect the register containing a record of all residents of the mobile home community.
- (d) It shall be the duty of every resident of a mobile home community to give the management thereof or his designated agent access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter.

SEC. 7-6-7 NOTICES, HEARINGS AND ORDERS.

- (a) Whenever the Common Council determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, the Common Council shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:
- (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time for the performance of any act it requires.
 - (4) Be served upon the owner or his agent as the case may require provided: Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state;
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
- (b) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter shall take the remedial action required to effect compliance with the provisions of this Chapter. In the event that such action is not taken in the period provided for in the notice issued pursuant to Section 7-6-7(a) herein, the license or permit shall be subject to revocation or suspension pursuant to Section 66.058(2)9d), Wis. Stats. The holder of the license or permit shall be entitled to a public hearing on the issue of revocation or suspension; shall be given ten (10) days' notice in writing of such hearing; and shall be entitled to appear and be heard as to why such license shall not be revoked. The holder of such permit or license shall have such rights to appeal revocation or suspension of his permit or license as shall be provided by law.

SEC. 7-6-8 EXEMPTIONS OR VARIANCES.

- (a) Where the Common Council, after recommendation from the Plan Commission, finds that compliance with provisions of this Chapter would result in exceptional or undue hardship, an exemption may be granted by the Common Council without impairing the intent and purpose of this Chapter. The Common Council may waive or modify any requirement in these sections to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the master plan of the City. Deviations from design, construction and installation provisions shall be brought into compliance within one of two periods of time. Either a period of time hereinafter referred to as a "minimum period" not to exceed one year or a period of time hereinafter referred to as a "maximum period" not to exceed two years. Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include but not be limited to the terrain of the site, nature, significance and extent of the deviation, depreciation of materials, improvements, the existing layout, unique hardships arising from a literal application of the terms of this Chapter, and other similar factors.
- (b) Such period shall begin after the Common Council has given notice of a certain and specific deviation from this Chapter to the person to whom the permit or certification was issued.
- (c) Gradual improvements to a higher degree of conformity shall be permitted provided that there shall be complete conformity at the end of a period prescribed by the Common Council.

SEC. 7-6-9 PENALTIES; SEVERABILITY.

- (a) Except as otherwise specifically provided for herein, any person who violates any provision of this Chapter shall upon conviction be punished by a fine of not less than Twenty-five (\$ 25.00) Dollars, nor more than One Thousand (\$ 1,000.00) Dollars; and each day's failure to comply shall constitute a separate violation. The imposition of any such fine shall not bar any other relief or penalties otherwise applicable.
- (b) If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

SEC. 7-6-10 LOCATION OUTSIDE MOBILE HOME DEVELOPMENTS.

- (a) Except as otherwise provided in this Chapter, it shall be unlawful for any person to inhabit any mobile home or trailer outside of a licensed mobile home community complying with the requirements of this Chapter on any street, alley, or highway, or other public place, or on any parcel of land owned by any person, firm or corporation within the City of Neillsville, Clark County, Wisconsin, provided that emergency or temporary stopping or parking is permitted on any street, alley or highway subject to other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or Chapters of the City of Neillsville.
- (b) Mobile homes located outside of approved mobile home community shall not be used as a permanent place of abode or as a permanent dwelling, or for indefinite periods of time.
- (c) No automobile trailer shall be used for living quarters upon any street, alley, or public way in the City of Neillsville.
- (d) No person, firm, or corporation shall make any electrical connection for any trailer or mobile home to any building or other source of electricity without permit and approval of the electrical inspector.

ARTICLE B

Development Standards

SEC. 7-6-11 GENERAL REQUIREMENTS.

- (a) **URBAN SERVICE AREA.** A mobile home development shall be located only upon property served by public sewer and water facilities.
- (b) **PARK TO BE USED FOR RESIDENTIAL PURPOSES ONLY.** No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park. Nothing contained in this section shall be deemed as prohibiting the sale of the mobile home located on a mobile home stand and connected to the pertinent utilities.
- (c) **LAND SUITABILITY.** Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other threats to the public health, safety and welfare, and no portion which would expose persons or property to hazards.

SEC. 7-6-12 OBJECTIVES.

Site planning improvements shall provide for:

- (a) Facilities and amenities appropriate to the needs of the occupants.
- (b) Safe, comfortable and sanitary use by the occupants under all weather conditions.
- (c) Practical and efficient operation and maintenance of all facilities.

SEC. 7-6-13 DENSITY.

- (a) Each mobile home space or lot shall be a clearly-defined section of land within a mobile home development of not less than four thousand (4,000) square feet and a width of not less than forty (40) feet.
- (b) No mobile home shall be parked in a mobile home community outside of a designated space.
- (c) Spaces designated for mobile homes shall be arranged so that no part of any mobile home is closer than twenty (20) feet to any part of any other trailer.

SEC. 7-6-14 RECREATION AREA; PUBLIC LAND DEDICATION.

- (a) All owners of mobile home developments shall dedicate to the City of Neillsville land or fees in lieu of land, for park, school or other public uses, other than streets or drainageways. The public land dedication shall in all respects comply with the requirements of the City of Neillsville Subdivision Ordinance.
- (b) Whenever a tract of land to be developed into a mobile home community embraces all or any part of an arterial street, drainageway or other public way which has been designated in the master plan, or master plan component, of the City of Neillsville, said public way shall be made a part of the plat and dedicated or reserved by the developer in the locations and dimensions indicated on said plan or map.

SEC. 7-6-15 REQUIRED SETBACKS, BUFFER STRIPS AND SCREENING.

- (a) All mobile homes shall be located at least forty (40) feet from the exterior property boundary line except where greater distances are required by City zoning regulations. All mobile homes shall be set back at least twenty-five (25) feet from the right-of-way line of any internal public or private street system of the park (development).
- (b) There shall be a minimum distance of twenty-five (25) feet between the mobile home stand and the abutting street.
- (c) All mobile home developments shall be provided with screening such as fences or natural growth having a minimum height of five (5) feet along the property boundary line separating the development and adjacent land uses.

