

**CHAPTER 9**

**LICENSES AND PERMITS**

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**9.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

- (1) State Statutes Adopted. The provisions of Chapter 125, Wis. Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
- (2) License, Permits, Authorization Required.
  - (a) When Required. No person except as provided by State Statutes 125.06, Wisconsin Statutes, shall within the City of Algoma, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Chapter 125, Wis. Statutes, requires a license, permits or other authorization as provided in this Chapter. See Sub Section 125.04(1), Wis. Statutes.
  - (b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises, which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Sub. Section 125.04(9), Wis. Statutes.
- (3) Classes of License and Fees. The following classes and denominations of licenses may be issued by the City Clerk under the authority of the City after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Sub. Section 125.17, 125.25, 125.26, 125.28 and 125.51 Wis. Statutes. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.
  - (a) Class "A" Fermented Malt Beverage Retailer's License. \$25.00 per year. See Sub Section 125.25, Wis. Statutes.
  - (b) Class "B" Fermented Malt Beverage Retailer's License. \$100.00 per year. See Sub Section 125.26, Wis. Statutes.
    1. Six Month. A license may be issued at any time in any calendar year, for which  $\frac{3}{4}$  of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
    2. Picnic. \$5.00 per day. \$10.00 per event.
  - (c) Wholesaler's Fermented Malt Beverage License. \$25.00 per year, or fraction thereof. See Sub Section 125.28, Wis. Statutes.
  - (d) Retail "Class A" Liquor License. \$50.00 per year. See Sub Section 125.51(2) Wis. Statutes.

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(e) Retail "Class B" Liquor License. \$100.00 per year. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See Sub Section 125.51(3), Wis. Statutes.

1. A license may be issued after July 1, in any license year. The license shall expire on the following June 30.

(f) Operator's. \$10.00 per year or \$17.00 per 2 years.

1. See State Statutes 125.17-125.32(2)-125.68(2).

2. Written application must be submitted on form provided by the City Clerk.

3. Operator License shall be valid for a period of one (1) year to two (2) years and shall expire on June 30<sup>th</sup> for the term issued.

### (4) License Applications.

(a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators, licenses and filed with the City Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. Applications shall be signed and sworn to be the applicant as provided by Sub Section 887.01, Wis. Statutes.

(c) Duplicate. Upon approval, the City Clerk shall forward a duplicate copy of each application to the State Department of Revenue.

### (5) License Restrictions.

(a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Sub Section 125.04 and 125.33, Wis. Statutes.

(b) Location.

1. No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or 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. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this subsection does not apply to any of the following.

A. Premises covered by a license or permit on June 30, 1947.

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- B. Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.
  - C. A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of their gross receipts.
- (c) Violators of Liquor or Beer Laws or Ordinance. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year proper to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- (d) Health and Sanitation Requirements. No retail Class "B" or "Class B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the City.
- (e) License Quota. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Sub Section 125.51(4), Wis. Statutes.
- (f) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.
- (g) Age Requirement. No license hereunder shall be granted to any person under 18 years of age.
- (h) Effect of Revocation of License. Whenever any license has been revoked, at least 6 months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 months shall elapse before another license shall be granted to the person whose license was revoked.
- (i) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.
- (6) FORM AND EXPIRATION OF LICENSES. 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 and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The City Clerk shall affix his or her affidavit as required by Sub Section 125.04, Wis. Statutes.
- (7) TRANSFER OF LICENSE.

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- (a) As to Person. No license shall be transferable as to licensee except as provided by Sub Section 125.04(12)(b), Wis. Statutes
  - (b) As to Place. Licenses issued pursuant to the section may be transferred as provided in Sub. Section 125.04(12)(a), Wis. Statutes. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be made in the same manner and form as the original application.
- (8) POSTING AND CARE OF LICENSES. Every license or permit required under this section shall be framed and posted at all times displayed as provided in Sub Section 125.04(10), Wis. Statutes. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.
- (9) REGULATION OF LICENSED PREMISES AND LICENSEES.
- (a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.
  - (b) Employment of Minors. No licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any alcohol beverage.
  - (c) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
  - (d) Safety and Sanitation Requirements. Each licensed premise shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- (10) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:
- (a) If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.
  - (b) If a retail Class "A" license, between 12 midnight and 6 a.m.
  - (c) If a retail "Class A" license, between 9 p.m. and 6 a.m.
  - (d) If a retail Class "B" or "Class B" license, between 2 a.m. and 6 a.m., except on January 1 premises operating under a "Class B" license are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m. No package, container or bottle sales may be made after 12 midnight.
  - (e) Hotel and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the

