

CHAPTER 6

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6.01 **LICENSES REQUIRED.** A license shall be required for the sale of each of the following or the conduct of the business or activity at the indicated license fee. The license fee shall be for one year unless otherwise indicated.

(1) AMBULANCES - \$50 per vehicle for first vehicle licensed by any person and \$25 for each other vehicle.

(2) AUTO SALVAGE STORAGE - \$100.

(3) BAKERIES AND CONFECTIONERIES. As defined in §6.19, Green Bay Municipal Code.

(a) Annual sales less than \$50,000 - \$130.

(b) Annual sales \$50,000 to \$150,000 - \$160.

(c) Annual sales over \$150,000 - \$200.

(4) BILLIARD AND POOL TABLES, GAMEROOMS - \$5 for each table or gameroom.

(5) CANVASSER, SOLICITOR, PEDDLER AND TRANSIENT MERCHANTS, AND DIRECT SELLERS - \$5 investigation fee.

(6) CIGARETTES. See §134.65, Wis. Stats.

(7) CLOSING OUT SALES. See §66.35(6), Wis. Stats.

(8) RESTAURANTS. As defined at §6.18, Green Bay Municipal Code.

(a) Soft drink stands, frozen confections - \$75.

(b) Taverns not serving food - \$50.

(c) Prepackaged food only - \$120.

(d) Temporary restaurants - \$60.

(e) All others - \$225.

(9) FERMENTED MALT BEVERAGES.

(a) Retail Class "A" License - \$175.

(b) Retail Class "B" License - \$100.

(c) Picnic Class "B" License - \$10.

(d) Wholesaler's License - \$25.

(e) Operator's License - \$10.

(10) HOTELS AND MOTELS. As defined at §6.16, Green Bay Municipal Code, and Ch. HSS 195, Wis. Admin. Code:

(a) 30 rooms or less - \$130.

(b) 31 - 99 rooms - \$185.

(c) 100 rooms or more - \$230.

(11) INTOXICATING LIQUOR.

(a) Retail Class "A" License - \$175.

(b) Retail Class "B" License - \$250.

(c) Pharmacist Permit - \$10.

(12) JUNK AND SECOND-HAND DEALERS. (a) For maintaining a building, warehouse, or yard - \$50.

(b) For each vehicle other than hand drawn, in use for junk dealing - \$3.

(c) For each hand drawn vehicle used in junk dealing - \$1.

(13) PARADES - No fee.

(14) PAWN BROKERS - \$50.

(15) (Amd. GO 8-14) – See § 6.01(19m)

(16) RESIDENTIAL BUILDING CONTRACTORS.

(a) Initial - \$25.

(b) Renewal - \$10.

(c) Temporary Permit - \$25 per building.

(17) RETAIL FOOD MARKETS.

(a) No food processing on site as defined at §6.17(3)(c), Green Bay Municipal Code - \$75.

(b) Food processing on site, as defined at §6.17(1), Green Bay Municipal Code.

1. Annual sales less than \$100,000 - \$185.

2. Annual sales \$100,000 to \$250,000 - \$240.

3. Annual sales more than \$250,000 - \$350.

(18) SALES AT CITY STADIUM.

(19) TAXICAB BUSINESS LICENSES. (Amd. GO 8-14)

(a) For an organization which is exempt from federal income tax under IRC § 501(c)(3) - \$0

(b) For a nonprofit corporation under Ch. 181, Wis. Stats. - \$0

(c) For any other person - \$25 for each taxicab with a capacity of seven (7) or fewer passengers, not including the driver

(d) For any other person - \$50 for each taxicab with a capacity of eight (8) to fifteen (15) passengers, not including the driver

(19m) TAXICAB OPERATOR'S LICENSES. (Cr. GO 8-14)

(a) For an operator employed by an organization which is exempt from federal income tax under IRC § 501(c)(3) - \$0

(b) For an operator employed by a nonprofit corporation under Ch. 181, Wis. Stats. - \$0

(c) For any other person - \$50

(20) CIRCUSES AND CARNIVALS - \$25.

(21) Deleted per GO 12-13

(22) Deleted per GO 12-13

(23) Deleted per GO 12-13

(24) Deleted per GO 12-13

(25) ADVISORY INSPECTIONS. As defined at §6.27, Green Bay Municipal Code. - \$75.

(26) PRE-INSPECTIONS. As defined at §6.28, Green Bay Municipal Code - \$60.

6.02 **ISSUANCE AND REVOCATION OF LICENSES.**

(1) **LICENSE REQUIRED.** No person shall engage in any business or activity enumerated in §6.01, Green Bay Municipal Code, without a license or permit therefor as provided by this section. The words "license" and "permit", as used throughout this chapter, shall be interchangeable.

(2) **GRANTING OF LICENSES.** The designated officer may issue the following licenses subject to the standards established by this chapter without prior approval of the Council.

- (a) Auto Salvage Storage - City Clerk upon approval of City Planner.
- (b) Bakeries. City Clerk.
- (c) Billiard and Pool Tables, Gamerooms - City Clerk upon approval by Chief of Police.
- (d) Canvasser, Solicitor, Peddler and Transient Merchant and Direct Sellers - City Clerk upon approval by the Chief of Police.
- (e) Eating and Drinking Establishments - City Clerk.
- (f) Hotel and Motel - City Treasurer.
- (g) Junk and Second-Hand Dealers - City Clerk.
- (h) Parades - Chief of Police.
- (i) Pawn Brokers - City Clerk, upon approval by Chief of Police.
- (j) (Rep. GO 8-14)
- (k) Residential Building Contractors - Building Inspection Superintendent.
- (l) Retail Food Stores - City Clerk.
- (m) Sales at City Stadium - Green Bay Stadium Commission. All other licenses shall be granted by the Council, unless otherwise designated.
- (n) Swimming Pools - (Cr. GO 23-85) City Clerk, upon approval by the Health Commissioner.

(3) **LICENSES - PAYMENT OF TAXES AND OTHER OBLIGATIONS.**

(a) The following are conditions precedent to the issuance by the City Clerk, Health Department, or Inspection Division of any licenses or permit, except alcohol beverage licenses, provided under the Green Bay Municipal Code. Payment of delinquent obligations prior to the issuance of alcohol beverage licenses are governed by §33.08(4), Green Bay Municipal Code.

1. The payment of all personal property taxes and room taxes imposed pursuant to Wisconsin Statutes or the Green Bay Municipal Code and all other claims or judgments due and owing from the applicant to the City of Green Bay at the time the license or permit is issued.

2. The payment of all taxes, claims, or judgments, as described in paragraph 1, relating to the property or business previously licensed if the new license is granted conditionally upon or subsequent to the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or the sale or transfer of the ownership or control of a corporation.

(b) No license or permit shall be issued until all required payments have been made, unless other arrangements are made with the City Treasurer.

(c) A determination made under this section may be appealed by the applicant to the Common Council, which shall provide for due notice and hearing before the Finance Committee. The Common Council shall make findings of fact and issue its conclusion. In the event the Common Council makes a determination that an error was committed, any amount improperly paid by the applicant shall be promptly refunded, together with the current passbook interest rate per annum from the date the amount was paid to the date of refund.

6.025 CITY OF GREEN BAY CITIZEN AND LEGAL IMMIGRANT PROTECTION ACT. (Cr. GO 23-07)

(1) **PURPOSE.** The City of Green Bay expects that those who wish to be licensed to conduct business within the City adhere to all State and Federal laws, including those proscribing employment of unauthorized aliens. In no way does the City intend or condone discriminatory practices or profiling but rather simply adherence to the law.

(2) **DEFINITIONS.**

(a) **Basic Pilot Program.** Employment Eligibility Verification/Basic Pilot Program administered by the United States Citizenship and Immigration Services (USCIS), a partner of the United States Immigration and Customs Enforcement Agency (ICE).

(b) **Contracted Company.** Any company or individual that receives contracts or grants from the City of Green Bay and has employees that performs work within the limits of the City of Green Bay.

(c) **License.** Any license or permit listed in Chapter 6 and any license listed in Chapters 17 and 19, Green Bay Municipal Code.

(d) **Unauthorized Alien.** A person who is an unauthorized alien, as defined by United States Code, Title 8, subsection 1324a(h)(3).

(3) **APPLICABILITY.** This ordinance applies to all licenses enumerated in Chapters 6, 17, and 19, Green Bay Municipal Code, and to all contracted companies. This ordinance applies only to employees of license holders and contracted companies who work within the City of Green Bay. This ordinance does not apply to employees working outside of the City limits.

(4) **ENROLLMENT IN BASIC PILOT PROGRAM STRONGLY ENCOURAGED.** All licensees and contracted businesses are strongly encouraged to enroll in the Basic Pilot Program administered by the USCIS. The program is a tool that can be utilized to screen all employees or potential employees before they perform work within the City of Green Bay.

(5) **UNLAWFUL EMPLOYMENT AND LICENSING OF UNAUTHORIZED ALIENS.** No City license, contract, or grant shall be issued to unauthorized aliens. All licenses, contracts, and grants issued by the City shall be subject to the condition that unauthorized aliens not be employed by the license holder within the City of Green Bay consistent with 8 U.S.C. §1324a.

(a) A violation of the above-condition shall be a basis for revocation of a license or termination of a contract or grant and removal of a contracted company from future consideration by the City of Green Bay.

(b) It shall be a defense that an employer was shown and can produce fraudulent documentation of an employee's legal immigration status. The above defense will also apply if the employee was cleared through the Basic Pilot Program.

(c) This section does not hold license holders or contracted companies responsible for unauthorized aliens who are employed by said license holder or contracted company for work performed entirely outside of the limits of the City of Green Bay.

(6) **REVOCAION AND NON-RENEWAL OF LICENSES, CONTRACTS, AND GRANTS.**

(a) Intent. No license granted shall be revoked or non-renewed and no contract or grant shall be terminated by the Common Council without first affording the license holder or contracted company an opportunity for a public evidentiary hearing.

(b) Hearing Forum. The Protection and Welfare Committee shall conduct any hearing substantially consistent with the process delineated in Chapters 68 or 125, Wis. Stats., respectively, unless otherwise stated.

(c) Federal Determination Required. No license, contract, or grant shall be revoked, non-renewed, denied, or terminated under this ordinance until after a Federal determination of an alien's unlawful status is received.

6.03 ENTERTAINMENT FACILITY LICENSING. (Rep. & Rec. GO 24-01)

(1) **DEFINITIONS.**

(a) Amusement Devices. Any machine, game, table, or device which is designed, intended, or used as a test of skill or entertainment, the use of which is made available for any valuable consideration. The definition of amusement machine is not intended to include a standard size bowling alley, jukebox, or other coin operated music machine or mechanical riding device, pool or billiard table.

(b) Arcade. A premises holding out amusement devices for public use. Arcades shall not include mercantile establishments unless such establishment creates and maintains a separate area designed or intended or reasonably likely to be used primarily by persons under the age of 21 for the use of amusement devices.

(c) Billiard Hall. A commercial premises open to the public upon which any billiard table or pool table is kept, except a premises holding a Class “B” liquor license.

(d) Dance Facility. A premises the principal purpose of which is providing dances, concerts, live music, and/or a dance floor in a non-alcoholic setting. Dances sponsored by an accredited school are not included. A dance facility shall include premises licensed under Ch. 33, Green Bay Municipal Code, during those times when no alcohol is served, consumed, or given away on the licensed premises pursuant to §125.07(3)(a)10., Wis. Stats.

(e) Entertainment Facility. An arcade, billiard hall, dance facility, roller rink, or youth facility.

(f) Roller Rink. A premises open to public use for the purpose of roller skating.

(g) School Night. The night preceding a day on which school is in session in the Green Bay Area Public School District.

(h) Youth Facility. A commercial premises offering recreational or amusement activities to guests, members, patrons, or customers, the majority of whom can reasonably be expected to be under the age of 21.

(2) LICENSE REQUIRED. No person, partnership, corporation, or other organization shall operate an entertainment facility without first obtaining a license. No license or interest in a license may be transferred to any person, partnership, or corporation.

(3) TEMPORARY LICENSE. No person may promote, organize, or otherwise conduct an event the principal purpose of which is providing a dance, concert, live music, and/or a dance floor in a non-alcoholic setting on a premises not licensed under sub. (2) unless such person has first obtained a temporary facility license pursuant to this section. The application for such license shall be as provided in sub. (5)(a). The fee for such license shall be \$25, and the duration of such license shall not exceed 24 hours as specified in the license application.

(4) EXEMPT ORGANIZATIONS. Organizations which own real property exempt from taxation pursuant to §§70.11(1), (2), (3), (4), (10), and (12), Wis. Stats., shall be exempt from sub. (2) and (3).

(5) FACILITY LICENSE

(a) Application to Clerk.. Any person, partnership, or corporation desiring to secure a facility license shall make application to the City Clerk. The application for a license shall be upon a form approved by the City Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, and any other person who is interested directly in the control of the business, shall furnish the following information under oath:

1. Name, address, and age.
2. Whether the applicant holds any interest in any other facility.
3. A building plan of the facility to be licensed.
4. The ages of patrons to be allowed to enter the facility.

5. All convictions or pending charges of felony, misdemeanor or ordinance violations.

6. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation.

7. All convictions or pending charges of felony, misdemeanor or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner or person interested directly in the control of the organization.

(b) Qualifications. To receive a facility license, an applicant must meet the following standards:

1. All persons required to be named under sub. (4)(a) shall be at least 18 years of age.

2. At least one person required to be named under sub. (4)(a), or a registered agent if the applicant is a corporation, shall have continuously resided in the State of Wisconsin for at least 90 days prior to filing the application.

3. No person required to be named under sub. (4)(a) shall have been convicted of a violation of an ordinance or law which substantially relates to the licensed activity.

4. No person required to be named under sub. (4)(a) shall have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of a violation of any ordinance or law which substantially relates to the licensed activity.

(c) License Fee and Duration. The fee for a facility license shall be \$75. If the premises is also licensed under Ch. 33, Green Bay Municipal Code, the license fee shall be \$25. Such license shall terminate on December 31 of the year it is issued, unless sooner revoked.

(6) FACILITY OPERATOR'S LICENSE.

(a) Application to Clerk. Any person desiring to secure a facility operator's license shall make application to the City Clerk. The application for a facility operator's license shall be upon a form approved by the City Clerk and shall include the following information:

1. Name, address, and date of birth.

2. Information regarding whether the applicant has ever been denied a license to operate a youth facility.

3. All convictions or pending charges of felony, misdemeanor or ordinance violations.

(b) Qualifications. To receive a facility operator's license, an applicant must meet the following standards:

1. The applicant shall be at least 18 years of age.

2. The applicant shall have continuously resided in the State of Wisconsin for at least 90 days prior to filing the application.

3. The applicant shall not have been convicted of a violation of an ordinance or law which substantially relates to the licensed activity.

(d) License Fee and Duration. The fee for an operator's license shall be \$10. Such license shall terminate on December 31 of the year it is issued, unless sooner revoked.

(7) PROCEDURE FOR GRANTING LICENSES. (a) Facility License. The Common Council shall grant facility licenses under the procedure detailed below:

1. Investigation. The Green Bay Police Department shall investigate the applicant's qualifications to be licensed.

2. Committee Review. The Protection and Welfare Committee shall consider the application and any recommendation of the Police, Building Inspection, Fire, or Planning Departments of the City and the Brown County Department of Health and make a recommendation to the Common Council as to whether the license shall be granted or denied. In making this determination, the Committee shall consider the location of the proposed facility, the qualifications of the applicant, the condition of building or licensed premises, compliance with any relevant laws, the nature of the intended use of the facility and the likelihood of disturbance to surrounding neighborhoods, and any other reason pertaining particularly to the applicant or the premise to be licensed.

3. Conditional Granting. The Common Council may set additional conditions designed to protect the tranquility of the surrounding neighborhood or the facility patrons. No license shall be issued under this section unless such condition is satisfactorily fulfilled. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

4. Administrative Approval. Prior to the issuance of any license, the Department of Public Works, Inspection Division and Brown County Department of Health shall certify that the premises complies with all applicable laws and regulations on a form to be provided by the City Clerk. No license shall be issued for a premises not in compliance with such laws and regulations. The departments may place conditions upon a license consistent with the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

(b) Operator's License.

1. Police Department Review. Upon the filing of an operator's license application, the City Clerk shall forward the application to the Police Department for review of the applicant's qualifications under sub. (5)(c). If the Police Department determines that any portion of the application is false or that the applicant does not possess the qualifications under sub. (5)(c), the license may be denied by the Police Department.

2. Council Approval. If the Police Department approves the issuance of the license, the Common Council may grant the license without further review.

3. Appeal. Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Welfare Committee. Upon appeal, the Protection and Welfare Committee shall determine if the applicant possesses the qualifications under sub. (5)(c). After making such determination, the Protection and Welfare Committee shall forward its recommendation to the Common Council.

(8) CONDUCT OF BUSINESS.

(a) Ages Allowed. A licensee shall indicate the ages of persons to be allowed entry into the licensed premises on the application form. The licensee shall not allow persons outside the ages indicated on its application to enter or remain in the licensed premises. A licensee may choose from the following options:

1. 18 years of age and older.
2. 16 years of age and older.
3. All ages permitted.

(b) Closing Hours. Licensed premises shall close during the times indicated below based upon the ages of persons allowed on the premises and indicated by the licensee on the application:

1. 18 years of age and older. The licensed premises shall close between the hours of 2:00 A.M. and 8:00 A.M.
2. 16 years of age and older. The licensed premises shall close between the hours of 10:00 P.M. and 8:00 A.M. on school nights and Midnight and 8:00 A.M. at other times.
3. All ages permitted. (Amd. GO 34-01) The licensed premises shall close between the hours of 10:00 P.M. and 8:00 A.M. on school nights and 11:00 P.M. and 8:00 A.M. at other times.

(c) Loitering During School Hours. No premises licensed hereunder shall permit juveniles to loiter thereon during school hours on days when the Green Bay Area Public Schools are in regular session.

(d) Police Entry. The licensee hereby consents to the entry of the Police or other duly authorized representative of the City, at all reasonable times for the purpose of inspection and search, and consents to the removal from said premise of all things and articles therein had in violation of the City ordinances or State laws, and consents to the introduction of such things as evidence in any proceeding that may be brought for such offenses.