SEC. 7-6-16 IMPROVEMENTS.

Before final approval of any mobile home community located within the City, the developer shall install street and utility improvements as hereinafter provided. The developer shall at the time of Common Council approval of the mobile home community development enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a bond meeting the approval of the Common Council or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be approved by the Common Council, as a guarantee that such improvements will be completed by the developer or his subcontractors not later than one (1) year from the date of the approval of the mobile home community plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition, contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the Common Council.

SEC. 7-6-17 STREET ARRANGEMENT.

- (a) In any new mobile home community the street layout shall conform to the arrangement, width and location indicated on the master plan of the City of Neillsville. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The mobile home community shall be designed so as to provide each lot with satisfactory access to a public street.
- (b) "COLLECTOR STREETS," as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas in the mobile home community and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- (c) "MINOR STREETS," as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

- (d) "PROPOSED STREETS" shall extend to the boundary line of the tract being developed unless prevented by topography or other physical conditions or unless, in the opinion of the Common Council, such extension is not necessary or desirable for the coordination of the layout of the mobile home community or for the advantageous development of the adjacent tracts.
- (e) "RESERVE STRIPS" shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under the conditions approved by the Common Council.
- (f) "STREET NAMES" shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

SEC. 7-6-18 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

- (a) Wherever the proposed mobile home community contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
 - (1) When lots within the proposed mobile home community back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted parcels but shall have the following restriction lettered on the face of the mobile home community plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
 - (2) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred and fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
 - (3) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

SEC. 7-6-19 STREET DESIGN STANDARDS.

The design standards for streets, street intersections, and blocks shall be as specified in the City of Neillsville Subdivision Ordinance.

SEC. 7-6-20 LOT SIZE AND DIMENSION.

- (a) The size, shape, and orientation of lots shall be appropriate for the location of the mobile home development and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing site and a proper architectural setting for the use contemplated. The density requirements of Section 7-6-13 shall be complied with.
- (b) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow corporate boundary lines rather than cross them.

- (c) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (d) **MOBILE HOME STANDS:** The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. Construction specifications of the mobile home stands shall be as determined by the City Engineer. Anchors or tie-downs shall be provided, such as cast-in-place concrete "dead men," eyelets imbedded in concrete screw augers or arrow head anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be able to adequately sustain the weight of the mobile home, its contents and inhabitants.
- (e) **DRIVEWAYS:** Improved driveways should be provided on lots where necessary for convenient access to mobile homes. Such driveways shall comply with the provisions governing construction of driveways in this Municipal Code.
- (f) **PARKING SPACES:** The design criteria for automobile parking shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem.
- (g) Corner lots shall have an extra width of ten (10) feet to permit adequate setbacks from side streets.

SEC. 7-6-21 UTILITY EASEMENTS.

- (a) **UTILITIES.** The Common Council may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines. All utilities shall be underground unless excepted by the Common Council.
- (b) **DRAINAGE EASEMENTS.** Where a mobile home development is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Common Council. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Common Council; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Common Council.

SEC. 7-6-22 REQUIRED IMPROVEMENTS.

- (a) **SURVEY MONUMENTS.** Survey monuments, street grading, surfacing, curb and gutter and sidewalks shall comply with the provisions of the City of Neillsville Subdivision Ordinance.
- (b) **SANITARY SEWAGE DISPOSAL SYSTEMS.**
 - (1) The mobile home community developer shall make adequate sewage disposal systems available to each lot with the mobile home park.
 - (2) Mobile home parks shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Board of Public Works and the City Engineer.
- (c) **STORM WATER DRAINAGE FACILITIES.** The developer shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and

inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Board of Public Works and the City Engineer.

(d) WATER SUPPLY FACILITIES.

- (1) The developer shall make adequate domestic water supplies available to each lot within the mobile home park.
- (2) Where public water service is available, the developer shall construct water mains in such a manner as to make adequate water service available to each lot within the mobile home community. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Board of Public Works and the City Engineer.
- (3) If at the time of final platting, public water service is not available, but will become available within a period of five (5) years from the date of the approval of the park, the Common Council may require the developer to install or cause to be installed water laterals to the street lot line.

(e) OTHER UTILITIES.

- (1) The developer shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the mobile home park. All new electrical distribution television cables, and telephone lines from which lots are individually served shall be underground unless the Common Council specifically allows overhead poles for the following reasons:
 - a. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - b. The lots to be served by said facilities can be served directly from existing overhead facilities.
- (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the mobile home park shall be approved by the City.

(f) STREET LAMPS. The developer shall install ornamental street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Board of Public Works and Common Council.

(g) STREET TREES. The developer shall plant at least one (1) tree of a species acceptable to the City and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Common Council.

(h) EROSION CONTROL. The developer shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented.

(i) PARTITION FENCES. When the land included in the mobile home park abuts upon or is adjacent to land used for farming or grazing purposes, the developer shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to

erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the mobile home development map.

- (j) **STREET NAME SIGNS AND POSTS.** The developer shall install or cause to be installed street name signs at all street intersections. Plans and specifications for the street name signs and posts shall be approved by the Common Council.

SEC. 7-6-33 FIRE EXTINGUISHERS REQUIRED.

Each mobile home occupied as a place of human habitation under any of the provisions of this ordinance shall be equipped with a fire extinguisher, conveniently attached thereto. Such extinguisher to be of one (1) unit of fire protection capacity, and of a type suitable for extinguishing Class A or Class B fires, approved by the Neillsville Area Fire Department.

SEC. 7-6-24 COMPLIANCE WITH PLUMBING, ELECTRICAL AND BUILDING CODES.

All plumbing, electrical, building and other work done on or at any mobile home park licensed under this ordinance shall be in accordance with the ordinances of the City of Neillsville, and the requirements of the State plumbing, electrical and building codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

SEC. 7-6-25 SERVICE BUILDING AND OTHER COMMUNITY FACILITIES.

