

CHAPTER 11

LICENSES AND PERMITS

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11.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

(1) State Statutes Adopted

- (a) The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, except for the criminal penalty provisions for violations of such statutes, for forfeiture penalty provisions, contained in subsection 15 herein, in lieu hereof, are adopted and made a part of this section by reference. A violation of the provisions of Chapter 125, so incorporated, shall be a violation of this section.
- (b) Reference to Statutes. References to specific statutory sections whenever used in this chapter shall mean the Wisconsin Statutes, Laws of 1983 (through and including Act 74 thereof). Any future amendments, revisions or modifications of the statutes incorporated or made reference to herein are intended to be made part of this chapter in order to secure uniform statewide regulation.

(2) Licenses, Permits, Authorization Required

- (a) No person except as provided by §125.06, shall within the City of Augusta, serve, sell, manufacture, rectify, brew or engage in any other activity for which this section or ch. 125, Wis. Stats., requires a license, permit or other authorization as provided in this section. See §125.04(1).
- (b) Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See §125.04(9).

(3) **Classes of Licenses and Fees** The following classes and denominations of licenses may be issued by the City Clerk under the authority of the City Council after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in §125.17, 125.25, 125.26, 125.28, 125.51 and 125.57. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) **Class "A" Fermented Malt Beverage Retailer's License.** Two hundred dollars (\$200.00) per year. See §125.25.

(b) **Class "B" Fermented Malt Beverage Retailer's License.** One hundred dollars (\$100.00) per year. See §125.26.

(c) **Temporary Class "B" (Picnic) Beer License.** Ten dollars (\$10.00) per day. (Issued to non-profit organization or club)

(d) **Retail "Class A" Liquor License.** Five hundred dollars (\$500.00) per year. A retail "Class A" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See §125.51(3).

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

2. Licenses valid for six (6) months may be issued at any time. The fee for the license shall be fifty percent (50%) of the annual license fee. The license may not be renewed during the calendar year in which issued.

(e) **Retail "Class B" Liquor License.** Five hundred dollars (\$500.00) per year. A retail "Class B" liquor license shall permit its holder to sell liquor to consumers by the glass for on- premises consumption. Wine may be sold in original packages or otherwise in any quantity to be consumed off-premises. See §125.51(3).

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

2. Licenses valid for six (6) months may be issued at any time. The fee for the license shall be fifty percent (50%) of the annual license fee. The license may not be renewed during the calendar year in which issued.

- (f) **Retail "Class C" wine license.** The fee shall be one hundred dollars (\$100.00) per year. A retail "Class C" wine license shall permit its holder to sell wine by the glass or in an opened original container for consumption on the premises where sold. Retail "Class C" licenses may be issued only for restaurants for which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which do not have a barroom. See §125.04(5) and §125.51(3m)
- (g) **Operators' licenses** as provided by Chapter 125 of the Wisconsin Statutes may be issued by the City Council upon the payment of a fee of twenty five dollars (\$25.00). A written application provided by the City Clerk shall be filed with the City Clerk's office and completed in full. The application shall be referred to the Chief of Police for a background report on the applicant.
1. The City Council shall grant an operator's license pursuant to this section to such applicants as they deem fit. Said license shall expire June 30th next ensuing. The license fee under this section shall be paid to the City Treasurer. Each operator's license shall be posted in a conspicuous place in the room or place where alcohol beverages are poured, served, consumed or removed for service or sale.
 2. This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred feet (300') thereof by any school building, hospital building or church building.
- (h) **Health and Sanitation Requirements.** No retail Class "B" or "Class B" license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor and Human Relations pertaining to building and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the City.
- (i) **The number of persons or places that may be granted retail "Class B" licenses** is limited to one licensee per five hundred (500) population, or fraction thereof, as annually estimated by the Wisconsin Department of Administration. (Amended June 8, 2010)
- (j) **(Reserved for future use)** Deleted June 8, 2010
- (k) **License Quota.** The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in §125.51(4).
- (l) **Age requirement.** Except as limited by §125.04(5)(d)2 and §125.10(4), Wisconsin Statutes, all natural persons who are licensees governed by Chapter 125, Wisconsin Statutes, the Officers, Directors and agent of a corporate licensee, and the members and managers of any limited liability company which is a licensee must have attained the legal drinking age in Wisconsin. (Adopted May 11, 2004)