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conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

- (11) REVOCATION AND SUSPENSION OF LICENSES.
- (a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Sub Section 125.12, Wis. Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.
  - (b) Automatic Revocation. Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for violation of Chapter 125 or 139, or any other State or Federal liquor or fermented malt beverage laws.
  - (c) Effect of Revocation. See Sub (5) (h) of this section.
- (12) NONRENEWAL OF LICENSES. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the City Council.
- (13) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.
- (14) LICENSE RESTRICTIONS. Delinquent Taxes, Assessments, etc.
- (a) Premises. No initial or renewal alcohol beverage license shall be granted for:
    - (1) Any premises for which taxes, assessments or other claims to the City are delinquent and unpaid.
    - (2) Any licensed premises considered "abandoned". For the purpose of this section "abandoned" shall mean"
      - (A) Failure to be continuously engaged in said business or provide evidence of continued progress toward opening said business to the Protection of Persons and Property Committee as directed by said Committee.
      - (B) The closure of the licensed premises for a period of at least six (6) months unless otherwise extended by the Common Council.
      - (C) Failure to conduct such business as described in the license for a minimum of one hundred fifty (150) days during the term of such license. If such license is issued for a term of less than one hundred eighty (180) days, this subsection shall not apply.

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- (b) Persons. No initial or renewal alcohol license shall be granted to any person:
1. Delinquent in payment of any taxes, assessments or other claims owed to the City.
  2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the City.
  3. Delinquent in payment to the State of any taxes owed.
- (15) Whoever shall commit any of the following offenses may be cited with a municipal forfeiture violation and fined in accordance with the enforcement ordinance of the Algoma City Ordinances, Section 20.04.
- (a) No person shall consume any intoxicating liquor, wine or fermented malt beverage while in or upon public streets, alleys, sidewalks, parking lots, bridges or other public ways. This ordinance shall not apply to City park areas.
  - (b) All purchases of wine, alcoholic or fermented malt beverages by the glass, can, or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets, parking lots, sidewalks, bridges or public ways within the City.
  - (c) No person shall be in possession of any glass, can or open container containing intoxicating liquor, wine or fermented malt beverages on any thoroughfare, public street, alley, sidewalk, parking lot, bridge or any other public way within the City.
  - (d) No licensee of premises licensed for the consumption on such premises of intoxicating liquor, wine or fermented malt beverages, his employees or agents, shall permit any person to remove from such premises, in an open container, glass or can, any intoxicating liquor, wine, or fermented malt beverages which was purchased on such premises.
  - (e) No person shall have in his or her possession an open container, glass, bottle, can or cup or any similar drinking vessel containing intoxicating liquor, wine or fermented malt beverage while within or on a motor vehicle, including motor cycles, while parked on a public street or thoroughfare, alley, sidewalk, parking lot, bridge, or other public way in the City of Algoma.
  - (f) This section shall not apply in areas and during hours for which a special permit has been issued allowing the consumption of alcoholic beverages, wine, or malt beverages on such public street or thoroughfare, alley, sidewalk, parking lot, bridge or public way.

### **9.02 PEDDLERS, SOLICITORS, CANVASSERS AND TRANSIENT MERCHANTS.**

- (1) REGISTRATION REQUIRED. No direct seller shall engage in direct sales within the City without being registered for that purpose in compliance with the provisions of this section.

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### (2) DEFINITIONS.

- (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 the same and includes but is not 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 section to such merchant has continuously operated an established place of business in the City, or, has continuously resided in the City and now does business from his/her residence.
- (c) "Goods" shall include personal property of any kind, and 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" shall mean the City Clerk.