- (a) **GENERAL.** The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:
 - (1) Management offices, repair shops and storage areas;
 - (2) Sanitary facilities;
 - (3) Laundry facilities;
 - (4) Indoor recreation areas;
 - (5) Commercial uses supplying essential goods or services for the exclusive use of development occupants.
- (b) **COMMUNITY SANITARY FACILITIES.** Every development shall be provided with the following emergency sanitary facilities: For each forty (40) mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.
- (c) **PERMANENT BUILDINGS.**
 - (1) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
 - (2) All rooms containing sanitary or laundry facilities shall:
 - a. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.

- b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them.
- (3) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (4) Illumination levels shall be maintained as follows: (1) general seeing tasks - five footcandles; (2) laundry room work area - 40 footcandles; (3) toilet room, in front of mirrors - 40 footcandles.
- (5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

ARTICLE C

Community Maintenance Regulations

SEC. 7-6-26 RESPONSIBILITIES OF THE MANAGEMENT.

- (a) The person to whom a license for a mobile home community is issued shall provide adequate supervision to maintain the community in compliance with this Chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The management shall notify the community residents of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter.
- (c) The management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- (d) The management shall maintain a register containing the names of all community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the community.
- (e) The management shall notify the enforcing agency immediately of any suspected communicable or contagious disease within the community.

SEC. 7-6-27 RESPONSIBILITIES OF THE RESIDENT.

- (a) The resident shall comply with all applicable requirements of this Chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.
- (b) The resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the management.
- (c) Pets, if permitted in the community, shall be governed by appropriate City Ordinances.
- (d) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:
 - (1) The storage area shall be provided with a base of impervious material.
 - (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - (3) The storage area shall be enclosed by skirting.
- (e) The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.

SEC. 7-6-28 ACCESSORY STRUCTURES.

- (a) Accessory structures remain as per definition dependent upon the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structure shall be erected, constructed and occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable state or local standards and as specified in this Chapter.

- (b) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development.
- (c) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connection.
- (d) Construction and electrical installations shall comply with the applicable regulations of the municipality.
- (e) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.
- (f) Accessory buildings shall not exceed 600 square feet and there shall be no more than one per lot.

SEC. 7-6-29 MOBILE HOME PLACEMENT AND ANCHORAGE.

- (a) The mobile home shall be properly placed on its foundation and its stability shall be affirmed.
- (b) The mobile home shall be properly secured against high wind velocities. Overturning, sliding or uplift shall be prevented through anchors, tie-downs or similar devices.

SEC. 7-6-30 SOLID WASTE HANDLING.

- (a) The storage, collection and disposal of refuse in the mobile home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- (b) Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

SEC. 7-6-31 INSECT AND RODENT CONTROL.

- (a) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the City.
- (b) The mobile home community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.
- (d) Where the potential for insect and rodent infestation exists all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- (e) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The community shall be so maintained as to prevent the growth of ragweed, poison ivy, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SEC. 7-6-32 FUEL SUPPLY AND STORAGE.

- (a) Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twenty-five (25) nor more than five hundred (500) gallons LP-Gas capacity, and shall comply with all regulations of the State of Wisconsin.
- (b) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the enforcing agency.
- (c) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

ARTICLE D

Mobile Home Monthly Parking Fees

SEC 7-6-33 MONTHLY PARKING FEE.

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City of Neillsville a monthly parking fee as determined in accordance with Section 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees (and owners of mobile homes permitted to be located on land outside a mobile home park) shall pay to the City Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the treasurer may reasonably promulgate.
- (b) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk-Treasurer and City Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the City Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
- (c) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the City Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit the City Clerk-Treasurer a cash deposit of Twenty-Five (\$ 25.00) Dollars to guarantee payment of such fees when due to the City. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the City Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the City, the City Clerk-Treasurer shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

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

CHAPTER 7

Sauna and Massage Establishments

§ 7-7-1	Definitions
§ 7-7-2	License Required
§ 7-7-3	Application and Fee
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§ 7-7-7	Permit for Masseur or Masseuse
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§ 7-7-9	Issuance of Permit for Masseur or Masseuse
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SEC. 7-7-1 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **MASSAGE.** Any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, cremes, lotions, soaps, ointments, or other similar preparations commonly used in this practice.
- (b) **MASSAGE ESTABLISHMENT.** Any establishment having its place of business where any person, firm, association or corporation engages in or carries on permits to be engaged or carried on any of the activities mentioned in subparagraph (a) hereof.
- (c) **MASSAGE SERVICES.** The providing of a massage or massages by any person, firm, association or corporation.
- (d) **SAUNA.** A steam bath or heated bathing room used for the purpose of bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing or reducing agent.
- (e) **MASSEUR OR MASSEUSE.** Any person who, for any consideration whatever, engages in the practice of massage as above defined.
- (f) **EMPLOYEE.** Any and all persons other than masseurs or masseuses who render any service for the licensee and who receives compensation directly from the licensee but has no physical contact with customers or clients.
- (g) **PERSONS.** Any individual, copartnership, firm, association, joint stock company, corporation, or any combination of individuals of whatever form or character.
- (h) **LICENSEE.** The operator of a massage establishment.

SEC. 7-7-2 LICENSE REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the City of Neillsville the

operation of a massage establishment as herein defined without first having obtained a license from the City Clerk-Treasurer, which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided.

SEC. 7-7-3 APPLICATION AND FEE.

- (a) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate, under oath, with the City Clerk-Treasurer upon a form provided by the City Clerk-Treasurer, and pay a refundable filing fee of \$ 500.00 to the City who shall issue a receipt which shall be attached to the application filed with the Clerk-Treasurer. The City Clerk-Treasurer shall forthwith refer copies of such application and all additional information to the Health Officer and Fire Department. These agencies shall within thirty (30) days, inspect the premises proposed to be operated as a massage establishment, and make recommendations to the Common Council concerning compliance with City Ordinances. Upon receipt of the recommendations of the respective agencies, the City Clerk-Treasurer shall notify the applicant as to whether his application has been granted, denied, or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. At the conclusion of such period, or such longer period if agreed to, the City Clerk-Treasurer shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the City Clerk-Treasurer shall advise the applicant in writing of the reason for such denial.
- (b) The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of applicant to submit to or cooperate with any inspection required by this section, shall be grounds for denial of the application.

