

TABLE OF CONTENTS

CHAPTER 9:	LICENSES AND REGULATION	1
9.0100	LICENSES	1
9.0101	Licenses Required.....	1
9.0102	Application for License.....	1
9.0103	Payment of Fee	1
9.0104	Bond and Insurance.....	1
9.0105	Approval or Denial of Licenses	1
9.0106	License Term	2
9.0107	License Certificates.....	2
9.0108	Exhibition of License Certificate	2
9.0109	Transfer of License	2
9.0110	Renewal of License.....	2
9.0111	Revocation of Licenses.....	2
9.0112	Hearing.....	3
9.0113	Inspections	3
9.0200	FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR.....	4
9.0201	State Statutes Adopted	4
9.0202	Election to Adopt Wisconsin Statutes Section 125.51(3)(B) For “Class B” Intoxicating Liquor License.....	4
9.0203	License Fees.....	4
9.0204	Written Interest in Premises Required	4
9.0205	Investigation.....	4
9.0206	Approval of Application	5
9.0207	“Class A” Quotas	5
9.0208	Approval of Application	5
9.0209	Posting Licenses; Defacement	5
9.0210	Conditions of License	5
9.0211	Temporary Class "B" Picnic or Special Event License Application Filing Requirements	8
9.0212	Restrictions of Temporary Class "B" Picnic or Special Event License.....	8
9.0213	Duration of Operator's License	8
9.0214	Display of Operator's License.....	8
9.0215	Revocation of Operator’s License	8
9.0216	Penalties	8
9.0217	Restricting Issuance of Provisional Retail Licenses	9
9.0218	Reserved for Future Use	9
9.0219	Reserved for Future Use	9
9.0220	Operator's License Required.....	10
9.0221	Procedure Upon Application.....	10
9.0222	Duration	10
9.0223	Issuance.....	10
9.0224	Display of License	10

9.0225	Revocation of Operator's License	10
9.0226	Pharmacists' Permits	11
9.0227	Provisional Operator's License	11
9.0228	Temporary Operator's License.....	11
9.0229	Economic Development Grant for Recipients of Initial Issuance of Reserve “Class B” Intoxicating Liquor Licenses	12
9.0230	Penalties	11
9.0231	Alcoholic Beverages During Independence Day Celebration on Stephenson Island...	15
9.0300	REGULATION OF ANIMALS	
9.0301	Dog Licenses Required	16
9.0302	Rabies Vaccination Required for License.....	17
9.0303	Issuance of Licenses	18
9.0304	Late Fees	18
9.0305	Penalty for Failure to Obtain Rabies Vaccination	17
9.0306	Offenses Pertaining to Dogs and Cats	18
9.0307	Impoundment of Animals	19
9.0308	Animal Bites	20
9.0309	Cruelty to Animals and Birds Prohibited.....	21
9.0310	Neglected or Abandoned Animals; Police Power.....	21
9.0311	Animal Feces	20
9.0312	Dogs and Cats Restricted on Cemeteries	22
9.0313	Kennels	22
9.0314	Records Required by Pet Shops.....	22
9.0315	Keeping of Bees Prohibited	22
9.0316	Skunks.....	22
9.0317	Regulation of the Keeping of Animals	23
9.0318	Enforcement Authority	23
9.0319	Dangerous Dog	24
9.0320	Potentially Dangerous Dog.....	24
9.0321	Dangerous Dogs Involved in Unprovoked Fatal or Severe Attacks.....	25
9.0322	Impoundment of Dogs Involved in Nonfatal, Nonsevere Bites.....	25
9.0323	Dangerous Dog Owner Requirements	25
9.0324	Repeat Dangerous Dog Actions.....	27
9.0325	Liability of Parents For Damages Caused by Dog Owned by Minor.....	27
9.0326	Feeding of Deer Prohibited.....	27
9.0327	Penalties	28
9.0400	TRANSIENT MERCHANTS	27
9.0401	Regulation of Transient Merchants.....	29
9.0500	TAXICABS	33
9.0501	Regulation of Taxicabs	35
9.0502	Insurance Required	35
9.0503	Inspection Required	36
9.0504	Conditions of License	36
9.0505	Substitute Taxicabs.....	36
9.0506	Taxicab License Fees.....	37

9.0507	Revocation of License.....	37
9.0508	Regulations Regarding Operator's License.....	37
9.0600	PAWNBROKERS, SECONDHAND ARTICLE DEALERS, AND JEWELRY DEALERS.....	35
9.0601	Regulation of Pawnbrokers, Secondhand Article Dealers, and Jewelry Dealers	38
9.0700	ROOM TAX.....	39
9.0701	Room Tax.....	37
9.0800	PERMITS.....	42
9.0801	Permit Conditions	42
9.0900	MISCELLANEOUS BUSINESS LICENSES	43
9.0901	Bill Posters	43
9.0902	Reserved for Future Use	43
9.0903	Reserved for Future Use	41
9.0904	Carnivals	43
9.0905	General Business License	45
9.1000	SPECIAL PERMITS.....	47
9.1001	Payday Lenders.....	47
9.1100	STREET USE PERMITS	48
9.1101	Street Use Permits.....	48
9.1200	WORKER'S COMPENSATION REQUIREMENTS FOR CONTRACTORS	50
9.1201	Worker's Compensation Requirements.....	50
9.1300	MISCELLANEOUS FEES.....	51
9.1301	Filing Fee for Reports of Tax Exempt Property	51
9.1302	User Fee Schedule.....	51

LICENSES AND REGULATION

9.0100 LICENSES

9.0101 LICENSES REQUIRED

No person shall engage in any trade, profession, business, or privilege in the City of Marinette for which a license is required by any provision of this Code without first obtaining such license from the City in the manner provided in this Chapter, unless otherwise specifically provided.

9.0102 APPLICATION FOR LICENSE

Unless otherwise provided application for a license shall be made to the City Clerk upon forms provided by the City and applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license.

9.0103 PAYMENT OF FEE

The fees required for any license unless otherwise specifically provided for, shall be paid at the office of the City Clerk before the granting of the license. Unless otherwise provided, no license fee shall be prorated for a portion of a year, and no license fee paid shall be refunded. When application is made for a new license for any of the following, the fee shall be prorated on the basis of the number of months, or fractions, thereof, remaining in the licensing year: "Class A" Beer; "Class A" Liquor; "Class B" Liquor; and "Class B" Beer.

9.0104 BOND AND INSURANCE

All required bonds shall be executed by two (2) sureties, or a surety company, and be subject to the approval of the Mayor and Council. Where policies of insurance are required, such policies shall be approved as to substance and form by the City Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the City Clerk before the license is issued.

9.0105 APPROVAL OR DENIAL OF LICENSES

- A. Where the approval of any City officer or State officer is required prior to the issuance of any license such approval must be presented to the City Clerk before any license is issued.
- B. No license shall be approved by an City officer or issued by the City Clerk if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety, or welfare of the public or any regulation, law, or ordinance applicable to such activity.
- C. No license shall be issued or renewed by any City Officer or City Committee or Common Council if the applicant owes to any governmental entity any delinquent taxes, assessments, forfeitures, other fees or financial obligations if the City of Marinette is entitled to a portion of any said delinquent taxes, assessment, forfeitures, or other fees or financial obligations. (Ordinance 2012-2225 adopted 8-6-2012).

9.0106 LICENSE TERM

- A. Unless otherwise provided, the term of the license year shall begin on July 1st and end on June 30th of the succeeding year.
- B. Where the issuance of licenses for periods of less than one (1) year is Permitted, the effective date of such license shall commence with the date of issuance.

9.0107 LICENSE CERTIFICATES

License certificates shall show the date of issue, the activity licensed, and the term of the license, and shall be signed by the Mayor and City Clerk, and be impressed with the City seal.

9.0108 EXHIBITION OF LICENSE CERTIFICATE

Every licensee shall carry his license certificate upon his person at all times when engaged in the activity for which the license was granted, except that where such activity is conducted at a fixed place or establishment, the license certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

9.0109 TRANSFER OF LICENSE

Unless otherwise provided, no license shall be transferable without the authorization of the Mayor and Common Council.

9.0110 RENEWAL OF LICENSE

License renewals shall be issued in the same manner and be subject to the same conditions as original licenses.

9.0111 REVOCATION OF LICENSES

Any license issued by the City may be suspended or revoked by the Mayor or Council for any of the following causes:

- A. Fraud, misrepresentation or an incorrect statement about a matter of substance contained in the application for license, or made in carrying on the licensed activity.
- B. Conducting the licensed activity in a manner as to constitute a breach of the Peace, or a menace to the health, safety, or welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the Health Officer or other appropriate City official.
- C. Expiration or cancellation of any required bond or insurance.
- D. Actions unauthorized or beyond the scope of the license granted.

E. Violation of any regulation or provision of this Municipal Code applicable to the activity for which the license has been granted, or any regulation or law of the State so applicable.

F. Failure to continuously comply with all conditions required as precedent to the approval of the license.

9.0112 HEARING

Any person aggrieved by the action of any City official in denying or revoking a license shall have the right to petition the Council for reconsideration on any such action, provided a written request therefore is filed with the City Clerk within ten (10) calendar days after receipt of the notice of such denial, revocation, or suspension. Upon receipt of a valid petition, a hearing on the matter will be conducted before the Council or the Council's designee. Upon conclusion of the hearing by a designee, the designee shall provide a report and recommendation to the Council on the matter. The report and recommendation shall either be in writing or stated in the hearing minutes. Upon completion of the hearing by the Council or after considering the report and recommendation of the designee, the Council may grant such license, confirm any suspension or revocation, or reinstate any such license. The action taken by the Council after a hearing shall be final. (Ordinance 2006-2053 adopted 3-7-06)

9.0113 INSPECTIONS

The Health Officer and other City officials may enter upon the premises where any licensed activity is being conducted for the purpose of inspection.

9.0200 FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

Article A Fermented Malt Beverages and Intoxicating Liquor

9.0201 STATE STATUTES ADOPTED

Except as otherwise specifically provided in this Chapter, the statutory provisions in Chapters 66 and 125, Sections 48.344 and 778.25 of the Wisconsin Statutes, and any future amendments thereto or successor statutes, describing and defining regulations pertaining to alcoholic beverages, exclusive of any provisions therein which by their nature would be appropriate only for State or County administration and enforcement, and exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein, and the terms used in this chapter shall have the meanings ascribed to them in said provision. Any act required to be performed or prohibited by any statute incorporated herein by reference is required to be performed or prohibited by this Chapter.

9.0202 ELECTION TO ADOPT WISCONSIN STATUTES SECTION 125.51(3)(b) FOR "CLASS B" INTOXICATING LIQUOR LICENSE

The City of Marinette hereby elects to come under Wisconsin Statutes Section 125.51(3)(b) and any future amendments thereto or successor statutes. The following language contained therein is subject to any such future amendments or successor statutes: "...a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed four (4) liters at anyone time, and to be consumed off the premise where sold. Wine, however, may be sold for consumption off premise in the original package or otherwise in any quantity."

9.0203 LICENSE FEES

Repealed (See MMC Section 9.1302 Schedule A)

9.0204 WRITTEN INTEREST IN PREMISES REQUIRED

No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by deed, lease, land contract, or other written instrument.

9.0205 INVESTIGATION

The City Clerk shall notify the Chief of Police, Health Officer, Code Enforcement Officer, Chief of the Fire Department, and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be

licensed comply with the regulations, ordinances, and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council or Personnel and License Committee, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

9.0206 APPROVAL OF APPLICATION

- A. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.
- B. No license shall be issued unless the premises conform to the sanitary, Safety, and health requirements of the State and Municipal Building Code, and the regulations of the State Department of Health and Social Services and City Board of Health. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the City.

9.0207 "CLASS A" QUOTAS

- A. The maximum allowable number of "Class A" Intoxicating Liquor Licenses that may be issued at any one time shall be fifteen (15).
(Ordinance 2013-2267 adopted 10-5-13)
- B. The maximum allowable number of "Class A" Fermented Malt Beverage Licenses that may be issued at any one time shall be twenty (20).
(Ord. 2015-2337 adopted 11-3-15)

9.0208 APPROVAL OF APPLICATION

Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six (6) consecutive months, the license issued to him shall lapse and become void. Such six (6) month period may be extended by the Common Council in its sole and absolute discretion.

