

Title 5

BUSINESS LICENSES

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## Chapter 5.04

### LIQUOR, FERMENTED MALT, AND SODA WATER LICENSES

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5.04.010 State Statutes Adopted. The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this Section by reference. A violation of any such provisions shall constitute a violation of this Ordinance. (New Section)

5.04.020 Licenses, Permits, Authorization Required. No person except as provided by Section 125.06, Wis. Stats., shall within the City of Whitehall, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Chapter 125 Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Section 125.04(1), Wis. Stats. (New Section)

5.04.030 License – Separate License for Each Place of Sale. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possessing,

selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment. (1960 Code Sec. 11.01(2)(b))

5.04.040 Classes of Licenses and Fees. The following classes and denominations of licenses may be issued by the City Clerk under the authority of the City Council after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Section 125 Wis. Stats. Except as otherwise provided in this Section, the full license fee shall be charged for the whole or fraction of any year.

- a) Class “A” (Off –premise beer) Fermented Malt Beverage Retailer’s License. \$100.00 per year or three-quarter (3/4) of such amount for 6-month period.
  - b) Class “B” (On-Premise Beer) Fermented Malt Beverage Retailer’s License. \$100.00 per year or three-quarter (3/4) of such amount for 6-month period.
  - c) Temporary Class “B” (picnic) Beer License. Pursuant to Section 125.26(6), Wis. Stats. (Sell beer to consumers at gatherings of limited durations.) \$10.00 per event.
  - d) Temporary Class “B” (picnic) Wine License. May sell wine at gatherings of limited durations, pursuant to Section 125.51(10) Wis. Stats. \$10.00 license fee per event. No fee may be charged if the applicant is also applying for a Temporary Class “B” (picnic) Beer License for the same event.
  - e) Class “A” (off-premise) Liquor License. \$150.00 per year. May be prorated on the basis of the number of months remaining in the licensing period.
  - f) Class “B” (on-premise) Liquor License. \$500.00 per year. May be prorated on the basis of the number of months remaining in the licensing period.
  - g) Reserve “Class B” Intoxicating Liquor. Pursuant to Statute 125.51(3)(e) a Reserve “Class B” Intoxicating Liquor License is hereby established for those licenses available but not issued as of December 1, 1997. Pursuant to Statutes, the fee for this class license is established at \$10,000 plus the normal annual license fee as established above. (Adopted June 13, 2000)
  - h) Soda Water License. \$10.00 per year or part thereof.
- (Amended January 10, 2006)

5.04.041 Operators’ Licenses. Required per Sections 125.17(1), 125.32(2) and 125.68(2), Wis. Stats. Any person 18 or older who is serving alcohol beverages in a Class A or class B licensed establishment must obtain an operator’s license (commonly called a “bartender’s license”), unless the person is under the “immediate supervision” of one of the following:

- a) The licensee
- b) The approved agent of a corporation
- c) A person with an operator’s license

(Amended May, 14, 1991)

5.04.042 Operators' Licenses – Qualifications/Fees. Section 125.04(5)(a), (b) and (d) Wis. Stats. The applicant must be at least 18 by the time of issuance. The applicant may not have an arrest or conviction record subject to Sec.111.335, Wis. Stats., may not have been convicted of a felony and may not be a “habitual law offender”. An operator’s license may not be issued unless the applicant has completed a responsible beverage server training course. Applicants are exempted from the training course requirement if they are renewing an existing operator’s license, have completed the training course within the last two (2) years, or have held a retail license or operator’s license within the last two (2) years. The license fee for those persons renewing an existing City of Whitehall operator’s license is \$10.00 per year. For new/original applicants, the license/application fee is \$25.00 per year or part thereof, which fee must be paid at the time of application. If the license is unable to be issued, the applicant will be refunded \$10.00. (Amended January 10, 2006)

5.04.045 Municipal Authorization For Class “B” Liquor Licenses to Sell Liquors for Off-Premise Consumption. Pursuant to Sec 125.51(3)(b), Wis. Stats, a retail Class “B” Liquor License authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, and to be consumed off the premises where sold. Wine, however may be sold for consumption off the premises in the original package or otherwise in any quantity. (Amended May 14, 1991)

5.04.060 Restrictions. In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in 5.04.010 of this Section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this Section. (1960 Code Sec. 11.01(4))

5.04.070 Restrictions – Requirements for License. No license or permit shall be issued to any person who is not of legal drinking age (21 years old per Section 125.02(8m) Wis. Stats. or over), of good moral character, a citizen of the United States and the State of Wisconsin. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this State punishable by imprisonment in a state prison, unless such person has been pardoned. This paragraph does not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporation. No license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one (1) year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one (1) year. The age requirement for this section does not pertain to Operators’ Licenses issued under Section 5.04.042 of this Ordinance (required age is 18 for Operators’ Licenses). (Amended May 14, 1991)

5.04.080 Restrictions – Effect Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within six (6)

months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application. (1960 Code Section 11.01(4)(b))