SEC. 7-7-4 APPLICATION FOR LICENSE FOR MASSAGE ESTABLISHMENT.

The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information:

- (a) Written proof that each individual is at least eighteen (18) years of age.
- (b) Current residential addresses.
- (c) Whether the individual has had any license denied, revoked, or suspended elsewhere for a massage establishment, the reason therefore, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.
- (d) Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one (1) year and of Clark County for at least ninety (90) days.

SEC. 7-7-5 LICENSE.

- (a) Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information

provided therein, the Common Council shall direct the issuance of the license by the City Clerk-Treasurer to the applicant to maintain, operate, or conduct a massage establishment unless the Chief of Police shall find:

- (1) That the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the City of Neillsville, including but not limited to the building, health, planning, housing, fire prevention, and zoning codes of the City of Neillsville, or
 - (2) That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
 - (3) That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Chapter.
- (b) The license provided herein shall be for a period of one (1) year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.

SEC. 7-7-6 CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR SAUNA AND MASSAGE ESTABLISHMENTS.

Any sauna or massage establishment as defined herein shall construct its facilities and maintain same in accordance with the following regulations:

- (a) All sauna rooms, massage parlors and all restrooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacteria, mold, or fungus growth.
- (b) Shower rooms must be finished in tile or equal material with proper floor drains.
- (c) Each sauna establishment having two or more massage rooms shall be required to have a separate restroom for men and women, and provided with mechanical ventilation with two cfm. per square foot of floor area, a minimum of fifteen (15) footcandles of illumination, a hand-washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
- (d) Each sauna or massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
- (e) Floors, walls and equipment in sauna rooms, massage parlors, restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
- (f) Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
- (g) Doors on massage rooms shall not be locked, but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
- (h) Each sauna or massage establishment shall have approved fire extinguishers, fire exits designated by fire exit signs.
- (i) If any provision of this section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.
- (j) The establishment shall permit inspection of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors, and law enforcement officers.
- (k) Entrance doors during business hours shall be open to the public the same as any other business.

SEC. 7-7-7 PERMIT FOR MASSEUR OR MASSEUSE.

Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed with the City Clerk-Treasurer upon the form provided by the Clerk-Treasurer and shall pay a nonrefundable filing fee of Twenty-five (\$ 25.00) Dollars for the original application and Twenty-five (\$ 25.00) Dollars for each renewal application to the City Clerk-Treasurer.

SEC. 7-7-8 APPLICATION FOR MASSEUR OR MASSEUSE.

The application for a permit for a masseur or a masseuse shall contain the following:

- (a) Name and residence.
- (b) Social Security number.
- (c) Written evidence that the applicant is at least eighteen (18) years of age.
- (d) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases which shall include a test or tests which will demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in licensed laboratories. The applicant shall then present a certificate with the results of each such examination signed by a licensed physician, stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the City Clerk-Treasurer the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

SEC. 7-7-9 ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE.

- (a) The City Clerk-Treasurer shall direct the issuance of permit for a masseur or masseuse upon receipt of completed application and upon receipt of certificate of examination stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others.
- (b) Said permit is subject to cancellation upon the following grounds:
 - (1) The Chief of Police finds that the applicant for a permit has been convicted of a felony;
or
 - (2) The applicant has failed to provide all of the information required by this Chapter.
- (c) Each permit for a masseuse, pursuant to this Chapter, and any renewal shall be for a one (1) year term and shall be displayed by the permit holder while engaged in his or her employment. Permits may be applied for and will only be issued Monday through Thursday.

SEC. 7-7-10 HOURS OF OPERATION.

No massage establishment in the City of Neillsville shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced under sec. 176.95 of the Wisconsin Statutes when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

SEC. 7-7-11 ENFORCEMENT AND PENALTIES.

- (a) INTERFERENCE. No person shall prevent, resist or interfere with any of the officers or employees of the city in the entering of any premises or the carrying out of their duties.
- (b) PENALTIES. Any person violating any provision of this Chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin:
 - (1) Any license or permit issued pursuant to this Chapter may be suspended by the City Police Chief without hearing for not more than thirty (30) days.
 - (2) Any license or permit issued pursuant to this Chapter may be suspended more than thirty (30) days or revoked by the board after allowing the licensee or permittee a hearing on notice.
 - (3) Any license or permit issued pursuant to this Chapter, may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (c) Upon conviction thereof, shall forfeit not less than Twenty (\$ 20.00) Dollars nor more than Two Hundred (\$ 200.00) Dollars and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation.

CHAPTER 8

Park Regulations

- § 7-8-1 Park Regulations
- § 7-8-2 Radio-Controlled Model Airplanes Prohibited in Parks
- § 7-8-3 Use of Metal Detectors on Public Property
- § 7-8-4 Park Hours
- § 7-8-5 Pavilion Reservations

SEC. 7-8-1 PARK REGULATIONS.

- (a) **PURPOSE AND DEFINITION.** In order to protect the parks, playgrounds, parkways, recreational facilities and conservancy areas within the City from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City. The following shall be considered a public park within or without the City for the purposes of Section 2-4-7 and this section, specially:
- 1) Sniteman Town Square Park
 - 2) Clifford M. Gross Memorial Park
 - 3) Listeman Park
 - 4) Schuster Park
 - 5) Listeman Arboretum
 - 6) Tock Field
 - 7) Fountain Park
 - 8) O'Neill Ice Arena

The playgrounds shall be designated as playgrounds by the Parks and Recreation Board after referral to the Planning Commission and approval by the Common Council. The Common Council may, by resolution, dedicate other public parks after referral to the Planning Commission under Section 2-4-6.