9.0209 POSTING LICENSES; DEFAACEMENT

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

9.0210 CONDITIONS OF LICENSE

All "Class A" and "Class B" Intoxicating Liquor and Class "A" and "B"

Fermented Malt Beverage Licenses granted hereunder shall be granted subject to compliance by the licensee and its agents, employees, and customers to all present and future rules, regulations, ordinances, laws, and orders of the City of Marinette and all other governmental bodies, entities, agencies, and courts having jurisdiction over the premises or the activities thereon, and subject to the following additional conditions:

A. Consent to Entry

Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles in violation of City ordinances or State laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

B. Disorderly Conduct Prohibited

Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.

C. Health and Sanitation Regulations

The rules and regulations of the State Department of Health and Social Services governing sanitation in restaurants shall apply to all "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage Licenses issued under this Chapter.

D. Residents' Objections

No "Class B" Intoxicating Liquor or Class "B" Fermented Malt Beverage License shall be issued for any premises in any district where fifty (50%) percent or more of the properties fronting on the same street in the same block are used for residence purposes if a written objections shall be filed with the City Clerk signed by the owners of more than fifty (50%) percent of such residence property.

E. Street Level

A "Class B" Intoxicating Liquor or Class "B" Fermented Malt Beverage License shall be issued only for that portion of a premises located on the street level, except that this restriction shall not apply to (1) a bona fide club or hotel, or (2) a premise's basement used exclusively for the storage of the intoxicating liquor or fermented malt beverage.

F. Revocation

Whenever any license is revoked, at least three (3) months from the time of such revocation shall elapse before another license may be granted for the same premises. Twelve (12) months shall elapse before any other Intoxicating Liquor or Fermented Malt Beverage License may be granted to a person, entity, or alter ego thereof, whose license was revoked.

G. Off-Premises Sales

No licensee shall sell or offer to sell or serve any intoxicating liquor or fermented malt beverage upon any public street, alley, sidewalk or other public way in the City of Marinette without specific authorization by the Common Council

H. Consumption on Premises

All purchase of intoxicating liquor or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed therefrom to any thoroughfare, street, alley, or sidewalk unless authorized by the Common Council.

I. Clubs

No club shall sell intoxicating liquors except to members and to guests invited by members.

J. Clear View of Premises Required

All windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premise from the sidewalk. There shall be no partition, box, stall, screen, curtain, or other devices which shall obstruct the view of said room from the general observation of persons; provided, partitions, subdivisions, or panels not higher than sixty (60) inches from the floor shall not be construed as in conflict with the foregoing; and provided, "Class B" Intoxicating Liquor or Class "B" Fermented Malt Beverage License shall entitle the holder thereof to serve such beverages in a separate room on the licensed premises at banquets or dinner.

K. Conditions of License

The City may revoke, suspend or refuse to renew a license authorized under this Chapter that has not been issued, a license whose usage has been discontinued for at least ninety (90) days or where the licensee does not own or lease a premises from which business may be conducted, pursuant to the procedures in Wis. Stat. § 125.12. Prior to the time for renewal of the license, the City Clerk on behalf of the Personnel & License Committee, shall notify the licensee in writing of the City's intention not to renew the license and the Alcohol License Review Committee shall provide the licensee with the opportunity for a hearing. The notice shall state the reasons for the intended action. The Personnel & License Committee shall be authorized to issue the notice under this subsection. The hearing shall be conducted as provided in Wis. Stat. § 125.12(2)(b), and judicial review shall be as provided in Wis. Stat. § 125.12(2)(d). The hearing shall be held before the Personnel & License Committee and the Committee shall make a report and recommendation as provided in Wis. Stat. § 125.12(2)(b)3, and the Common Council shall follow the procedure specified under that subdivision in making its determination. (ordinance 2011-2215 adopted 12-6-11)

9.0211 TEMPORARY CLASS "B" PICNIC OR SPECIAL EVENT LICENSE APPLICATION FILING REQUIREMENTS

An application for a license for a temporary Class "B" Picnic/Special Event lasting less than four (4) days shall be filed with the City Clerk not less than seven (7) days prior to the granting of the license.

9.0212 RESTRICTIONS OF TEMPORARY CLASS "B" PICNIC OR SPECIAL EVENT LICENSE

Groups that have been granted a temporary Class "B" Picnic/Special Event License shall comply with the following conditions of license:

- A. There shall be at least one (1) person properly licensed as an operator on the premises at all times to supervise the service of beverages.
- B. Holders of said licenses shall fully comply with all provisions of this Code and the State Statutes.
- C. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- D. The license shall be posted in a conspicuous place on the premises.

9.0213 DURATION OF OPERATOR'S LICENSE

An Operator's License shall be valid for a maximum period of two (2) years and shall expire on the second June 30th after issuance.

9.0214 DISPLAY OF OPERATOR'S LICENSE

Each Operator's License shall be posted on the premises whenever the operator dispenses beverages.

9.0215 REVOCATION OF OPERATOR'S LICENSE

Violation of any of the terms or provisions of this Chapter or Wisconsin Statutes Chapter 125, as amended, by any person holding an Operator's License, shall be cause for revocation of the license.

9.0216 PENALTIES

- A. Forfeitures for violations of the Wisconsin Statutes, adopted by reference in Section 9.0201 of the Code of Ordinances of the City of Marinette, Wisconsin, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this Chapter of the Code of the Ordinances of the City of Marinette, Wisconsin, except as otherwise provided in subsection (a) herein, or who shall conduct any activity or make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in the general penalty section of this Code

of the City of Marinette, Wisconsin.

Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

9.0217 RESTRICTING ISSUANCE OF PROVISIONAL RETAIL LICENSES

The City Clerk may issue provisional retail alcohol beverage licenses following review and approval by the Personnel & License Committee of a completed approval checklist and application.

State Law Reference: Section 125.185

9.0218 RESERVED FOR FUTURE USE

9.0219 RESERVED FOR FUTURE USE

Article B Operator's License; Pharmacists' Permits

9.0220 OPERATOR'S LICENSE REQUIRED

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

State Law Reference: Section 125.17, Wis. Stats.

9.0221 PROCEDURE UPON APPLICATION

The Common Council may issue an operator's license to a person 18 years of age or greater. Applications shall be made on a form provided by the City Clerk. An operator's license shall be valid only within the limits of the City. In order to allow sufficient time for a background check, an application for an Operator's License must be filed with the City Clerk by the tenth day of the month to be considered by the Common Council at its regular meeting the following month.

9.0222 DURATION

Licenses issued under the provisions of this Chapter shall be valid for a period of one year and shall expire on the 30th day of June.

9.0223 ISSUANCE

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

9.0224 DISPLAY OF LICENSE

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

9.0225 REVOCATION OF OPERATOR'S LICENSE

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

9.0226 PHARMACISTS' PERMITS

- A. A permit for the sale of intoxicating liquor pursuant to section 125.57 of the Wisconsin Statutes may be granted to a registered pharmacist upon action by the Common Council. A separate application for each premises shall be made to the City Clerk upon forms provided by him.
- B. Repealed (See MMC Sec. 9.1302 Schedule A)
- C. Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid, and the name of the licensee.

State Law Reference: Section 125.57, Wis. Stats.

9.0227 PROVISIONAL OPERATOR'S LICENSE

- A. Pursuant to Wisconsin Statutes Section 125.17(5), as amended, the City Clerk, or his designee, is authorized to issue a Provisional Operator's License.
- B. A Provisional Operator's License may be issued only to a person who has applied for an Operator's License. A Provisional Operator's License may not be issued to any person who has been denied an Operator's License or whose Operator's License or Manager's License has been revoked or suspended in the preceding twelve (12) months.
- C. A Provisional Operator's License shall expire sixty (60) days after its issuance or when an Operator's License is issued to the holder, whichever is sooner.
- D. The City Clerk, or his designee, may revoke a Provisional Operator's License if he discovers that the holder of the Provisional Operator's License made a false statement on the application.
- E. A Provisional Operator's License may be issued to a person who is enrolled in a training course required by Wisconsin Statutes Section 125.17(6)(a), as amended. The Provisional Operator's License shall be revoked if the applicant fails to successfully complete the course in which he or she enrolls.
- F. A Provisional Operator's License may not be renewed.

9.0228 TEMPORARY OPERATOR'S LICENSE

Pursuant to Wisconsin Statutes Section 125.17(4), as amended, the Common Council may issue a Temporary Operator's License, the fee for which shall be established by Marinette Municipal Code Section 9.0203.

9.0229 ECONOMIC DEVELOPMENT GRANT FOR RECIPIENTS OF INITIAL ISSUANCE OF RESERVE “CLASS B” INTOXICATING LIQUOR LICENSES

A. Findings and Purpose

The Common Council finds that businesses such as restaurants, hotels and taverns make important contributions to the City’s economy. These establishments serve important public purposes including increasing the City’s property tax base, providing employment and promoting tourism. Excessive license fees deter new businesses and are contrary to these public purposes. 1997 Wisconsin Act 27 requires municipalities to establish a minimum fee of \$10,000.00 for each initial reserve “Class B” liquor license issued. Since the new fee far exceeds the actual cost of licensing the activity, additional revenue will be available to the City. It is the purpose of this ordinance to utilize revenue generated by Wisconsin Act 27 to assist new reserve “Class B” licensees achieve the important public purposes identified.

B. Economic Grant

Following the initial issuance of a reserve “Class B” liquor license and upon application by the licensee, the Common Council may provide a grant to the licensee in an amount not to exceed \$9,550.00. Prior to awarding any grant, the Common Council shall make such findings and establish such conditions to ensure that any funds awarded further the important public purposes identified above.

Article C Penalties

9.0230 PENALTIES

- A. Forfeitures for violations of Sections 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 9.0201 of the Code of Ordinances of the City of Marinette, Wisconsin, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this Chapter of the Code of Ordinances of the City of Marinette, Wisconsin, except as otherwise provided in subsection (a) herein, or who shall conduct any activity of make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the City of Marinette, Wisconsin.
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Article D Alcoholic Beverages in Adult Establishments

WHEREAS, based on evidence concerning the secondary effects of adult establishments on the community in reports made available to the City of Marinette, and on the holdings and findings in cases such as *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 106 S.Ct. 925 (1986); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 111 S.Ct. 2456 (1991); *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S.Ct. 1382 (2000); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003) as well as studies and summaries of studies conducted in other cities, including, but not limited to, Phoenix, Arizona; Tucson, Arizona, Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; Ellicottville, New York; New York City, New York; Times Square, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Cleburne, Texas, Dallas, Texas, Houston, Texas; Seattle, Washington; Newport News, Virginia; St. Croix County, Wisconsin; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (Minnesota, June 6, 1989), the Common Council of the City of Marinette finds that adult establishments may and do generate secondary effects, which the Common Council believes are detrimental to the public health, safety and general welfare. These secondary effects, include, but are not limited to:

1. Greater frequency, as shown by crime statistics, of all types of crimes, especially prostitution, other sex-related crimes and controlled substance crimes in neighborhoods where adult establishments are located, particularly when located in proximity to each other, as well as to businesses serving alcohol, which thus requires increased supervision from public safety agencies of local governments;
2. Increased urban blight and decay as other business and residents move out of the vicinity as they perceive adult establishments as an indication that the area is deteriorating;
3. Decreased property values on both residential and commercial properties, which harm the economic welfare of communities and negatively affect the overall quality of life;
4. Increased public health risks through the spread of sexually transmitted diseases; and
5. Increased potential for infiltration by organized crime for the purpose of unlawful conduct;

WHEREAS, the Common Council finds, based on these studies and judicial decisions such as *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003), that the consumption of alcoholic beverages on the premises of an adult establishment exacerbates the deleterious secondary effects of such businesses on the community;

WHEREAS, the Common Council desires to minimize and control these adverse secondary effects and thereby protect the health, safety and general welfare of the citizenry, preserve the quality of life, protect citizens from increased crime, preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight;

WHEREAS, the Common Council finds that some of the activities described herein are protected as expression under the First Amendment of the United States Constitution, recognizes that such rights are among our most precious and highly protected rights and wishes to act consistently with full protection of those rights;