### (3) EXEMPTIONS. The following shall be exempt from all provisions of this section:

- (a) Person delivering newspapers, fuel, dairy products or bakery goods to regular customers of established routes;
- (b) Persons selling goods at wholesale to dealers;
- (c) Persons selling agricultural products which he 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) Persons who have 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, such person;
- (f) Any person who has had, or one who represents a company which has had or offering for sale of goods;
- (g) Persons selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (h) Persons holding a sale required by statute or by order of any court, and any person conducting a bona fide auction sale pursuant to law;

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- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided there is submitted to the Clerk proof that such organization is registered under Section 440.41, Wis. Statutes. Any charitable organization not so registered, or which is exempt from that statute's registration requirements shall be required to register under this section.
- (j) Any person who claims to be a permanent merchant, but against who complaint has been made to the Clerk that such person is a transient merchant; provided the Clerk has proof that he has leased for at least one year or purchased the premises from which he is conducting business, or proof that such person has conducted business in the City for at least one year prior to the date the complaint was made.

### (4) REGISTRATION.

- (a) Applicants for registration must complete a registration form furnished by the Clerk 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 and 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 business;
  - 8. Last cities, villages and towns, not to exceed three, where the applicant conducted a similar business;
  - 9. Place where applicant can be contacted for at least 7 days after leaving the City;
  - 10. Record of any crime or ordinance violation related to the business within the last 5 years; the nature of the offense and the place of the conviction.
- (b) Applicants shall present to the Clerk:
  - 1. A driver's license or other proof of identity;
  - 2. A State certificate of examination and approval from the sealer of weights and measures where the applicant's business required use of weighing and measuring devices approved by State authorities;
  - 3. A State Health Officer's certificate if the applicant's business involves the handling of food or clothing and is required to be certified under State Law; such certificate shall state that the applicant is free from any contagious or infectious disease dated not more than 90 days prior to the date the application is made.

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- (c) When the registration is returned, a fee of \$100.00 shall be paid to the Clerk to cover the cost of processing. The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against him due to any sale or service performed by him in connection with his direct sales activities in the event he cannot after reasonable effort be served personally. Upon payment of such fee and the signing of such statement the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for one year from the date of entry, subject to subsequent refusal as provided in (5) (b). This permit does not give the seller the right to sell on public property. Anyone desiring to sell on public property must have Council approval.

### (5) INVESTIGATION.

- (a) Upon receipt of an application, the Clerk shall refer it immediately to the Chief of Police who shall make and complete an investigation of the application.
- (b) The Clerk shall refuse to register the applicant if it is determined pursuant to the above investigation that:
  - 1. The application contains omissions or inaccurate statements;
  - 2. Complaints have been received against the applicant by authorities in the previous Cities, Village and Towns in which the applicant conducted similar business;
  - 3. The applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years related to the applicant's fitness to engage in direct selling;
  - 4. The applicant fails to comply with any applicable provision of (4)(b).

- (6) APPEAL. Any person denied registration might appeal through the appeal procedure provided by ordinance or resolution of the Council, or if none has been adopted, under the provision of S. 68.07 through S. 68.16, Wis. Statutes.

### (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

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

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicle, 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 100 foot radius of the source.
5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

### (b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall disclose his name, the name of the company or organization he is affiliated with, if any, and the type of goods or services he offers to sell.
2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the provisions set forth in S. 423.203, Wis. Statutes. The seller shall give the buyer 2 copies of a typed notice of that fact. Such notice shall conform to the requirements of S. 423.203 (a), (b) and (c), and (2) and (3), Wis. Statutes.
3. If the direct seller takes an order for the later delivery of goods, he shall at the time the order is taken provide the buyer with a written statement containing terms of the agreement, any amount paid in advance, the name, address and telephone number of the seller, the delivery or performance data and whether a guarantee or warranty is provided and if so, the terms thereof.

(8) RECORDS. The Police Chief shall report to the Clerk all convictions for violations of this section and the Clerk shall note any such violation on the record of the registrant convicted.