(e) Maintaining Order. The licensee shall maintain peace and order in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises. The Police Department may order any disorderly house closed until 8:00 A.M. the following day when, in the reasonable view of the department, the licensee failed to maintain order.

(f) Alcohol Prohibited. No person may possess or consume alcoholic beverages on the licensed premises or in the parking lot, nor may any person procure, sell, dispense or give away alcoholic beverages to any person on the licensed premises during the period of licensed activity.

(g) Licensed Operator. The licensee or an operator licensed pursuant to this ordinance shall be present on the licensed premises at all times that the facility is open to the public.

(h) Re-admission Prohibited. During events on a licensed premises for which a cover charge, entry fee, or other fee is charged as a condition of entering the premises, no person shall be allowed to re-enter the premises without paying such fee each time they enter the premises.

(i) Compliance. The licensee shall ensure the compliance of its premises, patrons, customers, employees, agents, and staff with the provisions of this section.

(j) Extended Operating Hours. (Cr. GO 34-01) The Protection and Welfare Committee, subject to the approval of the Common Council, may grant extended operating hours not to exceed 2:00 A.M. upon finding that the licensee has presented a written plan which will ensure compliance with this subsection. No person under the age of 16 may enter, remain on, or loiter in the licensed premises after the times outlined in subsection (b) 3. No person under the age of 18 may enter, remain on, or loiter in the licensed premises after the times outlined in subsection (b) 2. The licensee shall be responsible for ensuring the compliance of the licensed premises with the conditions. Noncompliance with the plan or any condition placed upon the extended operating hours shall terminate the extension and subject the licensee to the provisions of subsection (b).

(9) SUSPENSION, REVOCATION AND NONRENEWAL OF LICENSES.

(a) Grounds for Action. Licenses under this section may be suspended, revoked, or nonrenewed for any of the following reasons:

1. Any violation of any provision of this section.
2. Any violation of any State statute, ordinance, or regulation occurring at the licensed premise.
3. Violation of any municipal health, building, zoning, fire prevention, plumbing, or electrical codes occurring at the licensed premise.
4. Any other reason which creates in the minds of reasonable people any apprehension or concern that the premises licensed hereunder is not promoting a safe and wholesome environment for youth patrons.

(b) Procedure.

1. Complaint. Upon a complaint filed by any municipal department or any citizen that grounds for suspension, revocation, or nonrenewal exist, the City Clerk shall issue a summons directed to any peace officer commanding the licensee to appear before the Protection and Welfare Committee on a day and at a place named in such summons, not less than three nor more than 10 days from its date, and show cause why the license should not be suspended, revoked, or nonrenewed. Such summons shall be served at least three days before the time in which such person is commanded to appear, and shall be served as provided in Ch. 801, Wis. Stats.

2. Hearing. The hearing shall be conducted before the Protection and Welfare Committee. The complainant and licensee may be represented by counsel and present and cross-examine witnesses. A transcript of the hearing may be prepared at the licensee's expense.

3. Recommendations. At the conclusion of the evidentiary hearing, the Protection and Welfare Committee, following deliberation in open or executive session, shall recommend to the Common Council that the license be suspended for not less than 10 days nor more than 90 days or revoked, if it finds the complaint to be true.

4. Council Action. The Common Council shall consider and take action on the recommendation of the Protection and Welfare Committee within 45 days after the Committee adjourns the hearing. The Common Council may adopt, reject, modify, or remand the recommendation of the Committee for further deliberations.

5. Appeal. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(10) PENALTIES.

(a) Definitions.

1. Licensee. The person to whom the license has been issued or such person's agents, employees, or assigns.

2. Violation. Any violation of this chapter.

(b) Forfeiture. Any person violating a provision of this chapter where no penalty is specified shall be subject to a forfeiture of not less than \$1 nor more than \$1,000 for each offense.

(c) License Suspension. A court shall revoke any license or permit issued under this chapter for not less than 10 nor more than 30 days if the court finds that the licensee committed a violation within 24 months after committing one previous violation.

(d) License Revocation. A court shall revoke any license or permit issued under this chapter if the court finds that the licensee committed a violation within 24 months after committing two previous violations.

(e) Counting. For purposes of counting previous violations under (c) and (d) above, multiple violations arising out of the same incident and on the same date shall be considered a single violation.

(11) CH. 68, WIS. STATS., NOT TO APPLY. Ch. 68, Wis. Stats., shall not apply to the administrative process outlined above.

SUBCHAPTER II
REGULATION OF SOLICITING AND SALES
(Cr. GO 28-03)

6.201 **DEFINITIONS**.

(1) CHARITABLE ORGANIZATION. Any benevolent, philanthropic, patriotic, or eleemosynary partnership, association, or corporation, or one purporting to be such which has maintained a permanent office in Brown County for at least the six months immediately preceding the date of application.

(2) **DIRECT SALES.** Selling goods at any location other than a permanent place of business. The sale of goods includes donations required for the retention of goods by a donor or prospective customer. A direct seller shall also include any person selling or displaying any goods from a stand.

(3) **SOLICITOR AND SOLICITATION.** Any person who goes from house-to-house, place-to-place, or street-to-street selling or taking orders for goods or offering to sell or take orders for goods. Any person who goes from house-to-house, place-to-place, street-to-street, or in a public place solicits monetary donations.

(4) **GOODS.** Personal property of any kind and personal services offered or sold independently of, in conjunction with, or incidental to any personal property offered or sold.

(5) **MOTOR VEHICLE.** As defined in Sec. 340.01(35), Wis. Stats.

(6) **OTHER PROPERTY.** Private property and public property which is not a public right-of-way.

(7) **PERMANENT MERCHANT.** (Amd. GO 20-10) A merchant who has maintained a permanent retail location in Brown County and maintained consistent business hours open to the public at least one hour per week for at least the six months preceding the date of application.

(8) **SIDEWALK.** All areas of public right-of-way not intended for use by motor vehicles

(9) **SPECIAL EVENT.** (Rep. & Rec. GO 14-06) An athletic event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, show or other similar display which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the normal use of parks or other public grounds. Boundaries for the special event shall be set forth in the application and permit for said event.

(10) **STAND.** A stand, tent, cart, pushcart, or non-permanent structure from which direct sales are conducted. A person shall also be deemed to have a stand, although there is no structure associated therewith, whenever a person remains in any one location for more than fifteen minutes.

(11) **STREET.** Those portions of public right-of-way intended for use primarily by motor vehicles.

6.202 **DIRECT SALES PERMIT REQUIRED.** No person shall engage in direct sales activity without the appropriate permit for the stand, vehicle, or location from which direct sales activity is conducted. A permittee shall be responsible for the acts and omissions of any employee, agent, or independent contractor while engaged in direct sales activity.

6.203 **SOLICITOR'S PERMIT REQUIRED.** No person shall engage in solicitation without a permit.

6.204 **PERMIT EXEMPTIONS.** The following activities shall be exempted from the permit requirement of this subchapter:

(1) The delivery of goods to regular customers on established routes. This exemption shall not apply to direct sales on a sidewalk.

(2) The sale of goods at wholesale to dealers in such goods.

(3) A home visit specifically requested by the buyer.

(4) A sale required by statute or order of any court

(5) A bona fide auction sale pursuant to law.

(6) Direct sales and solicitation conducted by a charitable organization or an agent thereof. This exemption shall not apply to direct sales on a sidewalk.

(7) Direct sales conducted by a permanent merchant or an agent thereof. This exception shall not apply to direct sales on a sidewalk.

(8) Direct sales conducted at a Special Event.

6.205 **APPLICATION.**

(1) FORM. A person desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk under oath.

(2) IDENTIFICATION. The applicant shall present to the City Clerk a valid form of government issued identification bearing the applicant's photograph.

(3) OTHER PERMITS. Where applicable, the applicant shall present the City Clerk with the following:

(a) A valid retail food permit issued by the Brown County Health Department.

(b) A seller's permit as required by Sec. 77.52, Wis. Stats.

6.206 **PERMIT FEES AND DURATION.**

(1) TEMPORARY. A temporary permit shall be valid for a period of 30 consecutive days from its issuance, unless sooner revoked. The fee for a temporary Direct Sales Permit shall be \$100, and the fee for a temporary Solicitor's Permit shall be \$25.

(2) ANNUAL. An annual permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee for a Direct Sales Permit shall be \$350, and the fee for a Solicitor's Permit shall be \$100

(3) LOCATIONS. Permits for direct sales on sidewalks and other property shall be valid for up to three locations per permit, as indicated on the application. A permittee may request additional locations for a fee of \$50 per additional location. A permittee may request a change in location by filing the appropriate request with the City Clerk and paying a fee of \$10 per location to be changed.

6.207 **PROCEDURE FOR GRANTING LICENSES.**

(1) **POLICE DEPARTMENT REVIEW.** The Police Department shall review completed applications. If the Police Department determines that any portion of the application is false or that the applicant has been convicted of a violation of an ordinance or law which substantially relates to the activity described in the application, the application may be denied by the Police Department.

(2) **CLERK APPROVAL.** If the Police Department approves the issuance of the permit, the City Clerk may grant the permit without further review, except as provided in Section 6.208(7)(h), Green Bay Municipal Code.

(3) **APPEAL.** Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Welfare Committee, subject to final disposition by the Common Council. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(4) **EFFECT OF DENIAL OF APPLICATION OR APPEAL.** An applicant whose permit has been denied by the Police Department or whose appeal has been denied by the Common Council may not apply for a permit for a period of one year from the date of the original application.

6.208 **DIRECT SALES REGULATIONS.** (Rep. & Rec. GO 30-06) All direct sales, whether conducted pursuant to a permit issued by the City or exempted from the permit requirements pursuant to Section 6.204, Green Bay Municipal Code, shall comply with the following regulations:

(1) **LITTER.** No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business, whether generated by the direct seller's business or the public at large. At least one clean, plastic-lined trash container clearly marked for litter shall be kept and maintained in the area by the direct seller.

(2) **NOISE.** 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 of a 75 foot radius from the source.

(3) **SPECIAL EVENTS.** No person shall engage in direct sales at a special event without permission of the organization sponsoring the event.

(4) **DISPLAY OF PERMITS.** A direct seller shall prominently display the permit issued under this subchapter, as well as any other permits required for the operation, in an area visible to all customers.

(5) **DISTANCE LIMITATIONS.** No direct sales shall occur within the following distance limitations:

(a) **Crosswalks and Intersections.** 15 feet of a crosswalk, intersection, or alley entrance.

(b) **Fire Hydrants.** 10 feet of a fire hydrant, as measured along the curb face.

(c) **Railroad Crossing.** 50 feet of the near edge of a railroad grade crossing.

(d) Ramps. In any location where access to a disabled curb ramp or bus loading zone would be hindered.

(e) Similar Products. No direct sales may occur within 150 feet of a permanent merchant retailing similar or competing products, unless the permittee obtains written consent from such merchant. The permittee shall possess such consent at the location where direct sales are occurring at all times while engaged in direct sales activity.

(f) Other Direct Sellers. No direct sales may occur within 25 feet of another direct seller.

(g) Alcohol Establishments. No direct sales may occur within 50 feet of any portion of a premises licensed to sell alcoholic beverages for on premises consumption between 10:00 P.M. and 6:00 A.M.

(6) DIRECT SALES ON SIDEWALKS. No direct sales shall occur on a sidewalk unless all of the following requirements are satisfied:

(a) Specific Location Required. A direct seller must obtain a separate permit for each specific sidewalk location from which direct sales will occur. Transient direct sales on sidewalks are prohibited.

(b) Allocation of Locations. Only one permit may be granted for a specific location. If more than one application is received for the same location, the first eligible applicant will be granted the permit to operate from such location. However, if more than one application is received for an annual permit for the same location by December 1 of the year proceeding the permit year, the Clerk will randomly select one applicant from those eligible to receive a permit for such location.

(c) Removal. A direct seller shall remove the stand and all associated items from the sidewalk immediately upon ceasing direct sales activity and at all times when direct sales are prohibited.

(d) Sidewalk Width. No direct sales shall be conducted unless a minimum width of 6 feet of unobstructed pedestrian space remains on the sidewalk.

(e) Use of Amenities. No permittee shall use any of the amenities, including, but not limited to, benches, flower planters, trees, shelters, kiosks, and light poles, for the display of merchandise or attachment of any equipment or advertising materials.

(f) Permission from Adjacent Property. A permittee shall obtain permission from the owner or lessee of the property adjacent to the sidewalk where direct sales are to be conducted. Proof of such permission shall be filed with the City Clerk at the time of application for a permit. The permittee shall possess such proof at the location where direct sales are occurring at all times while engaged in direct sales activity

(g) Insurance. A permittee must file a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager prior to the issuance of a permit. Should the certificate lapse or otherwise fail to be in force, the permit shall be considered invalid.

(h) Council Approval. Applications for a Direct Sales permit for a sidewalk or a change in authorized locations shall be reviewed and approved by the Common Council, with a preliminary review and recommendation to be conducted by the Protection and Welfare Committee. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(7) **DIRECT SALES ON STREETS.** No person may engage in direct sales on a street unless conducted from a motor vehicle under the following limitations:

(a) **Warning Lights.** The vehicle from which sales are conducted shall display the warning lamps described in Sec. 347.26(6)(a), Wis. Stats.

(b) **Obstruction of Traffic.** The vehicle shall remain stationary only as long as necessary to complete a sales transaction and in no case shall remain stationary longer than 10 minutes, be positioned when stationary in a manner which does not obstruct a normal traffic lane, and be operated in a manner which does not obstruct the normal flow of traffic.

(c) **Insurance.** A permittee must file a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager prior to the issuance of a permit. Should the certificate lapse or otherwise fail to be in force, the permit shall be considered invalid.

(8) **DIRECT SALES ON OTHER PROPERTY.** No direct sales shall be conducted in, on, or above other property without first obtaining permission from the owner or person in control of such property. The permittee shall possess such proof at the location where direct sales are occurring at all times while engaged in direct sales activity.

6.209 SOLICITATION REGULATIONS. All solicitation, whether conducted pursuant to a permit issued by the City or exempted from the permit requirements pursuant to section 6.204, Green Bay Municipal Code, shall comply with the following regulations:

(1) **DISCLOSURE.** After the initial greeting and before any other statement is made to a prospective customer, a solicitor shall identify himself/herself, disclose the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services offered for sale.

(2) **IDENTIFICATION.** A solicitor shall display on their person the permit issued by the City, if applicable, and possess on their person a valid form of government issued identification bearing the permittee's photograph at all times while engaged in solicitation.

(3) **SOLICITING CONTRARY TO SIGN.** A solicitor shall not call at a place where a sign is displayed bearing the words "No Soliciting," "No Peddlers," or words of similar meaning.

(4) **STATE LAW COMPLIANCE.** A solicitor shall comply with the applicable provisions of Ch. 423, Wis. Stats.

(5) **STREETS.** (Amd. GO 15-12) Solicitation shall not occur in streets, unless such solicitation is conducted by an organization recognized by the Internal Revenue Service as a 501(c)(3) organization that has obtained a Special Event Permit pursuant to § 6.15, Green Bay Municipal Code. An organization authorized to conduct street solicitation shall not engage in such solicitation more than once per calendar year. The duration of the solicitation shall not last for more than three consecutive days and shall take place during day light hours. An organization conducting such solicitation shall execute a hold harmless agreement with the City of Green Bay prior to issuance of the Special Events Permit.

(6) **TIME LIMITATIONS.** No solicitation shall occur between 9:00 P.M. and 9:00 A.M., except by appointment.

6.210 **SUSPENSION, REVOCATION AND NONRENEWAL OF PERMITS.** A permit may be suspended, revoked, or nonrenewed for a violation of any provision of this section or a violation of a statute, ordinance, or regulation substantially related to the permitted activity. A hearing for the suspension, revocation, or nonrenewal of a permit shall be conducted before the Protection and Welfare Committee. At the conclusion of the hearing, the Protection and Welfare Committee shall recommend to the Common Council that the license be suspended for not less than 10 days nor more than 90 days or revoked if it finds that the permittee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Welfare Committee within 45 days after the Committee adjourns the hearing. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

6.211 **PENALTIES.**

(1) **FORFEITURE.** Any person violating a provision of this chapter shall be subject to a forfeiture of not less than \$1 nor more than \$1,000 for each offense.

(2) **LICENSE SUSPENSION.** A court shall suspend any permit issued under this chapter for not less than 10 nor more than 30 days if the court finds that the permittee committed a violation within 24 months after committing one previous violation.

(3) **LICENSE REVOCATION.** A court shall revoke any permit issued under this chapter if the court finds that the permittee committed a violation within 24 months after committing two previous violations.

(4) **COUNTING.** For purposes of counting previous violations under subsections (3) and (4) above, multiple violations arising out of the same incident and on the same date shall be considered a single violation.

6.212 **CH. 68, WIS. STATS., NOT TO APPLY.** Ch. 68, Wis. Stats., shall not apply to the administrative process outlined in this subchapter.

6.06 **PAWN BROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS.** (Rep. & Rec. GO 33-07) Section 134.71, Wis. Stats., is hereby adopted and, by reference, made a part of this chapter with the same force and effect as though fully set out herein notwithstanding the below subsections. Failure to comply with any of the provisions of this ordinance shall constitute a violation of this chapter, punishable according to the penalties set forth in §40.05, Green Bay Municipal Code.

(1) “Article” means any item of value, excluding only motor vehicles, large appliances, furniture, books, and clothing other than furs.

(2) “Reportable transaction” means every transaction conducted by a pawnbroker, secondhand article and jewelry dealer in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:

(a) The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

(b) Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

(3) "Secondhand article dealer" means any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles, with exceptions as stated in Wis. Stat. sec. 134.71(g).

(4) When Digital Photos are Required.

(a) The licensee must also take a color, digitized photograph of every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed, excluding only electronic media. One group photo shall suffice for mass items such as several coins acquired in one transaction. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. Items photographed must be accurately depicted and submitted as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Entries of required digital images shall be retained a minimum of 90 days.

(5) Daily Reports to Police.

(a) Pawnbrokers and secondhand article and jewelry dealers must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers and secondhand article and jewelry dealers must provide to the police department all required information pursuant to State Statute, by transferring it from their computer to the web server via modem designated by the Green Bay Police Department. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the pawnbroker or secondhand article and jewelry dealer and the police department. The pawnbroker or secondhand article and jewelry dealer must display a sign of sufficient size in a conspicuous place on the premises, which informs all patrons that all transactions are reported daily to the police department.