WHEREAS, it is not the purpose of this ordinance or the Common Council to suppress any speech activities protected by the First Amendment, but instead to enact a content-neutral ordinance which addresses the secondary effects of adult establishments;

WHEREAS, the Common Council recognizes that it lacks authority to regulate obscenity pursuant to Wis. Stat. § 66.0107(3) and does not intend by adopting this ordinance to regulate obscenity, but instead only intends and declares its intent to enact an ordinance addressing the secondary effects of adult establishments;

WHEREAS, it is also not the intent of the Common Council to condone or legitimize the distribution of obscene material since the Common Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City of Marinette;

WHEREAS, the Common Council has authority under its general police powers as provided under Wis. Stat. § 62.11(5) to act for the good order of the City and for the health, safety and general welfare of the public and may carry out its powers by regulation and suppression;

WHEREAS, the Common Council has the authority to prescribe additional regulations for the sale of alcohol beverages under Wis. Stat. § 125.10(1) that are not in conflict with Chapter 125 of the Wisconsin Statutes;

WHEREAS, the Common Council finds that locational criteria alone do not adequately protect the health, safety and general welfare of the people of the City;

NOW, THEREFORE, the Common Council of the City of Marinette, do ordain as follows:

Section 1. Marinette Municipal Code Section 9-2-35 is created as follows:

- (a) **PURPOSE.** It is the purpose and intent of this ordinance to protect the health, safety, and general welfare of the citizens of the City of Marinette, preserve the quality of life and neighborhood characteristics, prevent adverse and deleterious effects that contribute to blight and downgrading of neighborhoods, prevent criminal activity and disruption of the public peace and maintain property values. It is not the purpose or intent of this ordinance to restrict or deny access by adults to materials protected by the First Amendment, nor to deny access by the distributors and exhibitors of adult entertainment to their intended market. It is neither the purpose nor intent to impose limitations or restrictions on the content of any communicative materials or messages. By enactment of this ordinance, the Common Council does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult establishments. Further, it is not the intent of this ordinance to permit any use or act, which is otherwise prohibited or made punishable by law.

- (b) **PROHIBITED.** No licensee under Chapter 125, Wis. Stat., or agent thereof shall knowingly permit or allow any person on the licensed premises to expose to view any portion of the person's specified anatomical areas.
- (c) **EXCEPTION.** The prohibition in subpar. (b) shall not apply to:
 - (1) Normal use of public restrooms;
 - (2) Normal use of privately rented hotel rooms;
 - (3) Any female exposing a breast to breastfeed an infant under two (2) years of age;
 - (4) Medical emergencies; or
 - (5) Theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is the sexual stimulation, gratification, or titillation to customers; and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of nude or semi-nude performances.
- (d) **DEFINITIONS.** The definitions found in § 13-1-95(b) shall also apply to this subsection, unless the context requires otherwise, or the application is obviously unintended.
- (e) **PENALTY.** Any licensee who violates subpar. (b) shall be subject to a forfeiture for each offense as defined in § 1-1-7 of this Code.
- (f) **LICENSE STATUS.** Any licensee who violates this subpar. (b) shall be subject to revocation, suspension, or refusal to renew the license as set forth in Wis. Stat. § 125.12 and the procedures in such section shall govern.

9.0231 ALCOHOLIC BEVERAGES DURING LOGGING AND HERITAGE FESTIVAL ON STEPHENSON ISLAND

This ordinance shall be in effect annually during the Logging and Heritage Festival in the month of July. The exact dates and times shall be determined annually by the City of Marinette Personnel and License Committee. Event Grounds means Stephenson Island, the Stephenson Public Library parking lot and the adjacent City owned parking lot during the annual City of Marinette Logging and Heritage Festival.

No person may possess on or carry into event grounds any alcoholic beverage regulated by Chapter 125 of the Wisconsin Statutes, as amended, including, but not limited to fermented malt beverages, wine or wine products, and intoxicating liquor, except that alcoholic beverages purchased at authorized vendors may be possessed or consumed on event grounds. The penalty for violating this ordinance shall be governed by the general penalty provisions of Marinette Municipal Code Section 1.0101.

9.0300 REGULATION OF ANIMALS

9.0301 DOG LICENSES REQUIRED

A. License Required

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

B. Definitions

In this Chapter, unless the context or subject matter otherwise require:

1. "Animal Control Authority": Marinette Police Department, including its Public Service Officer and other designated civilian employees.
2. "At large" means an animal shall be deemed to be running at large when it is permitted to run off of the premises of the owner or keeper when it is not accompanied by a person having said animal under control on a leash. Said animal shall be physically tethered with a leash no longer than six (6) feet. (Ordinance 2008-2133 adopted 10-7-08)
3. "Collar" means a band, strip, or chain placed around the neck of the dog.
4. "Dangerous Dog" shall be defined as any one of the following:
 - (a) Any dog which, according to the records of the Animal Control Authority, has inflicted severe injury or death on a human being without sufficient provocation on public or private property.
 - (b) Any dog which, according to the records of the Animal Control Authority, has killed a domestic animal without sufficient provocation while off the owner's property.
 - (c) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
 - (d) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.
 - (e) Any dog which, when unprovoked, has inflicted nonfatal, nonsevere injury on a human.
 - (f) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
5. "Owner" includes any person who owns, harbors, or keeps a dog.
6. "Restrain" includes notifying the dog's owner or an officer and requesting either the owner or officer to capture and restrain the dog;

or, capturing and restraining the dog; and, killing the dog if the circumstances require immediate action.

7. "Severe Injury" shall be defined as any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

8. "Untagged" means not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoor unless the dog is securely confined in a fenced area.

C. No dog may be declared a "dangerous dog" if the threat, injury, or damage to a person or domestic animal was caused by the dog under any of the following circumstances:

1. Death or injuries sustained by a person while that person was committing or attempting to commit a criminal trespass of the land or dwelling of the owner of the dog, or other crime.

2. Death or injuries sustained by a person while that person was teasing, tormenting, abusing, or assaulting the dog or if the person has a history of teasing, tormenting, abusing, or assaulting the dog.

3. Death or injuries sustained by a domestic animal while that domestic animal was teasing, tormenting, abusing, or assaulting the dog.

4. If the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault by another person or animal.

5. If the acts are committed by the dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

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

9.0302 RABIES VACCINATION REQUIRED FOR LICENSE

A. The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog or cat reaches four (4) months of age and re-vaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the City of Marinette after the dog or cat has reached four (4) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is obtained or brought into the City unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog or cat shall have the dog or cat re-vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination.

- B. It shall be the duty of every owner of any coyote, fox, raccoon, or skunk to have such mammalian pet, regardless of its age, vaccinated against rabies each year by a licensed veterinarian.

9.0303 ISSUANCE OF LICENSES

- A. The owner of a dog more than five (5) months of age on January 1st of any year, or five (5) months of age within the license year, shall annually, on or before the dog becomes five (5) months of age, pay the dog license tax and obtain a license.
- B. Upon payment of the required dog license fee, and upon presentation of evidence that the dog is currently immunized against rabies, the City Treasurer shall complete and issue to the owner a license and tag for the dog.
- C. Repealed (See MMC Section 9.1302 Schedule A).
- D. Every dog required to be licensed by the provisions of this Chapter shall be provided by its owner with a leather or chain collar, or with a harness, to which the license tag shall be securely fastened. No unlicensed dog required to be licensed under this Chapter shall be permitted to remain within the City unless the owner shall cause such dog to be registered, licensed, and provided with a collar or harness and a license tag.

9.0304 LATE FEES

Repealed (See MMC Section 9.1302 Schedule A).

9.0305 PENALTY FOR FAILURE TO OBTAIN RABIES VACCINATION

An owner who fails to have a dog or cat vaccinated against rabies as required under Section 9.0302 may be required to forfeit not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

9.0306 OFFENSES PERTAINING TO DOGS AND CATS

- A. Definitions
 - 1. Owners shall mean any person owning, harboring, or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which a dog or cat customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog or cat within the meaning of this Chapter.
 - 2. "At large" means an animal is deemed to be running at large when it is permitted to run off of the premises of the owner or keeper when it is not accompanied by a person having said animal under control on a leash. Said animal shall be physically tethered with a leash no longer than six (6) feet. A dog or cat within an automobile of any person with the consent of the dog or cat's owner shall be deemed to be upon the owner's premises. (Ordinance 2008-2133 adopted 10-7-08)

B. Restrictions

It shall be unlawful for any person within the City of Marinette to own, harbor, or keep any dog or cat which:

1. Habitually pursues any vehicle upon any public street, alley, or highway in the City.
2. Assaults or attacks any person.
3. Is at large within the limits of the City.
4. Habitually barks or howls to the annoyance of any person or persons.
5. Kills, wounds, or worries any domestic animal.
6. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
7. Is an untagged dog.

9.0307 IMPOUNDMENT OF ANIMALS

A. Dog and Cat Poundmaster

The Chief of Police shall appoint a suitable person to act as Poundmaster of the City. The Poundmaster shall catch, take up, and impound in a suitable place to be provided by the Poundmaster or the City, and all dogs or cats found running at large contrary to the provisions of this Chapter. The Poundmaster shall receive a fee of Three Dollars (\$3.00) for every dog or cat taken up and impounded by him under the provisions of this Chapter, the fee to be paid to him out of the general fund of the City. The same powers and duties as are granted and imposed on the Poundmaster are also granted and imposed on all police officers of the City, except that police officers shall not be entitled to receive any fee for such services. In addition, the City Sanitarian shall be allowed to seize and destroy all unlicensed animals and their litter, adjudged by him to be wild or feral and breeding in a public place in an uncontrolled manner.

B. Redemption of Dogs or Cats From Pound

In order to redeem any dog or cat which may have been impounded under this Chapter, the person desiring to redeem the same shall pay to the Poundmaster or the Chief of Police the sum of Two Dollars (\$2.00), and upon the receipt of such sum and boarding charges the dog or cat shall be released. If the dog or cat is without a proper dog or cat license, the person redeeming the dog or cat shall first procure a dog or cat license tag. The Poundmaster or Chief of Police shall keep a register of all dogs and cats impounded, showing the date and time of impounding the same, a description of the dog or cat, the name of the person claiming ownership if such dog or cat is redeemed, or the date of killing or other disposal if such dog or cat is not redeemed. The boarding charges shall be the actual cost per day for the animal's upkeep.

C. Notification to Owner of Dog or Cat

The Poundmaster shall notify the owner of an impounded dog or cat personally or by mail, if such owner is known to the officer or can be ascertained with reasonable effort. The Poundmaster shall read the "Lost and Found Column" of the local newspapers having a general circulation in the community to determine whether any lost dog or cat answers the description of any impounded dog or cat and shall promptly communicate with the advertiser thereof if such be found. If the owner is unknown or cannot be ascertained, the Poundmaster shall post written notice in three (3) public places in the City, giving a description of the dog or cat, stating where it is impounded and the conditions for its release, within forty-eight (48) hours, Sundays excepted, after the Poundmaster shall have taken such dog or cat into his possession. If after seven (7) days the owner does not claim such dog or cat, the Poundmaster shall dispose of the dog or cat in a proper and humane manner.

D. Records of the Poundmaster

The Poundmaster shall keep a record of every dog or cat sold or otherwise disposed of, describing the dog or cat with reasonable certainty of identification and listing the name and address of the person to whom sold or delivered or the manner of otherwise disposing of the dog or cat. Any person to whom such dog or cat is sold or delivered must sign a statement to that effect, giving his name, address, and date of delivery or receipt of such dog or cat.

E. Poundmaster's Fees

The Common Council may make all necessary rules and regulations not herein provided for the location, construction, maintenance, and operation of City dog and cat pounds. The Poundmaster shall pay to the City Treasurer, for the general fund of the City, all monies received by him under the provisions of this Chapter, except boarding fees for dogs and cats confined at the pound, and he shall be paid the fees provided in this Chapter out of the general fund of the City.

9.0308

ANIMAL BITES

A. Notification of Animal Bite

Any person having knowledge that a pet regulated herein has bitten any person shall, within twenty-four (24) hours, notify the Marinette Health or Police Departments giving, if possible, the name and address of the owner and circumstances under which the bite occurred.

B. Impoundment, Quarantine

1. Any mammalian pet described herein determined to be a fierce or vicious animal may be seized and impounded under the supervision of a licensed veterinarian for a period of not less than fourteen (14) days.