5.04.090 Restrictions – Inspection of Application and Premises. The City Clerk shall notify the Health Officer, Chief of Police and Building Inspector of all license and permit applications, and these officials shall inspect or cause to be inspected each application and premises sought to be licensed so such comply with the regulations, Ordinances and laws applicable thereto and the applicants fitness for the trust to be imposed. These officials shall furnish to the City Council in writing the information derived from such investigation. No license or permit provided for in this Section shall be issued without the approval of a majority of the City Council, and no license shall be renewed without a re-inspection of the premises and report as herein required. (1960 Code Section 11.01(4)(c))

5.04.100 Restriction – Health and Sanitation. No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to the restaurants and to all such Ordinances and regulations adopted by the City. (New Section)

5.04.110 Restrictions – Delinquent Taxes, Assessments, Etc. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims to the City of Whitehall or County of Trempealeau are delinquent and unpaid. No initial or renewal alcohol license shall be granted to any person: Delinquent in payment of any taxes, assessments or other claims owed to the City of Whitehall or County of Trempealeau; Delinquent in payment of a forfeiture resulting from a violation of any Ordinance of the City; or Delinquent in payment to the State of any State taxes owed. (New Section)

5.04.120 Inspection of Premises. It shall be a condition of any license hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City of Whitehall without warrant, and the application for a license to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. (1960 Code Sec. 11.01(5))

5.04.130 Posting Licenses. Every license or permit required under this Section shall be posted and at all times displayed as provided in Section 125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. (New Section)

5.04.140 Closing Hours. No person shall sell intoxicating liquors or fermented malt beverages during the hours specified below as closing hours, and no premises for

which the following licenses are issued may remain open during the hours specified in this section as closing hours:

- a) Class A Beer Licenses. Class A premises may remain open for the conduct of their regular business, but may not sell fermented malt beverages between 12 midnight and 8 a.m. (Wis. Stats. 125.32(3)(b))
- b) Class A Liquor Licenses. No premises for which a Class A Liquor license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m. (Wis. Stats. 125.68(4)(b))
- c) Class B Beer and Liquor Licenses. No premises for which a Class B license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except on Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. and on January 1<sup>st</sup>, premises operating under a Class B license or permit are not required to close. (Wis. Stats. 125.32(3)(a) and 125.68(4)(c)). Between 12 midnight and 6 a.m. no person may sell fermented malt beverages or intoxicating liquors on Class B licensed premises in an original unopened package, container or bottle or for consumption away from the premises. (Wis. Stats. 135.32(3)(am) and 125.68(4)(c))
- d) Exemption. Hotels and restaurants whose principal business is the furnishing of food, drinks or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, and golf courses may remain open for the conduct of their regular business but may not sell intoxicating liquor or fermented malt beverages during the closing hours. (Wis. Stats. 125.68(4)(c))  
(Amended January 12, 1988)

5.04.141 Penalty For Selling After Hours. Any persons selling intoxicating liquors or fermented malt beverages contrary to the hours set forth in Section 5.04.040, shall be subject to a forfeiture of not less than \$50.00 nor more than \$100.00 plus court costs, for each offense. Any opened or poured beverage on the premise shall constitute evidence of a violation. (Adopted April 8, 1986)

5.04.142 Penalty For Persons In Licensed Premises After Hours. No person or persons licensed under this ordinance shall permit persons upon the premises after hours of sale, except for the following purposes: Cleanup; maintenance and repairs; or remodeling. Such extended activity shall be under the direction and supervision of the licensee. Persons upon the premises after hours, contrary to this ordinance, shall be subject to a forfeiture of not less than \$25.00 nor more than \$50.00 plus court costs, for each offense. (Adopted April 8, 1986)

5.04.150 Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. (1960 Code Section 11.01(7)(a))

5.04.160 Revocation and Suspension of License – Procedure. Whenever the holder of any license under this Section violates any portion of this Section, proceedings for the revocation or suspension of such license may be instituted in the manner and

under the procedure established by Section 125.12, Wis. Stats., and the provisions herein relating to granting a new license shall likewise be applicable. (New Section)

5.04.170 Suspension of Licenses. The Mayor or the Chief of Police, upon obtaining reasonable information that any licensee has violated any provision of this Section or any State or Federal liquor fermented malt beverage law or committed any felony, may suspend the license or permit of such person for a period not to exceed 10 days pending hearing by the Common Council. (New Section)

5.04.180 Automatic Revocation. Any license issued under the provisions of this Section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this Section or for a violation of Chapters 125 or 139 Wis. Stat., or any other State or Federal liquor or fermented malt beverage laws. (New Section)

5.04.190 Repossession of License or Permit. Whenever any license or permit under this Section shall be revoked or suspended by the Common Council, Mayor, Chief of Police or action of any court or 5.04.180, it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police, who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk's office. (1960 Code Sec. 11.0(8) (d))

5.04.200 Possession of Alcohol Beverages by Underage People. Wis. Stats. Section 125.07(4) (1995), as amended, is hereby adopted and made a part of the City of Whitehall's Ordinances and, by this adoption, an underage person, as that term is defined in Wis. Stats. Section 125.02(20m) (1995), is prohibited from procuring or attempting to procure, possessing or consuming, except as expressly authorized by Wis. Stats. Section 125.07(4) (1995), any alcohol beverage, as that term is defined in Wis. Stats. Section 125.02(1) (1995), and any such procurement, attempted procurement, possession or consumption is a violation of the City of Whitehall's Ordinances. Whoever violates the Section 5.04.200 of this Ordinance shall be subject to the penalties provided by Wisconsin law. (Amended April 9, 1996)