(b) If a pawnbroker or secondhand article and jewelry dealer is unable to successfully transfer the required reports by modem, the pawnbroker or secondhand article and jewelry dealer must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day.

(c) If the problem is determined to be in the pawnbroker's or secondhand article and jewelry dealer's system and is not corrected by the close of the first business day following the failure, the pawnbroker or secondhand article and jewelry dealer must provide the required reports as detailed in State Statute, and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected; or, if the problem is determined to be outside the pawnbroker's or secondhand article and jewelry dealer's system, the pawnbroker or secondhand article and jewelry dealer must provide

the required reports pursuant to State Statute and resubmit all such transactions via modem when the error is corrected.

(d) Regardless of the cause or origin of the technical problems that prevented the pawnbroker or secondhand article and jewelry dealer from uploading the reportable transactions, upon correction of the problem, the pawnbroker or secondhand article and jewelry dealer shall upload every reportable transaction from every business day the problem has existed.

(e) The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(f) Subsection (5) shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker or secondhand article and jewelry dealer must follow the daily reporting procedure for each reportable transaction by submitting a written transaction form approved by the police department to the department on the business day following the date of the reportable transaction.

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

6.07 **JUNK DEALERS**. (Rep. & Rec. GO 36-07). (Amd. GO 16-13)

(1) DEFINITIONS. Section 134.405(1) Wis. Stats., as it may be amended from time to time, is hereby adopted and incorporated as though fully set forth herein. In addition, the following terms shall have the meaning indicated below:

(a) “Junk” shall mean any ferrous scrap, nonferrous scrap, metal article, proprietary article, plastic bulk merchandise containers, synthetic or organic material, cloth, rags, clothing, paper, rubbish, bottles, rubber, furniture, inoperable motor vehicle parts, or other discarded articles.

(b) “Junk dealer” shall mean any person or business who stores, buys, or sells any junk and maintains a yard or building as a principal place of business, excluding persons whose business is principally the sale of used vehicles, or persons dealing in secondhand articles of personal property for resale that are subject to the provisions set forth in §6.06, Green Bay Municipal Code.

(c) “Regulated Property” shall mean nonferrous scrap, metal articles, and proprietary articles.

(2) APPLICABILITY. No person or business may act as a junk dealer without first obtaining a license under this subsection.

(3) APPLICATION. Every applicant for a license to engage in the business of junk dealer shall file with the City Clerk, on or before January 1 of the license year, a written application upon the form prepared and provided by the City, signed by the applicant. Such application shall state:

(a) The name and residence of the applicant, if an individual, partnership, or firm; or the names of the principal officers and their residences if the applicant is an association or corporation.

(b) The length of time such applicant or any individual, firm or corporation or partnership, or the manager or person in charge, if the applicant is an association or corporation, has resided in the City; whether convicted of a felony or misdemeanor; and if so, what offense, when, and in what court.

(c) Whether the applicant or officers of applicant have previously engaged in the business for which a license is sought.

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

(e) The premises where such business is to be located or carried on, or where the collected articles are to be stored.

(4) INSPECTION. The City Clerk shall report such application to the Chief of Police, Fire Chief, and Inspection Department for investigation prior to approval. The Inspection Department shall inspect or cause to be inspected any Junk Dealer's premises to determine whether they comply with all the laws, ordinances, rules, and regulations. Such premises and all structures thereon shall be so situated and constructed that the business may be carried on in a sanitary condition, shall contain no fire hazards, and shall be so arranged that thorough inspection may be made at any time by the proper health, fire, building, and police authorities. The inspecting officers shall report compliance or noncompliance to the Police, stating the respects in which the premises do not comply with such laws, ordinances rules, and regulations.

(5) GRANTING OR REFUSING LICENSE.

(a) Issued by City Clerk. Upon filing of the application, investigation indicating compliance, approval of such applicant, and payment of the license fee, the City Clerk shall issue the applicant a license. All licenses shall be numbered in the order in which they are issued and shall state the location of the business, the date of the issuance, the expiration of the license, and the name and address of the licensee. Such license shall be issued as of January 1 of the particular license year and shall expire on or before December 31 of that same year. No license shall be transferable as to person or location.

(b) Persons Convicted of a Felony. No license shall be granted to any person or the members or officers of an association, partnership, or corporation who has been convicted within one year of the date of the application of a violation of this section, nor, subject to §§111.32(5)(a) and (h), Wis. Stats., to any person who has within three years of the date of the application been convicted of a felony reasonably related to the licensed activity.

(c) Upon a showing of non-compliance by investigation or disapproval of such application, the applicant shall be notified by the Police and afforded an opportunity to be heard before the Protection and Welfare Committee.

(6) FEES. Every junk dealer shall pay an annual fee of \$50.

(7) LICENSE TO BE DISPLAYED.

(a) On Licensed Premises. Every holder of a license shall at all times keep the license posted in a conspicuous place on the premises described in the application. No person shall post such license upon premises other than those mentioned in the application or knowingly deface or destroy such license.

(8) ELECTRONIC REPORTS OF REGULATED PROPERTY TRANSACTIONS TO POLICE.

(a) Junk dealers must submit an electronic report of every regulated property transaction to the police department no later than the business day following the date of purchase, by transferring it from their computer to the web server via modem designated by the Green Bay Police Department. The electronic reports shall include each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the junk dealer and the police department.

(b) If a junk dealer is unable to successfully transfer the required reports by modem, the junk dealer must provide the police department with printed copies of all regulated property transactions by 12:00 noon the next business day.

(c) If the problem is determined to be in the junk dealer's system and is not corrected by the close of the first business day following the failure, the junk dealer must provide the required reports, and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected; or, if the problem is determined to be outside junk dealer's system, the junk dealer must provide the required reports and resubmit all such transactions via modem when the error is corrected.

(d) Regardless of the cause or origin of the technical problems that prevented the junk dealer from uploading the regulated property transactions, upon correction of the problem, the junk dealer shall upload every regulated property transaction from every business day the problem has existed.

(e) The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(f) Subsection (9) shall not apply to businesses which had less than 50 regulated property transactions in the past calendar year. However, any such junk dealer must follow the daily reporting procedure for each regulated property transaction by submitting a written transaction form approved by the police department to the department on the business day following the date of the regulated property transaction.

(9) PROPERTY RECORDS TO BE KEPT FOR POLICE INSPECTION. Every licensee shall keep such records as prescribed by Section 134.405(3)(a)2. to 5. and (b), Wis. Stats., and make them available to a law enforcement officer who presents credentials at the junk dealer's place of business during business hours.

(10) PURCHASE WHERE NUMBER DEFACED. No licensee shall buy, sell, or receive, dispose of, conceal, or possess any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number of identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory.

(11) STOLEN GOODS TO BE REPORTED AND EXHIBITED. Any licensee who has or receives any goods, articles, or things stolen or lost or alleged or supposed to have been stolen or lost shall exhibit the same on demand to any police officer.

(12) RENEWAL. Any license issued hereunder may be renewed upon application, but sub. (4) relating to inspection and report shall not apply unless the ownership of the premises is changed. However, any such application for a renewal shall be subject to the license fees under sub. (6) and all other provisions of this section.

6.075 JUNK COLLECTORS. (Cr. GO 17-13)

(1) DEFINITIONS.

(a) “Junk” shall mean any old or scrap metal, metal alloy, synthetic or organic material, cloth, rags, clothing, paper, rubbish, bottles, rubber, furniture, inoperable motor vehicle parts, used building materials, or other discarded articles.

(b) “Junk collector” shall mean any person who collects, delivers, buys, or sells any junk, but who is not a junk dealer as defined in § 6.07 Green Bay Municipal Code.

(2) APPLICABILITY. No person may act as a junk collector without first obtaining a license under this subsection.

(3) APPLICATION. Every applicant for a license to engage in junk collecting shall file with the City Clerk a written application upon the form prepared and provided by the City, signed by the applicant. Such application shall state:

- (a) The name and residence of the applicant.
- (b) Whether convicted of a felony or misdemeanor; and if so, what offense, when, and in what court.
- (c) Whether the applicant has been previously engaged in the activity for which a license is sought.
- (d) The detailed nature of the activity to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.

(4) GRANTING OR REFUSING LICENSE.

(a) Issued by City Clerk. Upon filing of the application, investigation indicating compliance, approval of such applicant, and payment of the license fee, the City Clerk shall issue the applicant a license. All licenses shall state the date of the issuance, the expiration of the license, and the name and address of the licensee. Every license shall expire on December 31 of the year of issuance. No license shall be transferable as to person or location.

(b) Persons Convicted of a Felony. No license shall be granted to any person or the members or officers of an association, partnership, or corporation who has been convicted within one year of the date of the application of a violation of this section, nor, subject to §§111.32(5)(a) and (h), Wis. Stats., to any person who has within three years of the date of the application been convicted of a felony reasonably related to the licensed activity.

(c) Upon a showing of non-compliance by investigation or disapproval of such application, the applicant shall be notified by the Police Department and afforded an opportunity to be heard before the Protection and Welfare Committee.

(5) FEES. Every junk collector shall pay an annual fee of \$3.

(6) LICENSE TO BE KEPT ON PERSON. Every holder of a license shall keep the license on their person while engaged in junk collecting. Upon request by a City of Green Bay employee, or designee, licensee shall provide proof of license to requestor.

(7) HOURS OF JUNK COLLECTING. No licensed junk collector shall collect junk on or near residential properties from the hours of 10:00 P.M. to 7:00 A.M.

(8) ITEMS WHERE NUMBER DEFACED. No licensee shall collect or possess any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number of identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every licensee to whom is offered for sale, storage, or wreckage any motor vehicle, part, or accessory from which has been removed the manufacturer's serial number or any other identification mark shall immediately notify the Chief of Police of such offer.

(9) STOLEN GOODS TO BE REPORTED AND EXHIBITED. If any goods, articles, or personal property are advertised in any newspaper printed in the City as having been lost or stolen and the same, or any articles answering the description advertised or any part or portion thereof, come into the possession of any licensee, the licensee shall give information thereof in writing to the Chief of Police and state from where and whom, if known, the article was received, collected, bought, delivered or sold. Any licensee who has or receives any goods, articles, or things stolen or lost or alleged or supposed to have been stolen or lost shall exhibit the same on demand to any police officer.

(10) RENEWAL. Any license issued hereunder may be renewed upon application. However, any such application for a renewal shall be subject to the license fees under sub (5) and all other provisions of this section.

6.08 AUTO SALVAGE STORAGE: PERMIT AND REGULATIONS.

(1) The Plan Commission shall enact such rules and regulations, including such items, without limitation, as fencing, distance from highways, etc., for the regulation of the dismantling, accumulation, or storage of junked automobiles or the parts therefor outside of any building as deemed necessary for the public health, safety, and welfare. Rules and regulations so enacted shall, after ratification by the Council and publication in the official newspaper, become a part of this section by reference as though fully incorporated herein.

(2) No person shall accumulate or store any junked automobile or parts thereof outside of any building on any real estate within the City unless a permit is obtained from the City Clerk for such use of the premises. Prima facie evidence of operating an auto salvage yard, either for purposes of dismantling, accumulating, or storage thereof, is shown by the placement of any ad classified in the auto salvage section of the yellow pages or any ad which refers to the business of accumulating, storing, or dismantling any junk

automobiles or parts. The City Clerk shall not issue a permit unless the application is approved by the Superintendent of Inspection and a fee of \$100 paid to the City Treasurer. All permits shall expire on December 31 of each year and must be renewed. A renewal application may be denied for violation of this section; and when approval is denied, the Superintendent of Inspection shall state the reasons for so denying on the application. The City Clerk shall notify the applicant of disapproval, and the applicant shall be given an opportunity to be heard before the Protection and Welfare Committee.

(3) The Superintendent of Inspection shall not approve an application for a permit to accumulate or store junked automobiles or parts thereof unless the premises conform to the rules and regulations of the Plan Commission.

(4) The rules and regulations governing the storage of junked automobiles or parts thereto shall be enforced by the Building Inspection Division.

6.09 Deleted per GO 24-01

6.10 **CIRCUSES AND CARNIVALS.**

(1) LICENSE REQUIRED. No person shall operate any circus or carnival where the public is admitted without first obtaining a license under this section.

(2) FEES. The owner or operator of each circus or carnival to which the public is admitted shall, upon application for a license, pay to the City Treasurer the sum of \$25. Such license shall expire annually.

(3) EXCEPTION. This section shall not apply to any performance or show which is a part of the activities of the Green Bay Recreation Department.

6.11 **CIGARETTE LICENSE.** The sale and licensing of cigarettes in the City shall be regulated pursuant to §134.65, Wis. Stats. Such section, exclusive of the penalties contained therein, is incorporated herein by reference and made a part of this section as though fully set out at length.

6.12 **DIRECT SELLER'S PERMIT FOR THE SCALPING OF ANY TICKET FOR NATIONAL FOOTBALL LEAGUE GAMES OR LAMBEAU FIELD EVENTS.** (Cr. GO 28-08)

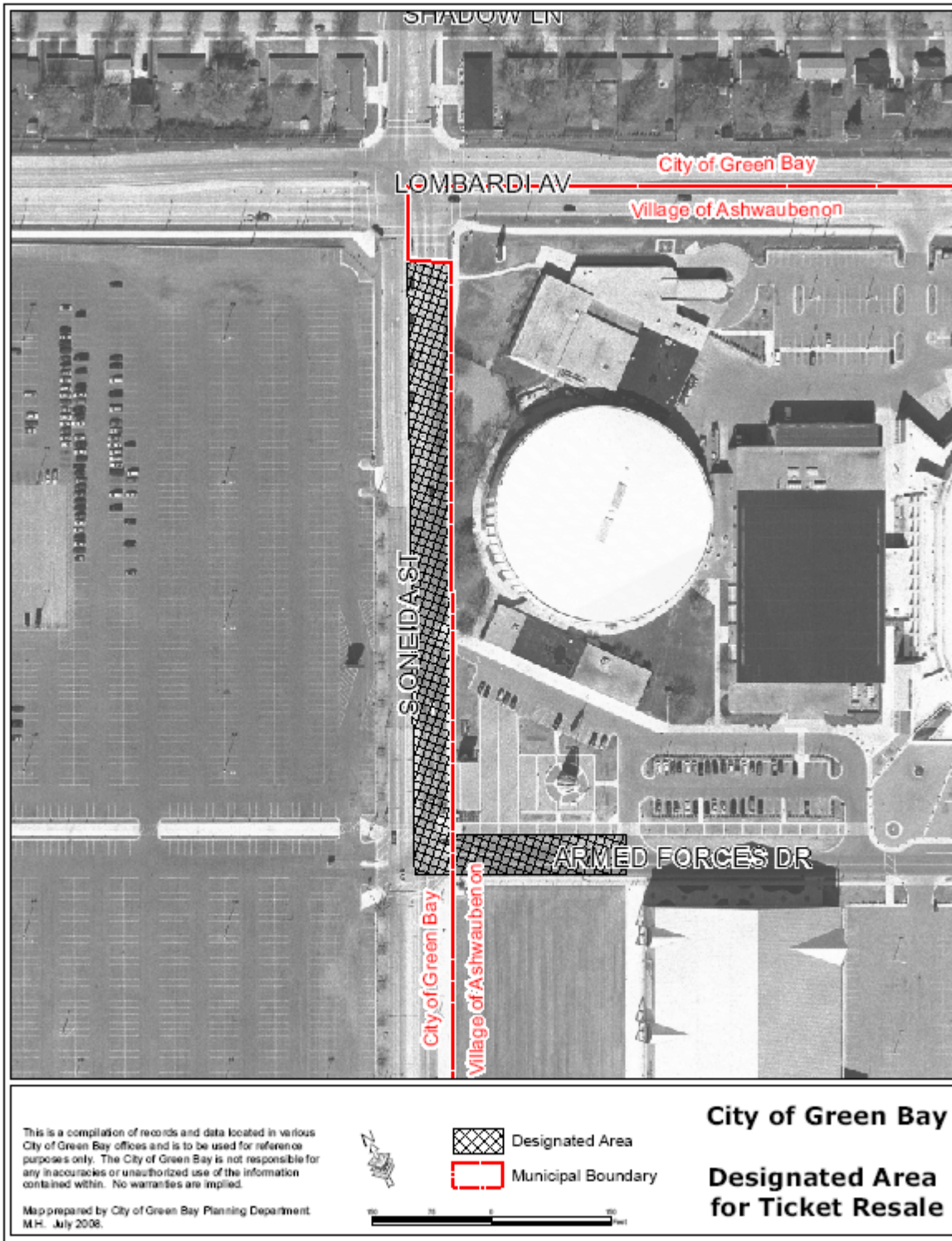
(1) PERMIT REQUIRED. A permit shall be required of any person conducting the business of or engaged in the scalping of any ticket the day of any National Football League game or any other special event at Lambeau Field, except for the Original Ticket Holder of the event. The burden of proof shall be on the Original Ticket Holder to prove this fact. "Scalping" is defined as the sale of any ticket for more than face value. "Original Ticket Holder" is defined as the first purchaser of a ticket from the event sponsor.

(2) REGISTRATION. The registration, investigation, appeal and revocation procedures found in Ch. 6 of the Green Bay Municipal Code shall apply to any person required to obtain a permit for conducting the business of or engaged in the scalping of any ticket for any National Football League game or any other special event at Lambeau Field. Permits are valid one year from the date of issuance and shall be \$800.00 per year. The applicant shall agree to indemnify and hold the City harmless and shall be required to secure Commercial General Liability insurance in the amount of \$1,000,000.00 or such other amount as amended by resolution of the Common Council from time to time. Each applicant shall be issued photo identification by the City of Green Bay, which shall be displayed in plain view

while engaged in the scalping of any ticket for any National Football League game or any other special event at Lambeau Field within the sale area designated by the City of Green Bay.