2. Any mammalian pet described herein found not wearing a valid vaccination tag shall be impounded under the supervision of a licensed veterinarian for a period of not less than three (3) days, and may be reclaimed by the owner thereof upon compliance of the rabies vaccination requirement of this Section.
3. Any mammalian pet described herein suspected of being afflicted with rabies which has bitten any person, causing an abrasion of the skin of such person, shall be seized and impounded under the supervision of a licensed veterinarian for a period of not less than fourteen (14) days. If, upon examination by such veterinarian, the animal has no signs of rabies at the end of such impoundment, may be released to the owner, or in the case of a stray, shall be disposed of according to law. If such animal has not been vaccinated as required herein, it must be inoculated prior to release to its owners.
4. Any mammalian pet described herein not vaccinated as required herein, and which is known to have been bitten by a rabid animal shall be seized, and upon consent of the owner of such pet, immediately destroyed. If the owner does not consent to the disposal of the affected pet, such animal shall be impounded in strict isolation and quarantined in suitable impoundment facilities under the supervision of a licensed veterinarian for a minimum of six (6) months. If such animal had been vaccinated as required herein, it shall be re-vaccinated immediately and impounded for a period of thirty (30) days following such re-vaccination. If the owner of a pet described herein which is known to have been bitten by a rabid animal refuses to comply with the regulations herein, such animal shall be immediately destroyed.
5. The owner of an impounded animal shall bear and be responsible for the payment of all impoundment fees, all expenses incurred during such impoundment.
6. Nothing contained in this section shall in any way be construed to be contrary to or effect the operation of Section 95.21 of the Wisconsin Statutes.

9.0309 CRUELTY TO ANIMALS AND BIRDS PROHIBITED

No person, except a peace officer or health or humane officer in pursuit of his duties, shall within the City, shoot, kill, or commit an act of cruelty on any animal or bird.

9.0310 NEGLECTED OR ABANDONED ANIMALS; POLICE POWER

Any police officer may shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected, or abandoned, and may deliver such animal to another person to be sheltered, cared for, and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and the person having

possession of the animal shall have a lien thereon for his care, keeping, medical attention and expenses of notice. Whenever in the opinion of a police officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, such police officer may kill such animal.

9.0311 ANIMAL FECES

Any person owning or having control of any dog, cat, or other animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner, and shall carry the appropriate equipment to do so when on property, public or private, not owned or controlled by such person. No animal feces shall be permitted to remain exposed upon any public or private property.

9.0312 DOGS AND CATS RESTRICTED ON CEMETERIES

Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this Section.

9.0313 KENNELS

The construction or maintenance of a public kennel for the housing of dogs, cats, or other pet animals, except pet stores, is forbidden within the City of Marinette.

9.0314 RECORDS REQUIRED BY PET SHOPS

It shall be unlawful for any person operating a pet shop or other persons selling the mammalian pets described in this Chapter, within the City of Marinette, to sell or place such animals without first preparing accurate and complete records of such sale; such records are deemed necessary in tracing the location and movement of animals suspected of rabies exposure.

9.0315 KEEPING OF BEES PROHIBITED

No bees or hive of bees shall be kept or allowed to remain in the open upon private property within the City of Marinette.

9.0316 SKUNKS

The Poundmaster may catch, take up, impound in a suitable place, or destroy any skunk constituting a nuisance or found running at large in the City. When any resident of the City pays a nonrefundable fee of Ten Dollars (\$10.00) to the City Poundmaster, for the purpose of having the Poundmaster catch, take up, impound, or destroy a skunk located on said resident's private real estate or premises, the Poundmaster shall make reasonable attempts to catch or destroy said animal and shall receive a fee of Ten Dollars (\$10.00) if said animal is caught or destroyed; provided, however, that in paying said Ten Dollar (\$10.00) fee to the City, said resident agrees that neither the City nor its Poundmaster shall be liable to any person for damage to persons or property incidental to catching, removing, or destroying any skunks.

9.0317 REGULATION OF THE KEEPING OF ANIMALS

A. Prohibited Animals

No person or entity may keep, possess, or sell any of the following animals: swine, sheep, cattle, horse, or other hoofed animal; poultry; waterfowl; canine other than a domestic dog (*Canis familiaris*); feline other than a domestic cat (*Felis catus*); any animal, including but not limited to reptiles, amphibians, insects, and arachnids, capable of inflicting a venomous or poisonous bite reasonably likely to cause serious injury or death to a human being or domesticated animal.

B. Owner Control

Any person or entity owning or keeping any animal shall keep such animal so confined or otherwise under control so as not to cause injury or death to a human being or domesticated animal, or damage to the property of another.

C. Pet Stores-No Outside Animals

No pet store or other establishment for the boarding of animals, sale of animals, or the keeping of animals for sale shall keep any animal outside of any completely enclosed main building.

D. Transportation

Any prohibited animals may be transported through the City during the normal course of commerce.

E. Number of Animals

No person or entity may keep more than three (3) animals of any allowed species over the age of six (6) months in any dwelling unit or premises. This subsection shall not apply to pet stores or other establishments for the board or sale of animals, veterinary clinics, and kennels.

F. Exemptions

Circuses and similar entertainment, educational and medical institutions and impoundments authorized by the Public Safety Officer or other law enforcement officer shall be exempt from this ordinance.

G. Confiscation

Animals kept in violation of this ordinance may be seized, impounded, destroyed or otherwise disposed of by the City.

H. Penalties

Any person or entity in violation of this ordinance shall be governed by the penalties listed in Marinette Municipal Code Section 1.0107.

9.0318 ENFORCEMENT AUTHORITY

The Marinette Board of Health and the City Police Department are granted the authority to enforce this Chapter, and the Police Department and City Pound Master shall assist the Health Department in the seizure, confinement, and impounding of animals when such assistance is requested. The Marinette Board of

Health may promulgate and adopt rules and regulations deemed necessary to cope with an outbreak of rabies in the City of Marinette.

9.0319 DANGEROUS DOG

The Animal Control Authority shall have the power to declare any particular dog a "dangerous dog" if the definitional criteria of "dangerous dog" in Section 9.0301 (B)(4)(a) through (B)(4)(f) applies. If the owner of the dog can be determined, the owner shall be notified in writing by certified mail, to the last known address of the owner, return receipt requested. If the owner contests the designation of "dangerous dog", the owner is entitled to a hearing before the Public Safety and Code Enforcement Committee pursuant to Section 9.0320. A written request for a hearing must be actually received by the City no later than seven (7) days following mailing of the notice to the dog owner. In the event that there is not a timely request for a hearing by the dog owner, the determination of the Animal Control Authority shall stand. If the owner cannot be located with due diligence, the dog shall be destroyed in an expeditious and humane manner. (Ord. 2014-2284 adopted 5-6-14).

9.0320 POTENTIALLY DANGEROUS DOG

- A. Upon receipt of an "Affidavit of Complaint" made under oath before an individual authorized by law to take sworn statements, setting forth the nature and the date of the act, the owner of the dog, the address of the owner and the description of the dog doing such act, the Animal Control Authority shall investigate the complaint to determine if in fact the dog is potentially a "dangerous dog" pursuant to any one of the definitional criteria of "dangerous dog" in Section 9.0301 (B)(4)(c) through (B)(4)(f). If the Animal Control Authority determines the dog to be a potentially "dangerous dog", the matter shall be submitted to the Public Safety and Code Enforcement Committee for a hearing as set forth in this Section. (Ord. 2014-2284 adopted 5-6-14).
- B. A Determination Hearing shall be conducted by the Public Safety and Code Enforcement Committee which shall be conducted within ten (10) days of mailing notice of the Hearing to the owner by certified letter to the owner's last known address. If no last known address of the owner can be ascertained with due diligence, the Determination Hearing shall proceed within ten (10) days of the referral of the complaint by the Animal Control Authority to the Public Safety and Code Enforcement Committee. The time limit within which to hear a Determination Hearing may be extended for good cause.
- C. Pending the outcome of such a hearing, the dog must be securely confined in a humane manner either on the premises of the owner or with a licensed veterinarian.
- D. The Public Safety and Code Enforcement Committee shall determine whether to declare the dog to be a "dangerous dog" based upon evidence

and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such a determination, Health Department personnel, Animal Control personnel, police or any other person possessing information pertinent to such determination.

- E. The Chairman of the Public Safety and Code Enforcement Committee, or his designee, shall have the power to issue a subpoena to compel the attendance of a witness or the production of documents at the Determination Hearing.
- F. The Public Safety and Code Enforcement Committee shall issue written findings within five (5) days after the Determination Hearing.
- G. At the Determination Hearing, the Animal Control Authority has the burden of proving the dog to be a “dangerous dog” by proof that is clear, satisfactory and convincing.

9.0321 DANGEROUS DOGS INVOLVED IN UNPROVOKED FATAL OR SEVERE ATTACKS

Any dog responsible for the unprovoked severe injury or death of a human shall be immediately confiscated by the Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner, at the owner's expense.

9.0322 IMPOUNDMENT OF DOGS INVOLVED IN NONFATAL, NONSEVERE BITES

Dogs involved in non-fatal or non-severe bites shall be quarantined and/or impounded for observation in accordance with existing rabies control ordinances for a period not to exceed fourteen (14) days.

9.0323 DANGEROUS DOG OWNER REQUIREMENTS

The following actions shall be required of owners of a dog that has been designated as a "dangerous dog":

- A. Licensing, Registration, and Rabies Inoculation
All requirements for keeping any dog must be met by the owner of a "dangerous dog". The designation of "dangerous dog" shall be added to the registration records of such a dog.
- B. Positive Identification of Dangerous Dogs
The dog shall wear an official special collar that would identify it as a "dangerous dog", to be provided by the Animal Control Authority at the owner's cost.

- C. Notification of Change of Status
The owner or keeper shall notify the Animal Control Authority within twenty-four (24) hours if a "dangerous dog" is loose, unconfined, has attacked another animal, or has attacked a human being, or has died, or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Animal Control Authority with the name, address, and telephone number of the new owner, who must comply with the requirements of this ordinance."
- D. Proper Confinement of the Dog
While on the owner's property, a "dangerous dog" must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog.
- E. Sign on Premises
The owner or keeper shall display a sign on his or her premises warning that there is a "dangerous dog" on the property. This sign shall read "WARNING: DANGEROUS DOG" in letters of not less than two (2) inches in height and be visible and capable of being read from the public highway or thoroughfare.
- F. Control and/or Muzzling While off Owner's Property
A "dangerous dog" may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
- G. Spay/Neuter Requirement for Dogs Designated "Dangerous"
Any dog determined to be a "dangerous dog" shall be immediately spayed or neutered at the owner's expense.
- H. Insurance Requirements or Bond
The owner or keeper of a "dangerous dog" shall present to the Animal Control Authority proof that the owner or keeper has procured liability insurance in the amount of at least One Hundred Thousand Dollars (\$100,000.00), covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the City of Marinette to be named as an additional insured for the sole purpose of the City of Marinette to be notified by the insurance company of any cancellation, termination, or expiration of the policy.

I. Provisions for Inspection

The Animal Control Authority is empowered to make whatever inquiry is deemed necessary to ensure compliance with the "dangerous dog" owner requirements, including entrance on the owner's property for purposes of inspection.

J. Sale or Transfer

No person may sell or transfer possession of a "dangerous dog" to another person without first notifying the person to whom the "dangerous dog" is proposed to be sold or transferred, of the fact that such dog is a "dangerous dog", and of all requirements imposed upon the owner of a "dangerous dog" by this ordinance. No person may sell or transfer possession of a "dangerous dog" to another person without first notifying the Animal Control Authority, in writing, at least three (3) days in advance of the sale or transfer of possession.

K. Failure to Follow Requirements

In addition to any penalties imposed upon the owner, any "dangerous dog" shall be confiscated by the Animal Control Authority for failure of the owner to adhere to any of the above requirements, and shall be humanely euthanized by the Animal Control Authority at the owner's expense.

9.0324 REPEAT DANGEROUS DOG ACTIONS

If a "dangerous dog" attacks or bites a person or another domestic animal, the "dangerous dog" shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner, at the owner's expense.