## Chapter 5.08

### LICENSE FOR PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

#### Sections:

5.08.010	License Required
5.08.020	Application: Issuance
5.08.030	Investigation: Issuance
5.08.040	Fees
5.08.050	Exemptions
5.08.055	Non-Compliance
5.08.060	Expiration – Renewal – Transfer
5.08.070	Regulations and Restrictions – Consent Required
5.08.080	Regulations and Restrictions – Display of License
5.08.090	Regulations and Restrictions – Misrepresentation Prohibited
5.08.100	Regulations and Restrictions – Loud Noised and Speaking Devices
5.08.120	Suspension or Revocation of License

5.08.010 License Required. No person shall engage in the business of peddler, hawker, trucker, solicitor, canvasser, or transient merchant within the City of Whitehall without first obtaining a license from the Chief of Police or Clerk, in compliance with the provisions of Chapter 5.08 of this Code. (March 13, 1979)

5.08.020 Application: Issuance. At the time of filing application, an investigation fee of \$5.00 shall be paid to the City Treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the Chief of Police and shall contain such information as the Chief of Police shall require for the effective enforcement of this Ordinance and the safeguarding of the residents of the City from fraud, misconduct or abuse. (March 13, 1979)

5.08.030 Investigation: Issuance. Upon receipt of each such application, the Chief of Police shall immediately institute such investigation of applicant's business and moral character he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within 10 days after it has been filed with him, and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt from the City Treasurer showing payment of the required fee. (March 13, 1979)

5.08.040 Fees. The fee for a peddler's license shall be: \$5.00 per day; \$20.00 per week; \$50.00 per month; \$200.00 per year. The fee for a transient merchant's license shall be \$15.00 per day; \$60.00 per week; \$150.00 per month; \$500.00 per year. Annual licenses issued on or after July 1 shall be issued for one-half of the required annual fee. No fee shall be required for a solicitor's or canvasser's license. Peddlers may employ one assistant and transient merchants may employ two assistants without payment of an

additional license fee, but such persons must comply with the other provisions of this Ordinance. (March 13, 1979)

5.08.050 Exemptions. The following shall not be required to pay a license or investigation fee, but are required to register with the Chief of Police or Clerk and will be subject to the 10 day waiting/investigation period: newsboys; merchants delivering goods in their regular course of business; vendors of dairy, bakery or grocery products only to regular customers on established routes; farmers and truck gardeners; religious, charitable, patriotic or philanthropic organizations; persons selling property at wholesale to dealers; persons holding a State license issued pursuant to Section 129.02(2), Wis. Stats.; but such persons shall comply with the provisions of Sections 5.08.090 to 5.08.110, both inclusive. (March 13, 1979)

5.08.055 Non-Compliance. Failure by anyone to obtain a license or register as provided for in this Section may be subject to termination of their rights to peddle, hawk, truck, solicit, canvass or engage in the business of transient merchant within the City of Whitehall. (March 13, 1979)

5.08.060 Expiration – Renewal – Transfer. The Chief shall date all licenses hereunder and shall specify hereon the fee paid and date of expiration. Annual licenses shall be issued on a calendar year basis and expire December 31st of the year of issue. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this Section are personal and may not be transferred. (1960 Code Section 11.02(6))

5.08.070 Regulations and Restrictions – Consent Required. No peddler, canvasser or transient merchant as herein defined shall go in or upon any private residence, business establishment or office in the City for the purpose of soliciting orders for goods, wares and merchandise or peddling or hawking the same or without having been requested or invited to do so by the owner or owners, occupant, or occupants of said place. (1960 Code Section 11.02(7)(a))

5.08.080 Regulations and Restrictions – Display of License. Persons licensed under this Section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request. (1960 Code Sec. 11.02(7)(b))

5.08.090 Regulations and Restrictions – Misrepresentation Prohibited. No license shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale, nor the disposition of the proceeds or profits of his sales. (1960 Code Sec. 11.02(7)(c))

5.08.100 Regulations and Restrictions – Loud Noises and Speaking Devices. No licensee or any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places

of the City or upon private premises where sound of sufficient volume is emitted or produced there from to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, from the purpose of attracting attention to any goods, wares, or merchandise which such a licensee proposes to sell. (1960 Code, Sec 11.02(7) (d))

5.08.110 Regulations and Restrictions – Use of Streets. No licensee shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and public impeded or inconvenienced. (1960 Code, Sec. 5.08.110)

5.08.120 Suspension or Revocation of License. Licenses issued under the provisions of this section may be revoked or suspended by the City Mayor for a period not to exceed five (5) days pending hearing by the City Council for Fraud, misrepresentation or incorrect statement contained in the application or made in the course of carrying on business; conviction of licensee of any crime or misdemeanor or conduction the licensed business in an unlawful or disorderly manner or in such a manner as to menace the health, safety, or general welfare of the public. (1960 Code, Sec. 11.02(8))

## Chapter 5.12

### Mobile Homes, Manufactured Homes, Travel Trailers and Recreational Vehicles

#### Sections:

5.12.010	Purpose
5.12.020	Definitions
5.12.030	Units Allowed in Mobile Home Parks
5.12.040	Mobile Home Park Plan
5.12.050	Occupancy of Travel Trailers and Recreational Vehicles Prohibited
5.12.060	Penalties

(Adopted February 14, 2006)

5.12.010 Purpose. This Chapter is intended to provide for the orderly location and management of manufactured homes, mobile homes, travel trailers and recreational vehicles in the City of Whitehall.