- (b) **SPECIFIC REGULATIONS.**
- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council.
 - (3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park. No dog, cat or other pet shall be allowed by owner to enter or remain at C. C. Sniteman Town Square Park without written approval of the Parks Director or Chief of Police. This section shall not apply to a person who is visually or physically handicapped.
 - (4) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs as specifically authorized by the Common Council herein or by resolution..
 - (5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park,
 - (6) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.

- (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Common Council.
- (8) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (9) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park or any of the facilities of the municipal swimming pool.
- (10) Motorized Vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted.
- (11) Snowmobiles. No person shall operate a snowmobile in a City park except in designated areas.
- (12) Speed Limit. No person shall operate any vehicle in a City park in excess of 15 m.p.h. unless otherwise posted.
- (13) Glass Beverage Bottles in Parks Prohibited. No person shall possess any glass beverage bottle within the limits of the parks of the City.
- (14) Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (15) Parking in Parks. No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (16) Playgrounds. The term playgrounds shall mean parks.

§ 7-8-1(a) & (b) Amended: Ord. 940, 3/12/97

§ 7-8-1(b)(3) Amended: Ord. 952, 12/9/97

§ 7-8-1(b)(4) Amended: Ord. 1011, 2/14/06

§ 7-8-1(a) Amended: Ord. 1034, 3/27/12

SEC. 7-8-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane in any park in the City of Neillsville except in areas specifically designated and posted for such purpose.

SEC. 7-8-3 USE OF METAL DETECTORS ON PUBLIC PROPERTY.

Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City property, except beaches where no vegetation is present, is prohibited.

SEC. 7-8-4 PARK HOURS.

- (a) All City parks, except as noted below, shall be closed between the hours of 11:00 p.m. and 6:00 a.m., unless specific authority is first obtained from the Common Council.

- (b) During hours of closure it shall be unlawful for any person to be in any city parks, except persons traveling through the parks on established driveways, or unless the park hours have been extended by special permit.
- (c) No person shall cause or make any unreasonable noise or cause any music to be played within the park system between the hours of 11:00 p.m. and 12:00 noon, unless specific authority is first obtained from the Common Council.
- (d) The Sniteman Town Square Park, located at Fifth and Hewett Streets in the City of Neillsville, shall be closed between the hours of 10:00 p.m. and 6:00 a.m., unless specific authority is first obtained from the Common Council.

Recreated: Ord. 937, 11/12/96

§ 7-8-4(a), (c) & (d) Amended: Ord. 1034, 3/27/12

SEC. 7-8-5 PAVILION RESERVATIONS.

(a) RESERVATIONS. The pavilions listed below shall be available for reservations by the general public by contacting the Parks Director and making such reservation. All reservations will be granted on a "first come, first serve" basis to those gatherings meeting the minimum person requirements, subject to reservation for gatherings which must include a minimum number of persons to be accepted.

- (1) The large shelter on the north side at Schuster Park: 75 person minimum
- (2) The large shelter on the south side at Schuster Park: 50 person minimum
- (3) The shelter at Tock Field: 25 person minimum
- (4) The shelter at Listeman Park: 25 person minimum

(b) LIMITATIONS. Reservations under subsection (a) herein shall be made at least one week (7 days) in advance. For any pavilion that has not been reserved at least one week in advance, the Parks Director shall have the option of then taking reservations for groups of persons less than those minimums listed in subsection (a) above.

(c) POSTING. Upon reservation of a shelter, made as required herein, the Parks Director shall post a Notice to the public, of such reservation, on the shelter reserved. The Notice shall be posted 24 hours prior to the reserved time and date, so long as the reservation was made 24 hours in advance.

(d) REGULATION. A reserved pavilion shall only be available to those persons involved in the gathering for which the pavilion was reserved. Any persons not involved in the gathering for which the pavilion was reserved, and who refuses to remove from the pavilion during the reserved time, shall be removed from the premises and may be subject to a penalty as provided in Sec. 1-1-7 of this Municipal Code.

Created: Ord. 970, 8/22/00

CHAPTER 9

Regulation of Taxicabs

§ 7-9-1	Definitions
§ 7-9-2	Insurance Required
§ 7-9-3	Liability of Licensee
§ 7-9-4	Persons Prohibited From Operating
§ 7-9-5	Regulations Regarding Taxicab Operation

SEC. 7-9-1 DEFINITIONS.

TAXICAB DEFINED. "Taxicab" shall include all vehicles carrying passengers for hire for which public patronage is solicited excepting the municipal bus system.

SEC. 7-9-2 INSURANCE REQUIRED.

It shall be unlawful to operate a taxicab or permit the same to be operated until and unless the taxicab operator or taxi service provider provide to the City, through the City Clerk-Treasurer, a certificate of liability insurance as required by the taxi service contract. Each taxicab insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City of Neillsville. Every day upon which any vehicle is operated as a taxicab without an insurance policy as required herein being in effect and on file with the City Clerk-Treasurer shall be deemed a separate violation.

Amended: Ord. 989, 08/28/01

SEC. 7-9-3 LIABILITY OF LICENSEE.

- (a) Any taxicab licensee shall be liable for any violations of ordinance or statutes by any and all persons operating taxicabs under proper license.
- (b) Any taxicab license shall be subject to such further regulations and restrictions as may be imposed at any time by the Common Council.

Recreated: Ord. 989, 08/28/01

SEC. 7-9-4 PERSONS PROHIBITED FROM OPERATING TAXICABS.

A taxicab may not be operated by any person:

- (a) Who is under the age of eighteen (18) years.
- (b) Who does not have valid state driver's license.
- (c) Who has failed to meet federal drug and alcohol standards and requirements.
- (d) Who has pending against him or her or has been convicted of reckless endangerment by driver, including, but not limited to the safety of passengers and other persons.
- (e) Who has pending against him or her or who has been convicted by a court of competent jurisdiction of any offense and circumstances of which substantially relate to the nature of taxicab operation including but not limited to driving a motor vehicle that is a taxicab while under the influence of intoxicants or controlled substances, while said conviction remains on record and is not reversed; or provided the applicant is not prohibited from holding an operator's license under Section 343.06, Wis. Stats.
- (f) Who has failed to comply with Title 7, Chapter 9 of the City of Neillsville Code of Ordinances.