- (m) **Effect of Revocation of License.** Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.
- (n) **Delinquent Taxes, Assessments and Claims.** No license shall be granted for any premises for which taxes, assessments or other claims of the City are delinquent and unpaid.
- (o) **Issuance for Sales in Dwellings Prohibited.** No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(4) **License Application**

- (a) **Form.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, and filed with the City Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- (b) **Application to be notarized.** Applications shall be signed and sworn to by the applicant as provided by §887.01.
- (c) **Duplicate.** Upon approval, a duplicate copy of each application shall be forwarded by the City Clerk to the State Department of Revenue.
- (d) **Loss or Destruction.** Whenever a license or permit is lost or destroyed, the City Clerk shall issue a duplicate license permit upon the payment of one dollar (\$1.00) fee.

(5) **License Restrictions**

- (a) **Requirements.** Licenses shall be issued only to persons eligible there under §125.04 and §125.33(3)(b).
- (b) **Further, all license applicants and holders must have been residents** of this state continually for at least ninety (90) days prior to application, except that this residency requirement does not apply to beverage operator's license holders, and applicants. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of the State punishable by imprisonment in the State prison if the circumstances of the crime substantially relate to the circumstances of the activity being licensed, unless such person has been pardoned. These provisions shall not apply to Wisconsin Corporations or LLC's, but said corporations or LLC's shall be required to retain the services of a local agent who satisfies the above requirements. (Amended June 8, 2010), (Amended September 11, 2012)

- (c) **Location.** No "Class B" license available under this chapter shall be issued for premises the main entrance of which is less than three hundred feet (300') from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.
- (6) **Form and Expiration of Licenses** All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The City Clerk shall affix his or her affidavit as required by §125.04(4).
- (7) **Transfer of Licenses**
- (a) **As to Person.** No license shall be transferable as to licensee except as provided by §125.04(12).
- (b) **As to Place.** Licenses issued pursuant to this section may be transferred as provided in §125.04(12). Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.
- (8) **Posting and Care of License** Every license or permit required under this section shall be framed and posted and at all times displayed as provided in §125.04(10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.
- (9) **Regulation of Licensed Premises and Licenses**
- (a) **Gambling and Disorderly Conduct Prohibited.** Each license and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.
- (b) **Employment of Underage Person.** No license shall employ any person who has not attained the legal drinking age to serve, sell, dispense or give away any alcohol beverage.
- (c) **Sales by Clubs.** No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- (10) **Closing Hours** No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages during the following hours:
- (a) **Licensed taverns shall close not later than 2:00 a.m.** and shall not reopen until 8:00 a.m., except on Sunday, when such taverns shall remain closed from 2:30

a.m. until 8:00 a.m.

- (b) No premises for which a “Class A” Retailers License is issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 6:00 a.m. (Amended January 10, 2012)
- (c) All alcohol beverages shall be sold, dispensed, given away or furnished entirely within and upon the licensed premises, and no alcohol beverages shall be sold, dispensed, given away or furnished to any person not upon the licensed premises, by means of a drive-up or walk-up window or similar facility.
- (d) Class ”A” premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between the hours of 12:00 Midnight and 6:00 a.m. (Amended January 10, 2012)
- (e) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(11) **Additional Municipal Regulations**

- (a) No retail licensee shall sell or offer to sell any alcohol beverages to any person on credit except credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with other purchases as well. No retail licensee shall sell alcohol beverages to any person on a passbook or store order not receive from any person any non-monetary consideration in exchange for alcohol beverages.

(12) **Revocation and Suspension of Licenses**

- (a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by §125.12, and the provisions therein relating to granting a new license shall likewise be applicable.
- (b) Effect of Revocation. See sub. (3)(m) of this section.

- (13) **Nonrenewal of Licenses** Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the City Council.

- (14) **Violations by Agents and Employees** A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

- (15) **Any child fourteen (14) years or older** who shall violate any provision of this ordinance, shall be penalized according to the provisions of Section 16 herein.