### (9) REVOCATION OF REGISTRATION.

- (a) Registration may be revoked by the Council after notice and hearing if the registrant made any material omission or materially inaccurate statement in his application or made any fraudulent, false, deceptive or misleading statement or representative in the course of engaging in direct sales, violated any provision of this section 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.

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- (b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing, and such notice shall contain the time and place of hearing a statement of the acts upon which the hearing will be based.
- (10) PENALTY. Any person convicted of violating any provision of this section shall forfeit not less than \$10.00 nor more than \$100.00 for each violation plus costs of prosecution. Each violation shall constitute a separate offense.

### 9.03 PUBLIC AMUSEMENTS.

- (1) LICENSE REQUIRED. No person shall conduct for gain any circus, carnival, exhibition, show, concert, theater, opera house, moving picture show, bowling alley, billiard table, pool table, or billiard hall, without a license therefore, issued by the City Clerk.
- (2) LICENSE FEES. License fees shall be as follows:
  - (a) For each pool table or billiard table - \$5.00 annually.
  - (b) For each alley operated in a bowling alley - \$5.00 annually
  - (c) For each theater, opera house or moving picture shows - \$25.00 annually.
  - (d) For each circus, carnival, exhibition or show - \$10.00 for each day of operation.
  - (e) All annual licenses shall expire on June 30 of each year and all daily licenses shall expire at 12:00 p.m. of the day for which it was issued.
- (3) REVOCATION OF LICENSE. In addition to any penalty imposed for violation of this section, the Mayor or Council may after public hearing revoke such license for violation of any ordinance pertaining to the conduct pursuant to S. 24.01 of this code.

### 9.04 AUTOMATIC AMUSEMENT DEVICE.

- (1) DEFINITIONS. The term "mechanical amusement device" shall mean any machine which, upon the insertion of a coin, trade-token, or slug, operates or may be operated as game or contest of skill or amusement, and which contains no automatic payoff device for return of money to the player, or any machine, apparatus or contrivance which is used or which may be used as a game of skill and amusement where the player initiates, employs or directs any force generated by the machine, or any machine vending recorded music or a period of radio or television entertainment in return for the insertion or deposit therein or a coin, or of trade-tokens or slugs. This section does not include coin-operated radios or television sets in private quarters.
- (2) LICENSE FEE. No person shall install, operate or maintain any such mechanical amusement device, without having first obtained a license therefore. Applications

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shall be made to the City Clerk. The fee for such license shall be \$5.00 per year or any portion of a year. All annual licenses shall expire June 30, of each year.

- (3) **ISSUANCE.** No license shall be issued except to a person approved by the City Council. Upon approval of the applicant and payment of the license fee, the City Clerk shall issue a certificate bearing a notation; City of Algoma License for the Calendar Year of \_\_\_\_\_. One such license shall be issued for each device licensed and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another.
- (4) **DEVICES TO BE KEPT IN PLAIN VIEW: GAMBLING DEVICES PROHIBITED.** All such devices shall at all times be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used. This section shall not permit or license a gambling device.
- (5) **INSPECTION.** The Chief of Police shall inspect or cause to be inspected any place or building in which any such device or devices are operated or set up for operation and shall make such inspection at least twice annually.
- (6) **REVOCAION.** In addition to any penalty imposed for violation of this section the Mayor or Common Council after public hearing may revoke such license for violation of this section or of any ordinance pertaining to the conduct of such business. The hearing required hereunder shall be conducted pursuant to Sec. 24.01 of this Code.

### 9.05 TAXICABS AND TAXICAB DRIVERS.

- (1) **DEFINITION OF TAXICAB.** "Taxicab" shall include all vehicles transporting passengers for remuneration for which patronage is solicited publicly. This section shall not apply to:
  - (a) The Public Service Commission of Wisconsin regulates vehicle operating on established routes which.
  - (b) Vehicles rented to be driven by the renter or his agent, commonly known as rent-a-cars.
  - (c) Vehicles operated solely as funeral cars or ambulances.
- (2) **TAXICAB LICENSE.** No person shall, for remuneration, transport passengers in a taxicab within the City without first having obtained a taxicab license.
- (3) **APPLICATION FOR TAXICAB LICENSE.**
  - (a) Application for a taxicab license to operate one or more taxicabs or an application to operate additional taxicabs under an existing license shall be made in writing to the City Clerk upon forms furnished by the City giving the address from which the business is conducted and signed by the owner of the business or his duly authorized agent. The application must also state for each vehicle to be operated, the make, model, and year of manufacture, the engine number, serial number, and capacity for passengers, and the Wisconsin state certificate of title number and license number.