5.12.020 Definitions. In this Chapter, unless the context dictates otherwise, the following definitions shall be used:

- a) “Approval” means acceptable to the City Council based on its determination as to conformance with this Ordinance and good public health practices.
- b) “City” means the City of Whitehall and its designated officials.
- c) “Manufactured Home” means a structure or structures certified and labeled as a manufactured home under 52 U.S.C. Sections 5401 to 5406, built after June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD) standards, is used as a permanent, single family residential dwelling, is installed in accordance with the manufacturer’s instructions and is set on an enclosed foundation in accordance with Section 70.043(1), Admin. Code as certified.
- d) “Mobile Home” means a detached single family dwelling designated for long term occupancy, designed to be towed or transported under its own power or with the aid of another vehicle, but does not include a manufactured home.
- e) “Mobile Home Park” means any parcel of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made from such accommodation.
- f) “Mobile Home Park Management” means the person legally responsible for the operation of the park.
- g) “Park” means a mobile home park whether such mobile home park is occupied entirely by mobile homes, manufactured homes or some combination of the two.
- h) “Recreation Vehicle (RV)” means a vehicle designed and intended to be moved from site to site, whether towed or self-propelled, and containing a holding tank septic system designed to be used in connection with a sanitary dump station.
- i) “Space” means a plot of ground within a park designed for the accommodation of one (1) unit.
- j) “Travel Trailer” means a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a mobile home.
- k) “Unit” means a separate structure designed to be an individual living facility and is either a mobile home or a manufactured home.

5.12.030 Units Allowed in Mobile Home Parks. The following units may only be located in licensed mobile home parks: Mobile homes and manufactured homes with greater than 550 square feet of year round living space and which were manufactured after June 15, 1976; and mobile homes and manufactured homes with less than 550 square feet of year round living space and all mobile homes which were located in the

City of Whitehall in a licensed mobile home park as of February 14, 2006. No additional manufactured homes or mobile homes of a size of less than 550 square feet, or which were manufactured prior to June 15, 1976, may be placed in any mobile home park beyond those already in place as of February 14, 2006, nor may any such manufactured or mobile home, whether for reasons of physical depreciation, damage or destruction through any cause, or otherwise, be replaced with another manufactured or mobile home with less than 550 square feet or which was manufactured prior to June 15, 1976. Under no circumstances shall a new or replacement mobile home be placed anywhere in the City outside of a mobile home park, except as provided by Ordinance 5.12.036.

5.12.031 Removal of Unoccupied Mobile Homes. Any mobile home with less than 550 square feet of year round living space or which was manufactured prior to June 15, 1976 which remains unoccupied for a period of 365 days must be permanently removed from the mobile home park and from the City, within the timetable designated by the City Council.

5.12.032 Pre-Existing Parks. All expansions of existing mobile home parks must comply with this and other City Ordinances. All existing parks must be licensed and comply with this Ordinance except for certain design requirements not previously in effect. All replacement units must comply with this Ordinance.

5.12.033 Licensing. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon property owned, leased, or controlled by him/her, a mobile home park within the limits of the City of Whitehall, without having first secured a license for each such park from the City Clerk pursuant to this Ordinance. An annual licensing fee in the amount of \$25.00 shall be paid for each park and for each license transfer. Such license shall expire June 30th of each year, but may be renewed under the provisions of this Ordinance for additional periods of one (1) year. Licenses, license transfers, and license renewals must be approved by the City Council. Before any park license is issued, applicable documentation must be filed with the City Clerk stating that the applicant has met all of the specifications and codes set up by the State of Wisconsin and the City of Whitehall. No park license shall be issued until the premises has been inspected by the City Administrator or his/her designee to determine whether the applicant, the premises of the park and the units within the park comply with all regulations, Ordinances and laws applicable thereto.

5.12.034 Mobile Home Park Management Duties. The park owner or operator together with any attendants or persons in charge of a mobile home park shall:

- a) Maintain an office on or immediately adjoining the park premises.
- b) Keep a register, which is to be open at all reasonable times to inspection by the City, of all owners and occupants of units located in the park.
- c) Maintain the park in a clean, orderly and sanitary condition at all times.
- d) Report to the local Health Officer all cases of animals or conditions on the premises which may adversely affect the health or well-being of persons in the park.

- e) Ensure that the provisions of this Ordinance are complied with and enforced and report promptly to the proper authorities any violations of this Ordinance and/or other violations of law which come to their intention.
- f) Post a copy of these regulations in a conspicuous place in the park where they can be easily seen.