9.0325 LIABILITY OF PARENTS FOR DAMAGES CAUSED BY DOG OWNED BY MINOR

If the owner or keeper of a "dangerous dog" is a minor, the parent or guardian of that minor shall be responsible for compliance with the specifications of the ordinance and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog.

9.0326 FEEDING OF DEER PROHIBITED

A. Feeding of Deer Prohibited

No person may place any grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.

B. Presumption

There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:

1. The placement of grain, fruit, or vegetable material in an aggregate quantity of greater than one-half gallon at a height of less than six feet off the ground.
2. The placement of grain, fruit, or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit, or vegetable material.
- C. Exceptions

This ordinance shall not apply to the following situations:

1. Hunting. The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
2. Naturally Growing Materials. Naturally growing grain, fruit or vegetable material.
3. Bird Feeders. Unmodified commercially purchased bird feeders or their equivalent.

9.0327

PENALTIES

Any person who shall violate any provisions of Chapter 9, Section 9.0300 pertaining to "Dangerous Dogs", shall be governed by the general penalty provisions of Marinette Municipal Code Section 1.0107, except that the minimum forfeiture for a first offense shall be One Hundred Dollars (\$100.00) and the minimum forfeiture for a second offense shall be Five Hundred Dollars (\$500.00).

9.0400 TRANSIENT MERCHANTS

9.0401 REGULATING OF TRANSIENT MERCHANTS

A. Registration Required

It shall be unlawful for any transient merchant to engage in sales within the City without being registered for that purpose as provided herein.

B. Definitions

1. "Transient merchant" means any individual who engages in the retail sale of merchandise at any place in this State temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this State.

2. "Permanent merchant" means any person who, for at least one (1) year prior to the consideration of the application of this ordinance to said merchant:

- (a) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale, or
- (b) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

3. "Merchandise" shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

4. "Charitable organization" shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.

5. "Clerk" shall mean the City Clerk

6. "Family Member" includes immediate family; namely, spouse, son, daughter or parent.

C. Exemptions

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

1. Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes
2. Any person selling merchandise at wholesale to dealers in such merchandise.
3. Any person selling agricultural products, which the person has grown.
4. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this County and who delivers such merchandise in their regular course of business.
5. Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person.
6. Any person who has had, or one who represents a company, which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
7. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.
8. Any person holding a sale required by statute or by order of any court and any person conducting a bonafide auction sale pursuant to law.
9. Any employee, officer, or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Wisconsin Statutes Section 440.41, as amended. Any charitable organization engaging in the sale of merchandise and not registered under Wisconsin Statutes Section 440.41, as amended, or which is exempt from that statute's registration requirements, shall be required to register under this ordinance.
10. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for a least one (1) year, or purchased, the premises from which he/she has conducted business in the market area for at least one (1) year prior to the date the complaint was made.
11. Any individual licensed by an examining board as defined in Wisconsin Statutes Section 15.01(7), as amended.
12. This ordinance does not apply to transient merchants while doing business at special events authorized by the Common Council.

D. Registration

1. Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk, which shall require the following information:
 - a. Name, permanent address and telephone number, and temporary address, if any.
 - b. Age, height, weight, and color of hair and eyes.
 - c. Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold.
 - d. Temporary address and telephone number from which business will be conducted, if any.
 - e. Nature of business to be conducted and a brief description of the merchandise, and any services offered.
 - f. Proposed methods of delivery of merchandise, if applicable.
 - g. Make, model, and license number of any vehicle to be used by applicant in the conduct of his/her business.
 - h. Most recent cities, villages, towns, not to exceed three (3), where applicant conducted his/her business.
 - i. Place where applicant can be contacted for at least seven (7) days after leaving City.
 - j. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, and the nature of the offense and the place of conviction.
2. Applicants shall present to the Clerk for examination:
 - a. A driver's license or some other proof of identity as may be reasonably required.
 - b. A State Certificate of Examination and approval from the Sealer of Weights and Measures where applicant's business requires use of weighing and measuring devices approved by State authorities.
 - c. A State Health Officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application license is made.
3. Repealed (see MMC 9.1302 Schedule A).
 - a. The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

- b. Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date of entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Section (E)(2) below.

E. Investigation

1. Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.
2. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages, and towns, but not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation, or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of (D)(2) above.

F. Appeal

Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council, or if none has been adopted, under the provisions of Wisconsin Statutes Section 68.07 through 68.16, as amended.

G. Regulation of Transient Merchants

1. Prohibited Practices

- a. A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant, or other person having authority over such premises.
- b. A transient merchant shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity, or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said

portion shall be expressed as a percentage of the sale price of the merchandise.

- c. No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- d. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
- e. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

2. Disclosure Requirements

- a. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
- b. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty Five Dollars (\$25.00), in accordance with the procedure as set forth in Wisconsin Statutes Section 423.203, as amended; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wisconsin Statutes Section 423.203(1)(a)(b) and (c), (2) and (3), as amended.
- c. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address, and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

H. Records

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

I. Revocation and Registration

- 1. Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any

fraudulent, false, deceptive, or misleading statement or representation in the course of engaging in transient sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

2. Written notice of the hearing shall be served personally or pursuant to (D)(3) above on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

J. Penalty

Any person adjudged in violation of any provision of this ordinance shall forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

9.0500 TAXICABS

9.0501 REGULATION OF TAXICABS

A. License Required

No taxicab shall be operated upon the streets of this City until a license is obtained from the City. All taxicab licenses shall be issued on an annual basis and shall expire on the first day of March each year. A taxicab license may be suspended, canceled, or revoked as provided in this Chapter.

B. Taxicab Defined

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

C. Application Form

Applications for licenses for taxicabs shall be made by the owner to the City Clerk. Any such application shall contain the full name and address of the owner, the make, model and year, passenger capacity, engine number, and the factory number of the motor vehicle.

D. Authority of License

The license shall entitle the licensee therein named to operate the number of vehicles for conveying passengers for hire as are stated in the license.

State Law Reference: Section 349.24, Wis. Stats.

9.0502 INSURANCE REQUIRED

- A. It shall be unlawful to operate a vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposit with the City Clerk a certificate of liability insurance for the vehicles for which licenses are sought, said certificate of liability insurance to be acceptable and approved by the City Clerk and issued by a company authorized to do business in the State of Wisconsin, indemnifying the applicant in the amount of Fifty Thousand Dollars (\$50,000.00) for damage to property, and One Hundred Thousand Dollars (\$100,000.00) for injury to one (1) person, and Three Hundred Thousand Dollars (\$300,000.00) Dollars for injury to more than one (1) person caused by the operation of said vehicles in the City of Marinette.
- B. Each taxicab insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City of Marinette. Every day upon which any vehicle is operated for the conveyance of passengers for hire or when taxicab or cab or similar transportation is offered to the public without an insurance policy as required herein being in effect and on file with the City Clerk shall be deemed a separate violation. 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 taxicab covered by such insurance policy, unless another policy shall be provided and in effect at the time of such cancellation or termination.

9.0503 INSPECTION REQUIRED

No vehicle shall be licensed until it has been annually examined by the Chief of Police, or such person as he may designate, and found to be in a thoroughly satisfactory and safe condition for the transportation of passengers, clean, of good appearance and well painted, and that said vehicle complies with all the other provisions of this Chapter. If such examination and inspection shows that vehicle does not comply with any of the provisions of this Section, no license shall be issued. At the request of the Chief of Police, the taxicab owners shall take their vehicles to a reputable garage for an independent inspection at owner's expense.

9.0504 CONDITIONS OF LICENSE

A. Licenses Nontransferable

Licenses issued or granted under this Chapter shall be nonassignable and nontransferable.

B. Information Card to be Displayed

A card containing the name of the owner, license number, the number of the vehicle, and rates of fare printed thereon shall be placed and at all times kept in a conspicuous place inside such vehicle.

C. Liability of Licensee

Any licensee shall be liable for any violations of ordinances or statutes by any and all persons operating taxicabs under its license.

D. Number of Passengers

No licensee or person driving a taxicab shall carry or permit to be carried in any such vehicle more than the number of persons specified in the license applicable to such vehicle.

E. Common Council May Impose Further Restrictions

Any licensee hereunder shall be subject to such further regulations and restrictions as may be imposed at any time by the Common Council.

9.0505 SUBSTITUTE TAXICABS

Whenever a licensed taxicab shall for any cause become temporarily unfit for use in said business, another automobile may be temporarily used by the licensee as a substitute, but only upon the following conditions:

- A. It shall not be so used unless the insurance policy required by this Chapter for licensed taxicabs affords like coverage for such substitute automobile.
- B. The substituted vehicle shall be in a satisfactory and safe condition for the transportation of passengers. If in use for more than forty-eight (48) hours, the inspection requirements of Section 9.0503 shall apply.

9.0506 TAXICAB LICENSE FEES

Repealed – see MMC Sec. 9.1302 Schedule A.

9.0507 REVOCATION OF LICENSE

A. Revocation

Licenses granted under Sections 9.0504 through 9.0506 may be suspended or revoked at any time by the Chief of Police for any violation of this Chapter. When a taxicab license is revoked or cancelled as herein provided, the Chief of Police shall immediately notify the owner to cease at once to operate the vehicle for which the license has been revoked as a taxicab.

B. Appeals

Any person who receives a revocation of license and objects to all or part thereof may appeal to the Common Council within seven (7) days of the receipt of the order and the Common Council shall hear such appeal within thirty (30) days of receipt of such written notice of the appeal. After such hearing, the Common Council may reverse, affirm, or modify the order or determination.

9.0508 REGULATIONS REGARDING OPERATOR'S LICENSE

A. Display of License

The City Clerk shall furnish and deliver to the licensee a designation card or plate for each vehicle affected by the license. The card or plate shall be of such size, form, and material as the City Clerk may deem proper and shall have printed or stamped thereon the words: "Marinette Taxi License" to be followed by the appropriate serial number and the designation of the period for which the license period extends. The card or plate shall be securely fastened upon the windshield of the vehicle or some conspicuous place at the front of the vehicle for which it was issued. The card or plate shall be carried and displayed in the taxicab so as to be readily seen by sidewalk pedestrians at all times when the vehicle is operated for the conveyance of passengers for hire upon the streets of the City.

B. Limited Hours of Operation

It shall be unlawful for the operator of any public passenger vehicle for the conveyance of passengers for hire to operate said vehicle more than twelve (12) hours out of twenty-four (24). An operator shall be deemed to be operating a vehicle within the terms of this Subsection whenever he is in charge of such vehicle and holding himself in readiness to convey passengers. Violation of this Subsection shall be assessed to both the operator and the company.

9.0600 PAWBROKERS, SECONDHAND ARTICLE DEALERS, AND JEWELRY DEALERS

9.0601 REGULATION OF PAWBROKERS, SECONDHAND ARTICLE DEALERS, AND JEWELRY DEALERS

Wisconsin Statutes Section 134.71, as amended from time to time, is hereby adopted by reference as if fully set forth herein, including Section 134.71(11) pertaining to license fees and Section 134.71(13) pertaining to penalties.

9.0700 ROOM TAX

9.0701 ROOM TAX

A. Room Tax Imposed

Pursuant to Wisconsin Statutes Section 66.75, the City of Marinette hereby imposes a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. Any tax imposed under this paragraph is not subject to the selective sales tax imposed by Wisconsin Statutes Section 77.52(2)(a)1 and may not be imposed on sales to the federal government and persons listed under Wisconsin Statutes Section 77.54(9a). The room tax shall be paid to the City of Marinette. The room tax rate shall be six (6) percent.

B. Definitions

1. Gross Receipts

The meaning set forth in Wisconsin Statutes Section 77.51(4)(a), (b) and (c).

2. Hotel, Motel and Transient

The meaning set forth in Wisconsin Statutes Section 77.52(2)(a)(1).

C. Permit Required

No person or business subject to the tax imposed in subsection (a) above shall furnish rooms or lodging to transients at retail without a permit issued by the City Clerk.

D. Application

The applicant for a permit shall file an application with the City Clerk on a form furnished by the Clerk.

E. Payment of Tax

1. The tax is due and payable to the City Finance Director on the last day of the month following the calendar quarter for which imposed. A quarterly return shall be filed with the Finance Director on or before the same date on which the tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes collected for such period and such other information required by the Finance Director to properly collect such tax. For collecting and reporting the room tax, retailers may deduct 1% of the total room tax payable each quarterly reporting period as administrative expenses if the payment of the taxes is not delinquent. Every retailer required to file such

quarterly return shall file an annual calendar year return within 90 days of the close of each such calendar year.