- (16) **The penalty for violation of any of the provisions of this section shall be** a penalty as provided in Section 15.04 of this code, provided that no penalty imposed shall exceed the maximum allowed by §125.11. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

11.01.5 PROVISIONAL OPERATOR'S LICENSE

(1) **Section 11.01.5 is created to read as follows:**

- (a) **Provisional Operator's License.** The City Clerk shall be authorized to issue a provisional operator's license to any applicant for an operator's license, who has not been previously denied a license under this chapter, and who has made proper application for an operator's license.
- (b) **A provisional operator's license shall be valid for a sixty (60) day period,** such time commencing with the date of issuance of the provisional operator's license; this license shall also expire upon the issuance of a regular operator's license as provided in this chapter or any other ordinance, resolution or motion adopted by the City Council of the City of Augusta.
- (c) **A provisional operator's license may be revoked by the City Clerk** upon discovery of false statements by applicant on his/her application.
- (d) **The form for such license shall be adopted by the City Clerk** with approval of the City Council.
- (2) All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

11.02 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

- (1) **License Required** No person shall engage in the business of peddler, hawker, trucker, solicitor or transient merchants within the City of Augusta without first obtaining a license from the City Clerk in compliance with the provisions of this ordinance. A separate license shall be obtained for each type of business.
- (2) **Exemptions** No provision of this ordinance, except Sections 6(a), (c), (d) and (e), shall apply to the following: newsboys, merchants delivering goods in the regular course of business; vendors of milk, bakery goods or groceries distributing products, gardeners, religious, charitable, patriotic or philanthropic organizations; persons selling property at wholesale to dealers in such property; persons holding a state license issued pursuant to §129.03(2).
- (3) **Application** An application for a license under this ordinance shall be sworn to by applicant and filed with the City Clerk and shall contain such information as he shall require for the effective enforcement of this ordinance and the safeguard of the residents of the city from fraud, misconduct or abuse. At the time of filing the application, the applicant shall pay to the City Treasurer an investigation fee of one hundred dollars

(\$100.00) to cover the cost of investigation of the facts contained in the application, by the Chief of Police. The applicant is also required to post a bond in the amount of one thousand dollars (\$1,000.00).

- (4) **Investigation: Issuance** Applications shall be immediately referred by the City Clerk to the Chief of Police. Upon each receipt of each such application, the Chief of Police shall immediately institute an investigation of applicant's business and moral character for the protection of the public good. Upon conclusion of such investigation, which shall be within seventy-two (72) hours after the application is filed, the Chief of Police shall endorse his findings upon said application and shall forthwith deliver the application to the City Clerk who shall issue or deny the license in accordance with such findings.
- (5) **State License: Bond** No license except for soliciting or canvassing shall be issued under this ordinance to any person who does not hold and display a valid and unexpired State of Wisconsin License to engage in the business for which a license is sought. If the Chief of Police determines from his investigation of an application, that the interest of the inhabitants of the City require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but due to causes beyond his control is unable to supply to file with the City Clerk a bond in the sum of five hundred dollars (\$500.00) with surety acceptable to the City Mayor running to the City Conditioned that he will fully comply with the ordinances of the City laws of the state relating to the licensed business and guaranteeing to any citizen or the City of Augusta doing business with him that the property purchased will be delivered according to the representatives of applicant. Action to recover on such bond shall be commenced within six (6) months after the expiration of the license of the principal.
- (6) **Regulations and Restrictions**
- (a) **Quitting Premises.** No peddler, hawker, trucker, solicitor, canvasser or transient merchant shall refuse or fail to leave any private residence, business establishment or office or other premises in the City when requested to do so by the owner, occupant or other person having authority over such premises.
- (b) **Display of License.** Persons licensed under this section shall carry their license with them while engaged in licensed activities and shall display such license to any police officer or citizen upon request.
- (c) **Misrepresentation Prohibited.** No license shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of the goods, wares, merchandise or services which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.
- (d) **Loud Noises and Speaking Devices.** No licensee, nor any person on his behalf, shall, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell, shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public

places or upon private premises if sound in sufficient volume is emitted or produced there from to be capable or being plainly heard upon the streets, alleys, parks or other public places.

- (e) **Use of Streets.** No licensee shall have any exclusive right to any location in the public streets, nor shall any licensee to business in a stationary location nor operate in a congested area of the public streets where such operation impedes or inconveniences public use. No licensee shall engage in the licensed business in any public park, playground, school, library or other public premises. For the purpose of this section, judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

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

- (8) **Expiration; Renewal; Transfer** The City Clerk shall date all licenses issued hereunder and shall specify thereon the date of expiration. Licenses shall be issued on a calendar year basis and expire December 31 of the year of issue. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this section are personal and may not be transferred.

- (9) **Penalty** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 15.04 of this code.

11.03 TRAILERS, TRAILER PARKS AND MOBILE HOMES

- (1) **Definitions**, whenever used in this ordinance, unless a different meaning appears from the context:
 - (a) A "*trailer*" means any coach, cabin, mobile home, house car other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, and/or capable of being moved by its own power or transported by another vehicle, excluding non-inhabited trailers.