(3) SALE AREA. Any person, including the Original Ticket Holder, conducting the business of or engaged in the scalping of any ticket the day of any National Football League game at Lambeau Field shall be required to conduct such business in a designated area. The designated area is defined as the public right of way of Armed Forces Drive from the intersection of Armed Forces Drive and Oneida Street to a point 270 feet east of said intersection and the eastern one half of the public right of way of Oneida Street inclusive of the northbound lanes of Oneida Street from the intersection of Lombardi Avenue and Oneida Street to a line extending from the southern boundary of the Armed Forces Drive right of way, specifically displayed in the following map. Any person, including the Original Ticket Holder, conducting the business of or engaged in the scalping of any ticket the day of any National Football League game at Lambeau Field outside the designated area shall be subject to any of the penalties set forth in subsection 4. For any special event at Lambeau Field including, but not limited to, a National Football League game, no person may scalp any ticket in the Lambeau Field parking lot or adjoining sidewalks or from any vehicle or bicycle at any time on the day of the special event at Lambeau Field. Sale of tickets for face value or less is exempt from this ordinance.

(4) PENALTY. Any person that violates any provision of this section shall forfeit not less than \$500.00 nor more than \$1,000.00 for each violation per day, plus the costs of prosecution. Each violation shall constitute a separate offense. Persons in violation of this ordinance are further subject to confiscation of tickets.



6.13 **FIREWORKS AND PYROTECHNICS DISPLAY PERMIT.** (Rep. & Rec. GO 10-06)

(1) (Amd. GO 1-07) The Mayor is authorized by statute to delegate to the Fire Chief or his/her designee the authority to issue permits for the purchase and use within the City of those classes of fireworks or pyrotechnics authorized by said statute. The fee for such permits shall be \$150.00 per event.

(2) **APPLICATION.** A person desiring to secure a permit shall make application to the Fire chief and shall furnish all information deemed necessary by the Chief under oath.

(3) **IDENTIFICATION.** The applicant shall present to the Fire Chief a valid form of government issued identification bearing the applicant's photograph.

(4) **FIREWORKS SELLER'S PERMIT.** The Fire Chief or his/her designee is authorized to issue permits for the sale of fireworks within the City of those classes of fireworks authorized by statute. The annual permit shall be valid through December 31 of the year of issuance, unless sooner revoked. The fee for such permit shall be \$500.

(5) **REVOCAION.** Failure to comply with Wisconsin statute, administrative code, or Green Bay Municipal Code may result in revocation of the permit.

6.14 **RESIDENTIAL BUILDING CONTRACTOR'S LICENSE.** (Repealed GO 12-11)

6.15 **SPECIAL EVENTS.** (Rep. & Rec. GO 23-03)

(1) **DEFINITIONS.**

(a) **High Hazard Event.** Special events involving major physical activity by participants, moderate to severe exposure of spectators to hazards, and/or crowd sizes of 10,000 to 25,000 persons. High hazard events shall include, but not be limited to, team or individual sporting events, circuses and carnivals with rides, parades with floats, and marathons or similar races.

(b) **Low Hazard Event.** Special events involving no physical activity by participants, no severe exposure of spectators to hazards, and no alcoholic beverages. Low hazard events shall include, but not be limited to, indoor and outdoor meetings, small theatrical performances, and auctions.

(c) **Medium Hazard Event.** Special events involving limited physical activity by participants, no severe exposure of spectators to hazards, and crowd sizes of less than 10,000 persons. Medium hazard events shall include, but not be limited to, dances, animal shows, political rallies, flea markets, and parades with no floats.

(d) **Person.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

(e) **Safety Manager.** The Safety Manager of the City of Green Bay or his/her designee.

(f) **Special Event.** An athletic event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, show or other similar display which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the normal use of parks or other public grounds.

(g) Special Hazard Events. Special events involving severe exposure of spectators to hazards and/or crowd sizes in excess of 25,000 persons. Special hazard events shall include, but not be limited to, professional or collegiate sporting events, vehicle races, and fireworks displays.

(2) **PERMIT REQUIRED**. No person shall conduct, manage, engage in, or participate in a special event unless a permit has been obtained from the Safety Manager.

(3) **EXCEPTIONS**. This section shall not apply to funeral processions, governmental agencies acting within the scope of their functions, or neighborhood block parties in compliance with Section 9.27(4), Green Bay Municipal Code.

(4) **APPLICATION**.

(a) Filing and Contents. An application for a special event permit shall be filed with the Safety Manager not less than 60 days before the proposed date of the event on a form to be approved by the Safety Manager. The application shall set forth the following information:

1. The name, address, and telephone number of the person seeking to conduct such event.
2. The name, address, and telephone number of the event coordinator.
3. The date when the event is to be conducted.
4. The event location or route to be traveled, the starting point, and the termination point.
5. The approximate number of persons who, and animals and vehicles which, will constitute such event; the type of animals; and description of the vehicles.
6. The hours such event will start and terminate.
7. A statement as to whether the event will occupy all or only a portion of the width of the streets proposed to be traversed.
8. The location by streets of any assembly areas for such event.
9. The time at which units of the event will begin to assemble at any such assembly area or areas.
10. The interval of space to be maintained between units of such event.
11. Whether any alcoholic beverages will be served and/or consumed in conjunction with the event, the locations of such activities, and whether the necessary licenses have been obtained.
12. Any additional information which the Safety Manager finds reasonably necessary to a fair determination as to whether a permit should be issued.

(b) Late Applications. The Safety Manager, where good cause is shown, may consider any application which is filed less than 60 days before the date such event is proposed to be conducted.

(c) Fee. A non-refundable application fee to cover the administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed according to the following schedule:

1. For low hazard events, the fee shall be \$25.00.
2. For medium hazard events, the fee shall be \$50.00
3. For high hazard events, the fee shall be \$250.00.
4. For special hazard events, the fee shall be \$500.00.

(d) Insurance and Indemnification. No proof of insurance or indemnification is required for low hazard events. For medium, high, and special hazard events, the applicant shall furnish a Certificate of Insurance and Indemnification meeting the requirements set by resolution of the Common Council.

(5) **ADDITIONAL CITY SERVICES**. If the special event will require more than the minimal use of any City equipment or services, the applicant shall pay the actual costs for the use of such equipment or services. This may include, but is not limited to, police services and barricades. As a condition of the approval of any application, the applicant shall agree to pay, within 30 days of billing, the costs of any additional City services.

(a) (Cr. GO 26-07) To ensure public safety for the event and the City, the City reserves the right to require special events to maintain minimum levels of dedicated fire/EMS services and police/security services throughout the duration of the event. Estimated minimum services will be determined prior to the event (see guidelines), but may reasonably increase or decrease as actual event conditions change to ensure public safety. Actual public safety services shall be determined in the sole discretion of the police/fire chief or their respective designee. Outside vendors may be retained for such services; however, City approval of such vendors and services shall be obtained prior to the event.

**City of Green Bay Fire Department
Emergency Fire/Medical Resource Guidelines for Special Events**

Emergency Fire/Medical Resources Matrix for Special Events is a guideline used to determine appropriate emergency medical resources for Special Events in the City of Green Bay. The need for multiple or additional resources based on Special Risk Considerations will be determined by the Fire Chief or his/her designee and will be communicated to event organizer/sponsor. Costs associated with these resources are the responsibility of the event organizer/sponsor.

- Required resource. Multiple resources may be considered dependant on Special Risk Considerations.
- ✓ Recommended resource intended to ensure safety of participants.

Event Type	Anticipated Maximum Crowd Size	Knowledge of 911 Access and CPR	Basic First Aid Station(s)	First Aid Station(s) Including Nurse	First Aid Station(s) Including Physician	ALS Ambulance(s)	Mobile Team(s)
Any Event Requiring a Special Event Permit	Less than 4,000	●	✓				
	4,000 to 10,000	●	✓	✓		✓	✓
	10,000 to 50,000	●	●	✓	✓	●	●
	Over 50,000	●	●	✓	●	●	●

Special Risk Considerations which may affect the required fire/medical resources needed include but are not limited to:

- | | |
|---|--|
| <input type="checkbox"/> Night vs. Daytime | <input type="checkbox"/> Location/Geography/Multiple Locations |
| <input type="checkbox"/> Alcohol availability/use | <input type="checkbox"/> Weather/Time of Year |
| <input type="checkbox"/> Length of Event | <input type="checkbox"/> Problems encountered w/Event in past |
| <input type="checkbox"/> Type of Event | <input type="checkbox"/> Fireworks/Pyrotechnics |
| <input type="checkbox"/> Audience demographics | |
| <input type="checkbox"/> General Admission/Reserved Seating | |

* Special Events organizers can utilize private providers in lieu of City services. If a private provider is used, a medical plan must be submitted to and authorized by the Fire Department at the time of application.

**City of Green Bay Police Department
Public Safety and Security Resources Guidelines for Special Events**

Security Matrix for Special Events is a guideline used to determine appropriate resources for Special Events in the City of Green Bay. The need for multiple or additional resources based on Special Risk Considerations will be determined by the Police Chief or his/her designee and will be communicated to event organizer/sponsor. Costs associated with these resources are the responsibility of the event organizer/sponsor.

- Required resource. Actual resources may increase or decrease due to Special Risk Considerations.
- ✓ Recommended resource intended to ensure safety of participants.

Event Type	Anticipated Maximum Crowd Size	4 – 9 Officers Plus 0 – 1 Supervisors	9 – 14 Officers Plus 1 – 2 Supervisors	14 – 21 Officers Plus 2 – 3 Supervisors	21 – 30 Officers Plus 3 – 6 Supervisors
Any Event Requiring a Special Event Permit	Less than 4,000	●	✓		
	4,000 to 10,000	N/A	●	✓	
	10,000 to 50,000	N/A	NA	●	✓
	Over 50,000	N/A	N/A	N/A	●

Special Risk Considerations that may affect the required Police resources needed include but are not limited to:

- Night vs. Daytime
- Alcohol availability/use
- Length of Event
- Type of Event
- Audience demographics
- General Admission/Reserved Seating
- Location/Geography/Multiple Locations
- Weather/Time of Year
- Problems encountered w/Event in past
- Fireworks/Pyrotechnics
- Traffic Control

(6) **STANDARDS FOR ISSUANCE.** The Safety Manager shall issue the permit when, from a consideration of the application, consultation with other City departments as necessary, and from such other information as may otherwise be obtained, it appears that:

- (a) The applicant has complied with all of the application requirements of subsection (4).
- (b) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic in the vicinity of its location.
- (c) The conduct of the event will not require the diversion of so great a number of police officers as to prevent normal police protection to the City.
- (d) The concentration of persons, animals, and vehicles at the event will not unduly interfere with proper fire and police protection of or ambulance service to areas in the vicinity of the event.
- (e) The conduct of the event will not unduly interfere with the operation of hospitals, schools, or other public institutions.
- (f) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.
- (g) The special event will not conflict or interfere with another special event for which a permit has already been granted.
- (h) There are a sufficient number of parking spaces within a reasonable distance to accommodate the number of vehicles expected.
- (i) Adequate sanitation or other necessary health facilities will be available at the event.
- (j) The conduct of the event is not reasonably likely to cause injury to persons or property.

(7) **ACTION UPON APPLICATION.** The Safety Manager shall provide written notice of the issuance or denial of the permit within 30 days of receipt of an application. If the application is denied, the notice shall state the reasons for the denial.

(8) **APPEAL PROCEDURE.** Any person aggrieved may appeal the denial of a special event permit to the Protection and Welfare Committee. The applicant shall file written notice of appeal with the City Clerk within seven days after receiving notice of the denial. Within 15 days of receipt of the appeal, the Committee shall give the applicant an opportunity to be heard.

(9) **NOTICE TO CITY AND OTHER OFFICIALS.** Immediately upon the issuance of a special event permit, the Safety Manager shall send a copy thereof to the Mayor, the Chief of Police, the Fire Chief, and the Director of Public Works.

(10) **DUTIES OF PERMITTEE.** A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(11) PUBLIC CONDUCT DURING PARADES.

(a) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(b) Driving Through Parades. No person shall drive a vehicle between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on Parade Route. The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof.

6.155 **SIDEWALK CAFÉ PERMIT.** (Cr. GO 11-17)

(1) DEFINITIONS.

(a) Sidewalk café. Any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license.

(b) Class B license. An alcohol beverage license as is issued by the common council allowing the sale and consumption of alcohol beverages on a licensed premises.

(2) PERMIT REQUIRED. No person shall operate a sidewalk café without first obtaining a sidewalk café permit under this section.

(3) APPLICATION. An applicant for a sidewalk café permit shall apply for a revocable occupancy permit in accordance with Green Bay Municipal Code § 9.27. Any sidewalk café permit applicant seeking to serve alcohol beverages in the sidewalk café shall make a separate application to amend the applicant's "Class B" license to conform with the location of the sidewalk café.

(4) APPEAL PROCEDURE. Any person aggrieved may appeal the denial of a sidewalk café permit to the Improvement and Services Committee. The applicant shall file written notice of appeal with the City Clerk within seven days after receiving notice of the denial. After obtaining receipt of the appeal, the Committee shall place the matter on the soonest Improvement and Services Committee agenda practicable for review.

(5) DUTIES OF PERMITTEE. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

6.16 **HOTEL AND MOTEL: ROOM TAX, PERMIT, AND REGULATIONS.**

(1) DEFINITIONS.

(a) Hotel or Motel. Hotel or motel means a building, or group of buildings, in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, hotels, tourist rooms, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment motels, resort lodges and cabins, and any other building in which accommodations are available to the public except accommodations rendered by a continuous period of more than one month and

accommodations furnished by hospitals, sanitoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable, or educational purposes, provided no part of the net earnings of such corporations and associations inure to the benefit of any private shareholder or individual.

(b) Gross Receipts. Gross receipts has the meaning, insofar as applicable, as defined in §§77.51(11)(a), (b), and (c), Wis. Stats.

(c) Customer. Customer, as used in this chapter, means any person residing for a continuous period of time less than one month in a hotel, motel, or furnished accommodation available to the public.

(d) Person Responsible. Person responsible means the sole owner of the business subject to this chapter, the partners, if a partnership owns the business subject to this chapter, the corporate president, or designated general manager or agent, if a corporation owns the business subject to this chapter.

(2) **ROOM TAX IMPOSED**. (Amd. GO 21-97), (Amd. GO 16-12) Pursuant to §66.0615, Wis. Stats., a tax is imposed on the privilege of furnishing at retail rooms or lodging to customers by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 10 percent of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall be collected from the customer when the customer's bill is paid, and shall be paid by the person responsible to the City Treasurer on a monthly basis. Such tax shall not be subject to the selective sales tax imposed by §77.52(2), Wis. Stats. The proceeds of such tax shall be remitted to and received by the Treasurer monthly on or before the 20th day of the following month.

(3) **PERMIT**. Every person furnishing rooms or lodging under (2) shall file with the Treasurer an application for a room tax identification number for each place of business. Every application shall be made upon a form prescribed by the Treasurer and shall set forth the name under which the applicant intends to transact business, and such other information as the Treasurer requires. The application shall be signed by the owner if a sole proprietor; and if not a sole proprietor, by the person responsible who is authorized to act on behalf of the business.

(4) **TAX NUMBER**. The Treasurer shall issue to each applicant a separate number for each place of business within the City. Such number is not assignable and is valid only for the person in whose name it is issued and for the collection of the room tax at the place designated therein.

(5) **RECORDS TO BE KEPT**. Every person liable for the tax imposed by this section shall keep, or cause to be kept, such records, receipts, invoices, and other pertinent papers in such form as the Treasurer requires.

(6) **FILING OF RETURNS**.

(a) Returns to be Filed. A return shall be filed with the Treasurer by each person responsible, subject to (2) above, on or before the day on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar month from such retail furnishing of rooms or lodging, and the amount of tax imposed for such period, and such other information as the Treasurer deems necessary to administer this section. An annual return shall be filed within 90 days of the close of each calendar or fiscal year and shall contain certain such information as the Treasurer requires to administer this section. Each return shall be signed by the person required to file a return, or an authorized agent, but need not be verified

by oath. The Treasurer may, for good cause, extend the time of filing any return, but not longer than 30 days from the filing date.

(b) Failure to File. If any person required to make a return fails, neglects, or refuses to do so for the amount and in the manner, form, and time prescribed herein, the Treasurer, according to his or her best judgment, shall determine the amount of the tax due the City and make a doomsday assessment upon the person who fails to file and pay on a timely basis. Each person whose tax is determined by the Treasurer shall pay the amount determined, plus interest at the rate of 1 percent per month on the unpaid balance. No refund or modification of the payment as determined by the Treasurer may be granted until the person files a correct room tax return and permits the Treasurer, or an authorized agent, to inspect and audit the records of the business required to be kept in (5) above.

(c) Late Filing Fee. In addition to any other forfeiture provided herein, whether imposed or not, a forfeiture of \$100 shall be imposed upon and collected from any person each time such person fails to file the return required in (6)(a) above on a timely basis.

(7) TREASURER'S RIGHT OF INSPECTION AND AUDIT.

(a) Whenever the Treasurer has probable cause to believe that the correct amount of room tax has not been assessed upon and collected from customers, or that the tax return is not correct, the Treasurer may cause an inspection and audit of the financial records of any person subject to (2) above to determine whether or not the correct amount of room tax is assessed, collected, and paid according to (2) and (6).

(b) In the event any person subject to (2) above fails to comply with a request by the Treasurer or an authorized agent to inspect and audit the person's financial records as in (1) above, such person shall be subject to a forfeiture in the amount of 5 percent of the tax due the City at the time of the audit.

(8) CONFIDENTIALITY. Information obtained under this section shall be confidential, except the Treasurer may provide information to persons using the information in the discharge of duties imposed by law, the duties of their office, such as the duties of the office of Room Tax Commissioner, or by order of a court. The Treasurer may publish statistics classified so as not to disclose the identity of particular returns. Any person who violates any provision of this subsection shall forfeit not less than \$100 nor more than \$300.

(9) ADMINISTRATION AND PAYMENT OF TAXES. This chapter shall be administered by the Treasurer and the Finance Committee. The tax imposed for the month is due and payable on the 20th day of the month following the collection of the tax from the customer under (2).

(10) FAILURE TO PAY TAX WHEN DUE.

(a) Forfeiture. In addition to the forfeitures provided in this chapter, and the tax due under this chapter, a forfeiture of 25 percent of the room tax due for the previous year under (2) above or \$5,000, whichever is less, shall be imposed upon any person or business that allows the monthly tax imposed to be delinquent under this chapter.