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- (b) The application shall be submitted by the City Clerk to the Common Council, which shall set a date for a public hearing before the Common Council to examine the public convenience and necessity of granting such license. The City Clerk shall notify the applicant of the time and place set for the hearing.
  - (c) No license shall be granted until the Common Council shall, by resolution, determine that the public convenience and necessity will be served by the service proposed in the application for license. The Common Council may hold such further hearings and procure such additional information, as it may deem necessary or advisable in making such determination.
- (4) LICENSE FEES. The taxicab license shall be \$5.00 per year of any fractional part thereof, for the first vehicle operated and \$1.00 per year of any fractional part thereof, for each additional vehicle operated by the same licensee. The license year shall commence July 1 and end June 30.
- (5) INSURANCE.
- (a) No taxicab license shall be issued until the applicant deposits, with the City Clerk, a policy of liability insurance covering all vehicles to be included under the license. Such policy shall describe each vehicle by make, model and serial number, number of passengers capable of being accommodated therein at one time, and the number of the state motor vehicle license. Such insurance policy shall be issued by a company licensed to do business in the State of Wisconsin, and shall insure the licensee against loss from liability to the amount of \$25,000 for the injury or death of one person in any one accident; and in the amount of \$50,000 for the injury or death of more than one person in any one accident; and in the amount of \$10,000 for damage to property of others for any one accident due to the negligent operation of such vehicle.
  - (b) The policy of insurance shall be approved by the City Attorney as to legal form before it is filed, and shall contain a provision that the same may not be cancelled before the expiration of its term, except upon 10 days written notice to the City.
  - (c) The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically revoke and terminate all licenses issued for the vehicles covered by such insurance policy, unless another policy shall have been filed and approved pursuant to this section, and shall be in effect at the time of such cancellation or termination.
- (6) ISSUING OF TAXICAB LICENSE AND LICENSE PLATES.
- (a) After passage of the resolution of convenience and necessity as provided in sub. (3), and upon filing with the City Clerk a receipt of the city Treasurer showing payment of the required license fees, and the policy of insurance as herein provided, the City Clerk shall issue to the applicant a taxicab license. Each license granted shall be numbered, and shall show the owner's name and place of business, and the number of vehicles that may be operated thereunder.

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- (b) The City Clerk shall issue to each licensee, a license plate for each vehicle licensed. The license plates shall be of such size, form and material as the City Clerk may deem proper and shall have printed and stamped thereon the words "City of Algoma Taxicab License" to be followed by the appropriate serial number of said license of the period for which issued. No vehicle shall operate as a taxicab unless such plate is securely fastened in a conspicuous place on the front of the vehicle.
  - (c) If a taxicab license plate is lost, the licensee shall secure a duplicate thereof by applying to the city Clerk and paying the sum of \$2.00.
- (7) TRANSFER OF TAXICAB LICENSE. No taxicab license shall be transferable either from the vehicle described in the original application to another vehicle, or from the original licensee to another person, without formal permission from the Common Council.
- (8) RENEWAL. Taxicab licenses may be renewed by the City Clerk upon the payment of the fees and filing of policies of insurance as required for the original license.
- (9) REVOCATION. A taxicab license may be revoked at any time by the Common Council for violation of any provision of this section, or for violation of any provision of Chapter 340 through 349, Wis. Statutes, or of any such statutory provision incorporated in a municipal ordinance. Such revocation may be for all vehicles or any vehicle included under a license. When any taxicab license is revoked it shall be the duty of the City Clerk to immediately notify the licensee to cease immediate operation of the taxicab for which the license has been revoked. If it is proposed to revoke a license hereunder, the licensee shall be given notice of charges and an opportunity to be heard pursuant to Section 24.01 of this code.
- (10) CONDITION OF VEHICLE. The licensee shall keep each taxicab in a clean and sanitary condition, well painted, and equipped and maintained as required by Chapter 347, Wis. Statutes.
- (11) TAXI DRIVER'S LICENSE.
- (a) No person shall operate a taxicab unless he shall possess a taxi driver's license. The fee for such license shall be \$1.00.
  - (b) Each applicant shall submit in writing to the Chief of Police on forms furnished by the Police Department a statement of the applicant's full name, his present suspensions, and revocations thereof, which shall be filed with the original application.
- (12) REVOCATION OF TAXI DRIVER'S LICENSE.
- (a) The Chief of Police shall revoke a taxicab driver's license:
    - 1. If, since the granting of the license, the licensee has:
      - a. Been convicted of a felony;