 - (b) "*Unit*" means a trailer unit.

 - (c) "**Nondependent Unit**" means a trailer that has bath or shower and toilet facilities.

 - (d) "*Dependent Unit*" means a trailer which does not have bathroom or shower and toilet facilities.

 - (e) A "*trailer camp*" means any park, court, campsite, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or

accommodations for more than two (2) trailers and shall include all buildings used or intended for use as part of the equipment thereof whether or not a charge is made for the use of the trailer camp and its facilities. "Trailer camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposed of inspection and sale.

- (f) A "*space*" means a plot of ground in a trailer camp of not less than one thousand (1,000) square feet of space designed for the location for only one (1) automobile and/or one (1) trailer.
- (g) The word "*person*" shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or their agent, heir or assign.

(2) **Location Outside Camps**

- (a) It shall be unlawful, except as provided in this ordinance, for any person to park any trailer on any street, alley, or highway, or other public places, or on any tract of land owned by a person, within the City of Augusta.
- (b) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than three (3) hours subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- (c) No person shall park or occupy any trailer on any premises which is situated outside an approved trailer camp, except under special permit as provided in Section 2(a) of this ordinance. The parking of only one (1) unoccupied trailer is an accessory private garage building, or in a rear yard, is permitted provided no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

(3) **Permit for Location Outside of Trailer Camp**

- (a) The Common Council may issue special written permits allowing the location of a trailer outside of a trailer camp.

The person to whom such permit is granted shall be subject to the parking permit fee as provided in Section 14 of this ordinance. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued. Not more than two (2) trailers shall be granted permits to locate on any one (1) premise outside a trailer camp.

- (b) Application for the permit shall be made to the City Clerk and shall be accompanied by an inspection fee of four dollars (\$4.00) and shall state the name and permanent addresses of the occupants of the trailer, the license number of their trailer and towing vehicle, place of last stay, intended purpose of stay at requested location, whether the occupants are non-resident tourists, whether any occupant is employed in this state; the exact location of the premises, the name of

the owner, and the occupant of any dwelling on the premises, the owner's and/or occupant's permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use; and a statement that all wastes from trailer occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities which must include a safe water supply and toilet within two hundred feet (200') of the proposed location of the trailer; and a statement of permission from the owner for their use.

- (c) All occupants of any trailer located outside of a trailer camp shall register with the City Clerk as provided in Section 12 of this ordinance. All provisions of this ordinance governing the location, use and sanitation of trailers located in a licensed trailer camp shall so far as they are applicable, apply to any trailer located outside of such trailer camp.
- (d) The provisions of Section 2(a) and (c) shall apply to all persons to whom permits have been given by the Common Council of the City of Augusta prior to the effective date of this ordinance and which are in effect at the time of the passage of this ordinance, but shall not apply to any other persons or any other locations or to any other trailer than those to whom such permits have been given prior to the effective date of this ordinance.

(4) License for Trailer Camp; Application and Issuance

- (a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a trailer camp within the limits of the City of Augusta without first securing a license for such camp from the Common Council pursuant to this ordinance. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this ordinance for additional periods of one year.
- (b) The application for such license or the renewal thereof shall be filed with the City Clerk and shall be accompanied by a fee of five dollars (\$5.00) for each space in the existing or proposed camp, and a surety bond in the sum of one thousand dollars (\$1,000). This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Section 14 and the payment of such fees to the City Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of said City pursuant to which said license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person, firm or corporation who may be injured or damaged by reason of the licensee violating the provisions of this ordinance. A fee of ten dollars (\$10.00) shall be paid for each transfer of a license.
- (c) The application for a license or a renewal thereof shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a

duly verified statement by that person, that the applicant is authorized by him to construct or maintain the trailer camp and made the application), and such a legal description of the premises, upon which the trailer camp is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the camp plan showing the following, either existing or as proposed:

1. The extent and area used for camp purposes;
2. Roadways and driveways;
3. Location of units for trailers;
4. Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units;
5. Method and plan of sewage, disposal;
6. Method and plan of garbage removal;
7. Plan for water supply;
8. Plan for the electrical lighting of units. If the existing or proposed camp is designed to serve nondependent trailer units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

(5) **Inspection and Enforcement**

No trailer camp license or permit for location outside of a licensed trailer camp shall be issued until the City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector or their authorized agents of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which trailers will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Common Council in writing the information derived from such investigation, and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a re-inspection of the premises. For the purpose of making inspection and securing enforcement such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a trailer is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

(6) **Location of Trailer Camps**

- (a) No trailer or trailer camp shall be located in any fire district.
- (b) No occupied trailer within the limits of the City of Augusta, shall be located between the recognized set-back line for the zoning district in which such trailer is located and the street or highway, not less than ten feet (10') from any building

or other trailer or from the boundary line of the premises on which located.