(b) Delinquent Taxes. The tax imposed by this section shall become delinquent if not paid within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one has been granted. If a return is filed late, or there is no return filed, the due date for the taxes imposed is the due date of the return.

(c) Security May Be Required. In order to protect the revenue of the City, the City Treasurer shall require any person liable for the tax imposed by this section, who fails to pay the tax as herein required, to file with the Treasurer, before or after the permit is issued, such security, not in excess of \$5,000 cash or a surety bond equal to the prior month's tax, as the City Treasurer determines. If any taxpayer fails or refuses to place such security, the City Treasurer may refuse or revoke its permit.

If any taxpayer is delinquent in the payment of the taxes imposed by this section, the City Treasurer may, upon 10 days notice and after giving the taxpayer an opportunity to confer, recover the taxes, interest, and penalties from the security or surety placed with the City Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any person for the deposit of such security.

(11) SEPARABILITY OR CONFLICT. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions of this ordinance.

6.17 Deleted per GO 12-13

6.175 Deleted per GO 12-13

6.18 Deleted per GO 12-13

6.19 Deleted per GO 12-13

6.20 Deleted per GO 40-01

6.21 **PUBLIC VEHICLE LICENSING** (Rep. & Rec. GO 5-07; Rep. & Rec. GO 8-14; Amd. GO 19-15)

(1) DEFINITIONS.

(a) “Applicant” means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) “Public Vehicle” means any vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes. A public vehicle shall include, but is not limited to: taxicabs, limousines, horse and horse drawn carriages, pedicabs, shuttles, bar and party busses, motorcycles used for tours, and human service vehicles, but does not include any of the following:

1. Vehicles operated primarily as funeral cars.
2. Vehicles operated by city, state or federal governments.
3. Vehicles operated primarily as ambulances.
4. Vehicles operated primarily for transporting property.
5. Commercial motor vehicles.

(c) “Public Vehicle Business” means any enterprise that owns a ~~taxicab~~ public vehicle or manages the operation of a public vehicle.

(d) “Public Vehicle Operator” means any person who operates a vehicle or vehicles which transport passengers for hire or compensation, except vehicles operated solely as those exempted under Section 6.21(b), Green Bay Municipal Code.

(2) LICENSES REQUIRED.

(a) Business License. No person may engage in a public vehicle business unless each public vehicle used in the business is licensed. A public vehicle business license shall expire on December 31 of each year.

(b) OPERATOR’S LICENSE. No person may operate a vehicle for purposes upon a highway unless the person is licensed as a public vehicle operator. A public vehicle operator’s license shall expire on May 31 of each year.

(3) BUSINESS LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a public vehicle business license shall apply to the city clerk upon an approved form and pay to the clerk a \$25.00 license fee for each public vehicle managed by the person. The clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

3. The applicant made a false statement on the application.
4. The applicant is under 18 years old.

(b) Appeal. If the police department denies an application for a business license, the applicant may appeal within 15 days after the police department mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(c) Hearing Before Committee. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(d) Issuance. The clerk shall issue the public vehicle business license if the applicant has been approved by the common council and has satisfied all other provisions of this section.

(e) Vehicle Inspection. Before a public vehicle business may operate a public vehicle on a highway, the public vehicle shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each motor vehicle inspection. This paragraph does not apply to a vehicle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.
2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

(f) Insurance. Every public vehicle shall be covered by liability insurance coverage containing limits of liability of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each vehicle shall be filed with the Risk Management Division.

(g) Police Department Review. The police department shall affix a license sticker to the rear of each inspected vehicle if the department determines that the vehicle is:

1. Licensed with the city clerk.
2. In a safe operating condition.
3. Registered pursuant to Wis. Stat. Ch. 341.
4. Insured as required by this subchapter.
5. Conspicuously displaying on the exterior driver and passenger side of the vehicle:
 - a. The name or trade name of the public vehicle business.
 - b. The phone number of the public vehicle business.
 - c. A unique number assigned by the public vehicle business that identifies the particular vehicle.
6. Conspicuously displaying within the front passenger compartment:

- a. A display holder within which public vehicle operators can show their licenses while operating the public vehicle.
- b. All rates or fees charged to passengers.

(4) OPERATOR'S LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a public vehicle operator's license shall apply to the city clerk upon a common council approved form and pay to the clerk the proper license fee and submit an acceptable passport-sized photo. The clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
2. The applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
3. The applicant made a false statement on the application.
4. The applicant is under 18 years old.

(b) Appeal. If the police department denies an application for an operator's license, the applicant may appeal within 15 days after the police department mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(c) Issuance. The clerk shall issue a public vehicle operator's license if the applicant has been approved by the police department or the common council and has satisfied all other provisions of this section.

(5) PUBLIC VEHICLE REGULATIONS. The owner and operator of a public vehicle are both responsible for ensuring compliance with this subsection.

(a) Maintenance. No person may operate a vehicle registered under this paragraph unless the vehicle complies with all the conditions necessary to become a licensed public vehicle at the time it is in operation.

(b) Receipts. Upon a customer's demand, the operator of a public vehicle shall provide a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment. The receipt may be provided in electronic form if payment is made by electronic means.

(c) Rates. Public vehicles may charge for service at a rate per unit of time, a rate per unit of distance, a flat rate per ride, or by using a taximeter.

1. Report to Clerk. The owner or operator of a public vehicle shall at all times maintain a schedule of rates on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk

2. Taximeters. A public vehicle may use a taximeter to determine the cost of service, subject to the following regulations:

a. No person shall use or permit to be used upon any public vehicle a taximeter which is in error more than 4% in efficiency and more than 1% in excess interval under test.

b. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.

c. The case of the taximeter shall be sealed and have its cover gear intact.

d. Upon complaint to the Clerk's Office, the taximeter subject to complaint shall be inspected by the inspection department.

(d) Operator ID Display. No person may operate a public vehicle unless the person who is licensed to operate it is displaying his or her operator's license.

(6) LICENSE SUSPENSION OR REVOCATION. Any person may file a complaint with the city clerk alleging a licensee has violated any provision of this Code or state law that substantially relates to the licensed activity. If the common council determines that the complaint is true, it shall revoke the license or suspend the licensee's license for not less than 10 and not more than 90 days. If the common council determines the complaint to be unsubstantiated, it shall dismiss the complaint. If the common council determines the complaint is false and the complainant acted in bad faith, it shall dismiss the complaint. Chapter 68, Wis. Stats., shall not apply to public vehicle licensing decisions.

6.215 COMMERCIAL QUADRICYCLE LICENSING. (Cr. GO 21-16; Amd. GO 4-17)

(1) DEFINITIONS.

(a) "Applicant" means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) "Commercial Quadricycle" means a vehicle with fully operative pedals for propulsion entirely by human power that:

1. has 4 wheels and is operated in a manner similar to a bicycle,
2. is equipped with at least 12 seats for passengers,
3. is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle,
4. is used for commercial purposes, and

5. is operated by the vehicle owner or an employee of the owner.

(c) “Commercial Quadricycle Business” means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

(d) “Commercial Quadricycle Operator’s License” means a public vehicle operator’s license as described in Green Bay Municipal Code § 6.21.

(e) “Public Commercial Quadricycle Operator” means any person who operates a commercial quadricycle or commercial quadricycle which transport passengers for hire or compensation.

(2) LICENSES REQUIRED.

(a) Commercial Quadricycle Business License. No person may engage in a Commercial Quadricycle Business unless each Commercial Quadricycle used in the business is licensed. A Commercial Quadricycle Business license shall expire on December 31 of each year.

(b) Operator’s License. (Amd. GO 4-17). No person may operate a Commercial Quadricycle for purposes upon a highway or public road unless the person is licensed as a Public Commercial Quadricycle Operator. The Public Commercial Quadricycle Operator’s License shall expire on December 31 of each year.

(3) COMMERCIAL QUADRICYCLE BUSINESS APPLICATION PROCESS.

(a) Application. A person wishing to operate a Commercial Quadricycle Business shall apply to the City Clerk for a business license pursuant to GBMC § 6.21(2)(a) using an approved form and pay the Clerk a \$25 license fee for each Commercial Quadricycle managed by the person. The Clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity:

2. The Applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.

3. The Applicant made a false statement on the application.

4. The Applicant is under 18 years old.

(b) Route approval. (Cr. GO 4-17) If the police department approves the application for a Commercial Quadricycle Business License, the police department shall forward the application to the Protection and Welfare Committee for the Committee to approve, deny, or amend the proposed route. The Common Council shall affirm, reverse, or modify the Committee’s decision.

(c) Appeal. If the police department denies an application for a Commercial Quadricycle Business license, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(d) Hearing Before Committee. The Committee may approve any application placed on its agenda only if the Applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(e) Issuance. The Clerk shall issue the Commercial Quadricycle Business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this section.

(f) Vehicle Inspection. Before a Commercial Quadricycle Business may operate a Commercial Quadricycle on a highway, the Applicant shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each Commercial Quadricycle inspection. This paragraph does not apply to a Commercial Quadricycle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.

2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

(g) Maintain liability insurance coverage for the Commercial Quadricycle containing the limits of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each Commercial Quadricycle shall be filed with the Risk Management Division.

(h) Police Department Review. The police department shall affix a license sticker to the rear of each inspected Commercial Quadricycle if the department determines that the Commercial Quadricycle is:

1. Licensed with the City Clerk.
2. In a safe operating condition.
3. Insured as required by this section.
4. Conspicuously displaying on the exterior driver and passenger side of the vehicle:
 - a. The name or trade name of the public vehicle business.
 - b. The phone number of the public vehicle business.
 - c. A unique number assigned by the Commercial Quadricycle Business that identifies the particular vehicle.
5. Conspicuously displaying within the front passenger compartment:
 - a. A display holder within which Commercial Quadricycle Operators can show their licenses while operating the Commercial Quadricycle.

(4) COMMERCIAL QUADRICYCLE OPERATOR'S LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a Commercial Quadricycle Operator's License shall apply to the City Clerk using a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the Clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity.
2. The Applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

(b) Appeal. If the police department denies an application for a Commercial Quadricycle Operator's License, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the Applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(c) Issuance. The clerk shall issue a Commercial Quadricycle Operator's License if the Applicant has been approved by the police department or the Common Council and has satisfied all other provisions of this section.

(5) COMMERCIAL QUADRICYCLE REGULATIONS. The owner and operator of a Commercial Quadricycle are both responsible for ensuring compliance with this subsection.

(a) Licensees must adhere to the routes specified in their submitted application. New routes must be applied for and approved by the Common Council before a licensee may use the new routes. Temporary routes must be applied for and approved by the Chief of Police or his or her designee. A temporary route application must be submitted in writing and include a proposed map no later than three (3) business days prior to the applicant's proposed first date of operation of the temporary route. No Licensee shall operate a Commercial Quadricycle on a street closed off to public traffic regardless of whether the street is included in an approved route. Any deviation from a new or temporary route without approval shall be a violation of this section. (Amd. GO 4-17)

(b) Commercial Quadricycle operation is permitted between the hours of 10:00 am and 10:30 pm. Commercial Quadricycle operation does not include the use of a Commercial Quadricycle for maintenance, inspection, or without passengers.

(c) It is unlawful for any person to operate or to permit another to operate a Commercial Quadricycle at other times or in other locations than those approved by the Common Council or the Chief of Police or his or her designee. (Amd. GO 4-17)

(d) No Public Commercial Quadricycle Operator shall drive, or be permitted by a Public Commercial Quadricycle Operator to drive, a Commercial Quadricycle without a valid Wisconsin driver's license or a valid driver's license issued by any other state in the United States.

(e) Passengers on a Commercial Quadricycle may possess on or carry onto the Commercial Quadricycle no more than 36 ounces of fermented malt beverages as defined in Wis. Stat. § 125.02(6). No other alcohol beverages, as defined in ch. 125, Wis. Stats., may be possessed on, carried upon, or consumed upon a Commercial Quadricycle.

(f) No glass containers may be carried on a Commercial Quadricycle.

(g) Restrictions on possession, transportation and consumption of alcohol beverages in the operation of Commercial Quadricycles upon city highways and public places shall apply to operation of Commercial Quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.

(h) No driver of a Commercial Quadricycle may consume alcohol while the Commercial Quadricycle is occupied by passengers.

(i) No person may drive a Commercial Quadricycle with an alcohol concentration of more than 0.02.

(j) No person may drive a Commercial Quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages under this section.

(k) No person may drive a Commercial Quadricycle on which alcohol beverages are sold and may not transport alcohol beverages on a Commercial Quadricycle for the purposes of sale or delivery upon sale.

(l) Passengers shall be advised by the operator, driver or other person responsible for the operation of the Commercial Quadricycle that no alcohol beverages shall be possessed on, carried upon, or consumed on a Commercial Quadricycle in violation of city ordinance or state statute, and shall conspicuously post a notice of these restrictions upon the Commercial Quadricycle in a form and manner approved by the city.

(m) The operator of the Commercial Quadricycle shall hold a valid operator's license pursuant to § 6.215(4), Green Bay Municipal Code.

(n) The operator of the Commercial Quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic and parking laws. (Amd. GO 4-17)

(o) Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for suspension or revocation as provided in § 6.21(6), Green Bay Municipal Code.

(p) The Common Council may adopt and from time to time amend the regulations relating to Commercial Quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

6.22 **NEWSPAPER VENDING MACHINES.** Each newspaper vending machine company which intends to place a vending machine in the public right-of-way of the City shall annually obtain a permit from the City at a fee of \$50 per year, subject to all of the following terms and conditions:

(1) The location of each vending machine shall be such that it does not restrict pedestrian traffic.

(2) The location of each vending machine shall be such that it does not restrict vehicular traffic.

(3) Each vending machine shall be properly affixed or attached to a free-standing structure provided by the vendor. Such vending machine shall be secured from the weather elements including, but not limited to, wind, rain, and snow.

(4) The vendor shall assume all liability for the placement of each vending machine in the public right-of-way.

(5) Each vendor shall execute and deliver to the City a hold harmless agreement relieving the City from any and all liability for the placement and continued use of such vending machine, such agreement to be approved by the City officials; and the vendor shall provide to the City a certificate of insurance naming the City as an additional insured in an amount consistent with the levels established by §15.66(2) and §15.66(3)(a), Green Bay Municipal Code, as they now exist and may hereafter be amended. Such certificate of insurance shall be for bodily injury and personal property damage.

(6) No vending machine shall be permitted to be located until all of the conditions above have been satisfied.

6.23 Deleted per GO 12-13

6.24 Deleted per GO 12-13

6.25 Deleted per GO 12-13

6.26 Deleted per GO 12-13

6.27 **ADVISORY INSPECTIONS.** Any school, church, or other agency or organization not required to be licensed by the State of Wisconsin or City of Green Bay may request the Green Bay Health Department to make an advisory inspection of such establishments to ascertain compliance of all municipal and state codes under Health Department jurisdiction. The fee for such inspection shall be as described at §6.01(25), Green Bay Municipal Code.

6.28 **PREINSPECTIONS.** Whenever an established bakery, confectionery, mobile home park, tourist rooming house, frozen confectionery/soft drink establishment, restaurant, liquor license establishment, hotel, motel, retail food market, swimming pool, rooming house, or bed and breakfast establishment changes ownership or control in such a manner as to require that the license application must be amended, or upon the initial application of any person or business entity for a license for any of the above-referenced activities, the City of Green Bay shall conduct a precicensing inspection. The fee for such inspection shall be as described at §6.01(26), Green Bay Municipal Code.

6.29 Deleted per GO 12-13

6.30 **PENALTY.** Any person who violates any provision of this chapter shall, upon conviction, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, provided forfeitures imposed for the violation of any of the sections relating to the sale of beer and liquor shall not exceed the maximum fine set forth in the Wisconsin Statutes for similar violations. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the County Jail not to exceed 90 days or until such forfeiture and costs are paid. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

6.31 **SUSPENSION AND REVOCATION OF CERTAIN LICENSES.**

(1) Licenses issued under §§6.16, 6.17, 6.18, 6.23, and 6.29, Green Bay Municipal Code, may be suspended or revoked pursuant to this provision.

(2) **ENFORCEMENT OF RULES AND REGULATIONS.** Whenever, upon inspection of a licensed establishment by an authorized agent of the Health Commissioner or by the Health Commissioner, it is found the establishment is not operating or equipped as required in subsection (1), the Health Commissioner or an agent shall notify in writing the person operating the premises and shall specify the requirements described by State law or code and local ordinance to make such place of business conform to the standards established, and shall specify the time limit within which compliance shall take place. If the time limit in the order is not met, or any extension of time granted for compliance, then the permit to operate the establishment may be suspended by the Health Commissioner.

(3) **INSPECTION.**

(a) **Access to Licensed Premises.** The Health commissioner or an authorized representative may enter any establishment licensed under (1) to inspect the premises, secure samples or specimens, examine and copy any relevant document, or obtain photographs or other evidence needed to enforce the provisions of the above-referenced section.

(b) **Examination and Condemnation of Food or Drink.** Samples of food or drink in any bakery, confectionery, restaurant, or retail food establishment may be taken from an establishment and examined by the Health Commissioner as often as deemed necessary for the protection of unwholesomeness or adulteration. Section 97.02, Wis. Stats., is incorporated by reference as if fully set forth herein.

(4) **EMERGENCY HEALTH HAZARD SITUATIONS.** Whereas a result of an inspection, the Health Commissioner or an agent has reasonable cause to believe that any inspected food, construction, sanitary condition, method, or operation of a premise or equipment used on the premises creates a danger to health, the Health Commissioner may issue a temporary order prohibiting the sale or movement of food for any purpose or otherwise prohibiting the continued operation which creates the immediate danger to health. The Health Commissioner or authorized agent may, in addition to the above without written notice, suspend a license referred to in (1) where the violations of the above-referenced provisions exist to such a degree as to constitute in the opinion of the Health Commissioner, an immediate health hazard. By so doing, the licensee must immediately cease all operations authorized by the license or permit. Section 97.12(2), Wis. Stats., is incorporated by reference as if fully set forth herein.