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- b. Had his state motor vehicle operator's license revoked or suspended; the hearing required hereunder shall be conducted pursuant to Sec. 24.01 of this code.
  - c. Been convicted of driving while under the influence of intoxicating liquor or narcotics;
  - d. During any continuous 6 month period had 3 or more convictions of any moving traffic violation.
2. When for the preservation of the public safety, welfare, morals or good order, the Chief of Police finds the licensee is unfit to drive a taxicab.
- (b) Written notice of such revocation or of refusal to renew shall be given the licensee. Any person whose license shall have been revoked or renewal refused by the Chief of Police may, within 10 days thereof appeal to the Common Council for a hearing thereon; and the Common Council may after the hearing, affirm or reverse the action of the Chief of Police. If no appeal is taken within 10 days, the action of the Chief of Police shall be final.
  - (c) The Chief of Police shall repossess each license that is revoked.
- (13) **TRANSFER OF DRIVERS.** A taxicab driver may not transfer from one taxicab licensee to another licensee until such transfer has been recorded in writing with the Chief of Police.
- (14) **TAXICABS TO BE MARKED.** Every taxicab shall be conspicuously marked on the right and left side with the name of the licensee and the serial number designated in the taxicab license, such letters and numbers not to be less than 1-1/2 inches in height, and of a light color on a dark background or dark color on a light background. A card containing the name of the licensee, taxicab license number, and the rates of fares printed thereon shall be kept in a conspicuous place inside of such vehicle at all times.

### 9.06 DOGS.

- (1) **STATE LAWS ADOPTED.** The provisions of Chapter 174, Wis. Statutes, exclusive of any penalties, are adopted by reference and made a part of this Code, so far as applicable.
- (2) **LICENSE REQUIRED.** Every owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year shall annually, or within 30 days from the date such dog becomes 5 months of age, at the time and in the manner provided by law for the payment of personal property taxes, pay to the Treasurer his dog license tax and obtain a license therefore.
- (3) **LICENSE FEES.** The license fees shall be \$3.00 per year for each neutered male dog and each spayed female dog and \$8.00 per year for each unneutered male and each unspayed female dog. The Treasurer shall collect an additional \$5.00 if the owner fails to obtain a license by April 1 or within 30 days after the dog becomes 5 months of age or within 30 days after acquiring a licensable dog.