2. The annual return shall summarize the quarterly returns, reconcile and adjust for any errors in the quarterly returns and shall contain additional information if required by the Finance Director to determine the accuracy of the annual return. Such annual returns shall be made on forms furnished by the Finance Director and shall be signed by the permittee or his authorized agent.

F. Interest

All unpaid taxes shall bear interest at the rate of 1% per month or any portion thereof as in Wisconsin Statutes Section 74.80 from the due date of the return. Failure to pay the tax or delinquent payment of such taxes shall be subject to a \$10 late filing penalty in addition to the interest imposed.

G. False or Fraudulent Return

If a false or fraudulent return is filed with the intent to defeat or evade the tax, a penalty of 50% of the tax due shall be paid in addition to the tax, interest and late filing penalty. Deliberate understatement of quarterly returns with correction on annual returns shall be a violation of this section.

H. Enforcement

As a means of enforcing the collection of any room tax, the City may:

1. Whenever it has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to this ordinance to determine whether or not the correct amount of room tax is assessed and whether or not any room tax return is correct.
2. Any person who fails to comply with a request to inspect and audit the person's financial records under paragraph (h)(1) shall be subject to a forfeiture of 5% of the tax determined.
3. Determine the tax according to its best judgment if any person required to make a return fails, neglects or refuses to do so for the amount in the manner and form and within the time prescribed by the City.
4. Require each person to pay an amount of taxes the City determines to be due under paragraph (h)(3) plus interest at the rate of 1% per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the City to inspect and audit his financial records under paragraph (h)(1).

5. There is hereby imposed a forfeiture of 25% of the room tax due for the previous year or \$5,000 whichever is less, for failure to pay the tax.

I. Confidentiality

The information obtained under subsection (H)(1) shall be kept in confidence by those inspecting an auditing the financial records, unless such information is being used in the discharge of duties imposed by law, the duties of their office or by order of the court. Statistics classified so as not to disclose the identity of a particular return may be published. Any person convicted of violating this subsection shall pay a forfeiture of not less than \$100 nor more than \$500.

J. Creation and Duties of The City of Marinette Room Tax Commission

A. A Room tax Commission is created under Marinette Municipal Code 2.0400, entitled "Boards, Commissions and Committees," specifically Marinette Municipal Code 2.0423, entitled "City of Marinette Room Tax Commission."

B. At least seventy (70) percent of the tax collected by the City under this chapter shall be forwarded to the Room Tax Commission to be spent on tourism promotion and development by the Room Tax Commission. The Room Tax Commission shall have the authority and carry out the duties set forth in Section 66.75(1m)(c) and (d), Wisconsin Statutes, and as otherwise provided by law. Such duties shall include, without limitation, the following:

1. Pursuant to Sec. 66.0615(1m)(d)3., the Room Tax Commission shall use the room tax revenue that it receives from the City of Marinette for tourism promotion and tourism development in the City of Marinette;
2. Reporting any delinquencies or inaccurate reporting of room tax to the City;
3. Reporting at least annually to the City the purposes for which the room tax revenues it received were spent.

C. The Room Tax Commission may not, however, use any of the room tax revenue it receives to construct or develop a lodging facility. (Ord. 2016-2362 adopted 9-6-16)

9.0800 PERMITS

9.0801 PERMIT CONDITIONS

The following conditions shall apply to the issuance or renewal of any permit found within the Municipal Code.

- A. No permit shall be approved by any City Official, committee or other overseeing body of the City, if it appears that the conduct of the activity for which a permit is sought will be contrary to the health, safety, or welfare of the public or any regulation, law, or ordinance applicable to such activity.
- B. No permit shall be granted, issued or renewed by any City Officer, committee or other overseeing body of the City if the applicant owes to the City any delinquent taxes, assessments, forfeitures, other fees, debts or financial obligations.

(Ordinance 2005-2037 adopted 5-3-05)

9.0900 MISCELLANEOUS BUSINESS LICENSES

9.0901 BILL POSTERS

A. License Required

No person shall carry on the business of bill posting or of distributing along or upon the streets, sidewalks, or public grounds or thoroughfares of the City advertisements or handbills, or post any handbills or advertisements without a license therefore.

B. Bond Required

A person desiring a bill poster's license shall execute a bond to the City of Marinette conditioned for the faithful observance of the ordinances of the City, in the penal sum of Two Hundred Dollars (\$200.00).

C. License Fees

Repealed – see MMC Sec. 9.1302 Schedule A.

D. Prohibited Places

No person shall paste, post, paint, print, nail, or otherwise fasten or append any handbill, poster, advertisement, or notice of any kind on or to any sidewalk, tree, lamp post, utility pole, bridge, hydrant, or upon any other article or property of the City, or over which the City has control, or upon any billboard, wall, door, gate or fence, or other private property without the consent in writing of the owner thereof.

E. Mutilation of Bills

No person shall destroy, tear, mutilate, cover over, or otherwise deface or injure any bill or poster, posted in such place as may be permitted, without the consent of the person on whose behalf it has been posted.

9.0902 RESERVED FOR FUTURE USE

9.0903 RESERVED FOR FUTURE USE

9.0904 CARNIVALS

A. License Required

1. No person shall maintain or operate any carnival within the City without first obtaining a license therefor as hereinafter provided.

2. This section does not require a license for the giving of fairs, lectures, concerts, exhibitions, or entertainments of a scientific, historical, literary, or musical character for humane, religious, charitable, or scientific purposes.

B. Definition

A carnival for purposes of this section shall be defined as being the temporary setting up, maintaining, and operating of mechanical devices of any character for the enjoyment of the public, and for the use of which a fee is charged.

C. Application

Application for a carnival license shall be made to the City Clerk in writing at least thirty (30) days before the planned event. The application shall be referred to the Personnel and License Committee for examination of the qualifications, character, and reputation of the applicant and into the desirability of permitting the carnival to operate, show, or exhibit in the City. The Personnel and License Committee shall then refer, and make a recommendation on, the application to the Common Council for final action on the application. If the Common Council deems that such applicant is not a proper person to maintain and operate a carnival or that the carnival is not desirable, such application shall be denied.

D. Requirements

1. Insurance Required

No license shall be granted unless the applicant therefor shall have filed with the City Clerk a public liability insurance policy in a sum as set by the Common Council from time to time, with the condition that the applicant shall indemnify and save harmless the City and its officers and agents and citizens against any injuries and damages resulting or arising from the conducting of any carnival for which the license is issued or from the performance by the applicant or his agents of any negligent incident to or connected with the conduct of such carnival and that the applicant shall pay all judgments, costs, and charges that may be recovered against the City or any of its officers or agents by reason of the conduct of such carnival.

2. License Fees Required

Repealed – See 9.1302 Schedule A.

3. Posting of License

Such permits when issued shall be prominently displayed while the carnival is in operation.

4. Excessive Noise Prohibited
No noise-making devices or barking to attract customers or solicit business shall be permitted after 10:00 p.m.
5. Food Handlers to Obtain Health Certificate
Any person employed in such carnival for the purpose of preparing, handling, or selling food or drink shall submit to a physical examination and obtain a health certificate as required by State Statute.
6. Inspection of Mechanical Devices
The applicant shall indicate the date of the last State inspections of rides, merry-go-rounds, and other mechanical devices.

- E. Revocation
Any license granted by the Common Council under the provisions of this Section may be revoked by the Common Council provided such carnival shall not be maintained or if the person who maintains, owns, controls, or operates such carnival shall permit the violation of any provisions of this Municipal Code or State Laws or where, in the opinion of the Common Council, the carnival is deemed undesirable.

9.0905 GENERAL BUSINESS LICENSE

- A. License Required
A General Business License shall be required of all persons or entities doing business in the City of Marinette.
- B. Definition
“Doing business” shall be defined as any enterprise with a permanent physical location in the City where money is exchanged for goods or services. The following businesses shall be exempt from this ordinance.
1. Any business whose property is entirely exempt from taxation under Wisconsin Statutes Section 70.11, as amended.
 2. Any business which requires another license from the City to operate.

C. Application Fee and Duration of License
Repealed – See MMC Sec. 9.1302 Schedule A.

D. Enforcement and Penalties

The City Clerk/Treasurer shall have the authority to enforce this ordinance by the issuance of a Municipal Court citation. The penalty for a violation of this ordinance shall be governed by the General Penalty Provisions of Section 1.0107.

9.1000 SPECIAL PERMITS

9.1001 PAYDAY LENDERS

- (1) *Payday Lender* means a person or business that makes payday loans.
Payday Loan shall have the meaning given in section 138.14 (1)(k), Wis. Stats.
- (2) **Permit Required.** No payday lender that was not conducting business from its current location on January 1, 2011 may conduct business within the City of Marinette without a permit, approved by the City of Marinette Common Council.
- a. All payday lenders including existing business, new business, and businesses that change addresses shall pay a one-time non-refundable fee of \$50.00 and apply for a permit through the Zoning Administrator.
 - b. The application shall be reviewed by the Personnel & License Committee with a Recommendation by the Zoning Administrator.
 - c. In order to qualify for a permit the payday lender business location must meet the Requirements of the City of Marinette Zoning Code and Wisconsin State Law (Act 405, effective 01/01/11) (Ordinance 2013-2250 Adopted 6-4-13).

(Mobile Home Parks, Mobile Homes, And Recreational Vehicles Are Governed By Sections 13.0160 Through 13.0172).

9.1100 STREET USE PERMITS

9.1101 STREET USE PERMITS

A. Purpose

The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper circumstances the Common Council may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety, and general welfare of the public and the good order of the City can be protected and maintained.

B. Application

A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the City Clerk and shall be filed with the City Clerk. The application shall, set forth the following information regarding the proposed street use:

1. The name, address, and telephone number of the applicant or applicants.
2. If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
3. The name, address, and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
4. The date and duration of time for which the requested use of the street is proposed to occur.
5. An accurate description of that portion of the street proposed to be used.
6. The number of persons for whom use of the proposed street area is requested.
7. The proposed use, described in detail, for which the Street Use Permit is requested.

C. Representative at Council Meeting

The person or representative of the group making application for a Street Use Permit shall be present when the Common Council gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

D. Fees

An application for a Street Use Permit for less than three (3) blocks shall be accompanied by a fee of Five Dollars (\$5.00) for the permit. If the application is for three (3) or more blocks, a fee of Twenty Dollars (\$20.00) shall accompany the application plus a flat user fee of Thirty-five Dollars (\$35.00) if traffic must be rerouted for the street closure. If the application is for an event in which a major activity is the sale or promotion of commercial products or services, the application shall be accompanied by a fee of Forty-five Dollars (\$45.00), plus a Thirty Dollar (\$30.00) flat user fee per day and the applicant shall agree to pay within twenty (20) days of billing all City costs incurred by the occasion of the event. The applicant may be required to furnish a performance bond prior to being granted the permit.

E. Insurance

The applicant for a Street Use Permit may be required to indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to, or death of any person, or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the City of Marinette. The applicant may be required to furnish a performance bond prior to being granted the permit.

F. Termination of a Street Use Permit

A Street Use Permit for an event in progress may be terminated by the Marinette Police Department if the health, safety, and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the City of Marinette. The Chief of Police has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

9.1200 WORKER'S COMPENSATION REQUIREMENTS FOR CONTRACTORS

9.1201 WORKER'S COMPENSATION REQUIREMENTS

Any independent contractor performing work or services for the City shall be required to have worker's compensation insurance for all employees during the entire time that such work or services are performed and shall provide proof of such coverage before the commencement of the work or services. This section shall not apply to any contractor who can prove to the satisfaction of the City that the contractor is not required to carry worker's compensation insurance because the contractor is a sole proprietor or partnership with no employees other than the sole proprietor or partner(s).