(5) **APPEAL BY THE OPERATOR.** Any person aggrieved by an order of the Health Commissioner may appeal such order to the Board of Health within 30 days after the issuance of such order. The Board of Health may either reaffirm, summarily set aside, or modify the order, or set a date for a hearing on the matter. The action taken by the Board of Health may either suspend the order or continue it in force pending determination of the issue. If the Board of Health has summarily modified the order, the person aggrieved may appeal from the modified order. The procedures for appeal of Health Department orders as found at §23.12, Green Bay Municipal Code, shall apply. An order of the Board of Health may be appealed to the Circuit Court of Brown County pursuant to the Wisconsin Statutes.

6.32 BAY BOAT RAMP FEE.

(1) There is hereby established a boat ramp user fee for use of all City of Green Bay boat ramps.

(a) The Common Council shall, by resolution, establish the amount of the seasonal and daily fee and provide for the method of payment and receipt display requirements.

(b) All boat ramp fee proceeds shall be segregated in the City of Green Bay Boat Ramp Operation, Maintenance, and Improvement Fund.

(2) The fee shall apply to the use of any City of Green Bay boat ramp by any person or vehicle launching any water craft from the ramp.

(a) All City of Green Bay water craft shall be exempt from payment of the boat ramp user fee. Exemption from payment of the boat ramp user fee may be granted to other authorized government water craft by the express approval of the Green Bay Director of Public Works and the Green Bay Park Director.

(3) It shall be unlawful for any person or owner of a vehicle to engage in any shift, scheme, device, or plan which results in payment of less than the actual fee due for any person or vehicle launching a water craft from the City of Green Bay boat ramp. The owner of a vehicle found in violation of this ordinance shall be liable for the violation.

(4) **PENALTY.** The penalty for violation of any provision of this section, and related resolutions, shall be a forfeiture as hereafter provided.

(a) Twenty Dollars (\$20) if payment is made to the Parking Utility within three calendar days after the violation.

(b) All other enforcement provisions of the Traffic Code, Ch. 29, Green Bay Municipal Code, shall apply to issuance and payment of a citation under this section; and the late payment schedule for all other parking regulations set out in §29.10, Green Bay Municipal Code, shall also apply.

(5) **ENFORCEMENT.** The Director of Parks, or any person delegated by the Park Director, upon approval of the Parking Utility Commission, is hereby authorized to issue citations for violation of this section; §29.16, Off-Street Parking Code; or subsequent amendments. The authority granted herein shall be pursuant to the Parking Utility provisions in §21.15, Green Bay Municipal Code.

6.33 DOG AND CAT LICENSES AND VACCINATIONS.

(1) **LICENSE REQUIRED.** The owner of a dog or cat more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog or cat becomes five months of age, pay the dog or cat license tax and obtain a license as used herein. The word "owner" shall include every person who owns, harbors, or keeps a dog or cat.

(2) **TAX.** (Rep. & Rec. GO 21-06 and GO 24-06) The license tax shall be \$5 for a neutered male dog or cat or spayed female dog or cat, and \$25 for an unneutered male dog or cat or unspayed female dog or cat, or one-half of these amounts if the dog or cat became five months of age after July 1 of any license year. The license year commences on January 1 and ends on the following December 31. Whenever the \$25 license tax is assessed, \$7.50 from the total tax paid shall be allocated to sponsor a low-cost spay and neuter clinic in the City of Green Bay. Every dog specifically trained to lead blind or deaf persons or to provide support for mobility-impaired is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Treasurer.

(3) **LATE FEES.** The City Treasurer shall assess and collect a late fee of \$5 from every owner of a dog or cat five months of age or over if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or cat, or if the owner fails to obtain a license on or before the dog or cat reaches the licensable age.

(4) ISSUANCE OF LICENSES AND COLLAR TAGS.

(a) **Issuance of Licenses.** Upon payment of the required dog or cat license tax and presentation of the required evidence that the dog or cat is currently immunized against rabies, the City Treasurer shall complete and issue to the owner a license for the dog or cat bearing a serial number and in the form prescribed by the State of Wisconsin stating the date of its expiration, owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed, and color of the dog or cat. The City Treasurer shall keep a duplicate copy of the license on file.

(b) **Collar Tags.** After issuing the license, the City Treasurer shall deliver to the owner a tag of durable material bearing the same serial number as the license and specify the license year. The owner shall securely attach the tag to the collar, and the collar with the tag attached shall be kept on the dog or cat to which the license is issued at all times; but this requirement does not apply to a show during competition, to a dog or cat securely confined indoors, or to a dog or cat securely confined to a fenced area. A duplicate tag shall be furnished to the owner by the City Treasurer in place of the original tag upon presentation of the license and payment of a fee of \$.50. The City Treasurer shall then endorse the new tag number on the license and keep a record on file.

(5) **EXCEPTIONS.** This section shall not apply to any person who owns dogs or cats that are kept only for educational or scientific purposes. Further, this section shall not apply to any farmer who produces \$1,000 or more in products.

(6) **PENALTIES.** Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

6.34 **SEXUALLY-ORIENTED ADULT-ENTERTAINMENT ESTABLISHMENT LICENSE.**

(1) INTENT. (Rep. & Rec. GO 34-96) It is the purpose of this section to regulate sexually-oriented adult-entertainment establishment businesses (hereinafter referred to as adult establishment) to promote the health, safety, morals, and general welfare of the citizens of the City of Green Bay, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments; and

Further, the Common Council has the specific authority under the 21st Amendment to the U.S. Constitution, as interpreted by various courts, to prohibit certain forms of activity in alcohol-licensed establishments, and further has the general police power to protect the public health, safety and general welfare of its residents in both alcohol and non-alcohol licensed establishments; and

Further, certain activities as defined herein, and the businesses within which such activities or simulations thereof may occur, have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to affect the quality of life of the communities, and that these secondary effects are detrimental to the public health, safety and general welfare of citizens, and

Further, the Council recognizes that some activities described herein are protected as expression under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution, and the Council further recognizes that such rights are among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

Further, based on experience in other communities, the Council is aware, however, that businesses associated with such activities and such activities themselves may and do generate secondary effects which, the Council believes, are detrimental to the public health, safety and welfare of the citizens of the City of Green Bay; among these secondary effects are (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where these activities may occur, (c) health risks through the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct; and

Further, the Council further recognizes that these activities, and the businesses within which these activities or simulations thereof may occur, have serious objectionable operational characteristics, particularly when located in proximity to each other and other areas as specified herein, thereby contributing to urban blight and downgrading the quality of life in the adjacent area and surround neighborhoods; and

Further, the Council, desiring to prevent these adverse effects and thereby protecting the public health, safety and general welfare of the citizens of the City of Green Bay, protecting its citizens from increased crime, preserving the quality of life, preserving the property values and character of surrounding neighborhoods and deterring the spread of urban blight, believes that the following rules promote the goal of reducing the secondary effects noted above.

(1.5) ADULT ENTERTAINMENT REGULATED. (Cr. GO 34-96)

(a) It shall be a violation of this Section for any person to perform, or for any person, licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises:

1. which exposes his or her specified anatomical areas, as that term is defined in this ordinance; or
2. which exposes any device, costume or covering which gives the appearance of or simulates specified anatomical areas, as that term is defined in this ordinance; or
3. to engage in or to simulate specified sexual activities, as that term is defined in this ordinance; or
4. to commit an indecent act of sexual gratification with another with knowledge that they are in the presence of others, or to publicly and indecently expose one's genitals or pubic areas; or
5. to engage in any form of straddle dancing, as that term is defined in this ordinance; or

(b) Exemption. The provisions of this Section do not apply to any theatrical production which contains specified sexual activities or exposes specified anatomical areas as defined in this section performed in a theater, or in a theater-type setting, by a professional or amateur theatrical or musical company which has serious artistic merit; provided, that such production is not a violation of other applicable law or ordinance. The provisions of this Section do not apply to an establishment that is a bona fide private club whose membership as a whole engages in social nudism or naturism as in a nudist resort or camp, or such other establishment in which the predominant business or attraction of the establishment is not the offering to customers of a product, service, or entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and the establishment is not distinguished by an emphasis on, or the advertising or promotion of, materials related to employees depicting, describing, displaying, exposing, or simulating specified sexual activities or specified anatomical areas.

(c) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance, with the exception of tipping.

(2) DEFINITIONS. For the purpose of this section:

(a) Specified sexual activities is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

(b) Specified anatomical areas is defined as:

1. Less than completely and opaquely covered:
 - a. human genitals, pubic region;

b. (Rep. & Rec. GO 34-96) buttock, (attire which is sufficient to comply with this requirement are T-bars, T-backs, and thongs);

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(c) Sexually-oriented adult-entertainment establishments includes bookstores, motion picture theaters, mini-motion picture theaters, bath houses, modeling studios, body painting studios, and cabarets; and are more specifically defined as:

1. Adult Bookstore. (Amd. GO 16-99) An establishment having as a substantial or significant portion of its stock and trade in books, magazines, other periodicals, videotapes, compact disks, and/or other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

2. Adult motion picture theater. An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

3. Adult motion picture theater (outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activity" or "specified anatomical areas".

4. Adult mini-motion picture theater. An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

5. Adult bath house. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state, which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.

6. Adult motel. A hotel, motel, or similar commercial establishment which:

a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

b. offers a sleeping room for rent for a period of time that is less than 10 hours; or

c. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

7. Adult modeling studio. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

8. Adult body painting studio. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

9. Adult cabaret. a. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

b. Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult-entertainment establishment only during those times when the adult entertainment is being presented or the entertainers are on the premises; and all provisions of this ordinance shall apply during those presentations. Further, such periodic adult cabaret shall notify the Green Bay Police Department at least 24 hours prior to the date on which such adult entertainment is to take place.

c. Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provisions hereinafter set forth.

10. Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities as defined herein or stimulating such activity.

(d) (Cr. GO 34-96) Straddle dancing, also known as lap dancing or face dancing, shall mean the use by an employee or performer of any part of one's body to touch the specified anatomical area of another, including another employee or performer, regardless of whether the touching occurs while either party is displaying or exposing any specified anatomical area, regardless of whether the touch or touching is direct or through a medium, regardless of whether the touch or touching is consensual or for the exchange of a donation, gratuity, tip or anything of value, including but not limited to money. Straddle dancing shall include the straddling of the legs of an employee over any part of the body of a person, regardless of whether there is a touch or touching.

(e) (Amd. GO 3-07) Employee means a person who performs any service or work on the licensed premises, including, but not limited to, providing entertainment, performing work of a management or supervisory nature, or performing support functions on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, amateur, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the licensee. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(3) LICENSE REQUIRED.

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

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

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

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

(4) APPLICATION FOR LICENSE. (Amd. GO 16-99) (a) Any person, partnership, or corporation desiring to secure a license shall make application to the City Clerk.

(b) The application for a license shall be upon a form approved by the City Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, and any other person who is interested directly in the control of the business, shall furnish the following information under oath:

1. Name, address, and age.
2. Whether the applicant holds any interest in any other adult entertainment establishment license or similar license or permit; whether the applicant has ever had such a license revoked or suspended, and the reason therefor.
3. All convictions or pending charges of felony, misdemeanor or ordinance violations, except minor traffic violations, within five years immediately preceding the date of application.
4. Fingerprints and two portrait photographs at least two inches by two inches of the applicant.
5. The name and address of the adult entertainment establishment to be operated by the applicant.
6. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation.
7. All convictions or pending charges of felony, misdemeanor or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner or person interested directly in the control of the organization, within five years immediately preceding the date of application.

(5) STANDARDS FOR ISSUANCE OF LICENSE. (Amd. GO 16-99)

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

1. If the applicant is an individual:
 - a. The applicant shall be at least 18 years of age.

b. Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or plead nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature within five years immediately preceding the date of the application.

c. The applicant shall not have been convicted of or plead nolo contendere to a violation of an ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

d. The applicant shall not be or have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

2. If the applicant is a corporation:

a. All officers, directors, and others required to be named under (4)(b) shall be at least 18 years of age.

b. Subject to Ch. 111, Wis. Stats., no director, officer, partner or person interested directly in the control of the organization shall have been convicted of or plead nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature within five years immediately preceding the date of the application.

c. No director, officer, partner or person interested directly in the control of the organization shall have been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

d. No director, officer, partner or person interested directly in the control of the organization shall be or have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

e. The applicant shall not have been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

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

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

b. Subject to Ch. 111, Wis. Stats., no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or plead nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.

c. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or plead nolo contendere to a violation of any ordinance or law which

substantially relates to the licensed activity within five years immediately preceding the date of the application.

d. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of or plead nolo contendere to a violation of an ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

(b) The Green Bay Police Department shall investigate the applicant's qualifications to be licensed.

(c) The Health Department, Building Inspection Division, and Planning Department shall inspect the premises proposed to be licensed to verify compliance with the ordinance and their respective codes.

(d) No license shall be issued unless the applicant provides proof of one of the following:

1. Ownership of a properly-zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes lawful pre-existing non-conforming use status.

2. A lease on a building which is properly zoned to house the venture. Proper zoning includes lawful pre-existing non-conforming use status.

3. An option to purchase property which is properly zoned for the venture. Proper zoning includes lawful pre-existing non-conforming use status.

4. An option to lease property which is properly zoned for the venture. Proper zoning includes lawful pre-existing non-conforming use status.

(e) The Protection and Welfare Committee shall review the application and recommendations of the Police Department, Health Department, Building Inspection Division, and Planning Department and recommend action to the Common Council. Should the Common Council fail to act upon an application within 60 days of its filing, the application shall be deemed granted, except as provided in subsection (f).

(f) If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsection (a) above, the Common Council may postpone action on the application until such time as the charge is resolved. Should the Common Council fail to act upon an application within 60 days of the resolution of the charge, the application shall be deemed granted.

(6) FEES. A license fee of \$750 shall be submitted with the application for a license. Such fee shall be waived if the proposed adult establishment is operating under or has applied for an alcohol beverage license under Chapter 33 of this Code and has paid the alcohol beverage licensing fee thereunder.

(7) DENIAL OF APPLICATION (Amd. GO 16-99)

(a) Notice. Whenever the Common Council denies an initial application, the City Clerk shall notify the applicant by certified mail of such denial at the address indicated on the application. The denial shall be postmarked no later than seven days after the action by the Common Council.

(b) Failure/Refusal to Provide Information. Failure or refusal of the applicant to give any information relevant to the investigation of the application or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial of the application.

(c) Request for Formal Hearing. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held before the Protection and Welfare Committee within 30 days of the request for hearing. The hearing shall proceed as provided in subsection (d).

(d) Hearing. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the common Council, if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.

(e) Recommendation. Within 15 days of a hearing pursuant to subsection (d), the Protection and Welfare Committee shall submit a report to the Common Council recommending whether the application should be granted or denied. The Committee shall provide the applicant with a copy of the report.

(f) Council Decision. The Common Council shall consider the recommendation of the Protection and Welfare Committee no later than the second regularly-scheduled meeting following its receipt of the Committee's report. The applicant may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk. The City Clerk shall provide the applicant a copy of the decision by certified mail at the address indicated on the license, which shall be postmarked no later than 20 days after the Common Council's decision.

(g) Appeal. If the Common Council denies the application, the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction.

(8) RENEWAL OF LICENSE OR PERMIT. (Amd. GO 16-99)

(a) Process. Every license issued pursuant to this ordinance will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk not later than October 31 of the year in which the license will terminate. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) Fee. A license renewal fee of \$250 shall be submitted with the application for renewal.

(c) Investigation. The Green Bay Police Department shall investigate the applicant's continuing qualifications to be licensed.

(d) Premises Inspection. The Health Department, Building Inspection Division, and Planning Department shall inspect the licensed premises to verify continued compliance with this ordinance and their respective codes.

(9) SUSPENSION, REVOCATION, OR NON-RENEWAL OF LICENSE. (Amd. GO 16-99)

(a) Grounds. The license granted herein may be revoked or suspended for up to six months or non-renewed by the Common Council as follows:

1. If the applicant or an officer, partner, or person directly interested in the control thereof has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive.

2. For a violation of any provision of this section, the Green Bay Municipal Code, or Wisconsin Statutes that substantially relates to the licensed activity by the licensee, an employee, officer, partner, or person directly interested in the control of the licensed organization. Any act or omission of an employee constituting a violation of a provision of this ordinance shall be deemed the act or omission of the licensee.

3. After conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., an offense against the person or property of a patron of the establishment, or of an offense involving substance in Sub. II of Ch. 961, Wis. Stats.

(b) Notice. No license shall be revoked, suspended, or not renewed by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Protection and Welfare Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof.

(c) Hearing. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.

(d) Recommendation. Within 15 days of a hearing pursuant to subsection (c), the Protection and Welfare Committee shall submit a report to the Common Council including a recommendation as to what, if any, action the Common Council should take with respect to the license. The Committee shall provide the licensee with a copy of the report.

(e) Council Decision. The Common Council shall consider the recommendation of the Protection and Welfare Committee no later than the second regularly-scheduled meeting following its receipt of the Committee's report. The complainant and licensee may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. If the Common Council, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension, revocation, or non-renewal, the license shall be suspended, revoked, or non-renewed as provided at subsection (a). The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk. The City Clerk shall provide the licensee a copy of the decision by certified mail at the address indicated on the license, which shall be postmarked no later than 20 days after the Common Council's decision.

(f) Appeal of Decision and Stay of Action. If the Common Council suspends, revokes, or non-renews a license under subsection (b), the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction. The suspension, revocation, or non-renewal shall be

stayed for a period of 30 days from the date on which the licensee receives such notice. If, within the 30 day period, the licensee appeals the suspension, revocation, or non-renewal to a court of competent jurisdiction, the action shall be stayed pending the outcome of this appeal. If the licensee fails to appeal the action to a court of competent jurisdiction within 30 days, the action shall take effect upon the expiration of such period.

(10) **DISPLAY OF LICENSE.** (Amd. GO 16-99) The license shall be displayed in a conspicuous public place in the adult establishment.

(11) **PHYSICAL LAYOUT OF ADULT ESTABLISHMENTS.** Any adult establishment having available for customers, patrons, or members any booth, room, or cubicle for the private viewing of any sexually-oriented adult entertainment must comply with the following requirements:

(a) **Access.** Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishments and shall be unobstructed by any door, lock, or other control-type devices.

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

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

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

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

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

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

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

(12) **RESPONSIBILITIES OF THE LICENSEE.** (Amd. GO 16-99) Employee Register.