5.12.035 Occupant Duties. It is the duty of all unit owners and occupants to:

- a) Maintain their site in a clean, orderly and sanitary condition at all times.
- b) Abide by all applicable state and local regulations.

5.12.036 Location Outside of Parks – Special Permit. No person shall park or occupy any mobile home or any manufactured home which does not meet the standards as listed in City Ordinance 17.04.417, on any premises which are situated outside an approved mobile home park, except under special permit as hereby authorized. The City Council may consider and may issue special written permits allowing the location of a manufactured home or a mobile home outside of a licensed mobile home park. This special permit may only be considered for manufactured homes or mobile homes which were manufactured after June 15, 1976 and which have greater than 550 square feet of year round living space. Application for this permit shall be made in writing to the City Clerk, and shall be accompanied by a \$25.00 inspection fee. In considering the application, the Council shall review Zoning Ordinance requirements, along with water, sanitary sewer, storm drainage and access plans.

5.12.040 Mobile Home Park Plan. All mobile home parks in the City of Whitehall shall comply with Chapter GSS 77 Wisconsin Administrative Code. All mobile home parks shall comply with City Ordinance Section 17.04.520(d) in regard to size, space, access, utilities, parking and site enclosure.

5.12.041 Manufactured and Mobile Home Unit Skirting. Skirting, or other material specifically designed for units to enclose the area between the ground and the bottom of the unit, is to be completed within two (2) weeks after parking the unit.

5.12.042 Recreation Area. Each mobile home park shall contain a relatively level, well-drained recreation area. A minimum of one-half (1/2) acre of area for such use shall be provided for each 50 sites.

5.12.043 Emergency Plan. A fire and all hazard plan must be developed by the mobile home park owner/management and submitted to the local Fire Chief for review.

5.12.044 Fires. Open fires within mobile home parks, except charcoal fires used for cooking, are prohibited. Burning barrels are prohibited.

5.12.045 Plumbing Within Mobile Home Parks. All plumbing shall meet the requirements contained in Chapter ILHR 82 – ILHR 84 and Chapter HSS 177, Wisconsin Administrative Code.

5.12.046 Water and Sewer Distribution Systems Within Mobile Home Parks. The construction, maintenance and operation of water and sewer distribution lines within mobile home parks shall be the responsibility of the mobile home park owner. Connection to the City’s water and sewer system will be metered at one point, which includes all units in one metered billing.

5.12.047 Solid Waste. Garbage or rubbish pick-up and disposal along with recycling collection must be provided by the management. All garbage must be kept in leak-proof, nonabsorbent containers that are protected from flies, insects, and animals. The contents shall be disposed of as often as necessary to prevent smells, decomposition or overflow.

5.12.050 Occupancy of Travel Trailers and Recreational Vehicles Prohibited. Travel Trailers and Recreational Vehicles parked in the City shall not be used as a permanent place of abode or as a permanent dwelling. No person shall occupy any travel trailer or recreational vehicle outside of the City Recreational Vehicle Campground for more than a two week period without approval by the City Administrator.

5.12.060 Penalties. Any person who violates any provision of this Ordinance shall be subject to the penalties provided in Chapter 1.08 of the Whitehall Municipal Code.

Chapter 5.16

CIGARETTE AND TOBACCO PRODUCTS LICENSES

Sections:

- 5.16.010 Cigarette and Tobacco Products – License
- 5.16.020 Application, Fee
- 5.16.030 Expiration, Display of Licenses
- 5.16.040 License Not Transferable
- 5.16.055 Restrictions on Sale or Gift of Cigarettes

5.16.010 Cigarette and Tobacco Products – License. No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person, without first obtaining a license from the City Clerk in the manner provided in Section 134.65, Wis. Stats. This Section shall not apply to jobbers or manufacturers holding a permit under Section 139.30 to 139.41, Wis. Stats.

5.16.020 Application, Fee. Upon the filing of a proper written application to the Clerk, the Cigarette and Tobacco Products License shall be issued on July 1st of each year or when applied for, and shall continue in force until the following June 30th, unless sooner revoked. The fee for such license shall be \$50 per year, or part thereof, and must be paid to the Treasurer prior to issuance of the license. (Amended January 10, 2006)

5.16.030 Expiration, Display of License. All cigarette and tobacco products licenses shall be signed by the City Clerk and indicate thereon the name of the licensee and the place authorized to conduct the licensed business, and shall expire on June 30th next succeeding the date of the issue. Every license shall be posted and at all times displayed at the site of the business where the person is authorized to conduct the licensed business.

5.16.040 License Not Transferable. Cigarette and tobacco products licenses issued under this Section shall not be transferable from one person to another nor from one (1) premise to another.