Recreated: Ord. 989, 08/28/01

SEC. 7-9-5 REGULATIONS REGARDING TAXICAB OPERATION.

- (a) **DISPLAY OF LICENSE.** Each taxicab operator shall constantly and conspicuously display their license inside the taxicab while licensee is engaged in his or her employment.
- (b) **OPERATION LIMITATIONS.** It shall be unlawful for a taxicab operator to operate said vehicle more than twelve (12) hours out of twenty-four (24). An operator shall be deemed to be operating a vehicle within the terms of this subsection whenever he or she is in charge of such vehicle and holding himself or herself in readiness to convey passengers. Violation of this subsection shall be assess to both the operator and taxi service.
- (c) **COMPLIANCE WITH DRUG AND ALCOHOL TESTING POLICY.** The taxi service shall provide on an annual basis, with delivery of the executed service contract, that information required to be completed in the City approved Drug and Alcohol Testing Policy. The taxi service as well as any taxicab operator shall adhere to those terms and conditions contained in the Drug and Alcohol Testing Policy as currently required of the taxi service by the City of Neillsville.

Recreated: Ord. 989, 08/28/01

CHAPTER 10

Garage Sales

§ 7-10-1 Garage Sales

SEC. 7-10-1 GARAGE SALES.

- (a) **NUMBER OF SALES.** Garage sales, yard sales and similar merchandise sales may be held no more than four (4) times per year at any residence. Each above described sale shall last no more than three (3) days. The Common Council may authorize additional sales and/or sale days if warranted by unusual circumstances. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of group sales, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (b) **PERMIT REQUIRED.** No person shall hold a garage sale, yard sale or similar merchandise sale without first obtaining a permit from the City Clerk-Treasurer. There shall be no fee for such permit.
- (c) **GARAGE SALE SIGNS.**
 - (1) Garage sale signs shall not have an area of more than four (4) square feet with a maximum of two faces. Garage sale signs shall identify the location of the sale and must be located at least five (5) feet from the street line.
 - (2) No garage sale sign may be located on utility poles, traffic control devices, or on property or the adjoining right-of-way of property the owner of which has not given explicit permission for its placement.
 - (3) No more than two (2) garage sale signs may be located at the sale site and no more than three (3) garage sale signs may be located off the site.
 - (4) No garage sale sign shall be displayed before one day before the sale or one day following the sale.

CHAPTER 11

Vending and Video Machines

§ 7-11-1	Purpose
§ 7-11-2	Definitions
§ 7-11-3	Permits Required
§ 7-11-4	Fees
§ 7-11-5	Fee Exemption
§ 7-11-6	Penalties

7-11-1 PURPOSE.

The purpose of this ordinance shall be the regulation of vending and video machines to promote the health, safety and welfare of the citizens of Neillsville.

7-11-2 DEFINITIONS.

- (a) **VENDING MACHINE.** Includes any self-service electrical device offered for public use which upon insertion of a coin, token or other means dispenses candy, nuts, gum or toys or any other edible substance or amusement device.

Vending machine as used in this ordinance does not include vending machines regulated under Chapter 50 of the Wisconsin Statutes.

Newspaper vending machines are specifically excluded.

- (b) **VIDEO MACHINE.** Includes electrical video arcade devices or machines, pinball machines, pool tables or other amusement devices whether or not electrically operated by insertion of coin or token or other means offered for public use.

SEC. 7-11-3 PERMITS REQUIRED.

- (a) **Permit Required.** The owner of any vending machine or video machine located in the City of Neillsville must obtain a permit from the City Clerk-treasurer for each such vending or video machine. Permits must be prominently displayed on each machine.
- (b) **Application for Permit.** The owner of any vending machine or video machine located or to be located in the City of Neillsville shall apply in writing to the City Clerk-Treasurer on forms to be provided by the Clerk-Treasurer for the necessary permit or permits.
- (c) **Issuance and Term of Permit.** Permits for vending or video machines located in the City of Neillsville shall be issued by the Clerk-Treasurer. Each permit shall be issued on the 1st day of January of each year or thereafter when applied for and shall continue in force until the succeeding December 31st, unless sooner revoked.

SEC. 7-11-4 FEES.

A fee must accompany the application for permits submitted to the City Clerk-Treasurer. The fees shall be \$ 2.00 per vending or video machine.

SEC. 7-11-5 FEE EXEMPTION.

Charitable, non-profit organizations which own vending or video machines shall not be required to pay the application fee, but must comply with the other provisions of this ordinance.

SEC. 7-11-6 PENALTIES.

The owner of any vending machine or video machine who does not have a valid permit may be assessed \$ 25.00 per day per machine for such time as the machine is operated without a valid permit.

Created: Ord. 869, 9/10/86

CHAPTER 12

Tattoo Establishments

§ 7-12-1	Tattoo Establishments
§ 7-12-2	Definitions
§ 7-12-3	Warning to Customers
§ 7-12-4	Health and Sanitary Requirements
§ 7-12-5	Hours of Operation
§ 7-12-6	Other Provisions
§ 7-12-7	Penalty

SEC. 7-12-1 TATTOO ESTABLISHMENTS.

(a) LICENSE REQUIRED

- (1) LICENSE REQUIRED. No person shall engage in the business of tattooing in the City of Neillsville without issuance and receipt annually of a municipal license and compliance with any state statute or regulations.
- (2) FEE. The license application fee required shall be One Hundred Dollars (\$100). The fee shall be paid upon application and shall not be refundable unless waived by the Common Council.
- (3) APPLICATION INVESTIGATION. The application for license shall be filed with the City Clerk before December 1st of year for the next license year. The City Clerk shall issue the license only after the Health Officer, after an investigation and inspection of the premises where tattooing is proposed to be practiced, certifies that the sanitary conditions prevailing upon the premises comply with the provisions of this Municipal Code and this ordinance. A temporary license may not be issued nor shall any business be conducted without a new or renewal license.
- (4) DISPLAY. The license issued shall be posted at all times on the licensed premises in a conspicuous location.