9.1300 MISCELLANEOUS FEES

9.1301 FILING FEE FOR REPORTS OF TAX EXEMPT PROPERTY

Repealed (See 9.1302 Schedule A) (Miscellaneous Fees)

9.1302 USER FEE SCHEDULE

(See 9.1302 Schedule A)

SCHEDULE A
MISCELLANEOUS USER FEE SCHEDULE
(Part of Section 9.1302)

CITY OF MARINETTE
FEE SCHEDULE
MMC 9.1302 SCHEDULE A

ITEM	FEE	ORDINANCE REFERENCE	NOTES
BUILDING RELATED			
Residential 1 & 2 Family	Fee		Minimum
New Dwelling/Addition	\$.12 per sq ft, all floor areas		\$125.00
Erosion Control	\$100.00 (New) \$75 (Addition)		
Remodel	\$ 8.00 per thousand of valuation		\$ 60.00
Accessory Structure/Deck	\$.12 per sq ft, all areas		\$ 75.00
Occupancy Permit (New Bldgs & Additions)	\$ 40.00 per dwelling unit		
Temporary Occupancy Permit	\$ 50.00		
Pools	\$ 50.00		
Early Start (footings & foundations)	\$ 50.00		
<u>Plumbing</u>			
New Bldg/Addition/Alteration (For alterations use s.f. of alteration area)	\$ 35.00 base plus \$.04 per sq ft, all areas		\$ 50.00
Replacement & Misc Items	\$ 10.00 per thousand of Plb. project valuation		\$ 50.00
New Home Outside Sewer & Water laterals	\$ 50.00 dwelling to right-of-way		

Electrical

Residential 1 & 2 Family

	Fee	Minimum
New Bldg/Addition/Alteration (For alterations use s.f. of alteration area)	\$ 35.00 base plus \$.04 per sq ft all areas	\$50.00
Replacement & Misc. Items	\$ 10.00 per thousand of Elec. Project valuation	\$50.00

HVAC

New Bldg/Addition/Alteration (For alterations use s.f. of alteration area)	\$ 35.00 base plus \$.04 per sq ft, all areas	\$ 50.00
Replacement & Misc. Items	\$ 10.00 per thousand of HVAC project valuation	\$ 50.00

Razing	\$.05 per sq ft, all areas	\$ 75.00
<u>Re-roof, Re-siding, Window/Door Replacement</u>	\$ 40.00	

Commercial **Fee** **Minimum**

New Structure/Addition

Multi-Family (3+family), Motel, CBRF, Daycare Merchant, Restaurant, Tavern, Hall, Church, Office	\$.15 per sq ft	\$150.00
School, Institution, Hospital, Vehicle/Sm Engine Repair, Parking, Storage, Auto Body	\$.17 per sq ft	\$150.00
Manufacturing and Industrial - office area, follow office fees	\$.15 per sq ft	\$150.00
Warehouse, Mini Warehouse, Bldg Shells* for Multi Tenant Bldg-Office area use office fees	\$.12 per sq ft	\$150.00
Build Out* - See new structure fees above Special Occupancies (Outdoor Pools, Towers,- Tents, etc.)	\$.10 per sq ft	\$150.00
Erosion Control	\$200.00 for first acre plus \$100.00 per acre or portion thereof	

<u>Remodel/Reroof/Residing</u>	\$ 10.00 per thousand of valuation	\$125.00
<u>Occupancy/Temp Occupancy, Change of Use</u>	(New Bldgs, Additions, Alterations, Tenant Changes)	\$ 50.00/unit

Plumbing

New Bldg/Addition/Alteration (For alterations use s.f. of alteration area)	\$ 60.00 base fee plus \$.06 per sq ft, all areas	\$100.00
Replacement & Misc Items	\$ 10.00 per thousand of Plb. proj. valuation	\$100.00
New Construction Outside Sewer & Water Laterals	\$100.00 for the 1 st 100 ft. then \$.50/ft. thereafter	

Electrical

New Bldg/Addition/Alteration (For alterations use s.f. of alteration area)	\$60.00 base plus \$.06 per sq ft all areas	\$ 75.00
Replacement & Misc. Items	\$10.00 per thousand of Elec. Project valuation	\$ 75.00

HVAC

New Bldg/Addition/Alteration (For alterations use s.f. of alteration area)	\$ 45.00 base fee plus \$.05 per sq ft, all areas	\$ 65.00
Replacement & Misc. Items	\$ 10.00 per thousand of HVAC proj valuation	\$ 65.00

Commercial Plan Review

COMMERCIAL PLAN REVIEW FEE SCHEDULE		
1. New construction, additions, alterations and parking lots fees are computed per this table (SPS 302.31) 2. New construction and additions are calculated based on total gross floor area of the structure 3. A separate plan review fee is charged for each type of plan review		
Area (Square Feet)	Building Plans	HVAC Plans
Less than 2,500	\$ 250*	\$ 150*
2,500 - 5,000	\$ 300	\$ 200
5,001 - 10,000	\$ 500	\$ 300
10,001 - 20,000	\$ 700	\$ 400
20,001 - 30,000	\$ 1,100	\$ 500
30,001 - 40,000	\$ 1,400	\$ 800
40,001 - 50,000	\$ 1,900	\$ 1,100
50,001 - 75,000	\$ 2,600	\$ 1,400
75,001 - 100,000	\$ 3,300	\$ 2,000
100,001 - 200,000	\$ 5,400	\$ 2,600
200,001 - 300,000	\$ 9,500	\$ 6,100
300,001 - 400,000	\$ 14,000	\$ 8,800
400,001 - 500,000	\$ 16,700	\$ 10,800
Over 500,000	\$ 18,000	\$ 12,100
Note: 1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. 2. This fee shall be waived for construction areas less than 2,500 square feet. 3. *If deemed by the reviewer as a minor plan review or waive fee – minimum fee of \$60.00		
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.	
Structural Plans and other Component Submittals	When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is \$250.00 per plan with an additional \$100.00 plan entry fee per each plan set.	

Accessory Buildings	The plan review fee for accessory buildings less than 500 square feet shall be \$125.00 with the plan entry fee waived.
Early Start	The plan review fee for permission to start construction shall be \$75.00 for all structures less than 2,500 sf. All other structures shall be \$150.00. The square footage shall be computed as the first floor of the building or structure.
Transmission Towers	The total fee for review of transmission tower plans shall be \$350.00 (with an additional \$100.00 plan entry fee) and shall include the review of plans for buildings accessory to the tower that are submitted with the tower plans.
Plan Examination Extensions	The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed \$3,000.00.
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. All other reviews shall be \$150.00.
Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed, as well as the \$100.00 plan entry fee, for a total of \$350.00. (Per DSFS 302.31(1) (d)(6).)
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

Razing Fee

\$.05 per sq ft of floor area

\$ 75.00

Agricultural Buildings

Fee

Minimum

New Building/Addition/Remodel

\$.10 per sq ft all floor areas

\$ 60.00

Electrical

New Bldg/Addition/Alteration

(For alterations us s.f. of alteration area)

\$ 35.00 base plus \$.04 per sq ft all areas

\$ 50.00

Replacement & Misc Items

\$ 10.00 per thousand of Elec. project valuation

\$ 50.00

Miscellaneous	Fee	Minimum
Housing Rental Inspection (includes initial inspection, 1 reinspection and certificate of occupancy)	\$ 50.00	
Housing Rental Electrical Inspection	\$ 50.00	
Re-inspection Fee – each occurrence	\$ 50.00	
Failure to Call for Inspection – each occurrence	\$ 50.00	
Double Fees are due if work is started before the permit is issued.		
Permit Renewal – 50% of the permit fee based on current fee schedule, but not less than the minimum fee.		
State Seal	\$ 35.00*	

*State Seal Fee is not split with ILL. Any amount over the actual cost of the seal is retained by the City as an administrative fee.

ZONING PERMIT Residential 1 & 2 Family **Fee**

New Dwelling	\$125.00
Addition/Alteration	\$ 85.00
Accessory Building, Deck, Pool	\$ 30.00 plus building permit
Fence	\$ 40.00 (no building permit)

Commercial Buildings **Fee**

New Structure	\$200.00
Addition/Alteration	\$150.00
Change in Use/Occupancy	\$ 75.00
Signs	\$ 75.00 base fee plus \$.50 per sq ft of sign face per sign

ITEM	FEE	ORDINANCE REFERENCE	NOTE
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CEMETERY

Burial

Burial (casket & vault) 4/1 thru 11/30	\$650.00	MMC 6.0521G	Standard Hours
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Burial (casket & vault) 12/1 thru 3/31	\$750.00	MMC 6.0521G	Monday thru Friday 9:00 am – 2:00 pm
Burial/Cremaains/Infant 4/1 thru 11/30	\$375.00	MMC 6.0521G	Burial/Cremaains/Infant Fee doubles during non-standard hours
12/1 thru 3/31	\$425.00	MMC 6.0521G	

Disinterment

Adult with reburial in City owned Cemeteries 4/1 thru 11/30	\$1,400.00	MMC 6.0521G & MMC 6.0522
Adult with reburial in City owned Cemeteries 12/1 thru 3/31	\$1,600.00	MMC 6.0521G & MMC 6.0522
Adult with reburial outside City 4/1 thru 11/30	\$ 900.00	MMC 6.0521G & MMC 6.0522
Adult with reburial outside City 12/1 thru 3/31	\$1,000.00	MMC 6.0521G & MMC 6.0522
Infant or cremation reburial in City owned Cemeteries 4/1 thru 11/30	\$ 750.00	MMC 6.0521G & MMC 6.0522
Infant or cremation reburial in City 12/1 thru 3/31	\$ 850.00	MMC 6.0521G & MMC 6.0522
Infant or cremation reburial outside City 4/1 thru 11/30	\$ 375.00	MMC 6.0521G & MMC 6.0522
Infant or cremation reburial outside City 12/1 thru 3/31	\$ 425.00	MMC 6.0521G & MMC 6.0522

Adult re-entombed in City

Mausoleum 4/1 thru 11/30	\$1,025.00	MMC 6.0521G & MMC 6.0522
Adult re-entombed in City Mausoleum 12/1 thru 3/31	\$1,125.00	MMC 6.0521G & MMC 6.0522
Infant or cremation re-entombed in City Mausoleum 4/1 thru 11/30	\$ 875.00	MMC 6.0521G & MMC 6.0522
Infant or cremation re-entombed in City Mausoleum 12/1 thru 3/31	\$ 975.00	MMC 6.0521G & MMC 6.0522

Perpetual Care Fee (2nd burial on grave approved by City containing prior burial excluding FHC Sec. O without prior authorization of lot owner or 1st individual buried on that space) \$ 375.00 MMC 6.0521E & MMC 6.0515

Grave Sales

Full size \$ 600.00 MMC 6.0512
 Cremation garden or baby land \$ 375.00 MMC 6.0512
 Lot ownership transfer fee \$ 50.00 MMC 6.0512

Monuments

Footing \$.35/sq.in. MMC 6.0519
 Bevel or slant \$.30/sq.in. MMC 6.0512
 Setting fee for flush markers \$.25/sq.in. MMC 6.0512
 Monument Company Burial
 Orientation Verification Fee \$ 10.00 Side Check

Forest Home Mausoleum

Entombment \$ 350.00 MMC 6.0521G
 Colombaria Niche \$1,275.00 MMC 6.0512

 Crypt brass lettering fee \$ 375.00

 Niche engraving fee per person \$ 175.00
 Prepaid inurnment fee per person \$ 125.00 MMC 6.0521G

Standard Hours
 Monday thru Friday
 9:00 am – 2:00 pm
 Fee doubles during
 non standard hours

ITEM	FEE	ORDINANCE REFERENCE	NOTES
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WATER UTILITY FEES

Hydrant			
Hydrant use by contractor	\$ 60.00		plus \$ 4.70 per 100 cu. ft.

Meters		
Jacket	\$	current cost
Repairs		
Turn on at curb only	\$	25.00
Turn on at curb only after hours	\$	35.00
Turn on at curb and meter	\$	60.00 +current cost of meter
Turn on at curb & meter after hours	\$	80.00+current cost of meter
Miscellaneous		
Vacuum breaker	\$	interior and exterior – current cost
Well permit every five years	\$	10.00

Standard Hours Mon. thru Fri. 8:00 am – 4:00 pm (Ord. 2015-2323 adopted 6-2-15)

ITEM	FEE	ORDINANCE REFERENCE	NOTES
POLICE AND FIRE FEES			
Police Dept.			
Parking			
Disabled Parking area violation	\$ 65.00		
Animals			
Impound fee	Our cost		
Photocopies			
In person	\$ 1.00 (per report)		
By mail USPS	\$ 3.00 (per report)		
Miscellaneous			
Fireworks sales permit	\$ 50.00		
Private alarm system registration fee	\$ 10.00		
Towing of a vehicle	\$ 25.00 (plus cost of tow)		

FIRE DEPT.