5.16.055 Restrictions on Sale or Gift of Cigarettes or Tobacco Products. Wis. Stat. 134.66, as may be amended from time to time, is hereby adopted and made a part of the City of Whitehall's Ordinances. Any violations of the restrictions and requirements of this Statute is hereby a violation of the City of Whitehall's Ordinances. (Adopted February 10, 2009)

## Chapter 5.20

### TAXICAB LICENSE

#### Sections:

- 5.20.010 License
- 5.20.020 Application
- 5.20.030 Fees
- 5.20.040 Approval of License
- 5.20.050 Revocation
- 5.20.060 Operators License
- 5.20.070 Operators License – Application
- 5.20.080 Operators License – Restrictions
- 5.20.090 Operators License – Expiration
- 5.20.100 Operators License – Examination
- 5.20.110 Operators License – Form
- 5.20.120 Operators License – Revocation
- 5.20.130 Operators License – Notice of Revocation
- 5.20.140 Operators License – Repossession of License
- 5.20.150 Rates – Posting
- 5.20.160 Taxicab Marketing
- 5.20.170 Insurance – Amount
- 5.20.180 Insurance – Approval City Attorney
- 5.20.190 Insurance – Cancellation

5.20.010 License. No person shall operate any vehicle carrying passengers for remuneration from place to place within the City of Whitehall without first having obtained a taxicab license. (1960 Code Section 11.06(1)).

5.20.020 Application. Application shall be made in writing to the City Clerk for such license, stating the full name of the applicant, his address, the make, model and serial number of the vehicle or vehicles he proposes to operate, and their state license numbers. Applications for renewal of existing licenses shall be made in the same manner as for the original license. (1960 Code Section 11.06(2)).

5.20.030 Fees. The license fee shall be \$10.00 per year or part of a year for the first taxicab of the applicant, and the license fee for additional taxicabs of applicant shall be \$5.00 per year or part of a year. Such license fees shall be paid to the City Treasurer before the license is issued by the Clerk. Such license shall expire on the 30<sup>th</sup> day of June following issuance. (New Section).

5.20.040 Approval of License. The City Clerk shall present each application to the Common council at its next regular meeting. The Common Council shall approve such application unless it finds after public hearing, that public convenience and necessity would not be served by granting of such license, or that the equipment of the

applicant does not meet the requirements of Chapter 85 of the Wis. Stats. The taxicab license shall be issued by the Clerk after approval by the Common Council. 1960 Code Section 11.06(4)).

5.20.050 Revocation. The Common Council may revoke such license for failure of the licensee to maintain his equipment as required by Chapter 85 of the Wis. Stats; or for more than three (3) convictions for violations of traffic laws or Ordinances within any six (6) month period by the licensee or by persons driving vehicles under such license, or for conduct by the licensee or by persons driving vehicles under such license which is prejudicial to the public safety, welfare, morals, or good order of the community. (1960 Code Section 11.06(5)).

5.20.060 Operators License. No person shall operate a taxicab unless he shall possess a taxi driver's license. The fee for such license shall be \$5.00. (New Section)

5.20.070 Operators License – Application. Each applicant shall submit in writing to the City Clerk a statement of the applicant's full name, his present residence, his residence for three (3) years past, his age, height, weight, color of hair and eyes, citizenship, place of last previous employment, marital status, Wisconsin State Motor Vehicle Operator's license number, whether he has ever been convicted of a felony or a misdemeanor, whether he has ever been previously licensed as a driver chauffer, and if so, when and by what authority, whether his license has ever been revoked or suspended, and if so, for what cause, and the name of the prospective employer. Applications shall be retained as permanent records in the office of the Clerk. (New Section)

5.20.080 Operators License – Restrictions. No license shall be granted to any person:

- a) Who is under 18 years of age.
- b) Who does not possess a valid Wisconsin state motor vehicle operator's license.
- c) Who has been convicted of a felony, or who has been convicted of driving a vehicle upon the highway while under the influence of intoxicating liquor or narcotics unless two (2) years have elapsed since his date of conviction or discharge from a penal institution, whichever is later. (1960 Code Section 11.06(6)(c))

5.20.90 Operators License – Expiration. A taxi driver's license shall expire on June 30<sup>th</sup> following its issuance. It may be renewed upon written application to the City Clerk, which shall show the full name and address of the applicant, and the date upon which his original license was granted, and any changes in the information required in the original application that may have occurred since the original application. (New Section)

5.20.100 Operators License – Examination. At the request of the Chief of Police, any applicant for a taxi driver's license shall undergo an examination as to his or her qualifications as a driver and his or her knowledge of traffic regulations and rules of the road, as may be prescribed by either the Sheriff of Trempealeau County, any County

Traffic Officer of Trempealeau County, or the State Highway Patrolman assigned for duty in Trempealeau County, Wisconsin. No taxi driver's license shall be issued to any applicant who has not first taken and passed such examination at the request of the Chief of Police. (New Section)

5.20.110 Operators License – Form. Upon the presentation of the City Treasurer's receipt for payment of the license fee and upon presentation of a certificate showing such applicant to have successfully passed the driver's examination set forth in 5.20.100 above, if required, the City Clerk shall deliver to each licensed taxi driver a license in such form and style as said Clerk may prescribe, with the license number thereon, which must, under penalty of revocation of the license, be constantly and conspicuously displayed on the taxicab when he is engaged in his employment. Each licensee shall affix to the face of the license in the space provided a photograph of himself not less than one half inches square which shall provide an accurate likeness of his face. No driver may loan his license or permit another to use it, subject to a revocation of his license. (1960 Code Section 11.06(6)(f))

5.20.120 Operators License – Revocation. The City Clerk shall revoke a taxicab driver's license if the licensee has, since the granting of the permit:

- a) Been convicted of a felony.
  - b) Had his state motor vehicle operator's license revoked or suspended.
  - c) Been convicted of driving while under the influence of intoxicating liquor or narcotics.
  - d) During any continuous six (6) month period, has had three (3) or more convictions of any violations of traffic laws or Ordinances of the State or City.
  - e) When, for the preservation of the public safety, welfare, morals or good order the City Clerk finds the licensee is unfit to drive a taxicab.
- (1960 Code Section 11.06(7)(a))

5.20.130 Operators License – Notice of Revocation. Written notice of such revocation or refusal to renew shall be given the licensee. Any person whose license shall have been revoked or renewal refused by the Clerk, may within 10 days thereof, appeal to the Common Council for a hearing thereon and the Common Council may after the hearing, affirm or reverse the action of the Clerk. If no appeal is taken within 10 days, the action of the Clerk shall be final. (1960 Code Section 11.06(7)(b))

5.20.140 Operators License – Possession of License. The Clerk shall repossess each license, which is revoked. (1960 Code Section 11.06(7)(c))

5.20.150 Rates – Posting. Every person operating a taxicab shall have at all times prominently posted and displayed in said taxicab, so as to be visible to the passengers therein, the rates or fares for the use of such cab.

5.20.160 Taxicab Marketing. Every taxicab shall be distinctly marked on two (2) sides, in letters not less than one and one-half inches in height, with the words “TAXICAB”, together with the licensee’s name. (1960 Code Section 11.06(9))

5.20.170 Insurance – Amount. No taxicab license shall be issued until the applicant deposits with the City Clerk a policy of liability insurance covering all vehicles to be included under the license. Such policy shall describe each vehicle by make, model and serial number, number of passengers capable of being accommodated therein at one time, and the number of the state motor vehicle license. Such insurance policy shall be issued by a company licensed to do business in the State of Wisconsin, and shall insure the licensed vehicle against loss from liability to the amount of \$100,000.00 for the injury or death of one (1) person in any one (1) accident; and in the amount of \$500,000.00 for the injury or death of more than one (1) person in any one (1) accident; and in the amount of \$100,000.00 for damage to property of others for any one (1) accident due to the negligent operation of such vehicle. (1960 Code Section 11.06(10)(a) New Amounts)

5.20.180 Insurance – Approval City Attorney. The policy of insurance shall be approved by the City attorney as to legal form before it is filed, and shall contain a provision that the same may not be cancelled before the expiration of its term, except upon 10 days written notice to the City of Whitehall. (1960 Code Section 11.06(10)(b))

5.20.190 Insurance – Cancellation. The cancellation or other termination of any insurance policy issued in compliance with this Section shall automatically revoke and terminate all licenses issued for the vehicles covered by such insurance policy, unless another policy shall have been filed and approved pursuant to this Section and shall be in effect at the time of such cancellation or termination. (1960 Code Section 11.06(10)(c))

## Chapter 5.26

### DANCE LICENSE

#### Sections:

- 5.26.010 License
- 5.26.020 Application
- 5.26.030 License Approval
- 5.26.040 Fees
- 5.26.050 Rules and Regulations of Licensed Premises
- 5.26.060 Exemptions
- 5.26.070 Definition – Public Dance

5.26.010 License. No person shall hold, conduct, or be present at a public dance within the City of Whitehall, except such as may be held on a premise licensed for dance by the City Clerk. All premises on which public dances shall be held, except for those set forth in Section 5.26.060, shall be duly licensed by the owner or tenant of such premises.

5.26.020 Application. Applications for a Dance License shall be made to the City Clerk, on such forms as may be prescribed by the City Clerk.

5.26.030 License Approval. License applications may be approved by the Mayor and City Clerk, or at the discretion of the Clerk and Mayor, may be submitted to the Common Council for their consideration of the application at the next regular Council meeting. If approved, the licensee shall keep the license posted in a conspicuous place at the licensed premises.

5.26.040 Fees. The annual license fee shall be \$50.00, which in no event shall be prorated. Every such license shall terminate on December 31<sup>st</sup> of each calendar year.

5.26.050 Rules and Regulations of Licensed Premises. The following rules and regulations shall govern the conduct, operation and management of all public dances held in the City of Whitehall:

- a) At no public dance shall the presence of any person under 18 years of age be permitted unless such person is accompanied by parent or legal guardian.
- b) Public dances shall be discontinued, and public dance halls closed for the night on or before one o'clock a.m. No public dance shall be conducted between such closing hour and eight o'clock a.m. of the day following, or twelve o'clock Noon on Sundays.
- c) The participation in a public dance of person(s) under the influence of liquor or drugs shall not be permitted.
- d) All dances held in the night times shall be kept well and sufficiently lighted at all times, and all grounds around the dance hall shall be well lighted.

- e) All buildings, in which such public dances shall be held, shall have proper fire exits, and shall comply with all rules and regulations of the State of Wisconsin Department of Industry, Labor and Human Relations, relative to public buildings. Said licensed premises shall also have proper toilet facilities.
- f) All premises for which a dance license is issued as hereinbefore provided, shall be subject to inspection at all times by the City Police Department or the Trempealeau County Sheriff's Department.