SEC. 7-12-2 DEFINITIONS.

- (a) APPROVED. Acceptable to the Health Officer based upon its determination of conformance to good public health practices.
- (b) HEALTH OFFICER. The Health Officer of the City of Neillsville or an authorized agent of the Health Officer.
- (c) STERILIZED. Submission to the steam pressure (autoclave) method with at least 15 lbs. of pressure per square inch at 250°F for at least 30 minutes.
- (d) TATTOOING. Any method of placing or removing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or color by the aid of needles or instruments.

SEC. 7-12-3 WARNING TO CUSTOMERS.

A sign with letters no less than 3" in height shall state "Warning, tattooing has been linked to the transmission of Hepatitis B." The sign shall be conspicuously posted.

SEC. 7-12-4 HEALTH AND SANITARY REQUIREMENTS.

(a) PREMISES.

- (1) All tattooing establishments shall be maintained in a clean and sanitary condition. Antiseptic procedures as established by the City Health Officer shall be followed to insure physical cleanliness and sanitation.
- (2) The Health Officer shall have the right under this section to inspect any tattoo shop licensed under the provisions of this section for the purpose of determining whether or not any of the terms of this section are being violated.
- (3) A hand washing facility supplied with hot and cold water under pressure, soap and single service towels shall be located in the room in which tattoo is administered.

- (4) Approved waste containers with nonabsorbent plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the customer.
 - (5) No person shall be present in the immediate vicinity of the area in which tattoos are administered, unless authorized by the tattoo operator to be there.
- (b) EQUIPMENT.
- (1) GENERAL.
 - a) All tattoo establishments shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit.
 - b) All pigments, dyes and instruments used in the practice of tattooing shall be sterilized before use.
 - c) Needles shall be used on only one customer and then discarded after use.
 - d) Needles may be reused on the same person by rinsing them under running tap water following by rinsing them in 70% isopropyl alcohol or other method approved by the Health Officer.
 - e) All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the instrument. After cleaning, instruments shall be rinsed under fresh running tap water.
 - f) After sterilization, all needles and other instruments not individually wrapped shall be stored in a sterilized and covered glass container or in a stainless steel tray and submerged in an approved sterilizing and disinfecting solution. The Health Officer shall supply all establishments licensed under this section with a list of approved sterilizing and disinfecting solutions.
 - g) Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages or containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.
 - (2) STENCILS.
 - a) Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for 10 minutes in a chlorine disinfectant solution prepared by mixing one tablespoon of household bleach containing 5% chlorine with one pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air dried or blotted dry with a clean, single service towel. Prior to use, each precleaned stencils shall be rinsed in a 70% isopropyl alcohol solution.
 - b) Paper stencils shall only be used once. New paper stencils shall be used for every individual.
 - (3) DYES AND INKS.
 - a) The licensee shall submit in writing to the Health Officer the source of all dyes and inks used in administering tattoos.
 - b) Dyes or inks shall be taken only from squeeze bottle containers in which the dyes or inks have been sterilized.
 - c) Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the sterile dye bottle into sterile disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.
- (c) SKIN PREPARATION
- (1) Aseptic technique must be utilized in the practice of tattooing.
 - a) Each operator is required to scrub his or her hands thoroughly before commencing tattooing on the customer's skin.
 - b) If the customer's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be discarded after each use. Reuseable blade holders shall be sertilized after each use. If disposable blade holders are used, they may be used on one customer only and then must be discarded.

- c) The skin area to be tattooed shall be prepared by thoroughly washing the area with 70% isopropyl alcohol or other method approved by the Health Officer.
 - d) Single use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process.
 - e) Petroleum jelly used for applying stencils shall be dispensed from a single use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.
- (2) After completing work on any person, the tattooed area shall be washed with 70% isopropyl alcohol. A dry, sterile gauze dressing shall be used to cover the tattooed area. Use of medicated ointment on the tattooed area is permitted.
- (d) GENERAL SUPPLIES.
- (1) All tattooing establishments shall have clean, laundered towels, washcloths and disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing.
 - (2) A clean towel and washcloth shall be used for each customer.
 - (3) Clean towels and washcloths shall be stored in a closed, dust-proof container.
 - (4) Soiled towels and washcloths shall be stored in an approved container.
 - (5) All operators shall wear clean, washable garments.
 - (6) The operating table, chair and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned.
- (e) OPERATOR REQUIREMENTS.
- (1) The operator shall be free of communicable diseases that may be transmitted by the practice of tattoo.
 - (2) Operators with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing.
 - (3) The operator shall not use tobacco in any form while administering.
 - (4) The operator shall wash his hands thoroughly with soap and water before any skin preparation or tattooing. The hands shall be dried with individual single service towels.
 - (5) Physical examinations of operators.
 - a) The Health Officer shall have the power to require any tattooer to submit to a practicing physician for a physical examination whenever the tattooer is suspected of having any infectious or contagious disease that may be transmitted by the practice of tattoo. The expenses of the physical examination shall be paid by the tattooer.
 - b) Any tattooer notified to appear for a physical examination as may be required by the preceding subparagraph shall immediately cease working as a tattooer and shall not be allowed to work thereafter as a tattooer until he/she shall have first received a certificate in writing from a practicing physician that he/she is not afflicted with any infectious or contagious condition or disease that may be transmitted by the practice of tattoo.
- (f) CUSTOMERS.
- (1) No person shall tattoo any person under the age of 18 years.
 - (2) Inquiry shall be made and no tattooing shall be performed on any person who is suspected of having jaundice or hepatitis within the preceding six (6) months.
 - (3) Tattooing shall not be performed on any person in an area with an evident skin infection or other skin disease or condition including, but not limited to, rashes, pimples, boils or infections.
 - (4) There shall be a 24-hour waiting period between the signing of the consent to be tattooed and application of the tattoo. The consent form shall include:
 - a) Name and age of customer.
 - b) Date and time consent form is signed.
 - c) Date and time tattoo is applied.
 - d) The statement, "Warning, tattooing has been linked to the transmission of Hepatitis B." The word "Warning" shall be not less than 1/4" in height and remaining statement no less than 1/8" in height.