(a) (Rep. & Rec. GO 4-02) The licensee shall maintain on the premises a register of all employees, showing the name and aliases or stage names used by the employee, and dates of employment and termination. The employee information shall be maintained in the register for a period of three years following termination. The licensee shall make the register available immediately for inspection by police upon demand at all reasonable times.

(b) Police Entry and Inspection. (Rep. & Rec. GO 4-02) The licensee hereby consents to the entry of the police or other duly authorized representatives of the City at all reasonable times for the purpose of inspection and search of the premises, and consents to the removal from said premises of all things and articles therein had in violation of the City ordinances or State laws, and consents to the introduction of such things as evidence in any proceeding that may be brought for such offenses. No licensee or employee may refuse entry of police or other duly authorized representatives of the City at any reasonable time. "Reasonable time" includes, without limitation, all times when the premises is open for business.

(c) Minors Prohibited. No licensee, person in charge, or employee may directly or indirectly permit a person under 18 years of age to enter an adult entertainment establishment.

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

(e) Lighting. The licensee shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.

(f) Patron Compliance. The licensee shall ensure compliance of the establishment, its employees and its patrons with the provisions of this ordinance.

(g) Information Posting - Booths. The licensee shall ensure there are conspicuously posted inside each booth, stall, partitioned portion of room, or individual room an un mutilated and undefaced sign or poster supplied by the Health Department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(h) Information Posting - Main Entrance. The licensee shall ensure there are conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Health Department pertaining to sexually transmitted diseases.

(i) Booth Occupancy Posting. The licensee shall ensure there are posted regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.

(j) Information, Charges. The Health Department shall charge its reasonable costs for supplying such posters, brochures, pamphlets, and other information supplied under this section.

(k) Security. At live performances which are expected to or do attract 50 or more patrons, during those times in which performers are on the premises, a licensee shall ensure there is adequate and readily identifiable licensed security personnel posted near any room where the performers dress or change clothing.

(l) Loitering Prohibited. The licensee shall prohibit loitering within the external boundaries of the real property upon which the adult-entertainment establishment is located. The licensee shall initiate and enforce a no loitering policy, post conspicuous signs stating that no loitering is permitted on such property, designate one or more employees to monitor the activities on such property by visually inspecting such property at least once every 30 minutes or inspecting such property by use of video cameras and monitors, and provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering.

(m) Private/Semi-Private Room Supervision. The licensee shall ensure that any live entertainment that is provided on the premises in a private or semi-private room to five or fewer persons takes place in the direct, unobstructed line of sight of an employee's station at which at least one employee is on duty and stationed at all times during which such entertainment takes place.

(n) Hours of Operation. (Cr. GO 17-99) Effective January 1, 2000, no adult entertainment establishment may remain open between the hours of 2:00 A.M. and 6:00 A.M., except on Saturday and Sunday the closing hours shall be between 2:30 A.M. and 6:00 A.M.

(o) Alcohol Prohibited. (Cr. GO 4-02) No alcoholic beverages shall be possessed, consumed, sold, or carried on any portion of the premises of an establishment unless such premises possesses a valid license for such beverages under Ch. 33, Green Bay Municipal Code.

(13) REGISTRATION OF EMPLOYEES. (Rep. & Rec. GO 4-02)

(a) Procedure. All establishment employees shall register with the Green Bay Police Department prior to working, performing, or otherwise undertaking any duties in or on the licensed establishment. Such registration shall include the person's full name, birth date, any aliases or stage names used, name of employer, and date of employment. Registrants shall provide a valid form of government-issued identification at the time of registration. A person employed by more than one establishment shall register separately for each establishment.

(b) Proof of Registration. Upon registration, the Police Department shall provide a copy of the filed registration form to the employee. The employee shall keep such copy and a valid form of government-issued identification available for production upon request at all times while employed at the establishment listed as the employer on the registration form.

(c) Fee and Duration. (Amd. GO 12-10) The fee for each registration shall be \$30, which shall be paid to the Police Department to cover the administrative costs of the registration. Registrations shall be valid for the registrant's term of employment at the establishment.

(d) Licensee Responsibility for Registration. A licensee shall not directly or indirectly allow an employee who is not registered to work, perform, or otherwise undertake any duties in or on the licensed establishment.

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

(15) PENALTIES AND PROSECUTION. (Amd. GO 16-99)

(a) Forfeiture. Any person, partnership, or corporation who is found to have violated this ordinance shall forfeit a definite sum not exceeding \$1,000.

(b) License Revocation. A court shall revoke any license issued under this chapter if the court finds that the licensee committed a violation within 12 months of a previous violation. For purposes of this subsection, multiple violations arising out of the same incident and on the same date shall be considered a single violation.

(c) Separate Offense. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(d) Licensee Responsibility. Any act or omission of an employee constituting a violation of a provision of this ordinance shall be deemed the act or omission of the licensee.

(16) SEVERABILITY. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same.

6.35 **UNDERGROUND SPRINKLER SYSTEMS**. (Cr. GO 20-93)

(1) GENERALLY.

(a) The installing, replacing, repairing, or relocating of any lawn sprinkler system shall be made in conformance with the provisions of this ordinance.

(b) Definition. "Person" means an individual, partnership, association or corporation.

(2) LICENSE REQUIRED.

(a) No person shall install, replace, repair, or relocate an underground sprinkler system within the City of Green Bay unless that person has obtained an underground sprinkler system license.

(b) A residential homeowner may install, replace, repair, or relocate an underground lawn sprinkler system at his or her own home without such a license provided:

1. In the opinion of the Plumbing Inspector, the homeowner is reasonably knowledgeable of such work.
2. The person discusses the construction procedure and plans with the Inspector.
3. The person occupies the dwelling at the time the work is being done.
4. The person receives an underground sprinkler system permit and complies with all the provisions of that section.

(c) Any license issued under this section shall terminate on January 1 of each year.

(3) QUALIFICATIONS AND REQUIREMENTS. All applicants for an underground lawn sprinkler license must:

(a) Apply to the City Clerk, who shall forward said application to the Improvement and Service Committee for its recommendation of approval or denial to the Common Council. Every applicant shall furnish satisfactory evidence to the Improvement and Service Committee that the applicant has the capability to install an underground sprinkler system.

(b) The application shall include the following:

1. Applicant's name.
2. Business address and phone number.
3. Qualifications of applicant.
4. The number of years involved in the service of installing, replacing, repairing or assembling underground sprinkler systems.
5. Any other qualification pertaining particularly to the applicant and the work to be performed.

(c) Each applicant shall deposit with the application a fee of \$25.

(d) Revocation/Suspension. Any license issued under this section may be revoked or suspended for cause by the Improvement and Service Committee with approval by the Green Bay Common Council at any time upon a hearing and sufficient written, sworn charges, filed with the Improvement and Service Committee. Causes for revocation or suspension shall include, but not limited to, the following:

1. Failure to comply with the provisions of this ordinance and any rules issued by the committee hereunder.
2. Failure to comply with any other applicable provision of this code, state law, or city ordinance, rule, or regulation.
3. Abandonment of any contract or undertaking without good cause or fraudulent departure from plans or specifications.
4. Failure to obtain or cause to be obtained permits when the same are required by this ordinance.

The holder of such license shall be given reasonable notice of the hearing and of the charges. Any person having had his license revoked under the provisions of this section shall not be granted a new license for a period of one year thereafter. Any suspension shall be for such term or conditions judged appropriate by the Improvement and Service Committee, but in no case shall any suspension exceed a term of six months.

(e) Scope of License. The holder of a valid lawn sprinkler license may install, replace, repair, or relocate only that part of the lawn sprinkler system from the discharge side of approved vacuum breaker or backflow preventer. Only the holder of a valid master plumber license, or a journeyman plumber license, working under such a master plumber, shall install the vacuum breaker or backflow preventer.

(4) PERMITS AND INSPECTIONS.

(a) Permit Required. (Amd. GO 21-09) No work of installing, replacing, repairing, or relocating any lawn sprinkler system shall be commenced by any person without first obtaining a plan approval and a permit from the Building Inspection Division.

(b) Right-of-Way. No underground sprinkler shall be installed in the public right-of-way unless all provisions of §9.33, Green Bay Municipal Code, regarding Private Transmission Facilities are met.

(c) Fee. The fee for the permit required by this section shall be as established by resolution of the Common Council.

(d) Connection. Underground lawn sprinkler systems shall not be connected to the water distribution system unless such lawn sprinkler system is separated from the water distribution system by an approved vacuum breaker or backflow preventer.

(e) Valves and Controls. All work shall be done in accordance with applicable plumbing standards.

(f) Notice for Inspection. The permittee shall notify the Plumbing Inspection Office when installation is completed. The permittee must allow inspection of said system by the Inspector prior to covering of the system.

(g) Approval, Disapproval. Upon the inspection of any lawn sprinkler system installation or work for which a permit was issued under this section, the Inspector shall indicate in writing that such installation or work has been inspected and approved or disapproved.

6.335 LICENSE TO KEEP HENS. (Cr. GO 7-11)

(1) **LICENSE REQUIRED.** The owner of any hen (female *Gallus gallus domesticus*) more than eight weeks of age shall annually, or on or before the date the hen becomes eight weeks of age, pay the hen license fee and obtain a license. The word "owner" shall include every person who owns, harbors, or keeps a hen.

(2) **FEE.** The license fee shall be \$5 for a single license to keep up to four hens. The license year commences on January 1 and ends on December 31.

(3) **LATE FEES.** The City Clerk shall assess and collect a late fee of \$5 from every owner of a hen eight weeks of age or older if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable hen, or if the owner fails to obtain a license on or before a hen reaches the licensable age.

(4) **ISSUANCE OF LICENSES.** Only one license may be issued to each parcel number. Upon payment of the required hen license fee, the City Clerk shall complete and issue to the owner a license stating the owner's name and address, parcel number, date of issuance, and date of license expiration. The City Clerk shall keep a duplicate copy of the license on file.

(5) **PENALTIES.** Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

6.36 ESCORT SERVICE LICENSE. (Rep. & Rec. GO 41-00)

(1) **DEFINITIONS.**

(a) Employee. An escort whose name is furnished by an escort service, is referred to a customer through an escort service, or is an agent, employee, independent contractor, or volunteer for an escort service shall be considered an employee of such service for the purposes of this ordinance.

(b) Escort. Any person who, for consideration, accompanies or offers to accompany another person to or about social affairs, entertainment or places of amusement, consorts with another person about any place of public resort or within any private quarters, or agrees to privately model lingerie, perform a striptease, or perform in a nude or semi-nude state for another person or persons.

(c) Escort Service. Any person who, for consideration, furnishes, offers to furnish, advertises to furnish, or refers escorts.

(d) In Call. Any arrangement whereby an escort is provided on a premises owned, leased, rented, or controlled by the escort or escort service.

(e) Person. Any natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the State of Wisconsin, and any political subdivision thereof.

(2) EXEMPTIONS. This section does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the City pursuant to a specific statute or ordinance, and employees employed by a business so licensed and which perform an escort or an escort service function as a service merely incidental to the primary function of such profession, employment, or business and which do not hold themselves out to the public as an escort or an escort service.

(3) REGULATED ACTS.

(a) License and Registration Required. No escort service shall operate or provide service in the City without first obtaining a license. No person shall escort in the City unless employed by a licensed escort service and properly registered pursuant to subsection (11).

(b) In Calls in Residential Zones. No escort or escort service may conduct in calls on residentially-zoned property.

(c) Separate License. A license may be issued only for one escort service with one trade name. Any person, partnership, or corporation which desires to operate more than one escort service must have a separate license for each service.

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

(e) Unlawful Acts. No escort or escort service may engage in unlawful acts while acting as an escort. A violation of a criminal statute or ordinance by an escort shall be considered a violation of this ordinance by the licensee.

(f) Advertising. No person may advertise indicating that an escort service is available in the City of Green Bay unless that service possesses a valid license. No escort service may advertise using a trade name unless that trade name is disclosed in its application. Any advertisements or escort activity conducted under an unreported trade name shall be considered unlicensed activity.

(g) Physical Contact Prohibited. No escort shall touch a customer or the clothing of a customer while exposing specified anatomical areas, as defined in §6.34(2)(b), Green Bay Municipal Code.

(h) Customers under Age 18. No person shall escort or agree to escort a person under the age of 18 years.

(4) APPLICATION FOR LICENSE.

(a) Application to Clerk. Any person, partnership, or corporation desiring to secure a license shall make application to the City Clerk. The application for a license shall be upon a form approved by the City Clerk. Each applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers, directors, and any other person who is interested directly in the control of the business for corporate applicants, shall furnish the following information under oath:

1. Name, address, and age.
2. Whether the applicant holds any interest in any other escort service license or similar license or permit.
3. Whether the applicant has ever had any other escort service license or similar license or permit revoked or suspended, and the reason therefor.
4. All convictions and pending charges of felony, misdemeanor, or ordinance violations.
5. Fingerprints and two portrait photographs at least two inches by two inches of the applicant.
6. All convictions and pending charges of felony, misdemeanor, or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner, or person interested directly in the control of the organization.
7. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation, and provide a certified copy of the articles of incorporation.
8. If the applicant is a partnership, the application shall specify the name and address of all partners and provide a certified copy of the partnership agreement or articles of partnership.

(b) Additional Information. Each service shall furnish the following information under oath at the time of application:

1. The trade name of the escort service. An escort service may operate under only one trade name per license.
2. The complete address of the proposed business location with a copy of the deed, lease, or other document pursuant to which the applicant occupies such premises.
3. The service's Federal Employer Identification number.
4. A written plan setting forth:
 - a. The exact nature of the business to be conducted;

- b. Office organization;
- c. Advertising theme and method;
- d. Copies of contracts to be used with escorts and customers;
- e. The method of operation of the escort service, including the hours that the service will be open to the public; and
- f. The methods of promoting the health and safety of escorts.

(5) STANDARDS FOR ISSUANCE OF LICENSE.

(a) Standards. To receive a license to operate an escort service, an applicant must meet the following standards:

1. All persons required to be named under subsection (4)(a) shall be at least 18 years of age.
2. No person required to be named under subsection (4)(a) shall have been convicted of a felony.
3. Subject to Ch. 111, Wis. Stats., no person required to be named under subsection (4)(a) shall have been convicted of a law or ordinance violation involving moral turpitude, prostitution, obscenity, or another crime of a sexual nature in any jurisdiction.
4. No person required to be named under subsection (4)(a) shall have been convicted of a violation of a law or ordinance which substantially relates to the licensed activity.
5. No person required to be named under subsection (4)(a) shall have been a director, officer, partner, or person interested directly in the control of an organization that has been convicted of a violation of any law or ordinance which substantially relates to the licensed activity.

(b) Investigation. The Green Bay Police Department shall investigate the applicant's qualifications to be licensed.

(c) False Information. Providing false or inaccurate information on the application or in the investigation of the application shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial of the application.

(d) Lack of Cooperation. Failure or refusal of the applicant to give any information required by this section or relevant to the investigation of the application or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial of the application.

(e) Committee Review. The Protection and Welfare Committee shall review the application and the recommendation of the Police Department and recommend action to the Common Council. Should the Common Council fail to act upon an application within 60 days of its filing, the application shall be deemed granted, except as provided in subsection (f).

(f) Pending Charges. If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsection (a) above, the Common Council may postpone action on the application until such time as the charge is resolved. Should the Common Council fail to act upon an application within 60 days of the resolution of the charge, the application shall be deemed granted.

(6) FEES. (Amd. GO 4-07) A non-refundable application fee of \$500 and a license fee of \$500 shall be submitted with the application for a license.

(7) DENIAL OF APPLICATION. Whenever an application is denied, the City Clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. The applicant may appeal the decision to a court of competent jurisdiction.

(8) RENEWAL OF LICENSE OR PERMIT.

(a) Process. Every license issued pursuant to this ordinance will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk not later than October 31 of the year in which the license will terminate. The application for renewal shall be filed with and dated by the City Clerk. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) Fee. (Amd. GO 4-07) A license renewal fee of \$500 shall be submitted with the application for renewal.

(c) Investigation. The Green Bay Police Department shall investigate the applicant's continuing qualifications to be licensed.

(9) SUSPENSION, REVOCATION, OR NON-RENEWAL OF LICENSE.

(a) Grounds. The license granted herein may be revoked or suspended for up to six months or non-renewed by the Common Council as follows:

1. If the licensee or any person required to be named under subsection (4)(a) has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive; or

2. For the violation by the licensee, an employee, or any person required to be named under subsection (4)(a) of any provision of this section, the Green Bay Municipal Code, or the Wisconsin Statutes that substantially relates to the licensed activity; or

3. After the conviction of the licensee, an employee, or any person required to be named under subsection (4)(a) of an offense under Ch. 944, Wis. Stats., an offense against the person or property of a patron, an offense involving substance in Subchapter II of Ch. 961, Wis. Stats., or any other offense which is substantially related to the licensed activity.

(b) Notice. No license shall be revoked, suspended, or not renewed by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Protection and Welfare Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof.

(c) Hearing. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.

(d) Recommendation. Within 15 days of a hearing pursuant to subsection (c), the Protection and Welfare Committee shall submit a report to the Common Council, including a recommendation as to what, if any, action the Common Council should take with respect to the license. The Committee shall provide the complainant and licensee with a copy of the report.

(e) Council Decision. The Common Council shall consider the recommendation of the Protection and Welfare Committee no later than the second regularly-scheduled meeting following its receipt of the Committee's report. The complainant and licensee may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. If the Common Council, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided at subsection (a). The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk. The City Clerk shall provide the licensee a copy of the decision by certified mail at the address indicated on the license, which shall be postmarked no later than 20 days after the Common Council's decision.

(f) Appeal. If the Common Council suspends, revokes, or non-renews a license, the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction.

(10) RESPONSIBILITIES OF THE LICENSEE.

(a) Compliance. The licensee shall ensure compliance of the service and all employees with the provisions and requirements of this ordinance. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the licensee of the escort service by which the escort is employed, and the licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

(b) Records and Reports Required. Every escort and escort service shall:

1. Provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount of money such services shall cost the patron, and any special terms or conditions relating to the services to be performed.

2. Maintain a legible written record of each transaction of any escort furnished to or arranged for on behalf of any person or customer. The record shall show the date and hour of each transaction, the name, address, and telephone number of the person requesting an escort, and the name of every escort furnished.