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- (4) Repealed
- (5) ANIMAL CONTROL OFFICER TO BE APPOINTED. The Mayor shall appoint and the Council shall confirm the appointment of some person to be known as the Animal Control Officer. He shall hold his office during the pleasure of the Mayor by whom he may be summarily discharged with or without cause.
- (6) DUTIES OF ANIMAL CONTROL OFFICER. The Animal Control Officer shall catch and impound every dog and cat found or known to be running at large within the City. The Animal Control Officer shall have the powers of a special police officer and for the purpose of catching and impounding dogs and cats and other animals. The Animal Control Officer may pursue animals upon the premises of the owner and elsewhere. Each dog and cat caught by the Animal Control Officer shall be forthwith conveyed to the pound and the Animal Control Officer shall notify the owner personally if such owner may be known. If unknown, the Animal Control Officer shall notify the local newspaper and radio stations of found animals by the end of the next working day. If after seven (7) days the owner does not claim such animal, it will be put up for adoption. If after a total of fourteen (14) days the animal is not claimed or adopted, the Animal Control Officer shall dispose of such animal in a proper and humane manner.
- (7) FEE FOR THE ANIMAL CONTROL OFFICER. All fees collected shall belong to the City general fund and the Animal Control Officer shall receive no fees. In place of fees, a monthly salary shall be set by the Council, which shall include services and expenses of the Animal Control Officer. He shall submit monthly to the City Clerk a description of each animal killed, the day it was caught and the day it was killed, and how disposed of.
- (8) DOGS MUST WEAR NUMBER. The owner or keeper of any dog licensed as herein provided shall cause such dog to wear around his neck a collar distinctly marked with the registered number of such dog.
- (9) PROHIBITED ACTS. No person shall wrongfully remove the collar, license number or muzzle from, or shall wrongfully kill, maim, entice or carry away any dog licensed hereunder.
- (10) VICIOUS DOGS PROHIBITED. No person shall knowingly keep or harbor a vicious dog or one that known to have bitten a human being.
- (11) HOWLING DOGS PROHIBITED. No person shall keep or harbor a dog that frequently or habitually barks yelps or howls.
- (12) MAYOR MAY ORDER DOGS CONFINED. Whenever the safety of the public shall require it, the Mayor, by notice published in the official paper of the City, shall order that for a period of 20 days from and after the date of the notice, no dogs shall be permitted to go abroad in any of the streets, lanes, alleys, or public places in the City without being properly muzzled with a secure muzzle or being led by a chain or other secure fastening.

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- (13) CITY TO FURNISH DOG POUND. The City shall provide a dog pound and necessary equipment. The Animal Control Officer shall maintain such pound in a clean and sanitary condition.
- (14) RECLAIMING DOGS IMPOUNDED. When an animal is released from the animal shelter, the person receiving the animal must show written proof that such animal is licensed and has been properly vaccinated.
- (15) RABIES VACCINATION REQUIRED FOR DOGS.
- (a) Requirement of Vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 5 months of age and re-vaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the City after the dog has reached 5 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the city unless the dog has been vaccinated as evidence by a current certificate of rabies vaccination from this City or another city. The owner of a dog shall have the dog re-vaccinated 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 3 years after the previous vaccination.
- (b) Issuance of Certificate of Rabies Vaccination. A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of vaccination, the type of rabies vaccine administered and the manufacture's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. Department of Health, Education or Welfare and the city village or town where the dog is required to be licensed.
- (c) Copies of Certificate. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is re-vaccinated whichever occurs first.
- (d) Rabies Vaccination Tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian. The collecting official under S174.065, Wis. Stats., shall issue a rabies vaccination or other valid evidence of vaccination from a veterinarian in another city. The collecting official may charge a fee for this tag.
- (e) Tag To Be Attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times but this requirement does not apply to a show dog during competition, 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.

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The requirements of this paragraph do not apply to a dog that is not required to be vaccinated under par. (a).

- (f) Cost. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.
- (16) FEE COLLECTION. All animals impounded are subject to impound and/or boarding fees. The bond amounts for a first offense animal at large shall be a \$10.00 capture and impound fee. A fee of \$4.00 will be charged for each additional day the animal remains impounded. Failure to pay the fees will result in an issuance of a citation that shall include court cost and assessments. All fees will be paid at the Police Department and receipts issued for it.
- (17) DOG PARK. The City may maintain an area of land within the City for the purposes of allowing dogs to run and exercise, accompanied by persons responsible, provided that the following conditions are met:
  - 1) CONDITIONS OF USE OF DOG PARK
    - A) Dogs must be under the care, custody and control of a person age 13 or older.
    - B) A person may have no more than two dogs in the park area at any one time.
    - C) All dogs must be under voice control.
    - D) Dogs which are sick, in heat or aggressive are not permitted.
    - E) Persons in charge of the dog shall "promptly remove the litter" by reasonable means.
    - F) Persons in charge of the dog shall carry a leash.
    - G) All dogs present in the designated dog park must be licensed with appropriate tag consistent with section 9.06 (15) of the Algoma Ordinances; and upon inquiry, by a police officer or health control officer, the individual responsible for the dog shall present such evidence.
  - 2) A sign with above conditions, A through G, as stated in Section 1, above, shall be posted at the entrances to the dog park.
  - 3) At any time a police officer, or health control officer, can give verbal direction to citizens in charge of a dog(s) to maintain peace and safety, both within the dog park and its environs.
  - 4) Those violating the provisions of this Ordinance Section may be prosecuted for a civil forfeiture pursuant to the procedures as found in Chapter 22, Enforcement of Ordinances; and be prosecuted for penalties found at Section 9.15.