SEC. 7-12-5 HOURS OF OPERATION.

No tattoo establishment in the City of Neillsville shall be permitted to remain open for any purpose between 11:00 p.m. and 8:00 a.m.

SEC. 7-12-6 OTHER PROVISIONS.

- (a) **RECORD RETENTION.** Records shall be kept of all tattoos administered, including the name of the customer, date, time, identification of tattoo and operator's name. Records shall be kept on the premises of the tattoo shop where tattoos are administered. These records shall be available for inspection by the City Health Officer for a period of six (6) months after the date the tattoo is applied.

SEC. 7-12-7 PENALTY.

Except as otherwise provided, in addition to the revocation, suspension or nonrenewal of any license or permit issued under this Chapter, any person found to have violated any provision of this chapter shall be subject to a forfeiture of not less than Fifty Dollars (\$50) and not more than Five Hundred Dollars (\$500).

Created: Ord. 942, 4/8/97

CHAPTER 13

License Appeals

§ 7-13-1 Licensees Required to Pay Local Taxes, Assessments and Claims

SEC. 7-13-1 LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.

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

Created: Ord. 887, 11/22/88

Amended: Ord. 942, 4/8/97

CHAPTER 14

Bow Hunting Regulations

§ 7-14-1	Bow Hunting On Certain Lands
§ 7-14-2	Bow Hunting Permits
§ 7-14-3	Application For Permits
§ 7-14-4	Hunting Regulations
§ 7-14-5	Penalties

SEC. 7-14-1 BOW HUNTING ON CERTAIN LANDS.

- (a) AUTHORIZATION. Notwithstanding the provisions of Sections 9-2-1(a) and 9-2-3, Neillsville Ordinances, bow hunting for deer shall be permitted within the city limits for the City of Neillsville on those parcels, and only those parcels, of real estate designated by the Neillsville Police Department and depicted on the official map held by the Department, pursuant to the restrictions set forth herein. No deer hunting shall be allowed on a parcel of real estate within the City limits which contains less than three (3) acres.
- (b) EFFECTIVENESS. The hunting of deer within the City of Neillsville shall be reviewed on an annual basis to determine its effectiveness and necessity thereof. The Neillsville Police Department shall have the authority to deny any and all permit applications during any year that hunting is not deemed necessary.

SEC. 7-14-2 BOW HUNTING PERMITS.

- (a) No person shall shoot a bow and arrow within the City without having first obtained a permit therefor.
- (b) A permit to shoot a bow and arrow may be issued by the Chief of Police or his/her agent, upon completion of an Application.

SEC. 7-14-3 APPLICATION FOR PERMITS.

- (a) Application for a permit for any bow hunter to hunt within the City of Neillsville, as allowed herein, shall be made in writing, and shall contain the following information:
 - (1) Name of applicant.
 - (2) Address of applicant.
 - (3) The date of birth and age of applicant.
 - (4) Location of permises where hunting will occur.
 - (5) Signature of applicant.
- (b) Each application for a permit shall be accompanied by the original written permission slip signed and dated by the owner of real estate specifying the name of applicant and that applicant is given permission to hunt and shoot on the land. This provison shall not apply to any land owner applying for a bow hunting permit to hunt on their own real estate.

SEC. 7-14-4 HUNTING RESTRICTIONS.

- (a) RESTRICTIONS. Any person bow hunting for a deer within the City of Neillsville with a permit issued herein, shall abide by the following restrictions:
 - (1) No person shall bow hunt for deer at a time other than regular seasons established by the Wisconsin Department of Natural Resources.
 - (2) All hunters shall be required to posses a valid permit from the City of Neillsville and a hunting license issued by the Wisconsin Department of Natural Resources and shall abide by all Wis. Stats. and the Wis. Admin. Code regulations for the use of bow and arrow hunting.

Bow Hunting Regulations

- (3) No person shall shoot upon any lands, except as an owner or an invitee of the owner, and if an invitee, with written permission filed with the Neillsville Police Department as required above.
 - (4) No person between the ages of 12 and 16 shall hunt, unless accompanied by a parent or guardian.
 - (5) No person shall have in his or her possession or control any poisoned arrow, arrow with explosive tips or any bow drawn, held or released by mechanical means, except that a person may possess and control such mechanical bow or a crossbow, provided that such person is concurrently in possession of a valid license or permit as required by the Wisconsin Department of Natural Resources.
 - (6) No person shall allow any other person to use his or her hunting permit.
 - (7) No organized driving of deer shall be allowed within the City of Neillsville.
 - (8) Hunting shall be allowed from the ground.
 - (9) No permanent hunting stands shall be affixed to a parcel of property without first obtaining the land owner's permission.
 - (10) No person shall hunt within 100 feet of the border of a designated hunting area, unless said border directly abuts another parcel designated for hunting.
 - (11) No person may shoot within 100 feet of any occupied building.
 - (12) No person shall field dress a deer on the real estate authorized for hunting, unless prior permission is obtained from the real estate owner.
- (b) **TERMINATION OF PRIVILEGES.** The Chief of Police, or his/her designated agent, shall have the authority to terminate or deny hunting privileges to any person upon any authorized property upon violation of any of the restrictions listed herein or if other circumstances deem such termination necessary.

§ 7-14-4-(a)(8) - Amended: Ord. 1007, 4/12/05

SEC. 7-14-5 PENALTIES.

Any person violating one of the sections herein shall be subject to a forfeiture pursuant to the general penalties provided for under Sec. 1-1-7, Neillsville Code of Ordinances.

Created: Ord. 1000, 9/9/03