3. The records required by subsections 1 and 2 shall be kept available and open for inspection by the Green Bay Police Department during business hours.

(11) REGISTRATION OF ESCORTS.

(a) Information. All escorts shall, prior to acting as an escort, register with the Green Bay Police Department. Such registration shall include the following:

1. Name, address, birth date, any aliases, pseudonyms, or stage names used, and telephone number(s).

2. The name of the licensed escort service by which they are employed.

3. Photographs and fingerprinting with the Green Bay Police Department.

(b) Identification Card. Upon registration, the Police Department will provide to each escort an identification card containing their photograph, identity, and the escort service by which the escort is employed. The escort shall keep the card available for production at all times while acting as an escort.

(c) Duration. All registrations hereunder are valid for the term of the affiliated escort service's license.

(d) Fee. The registration fee shall be \$25 per registration, which shall be paid to the Police Department to cover the costs of the identification card and administration.

(e) Employment by Multiple Services. Any escort employed by more than one escort service shall submit a separate registration for each service by which the escort is employed.

(12) PENALTIES AND PROSECUTION.

(a) Forfeiture and License Revocation. (Amd. GO 49-04)

1. Any person, partnership, or corporation who is found to have violated subsection (3)(a) of this ordinance shall forfeit a definite sum not less than \$2,000 and not exceeding \$5,000 and a court shall revoke any license issued to the person under this chapter.

2. Any person, partnership, or corporation who is found to have violated any other section of this ordinance shall forfeit a definite sum not exceeding \$5,000 and a court shall revoke any license issued to the person under this chapter.

(b) Separate Offense. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(13) CH. 68, WIS. STATS., NOT TO APPLY. Ch. 68, Wis. Stats., shall not apply to the administrative process outlined above.

(14) SEVERABILITY. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same.

6.37 ANIMAL ESTABLISHMENT LICENSE (Cr. GO 3-10; Rep. & Rec. GO 21-10; Rep. & Rec. GO 29-10)

(1) DEFINITIONS. In this section, the following words and phrases have the designated meanings, unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(a) “Animal care records” means documents which contain any animal medical history, breeder contact information, treatments, acquisitions, disposition, behavior, or any other pertinent information.

(b) “Animal shelter” means a facility that temporarily houses homeless, lost, abandoned, or seized dogs, cats, or other types of animals until such animals are either reclaimed by an owner, adopted by a new owner, placed with another organization, euthanized, or otherwise removed from the facility.

(c) “Breeding dog” means any dog which breeds more than once in an eighteen (18) month period.

(d) “Breeding service” means any business where a person causes or allows a dog to breed at least two or more times for compensation within an eighteen (18) month period.

(e) “Foster home” means any place where a person cares for and houses animals upon request by an animal shelter, or by contract with an animal shelter.

(f) “Good faith effort” means to deliberately act in a manner which a reasonable and diligent person would act to fulfill a duty or follow a guideline.

(g) “Grooming service” means any business where a person performs cosmetic or cleaning services on animals for compensation two or more times in a two-year period.

(h) “Pet shop” means any business where a person offers animals for either wholesale or retail sale.

(2) LICENSE REQUIRED. Notwithstanding §173.41, Wis. Stats., no person may operate a pet shop, grooming service, breeding service, or animal shelter without having first obtained an animal establishment license.

(3) PROCEDURE FOR OBTAINING AND RENEWING AN ANIMAL ESTABLISHMENT LICENSE.

(a) Any person who seeks to obtain or renew an animal establishment license shall make application to the City Clerk on a form provided by the City Clerk and pay a licensing fee of \$100.00.

(b) The humane officer shall review the application and make recommendations to the City Clerk before the City Clerk issues or renews a license.

(c) The City Clerk shall issue or renew an animal establishment license unless the applicant owes a delinquent fee, judgment, or other debt to the City or the humane officer determines that at least one of the following applies:

1. The applicant has been convicted of any violation under Ch. 951, Wis. Stats., or a local ordinance in conformity therewith.

2. The applicant has been convicted of violating any section of this ordinance.

3. The applicant has been convicted of violating any section of Chapter 8 of the Green Bay Municipal Code.

(d) An animal establishment license shall be valid for one year from the date of issuance. A breeding dog registration shall be valid for the life of the dog.

(4) LICENSE REQUIREMENTS. Any person who holds an animal establishment license shall:

(a) Make a good faith effort to comply with the standards set forth in the “Animal Care Guidelines for the Retail Pet Industry” manual published and amended from time to time by the Pet Industry Joint Advisory Council.

(b) Keep animal care records for at least two (2) years and provide them to any humane officer, or his/her designee, upon request.

(c) Ensure each dog less than one (1) year of age in his or her possession wears an identification collar with its USDA official registration number at all times.

(d) Post on the front of all cages/enclosures the following information:

1. Name, business address and phone number of the breeder, broker and facility where animal was born.

2. USDA License number(s), if any.

3. State license number(s), if any.

4. Whether the animal was purchased from an unlicensed facility.

(e) Ensure that each dog, cat, or ferret at least five (5) months of age is vaccinated for rabies within 30 days of taking possession of the animal or before transferring ownership of the animal, whichever is sooner.

(5) SPECIFIC BUSINESS REQUIREMENTS.

(a) Pet shops shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a veterinarian.

(b) Grooming Services shall maintain records of rabies vaccination and veterinarian contact information for each animal which receives grooming service.

(c) Breeding Services shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a Veterinarian.

(d) Animal Shelters shall keep a record of approved Foster Homes.

(6) BREEDING DOGS.

(a) Any person who operates a breeding service shall register all breeding dogs and pay the following registration fee for each breeding dog in addition to the fee for obtaining a animal establishment license:

1. For each male breeding dog: \$300.00.

2. For each female breeding dog: \$250.00.

(b) No dog may be used for breeding before reaching two (2) years of age, nor after reaching eight (8) years of age.

(c) No dog may be sold before reaching the age of eight (8) weeks.

(d) No person may operate a breeding service without having first obtained a seller's permit from the Wisconsin Department of Revenue.

(7) LEMON LAW. A pet shop operator shall post a copy of this Lemon Law in a conspicuous location on the business premises.

(a) The operator of a pet shop shall:

1. Provide the purchaser of any animal with spay and neutering information, a copy of animal care records for the particular animal, and name and contact information of the animal's treating veterinarian.

2. Guarantee the animal was not unhealthy or injured at the point of sale.

3. Reimburse the expense to treat an unhealthy or injured animal up to the purchase price of the animal if within seven (7) days of the sale a veterinarian determines the animal was unhealthy or injured at the point of sale. Reimbursement is limited to treatment for the unhealthy condition or injury present at the point of sale. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

(b) If a pet shop operator refuses to refund the treatment expense under sub. (a)3., the purchaser may commence a civil action in circuit court. If the court finds by a preponderance of the evidence that the animal was unhealthy or injured on the date of sale, the pet shop operator shall reimburse the purchase price of the animal, pay reasonable costs sustained by the purchaser to commence and litigate the action, and comply with any other orders of the court. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

(8) **REVOCACTION OF LICENSE.**

(a) The City Clerk shall revoke an animal establishment license if the humane officer reports any of the following to the City Clerk:

1. The licensee was convicted of any violation under Ch. 951, Wis. Stats., or a local ordinance in conformity therewith.
2. The licensee was convicted of violating any section of this ordinance.
3. The licensee refused to allow a humane officer, or his/her designee, to enter the property.
4. The licensee ceased operation of any pet shop, grooming service, breeding service or animal shelter for twelve (12) consecutive months.

(9) **APPEAL.** A licensee may appeal any revocation under sub. (8) to the Protection and Welfare Committee. The Committee shall conduct a hearing and shall recommend to the Common Council that the license be revoked if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Welfare Committee within 45 days after the Committee adjourns the hearing. The Common Council may uphold the revocation order or reinstate the license. Appeal from a decision of the Common Council shall be to the Brown County Circuit Court.

(10) **PENALTIES.** Any person convicted of violating any section of this ordinance shall forfeit no more than \$500 for each violation.

6.38 **LOBBYIST REGISTRATION.** (Cr. GO 10-11)

(1) **Definitions.** For the purposes of this ordinance, the phrases below are defined as follows:

- (a) “Client” means a person who pays consideration to another to engage in lobbying.
- (b) “Lobbying” means the act of attempting to influence legislative or administrative action or inaction by oral or written communication with any Green Bay city official on behalf of another.
- (c) (Amd. GO 9-14) “Lobbyist” means a person, other than a full-time employee of the client, who is paid consideration by another to engage in lobbying.

(2) Registration Process.

(a) Before engaging in lobbying, a lobbyist shall complete a registration form and submit the completed form to the City Clerk along with payment of the registration fee.

(b) The registration fee shall be \$20.

(c) The lobbyist shall provide the following information on the registration form:

1. The lobbyist's full name, home or business address, phone number and e-mail address;

2. The name of each of the lobbyist's clients; and

3. The amount of money or value of consideration paid to the lobbyist by each client.

(d) After filing a registration form in accordance with the provisions above, the lobbyist shall update the form to include subsequent clients before engaging in lobbying on their behalf.

(e) There shall be no fee to update the registration form with current or additional information.

(3) No lobbyist may engage in lobbying on behalf of a particular person or organization until:

(a) The lobbyist has filed a completed registration form with the City Clerk;

(b) The name of each client is entered on the lobbyist's registration form filed with the City Clerk; and

(c) The amount of money or consideration paid to the lobbyist by each client to compensate the lobbyist for engaging in lobbying is entered on the lobbyist's registration form filed with the City Clerk.

(4) (Amd. GO 5-18) The City Clerk shall email a copy of any registration form filed with the Clerk's office to all elected officials, including any updates by the lobbyist.

(5) Penalties.

(a) Each person or organization for which a person lobbies in violation of sub. (3) shall be considered a separate violation.

(b) Each day a person violates sub. (3) shall be a separate violation.

(c) Any person who violates sub. (3) shall forfeit no more than \$250.

6.39 MOBILE FOOD ESTABLISHMENTS. (Cr. GO 12-15)

(1) DEFINITIONS.

(a) “Mobile Food Establishment” means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code.

(b) “Mobile” shall mean the state of being in active, but not necessarily continuous movement.

(c) “Mobile Food Vendor” means the registered owner of a mobile food establishment or the owner’s agent or employee, or any business which sells edible goods from a mobile food establishment within the City of Green Bay.

(d) “Edible Goods” shall include but are not limited to:

1. Prepackaged and prepared food including, but not limited to, ice cream, hot dogs, deserts, and pizza.

2. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.

(e) “Sell” shall mean the act of exchanging a good for profit or in return for a donation.

(f) “Service Base” means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

(g) “Vehicle” shall mean any motor vehicle as defined by Wis. Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71). Vehicle shall also include any bicycle or other self-propelled device.

(h) “Vend” shall mean to sell or to transfer the ownership of an article to another for a price in money.

(2) LICENSE REQUIRED.

(a) No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of Green Bay, without having obtained an approved license from the City Clerk.

(b) All mobile food establishments used for vending food shall be licensed for such use by the Brown County Health Department and all other applicable agencies. Mobile food establishments shall acquire the appropriate licenses and permits for any additional food items not required under this subchapter if deemed necessary by the Brown County Health Department.

(c) License. Every mobile food vendor shall have a license issued by the City Clerk to conduct business in the City of Green Bay. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.

(d) License Fee. The license to operate a mobile food establishment shall be \$500.00. If an applicant requests a license under this subchapter from an existing City of Green Bay based business that sells food based products, the license fee shall be \$300.00.

(e) License Renewal. Upon renewal of license, each applicant must provide a new application, a renewal fee of \$500.00, and any new permitting documentation upon the license renewal. License renewal from an existing City of Green Bay based businesses shall be \$300.00. If the applicant fails to submit the application and renewal fee within thirty (30) calendar days after the expiration of the license, the applicant shall reapply as a new applicant.

(f) Transfer of License. A license issued under this subchapter shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.

(g) Surrender of License; Alteration of License; Failure to Display License. On the expiration of a license issued under this subchapter, the license holder shall surrender the license to the City Clerk. No person shall alter or change in any manner any license issued under the provisions of this subchapter, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

(3) LICENSE APPLICATION PROCESS.

(a) Application. Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the City Clerk and pay the proper license fee for each mobile food establishment managed by the person. The City Clerk shall forward the application to the police department for review. If the police department approves the application, the City Clerk shall issue the license to the applicant.

(b) Application Denial. An applicant of a mobile food establishment may be denied where:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.

2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

3. The applicant made a false statement on the application.

4. The applicant is under eighteen (18) years old.

5. The applicant is found to have unpaid civil judgment(s) which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.

(c) Appeal. If the police department denies an application for a license, the applicant may appeal within fifteen (15) days after the City Clerk mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(d) Hearing Before Committee. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee decision.

(e) Issuance. The Clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the police department.

(4) LICENSE SUSPENSION OR REVOCATION. The Common Council may revoke or suspend, no less than ten (10) and not more than ninety (90) days, any license under this subchapter for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any State law or City ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.

(5) INSURANCE.

(a) Liability Insurance. The license holder under this subchapter shall have in force liability insurance for each mobile food establishment.

(b) Proof of Insurance. As evidence of liability insurance, the licensee shall furnish a certificate of insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Green Bay, its employees and agents as additionally insured in an amount not less than one million dollars (\$1,000,000.00). Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the City of Green Bay by certified mail.

(6) SANITATION REQUIREMENTS.

(a) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the Brown County Health Department including, but not limited to, the time, temperature, plumbing, operation and maintenance for mobile food establishments.

(b) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and Brown County Health Department regarding preparation facilities, serving areas and operation areas.

(c) The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the Brown County Health Department for annual inspections of the establishment at a location designated by the Health Department.

(d) Authorities of the Brown County Health Department may require that mobile food establishments found to violate sanitation and health requirements to have follow-up inspections to verify compliance.

(e) Service Base Required.

1. All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the Brown County Health Department.

2. Any food item desired to be cooked or prepared on the mobile food establishment shall first be inspected by the Brown County Health Department.

3. All mobile food units shall be cleaned and serviced as often as necessary from the service base.

4. The service base shall be inspected and approved by the Brown County Health Department prior to operating the mobile food establishment.

5. All mobile food establishments shall return to its service base at least once every twenty-four (24) hours for service and maintenance.

(7) CONDUCT OF BUSINESS.

(a) Regulations Generally. The following regulations shall apply to mobile food establishments during the regular order of business:

1. A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.

2. A licensee shall not use the license provided by the City after expiration or revocation of the license.

3. A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.

4. A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the City of Green Bay between the hours of 6:00 a.m. and 9:00 p.m. All sales within the portion of the downtown district of Green Bay, as defined and displayed in Exhibit A under this subchapter, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.

5. No mobile food establishment shall conduct business at a stationary location for a duration exceeding four (4) hours per location per day.

6. All persons conducting business on a sidewalk or terrace must maintain within twenty-five (25) feet of their sales location, a clean, sanitary and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters or storm drain. Each person conducting business on a sidewalk or terrace under the provisions of this chapter shall carry a minimum thirty (30) gallon container for placement of such litter by customers or other persons.

7. A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subchapter.

8. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.

9. All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.

10. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.

11. No person shall provide or allow any dining area to the mobile food establishment, including, but not limited to, tables and chairs, booths, stools, benches or stand up counters.

12. Signage may only be permitted when placed on the mobile food establishment. No separate free-standing signs are permitted.

13. Any special or civic event organizer desiring to hold five (5) or more mobile food establishments on the property where the event will be held shall notify the Brown County Health Department at least seven (7) business days prior to the event.

(b) Vehicle Regulations.

1. Any vehicle or other on-street units used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.

2. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with Chapter 27, Subchapter II, Green Bay Municipal Code.

3. All mobile food establishments shall be entirely self-contained in regards to gas, water, electricity, and equipment(s) required for operation of the unit.

4. All mobile food vehicles must have valid license plates and registration as provided by Chapter 341, Wisconsin Statutes.

5. No vehicle or unit may violate any traffic or parking statute or ordinance when stopping to make sales. Meter bags will not be issued to license holders under this subchapter.

6. No flashing or blinking lights, or strobe lights are allowed on a mobile food establishment or related signage when the establishment is parked and engaged in serving customers. All lighting is

subject to review by the City of Green Bay Traffic Engineer and shall be removed if deemed to be in conflict with safe travel.

7. All mobile food establishments shall comply with all Federal, State, and local regulations regarding vehicle size requirements.

(c) Zoning Restrictions.

1. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.

2. No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.

3. No more than two (2) mobile food establishments shall be allowed to conduct business on private property.

4. No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.

5. No mobile food establishment shall conduct business within five hundred (500) feet of Bay Beach Amusement Park or any fair, festival, special event or civic event that is licensed or sanctioned by the City of Green Bay unless the licensee has obtained written permission from the event sponsor.

6. A mobile food establishment shall be located on a paved surface at all times unless it is part of a City sanctioned special event.

7. No person may conduct business on a sidewalk or curbside in any of the following places:

a. Within twenty (20) feet of the intersection of the sidewalk with any other sidewalk.

b. Within ten (10) feet of the extension of any building entrance or doorway to the curb line.

c. Within one hundred-fifty (150) feet of a public entrance of any business which is a licensed or permitted restaurant by the Brown County Health Department, during the hours the particular business is open for sale, unless written permission is granted by the business.

d. Within one hundred-fifty (150) feet of a City park where food concessions are sold, during the hours that concessions are being sold, unless written permission is granted by the Parks Department.

8. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district. The subsection shall not apply to ice-cream trucks.

(d) Exemptions.

(1) Upon application and approval from the Protection and Welfare Committee, the licensee may periodically and infrequently extend the hours of service of the mobile food establishment outside the designated zone displayed in Exhibit A from 6:00 a.m. to 3:00 a.m. for business purposes only. This exemption shall not be applicable in any residential zoning district.

2. Upon application and approval from the Protection and Welfare Committee, the owner of private property may allow more than two (2) mobile food establishments to conduct business on said property during the normal hours of operation.

3. For event purposes, a mobile food establishment may conduct business on publicly owned property after the approval from the Parks Department and the Department of Public Works or participates in a City sanctioned special event.

(8) PENALTIES. A licensee or vendor who violates any provision of this subchapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1 nor more than \$500.00 for each offense.