**9.07 ANIMALS, FOWL AND BEES.** No person shall keep any horses, cows, pigs, rabbits, goats or sheep or any chickens, geese, ducks, doves, or other fowl, or bees, or construct or use shelters therefor within the City without written permit from the Health Officer.

**9.08 DENIAL, REVOCATION, SUSPENSION OR RENEWAL OF LICENSE.** Except for licenses issued pursuant to S9.01, which are governed by S9.01 (4) and (5), no application for a license under this chapter shall be denied nor shall an existing license be revoked, suspended or not renewed without giving the individual notice of the reasons for the denial, revocation, suspension or non-renewal and an opportunity to be heard pursuant to Chapter 24 of this Municipal Code.

**9.09 NUMBER OF DOGS AND CATS.**

- (1) No persons shall own, harbor, or keep in his possession more than 3 dogs and/or cats (with the exception that a litter or a portion of a litter may be kept for a period not exceeding 16 weeks from birth) without first obtaining from the City Clerk a multiple dog/cat kennel keeping license. This license shall be issued on an annual basis by the City Clerk for the fee of \$35.00 upon application. The Common Council and the City Clerk for prospective license shall reserve the right to issue such kennel license in that such are a matter of grace.
- (2) Those owners who have present and pre-existing practices or uses of keeping multiple dogs and cats (above 3 in number) within the city must still apply for a kennel license; but shall not be barred from the issuance of the kennel license in that their use is pre-existing; however, once the license is issued, those pre-existing or “grandfathered” kennel license holders shall be treated equally with other prospective license holders pursuant to the application of Section 4 or this ordinance section.
- (3) Section 174.053 Wis. Statutes is hereby adopted in reference to Kennel License except that the total number of dogs or cats allowed will be 6 dogs or 6 cats.
- (4) All kennel licenses which have been issued by the Common Council through the City Clerk, can be revoked or suspended for cause by an appropriate Council Committee determination. Should the license disagree with suspension or revocation, the license shall have a right for a due process hearing afforded the licensee by the Council or by its appropriate delegation. No members on the appropriate Council Committee who issued the initial suspension or revocation shall participate in the due process hearing. If after the due process hearing the determination is still for suspension or revocation, the claimant licensee shall have rights of appeal as afforded by the Wis. Statutes after there has been a final Council determination.
- (5) Kennel license holders will be expected to adhere to the following minimum standards:
  - (a) Maintain a population no larger than that which can be cared for,
  - (b) Daily care – food, water, exercise
  - (c) Daily cleaning and sanitation
  - (d) Available veterinary service where required.
- (6) Violation of this ordinance is subject to the penalty provision of this chapter found in Section 9.15.

**9.10 ANIMALS IN VEHICLES.** No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal’s health, safety or

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welfare. A Humane Officer or Police Officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare will be endangered if the owner or operator of the vehicle cannot be located. A written notice bearing the name of the Officer removing the animal, a telephone number where the Officer can be contacted and the location where the animal may be claimed by the owner shall be attached to the vehicle. Any person violating this Section shall bear the full cost and expense incurred by the City in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle as well as the penalty provided for in 9.15 of this Code.

**9.11 COLLECTION OF ANIMAL WASTE.** All persons keeping animals in the City are prohibited from allowing their animals to leave their bodily excrements at large in the City. Such persons are required to immediately collect such excrements upon being deposited and to dispose of it in a sanitary manner.

**9.15 PENALTY.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 20.04 of this Code.