5.26.060 Exemptions. The requirements of this Chapter shall not apply to dance conducted in a church or parochial school hall, or to such place when conducted under the auspices of the proper church authorities, nor to any dance conducted in a public school building under the auspices of any of the school authorities, nor to any dance conducted under the auspices of a Parent Teacher Association in conformity to law and the rules of proper school authorities, nor to the places at which the same may be held during the time that such dances are held under the auspices of such school or church authorities, nor to dances sponsored by Community Service Organizations (Chamber of Commerce, Lions Club, Etc.), which are held during Community Festivals and are under the supervision of the Service Organizations.

5.26.070 Definition – Public Dance. A “Public Dance” as used in this Chapter shall mean a dance at which admission can be obtained by the public generally upon payment of an admission fee or by the purchase, possession or presentation of a ticket, or token for which a charge is made for the caring of clothing or other property, or where the privilege of dancing is accorded to purchases of food, beverages, refreshments, tobacco, cigars, cigarettes, or to which the public generally without restriction, may gain admission with or without payment of a fee, the purchase of anything for sale on the premises, or dance operated for profit.

## Chapter 5.28

### SPECIAL ADULT ENTERTAINMENT LICENSE

#### Sections:

- 5.28.010 License Required
- 5.28.020 License Fee
- 5.28.030 Conditions to License
- 5.28.040 Penalties for Violation
- 5.28.050 Restrictions on Establishment
- 5.28.060 Severability

5.28.010 License Required. No premises licensed to sell fermented malt beverages, intoxication liquor, or soda water pursuant to these Ordinances shall offer, provide, or permit any entertainment or service by any person who partially exposes to view his or her genitals, pubic area, buttocks, or anus, or her vulva or breasts below the top of the areola, without a Special Adult Entertainment License. (August 11, 1981)

5.28.020 License Fee. The City Clerk shall issue a Special Adult Entertainment License to any holder of a license to sell fermented malt beverages and intoxicating liquors pursuant to these Ordinances, upon the receipt of a fee of \$10,400.00. Said fee shall be an annual fee for said permit. (August 11, 1981)

5.28.030 Conditions to License. The license holder shall comply with the following conditions with respect to the license:

- a) An entertainer or employee shall at all times provide an opaque covering over his or her genitals and female breasts below the top of their areola. Said entertainer or employee shall not be visible from outside the licensed premises.
- b) At the entrance to the premises, a suitable warning, advising potential patrons of the nature of the entertainment or employment practices, as it relates to semi-nudity, shall be prominently displayed.
- c) There shall be no photograph or other visual representation depicting or displaying the genitals, pubic area, buttocks, or anus of any person or the vulva or breasts below the top of areola of a female or of any activity contained in this Ordinance visible from outside the premises.
- d) No employee of the premises shall in any manner orally encourage or solicit any other person to come into the premises on the basis of the entertainment or service policies of the premises.
- e) The Special Adult Entertainment License shall be prominently displayed along with the license to sell fermented malt beverages and intoxicating liquors.
- f) No patron shall be permitted to touch the sexual or genital parts of any entertainer or employee in the premises.

- g) No entertainer shall perform acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- h) Advertisements in any public media shall be limited to the name and address of the establishment and the words "Adult Entertainment".
- i) There shall only be permitted entrance to the premises at the front or main entrance to the licensed premises. All other entries to the premises shall be locked from the outside.
- j) No person under the age of 18 shall be permitted upon the premises which has been issued a Special Adult Entertainment License under this Ordinance.
- k) The licensed premises shall only be permitted to offer the entertainment or service between the hours of 7:00 p.m. and 12:00 Midnight.
- l) During the time that the premises is open and offering the entertainment or service, there shall be upon the premises, a licensed inspector. The inspector must be duly approved, upon forms and procedures provided by the Chief of Police and the Law Enforcement Committee of the City of Whitehall. The inspector must be at least 18 years of age, a resident of the City of Whitehall, and of good moral character. The licensee under this Ordinance shall be required to pay a fee equal to \$15.00 per hour of operation. The Clerk shall retain \$2.50 per hour of said fee and remit the balance of \$12.50 per hour to the inspector for the services rendered. The inspector shall be given the authority to enforce this Ordinance. Additional functions and restrictions with regard to the inspector may be provided by resolution of the City Council. (August 11, 1981)

5.28.040 Penalties for Violation. Any licensee who shall violate the terms of this Ordinance shall be subject to a forfeiture of not less than \$1,000.00 per occurrence, and in addition, such violation shall be considered grounds for suspension or revocation of the fermented malt beverage and intoxicating liquor license issued under these Ordinances. (August 11, 1981)

5.28.050 Restrictions on Establishment. The restrictions of this Ordinance shall apply to any establishment, which intends to offer the entertainment contemplated herein. No such activity shall be permitted without the acquisition of the Special Adult Entertainment license. Violations shall subject the individual or establishment to a forfeiture of not less than \$1,000.00 per occurrence. (August 11, 1981)

5.28.060 Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held by any circuit court, or higher court, to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance regardless of the invalidity or unconstitutionality of any such language. (August 11, 1981)