Fire Pit inspection and approval	\$ 10.00
False Alarm Fees	
Alarms 1 and 2	no charge
Alarm 3	\$ 25.00 (immediate billing)
Alarms 4 thru 6	\$ 175.00
Alarms 7 thru 9	\$ 200.00
Alarms 10 thru 12	\$ 225.00
Alarm 13 and above	\$ 250.00

Miscellaneous

Cut or severed gas lines per incident	\$ 350.00 (plus any associate costs)
Vehicle extraction	\$ 500.00
Vehicle fire	\$ 250.00
Any liquid spill	\$ 100.00
Chimney Fire Response	\$ 200.00 for every repeat Fire Dept. chimney fire response occurrence that occurs at the same residence within the same calendar year (Ordinance 2010-2177 adopted 9-7-2010)

Rescue Boat Calls \$200.00 per hour plus any equipment damage for rescue boat calls outside of the Marinette and Menominee City limits, which is redefined to include an imaginary line ½ mile off shore in the Bay of Green Bay or if individuals requiring assistance are not residents of Marinette, WI or Menominee, MI. This billing would be charged to individual(s) involved or the requesting emergency response agency. (Ordinance 2010-2177 adopted 9-7-2010) (Ordinance 2014-2274 adopted 1-7-14).

Hovercraft Calls \$200.00 per hour plus any equipment damage for Marinette Fire Dept. Hovercraft calls outside of Marinette, WI or Menominee, MI counties or if individuals requiring assistance are not residents of Marinette, WI or Menominee, MI Counties. (Ordinance 2010-2177 adopted 9-7-2010) This billing would be charged to individual(s) involved or the requesting emergency response agency. (Ordinance 2014-2274 adopted 1-7-2014)

ITEM	FEE	ORDINANCE REFERENCE	NOTES
PERMITS			
Street Use			
Closing less than 3 blocks	\$ 5.00	MMC 9.1101D	
Closing more than 3 blocks	\$ 20.00	MMC 9.1101D	
Closing if traffic rerouting is necessary	\$ 35.00	MMC 9.1101D	
Closing for Commercial purposes	\$ 45.00	MMC 9.1101D	
Street Opening	\$ 50.00		
Occupancy			
Mobile home	\$ 30.00		
Residence	\$ 30.00		
Penalty for no permit	\$ 60.00		
Recreation			
Boat launch (daily)	\$ 3.00	MMC 12.0106	
Boat launch (annual)	\$ 25.00	MMC 12.0106	
Boat launch (2 nd sticker)	\$ 5.00	MMC 12.0106	
Boat Launch (annual Dealer)	\$100.00	MMC 12.0106E	
Camping	\$ 20.00/night	MMC 12.0109	
Tree Lawn Hardship Permit	\$ 5.00	MMC 10.0108(c)(11)	Curb & Gutter only; applicable during Winter Parking Ban only.
(Ord. 2306 adopted 1-6-15)			

ITEM	FEE	ORDINANCE REFERENCE	NOTES
LIQUOR AND TOBACCO RELATED ITEMS			
Liquor Licenses			
Class A fermented malt beverages	\$350.00	MMC 9.0103 Wis. Stat. § 125.25(4)	
Class A Liquor	\$500.00	MMC 9.0103 Wis. Stat. § 125.51(2)(d)	
Class A Liquor Cider Only	n/a		
Class B Liquor	\$500.00	MMC 9.0103 Wis. Stat. § 12.51(3)(e)	
Class B fermented malt beverages	\$100.00	9.0103 Wis. Stat. § 125.26(4)	
Class B Winery	\$100.00		
Class C Wine	\$100.00	MMC 9.0103 Wis. Stat. § 125.51(3m)(e)	
New Operator (server) license	\$ 53.00	MMC 9.0103 Wis. Stat. § 125.04 (2 year cycle)	
Provisional Operator License	\$ 5.00	MMC 9.0103 Wis. Stat. § 125.04	
Operator (server) Renewal license	\$ 53.00	MMC 9.0103 Wis. State. § 125.04 (2 Year cycle)	
License applicant background check	\$ 7.00	MMC 9.0221 Wis. Stat. § 125.04(5)(A), (B) & (D)	
Provisional Retail Class A & B			
Fermented malt beverage & Liquor license	\$ 15.00	MMC 9.0103 Wis. Stat. § 125.185(3)	
Reserve Class B	\$10,000.00	MMC 9.0103 Wis. Stat. § 125.51(3)(e)(2)	
Publication fee	\$ 30.00	MMC 9.0103 Wis. Stat. § 125.04(3)(g)	
Wholesale Beer	\$ 25.00	MMC 9.0103 Wis. Stat. § 125.28(4)	
Temporary Operator (server)	\$ 10.00	MMC 9.0103 Wis. Stat. § 125.17(4)	
Temporary Class B Fermented malt			
beverage or wine license	\$ 10.00	MMC 9.0103 Wis. Stat. § 125.26(6)	
Tobacco products	\$ 100.00	Wis. Stat. § 134.65(2)(a) & 139.30 – 139.4	

ITEM	FEE	ORDINANCE REFERENCE	NOTES
BOARD OF PUBLIC WORKS			
Junk			
Junk collection fee for large Item pickup at your site	\$ 10.00 each item		
City Dump			
Compost for City Residents with city services card	Free		
Compost for non residents	\$ 2.00 yd		
Yard Waste	no charge		
All other waste	\$ 5.00/vehicle load with city ID card		
	\$ 5.00/single-axle trailer load		
	\$ 10.00/double/axle trailer load		
Recycle Bins	\$ 7.00 each		
Electronics recycle			
Computer tower	\$ 5.00 each		
Laptop computer	\$ 5.00 each		
Printer	\$ 5.00 each		
VCR, DVD, Tape Player	\$ 5.00 each		
Monitor	\$ 10.00 each		
Stereo receiver	\$ 10.00 each		
TV less than 27"	\$ 15.00 each		
TV 27" or greater	\$ 25.00 each		
Cell phones/Keyboards/Mice	no charge		
Payment of the above fees must be made with a City Services Card. All other dump rules apply.			

Miscellaneous
 Snow Removal (Min. 1 Hr) \$100.00/Hr. (Private lots)
 Grass Mowing (Min. 1 Hr) \$100.00/Hr. (Private lots)

Stormwater Management Plan Only
 1 acre or less \$150.00

More than 1 acre \$ 50.00 x # of acres MMC 6.0603
(In addition to the base fee)

Cost capped at \$1,000.00

ITEM	FEE	ORDINANCE REFERENCE	NOTES
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FILING FEES

Alley vacation	\$125.00		
Alley paving petition fee	\$200.00		
Certified Survey map	\$ 50.00		
Petition for Zoning or Rezoning to Plan Comm.	\$200.00 or \$400.00*		
Special Exception to Plan Commission	\$200.00		
Variance to Zoning Board of Appeals	\$150.00		

***If Petitioner seeks a zoning or re-zoning amendment that also requires an amendment to the City’s Comprehensive Plan to comply with the consistency clause of Wis. Stats. Sec. 66.1001(3)(k), then the \$400.00 fee would apply.**

***If Petitioner seeks a zoning or re-zoning amendment that pertains not to just one parcel or multiple adjacent parcels- but instead also pertains to parcels in broader areas within a zoning district or multiple zoning districts, then the \$400.00 fee would apply. (Ordinance 2011-2210 adopted 11-1-11)**

LICENSES

Bicycle (one time by owner)	\$ 6.00	MMC 10.0211
Carnivals (per event)	\$ 75.00 (\$10/ride or stand after five units)	MMC 9.0904
Business (annually)	\$ 15.00	MMC 9.0905
Dog		
Neutered and paid by 4-1	\$ 5.00 (annually)	MMC 9.0303 Wis. Stat. § 174.05
Neutered and paid after 4-1	\$ 10.00 (annually)	MMC 9.0303 Wis. Stat. § 174.05 174.05(5)
Not neutered and paid by 4-1	\$ 10.00 (annually)	MMC 9.0303 Wis. Stat. § 174.05
Not neutered and paid after 4-1	\$ 15.00 (annually)	MMC 9.0303 Wis. Stat. § 174.05 & 174.05(5)

ITEM	FEE	ORDINANCE REFERENCE	NOTES
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MISCELLANEOUS ITEMS

Handbill posters	\$100.00 (annual)	MMC 9.0901	
Mobile Home Trailer Park	\$100.00 + (\$100.00 per each 50 units)	MMC 13.3602- MMC13.3604 & Wis. Stat. § 66.0435	
Pawnbroker (annually)	\$210.00	MMC 9.0601 & Wis. Stat. 134.74(11)(a)	
\$500 surety bond required.			
Secondhand dealer or			
Flea market mall	\$165.00	MMC 9.0601	
Secondhand article dealer	\$ 27.50	MMC 9.0601	
Secondhand jewelry dealer	\$ 30.00	MMC 9.0601	
Sign erector	\$175.00 (annual)	MMC 13.3502	
Taxi (per vehicle)	\$ 35.00 (annual)	MMC 9.0501A & Wis. Stat. § 349.24	
Certification fee/Special			
Assessment Requests	\$ 25.00	Wis Stat. § 66.0628(2)	By Title Companies
Lamination Fee	\$.25 per page	Wis Stat. § 66.0628(2)	
Photocopies	\$.25 per page	Wis Stat. § 66.0628(2)	
Facsimile	\$.25 per page	Wis Stat. § 66.0628(2)	
Copy Fee (maps)	\$ 5.00/large	Wis Stat. § 19.35(3)(a), (b), (c) & (d)	
	\$ 3.00/small		
Copy Fee (color prints)	\$ 10.00	Wis Stat. § 19.35(3)(a), (b), (c) & (d)	
Copy Fee (large photocopies)	\$ 15.00	Wis Stat. § 19.35(3)(a), (b), (c) & (d)	

Plan Specifications (in person)	\$ 30.00	Wis Stat. § 19.35(3)(a), (b), (c) & (d)
Plan Specifications (mailed)	\$ 55.00	Wis Stat. § 19.35(3)(a), (b), (c) & (d)
Special Meeting (if citizen body)	\$250.00	
Special Meeting (plus per diem costs of gov. body's membership)	\$100.00	
Tax Exempt Property Filing Fee	\$ 50.00	Wis Stat. § 70.337(5) (bi-annual/even number years)
Late Payment Service Charge- Transient Merchant Sales	\$ 50.00	1.5% of remaining unpaid balance over 30 days
Firewood precut if available	\$ 40.00 per load	MMC 9.0401 (per family of 3 members, \$50.00 for each additional)

ITEM	FEE	ORDINANCE REFERENCE	NOTES
Compost for City residents with city services card	Free		
Compost for non residents	\$ 2.00 yd		
Request to purchase public Property	\$ 25.00 (plus cost of appraisal)	(fee added to sale price)	
Payday Lender Permit	\$ 50.00 one time	MMC 9.1001, Act 405 (effective 01/01/11)	(Ordinance 2013-2250 adopted 6-4-13)

RENTAL FEES

Open pavilion – residents	\$ 30.00	Wis Stat. § 27.08(2)(c) & 66.0628(2)
Enclosed pavilion – residents	\$125.00	Wis Stat. § 27.08(2)(c) & 66.0628(2)
Open pavilion – non residents	\$ 60.00	Wis Stat. § 27.08(2)(c) & 66.0628(2)
Enclosed pavilion-non residents	\$150.00	Wis Stat. § 27.08(2)(c) & 66.0628(2)
Stephenson Island Stage – Residents	\$100.00	Wis Stat. § 27.08(2)(c) & 66.0628(2)
Stephenson Island Stage- Non resident	\$150.00	Wis Stat. § 27.08(2)(c) & 66.0628(2)

ITEMS THAT APPLY TO ALL CITY DEPARTMENTS

NSF (non sufficient funds) checks	\$ 35.00	Wis Stat. § 66.0628(2)
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