(7) Camp Plan

- (a) Every trailer of trailer camp shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No trailer or trailer camp shall be located in any area that is situated so that drainage from any barn yard, outdoor toilet or other source of filth can be deposited in its location.
- (b) Trailer spaces shall be clearly defined and shall consist of a minimum of one thousand (1000) square feet and a width of not less than twenty (20) feet. The camp shall be so arranged that all spaces shall face or abut on a driveway not less than twenty (20) feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved, and maintained in good condition, having natural drainage, be well lighted at night, and shall not be obstructed.
- (c) The camp shall be so laid out that no dependent unit shall be located farther than two hundred (200) feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.
- (d) Every trailer space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than thirty (30) campers capacity, and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof and no power lines shall be less than fifteen feet (15') above ground.
- (e) No trailer unit shall be parked in a camp outside of a designated space.

(8) Water Supply

- (a) An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than two hundred feet (200') from any dependent trailer shall be furnished for drinking and domestic purposes in all camps.
- (b) Individual water service connections provided for direct use of any independent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide twenty (20) pounds pressure per square inch and capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per space.
- (c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- (d) Every trailer camp serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

(9) Service Building and Accommodations

- (a) Every trailer camp designed to serve dependent units shall have erected thereon, suitable buildings for housing toilets, lavatories, showers, slop sinks, and laundry facilities as required by ordinance, such buildings to be known as service buildings. Service buildings shall be located not more than two hundred feet (200') from any dependent unit space, nor closer than fifteen feet (15') from any trailer space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.
- (b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight (8) dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall also contain one (1) urinal for each sixteen (16) dependent units, but in no case shall any male toilet be without one (1) urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one (1) lavatory to every two (2) or less water closets.
- (c) Separate bathing facilities for each sex shall be provided with one (1) shower enclosed in a compartment at least four (4) feet square, for each eight (8) dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve (12) square feet.
- (d) Laundry facilities shall be provided in the ratio of one (1) double tray unit and one (1) conventional type washing machine, or one (1) automatic washing machine, with electric outlet, for each eight (8) units. Sufficient drying facilities shall be available.
- (e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one (1) slop sink for each sixteen (16) dependent units.
- (f) The above accommodations shall be based on the total camp capacity according to accepted plans.
- (g) Floors of toilets, showers and the laundry shall be concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

(10) Waste and Garbage Disposal

- (a) All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public sewer system.
- (b) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the state plumbing code. The sewer connection shall be provided with suitable fittings to that watertight connections

can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

- (c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
 - (d) Each faucet shall be equipped with facilities for drainage of waste and excess water.
 - (e) Every trailer unit shall be provided with a substantial fly-tight, watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the camp custodian at least twice weekly between May 1 and October 15, and otherwise weekly.
- (11) The Provisions of Section 4(a), (b), (c), Section 5, Section 7, Section 8, Section 9, Section 10 and Section 12 shall not apply to the trailer camp of the City of Augusta which is located on Witte Road. Said trailer camp being under the management of the Common Council of the City of Augusta, which Council shall abide by the standards as set forth in this ordinance.

(12) **Management**

- (a) In every trailer camp there shall be located the office of the attendant or person in charge of said camp. A copy of the camp license and of this ordinance shall be posted therein and the camp register shall at all times be kept in said office.
- (b) It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
 - 1. Keep a register of all guests, to be open at all times to inspection by state and federal officers and the trailer committee, which shall show for all guests:
 - i Names and addresses
 - ii Number of children of school age
 - iii State of legal residence
 - iv Dates of entrance and departure
 - v License numbers of all trailers and towing or other vehicles
 - vi States issuing such licenses
 - vii Purpose of stay in camp
 - viii Place of last location and length of stay
 - ix Place of employment of each occupant
 - 2. Maintain the camp in a clean, orderly and sanitary condition at all times.
 - 3. Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of

this ordinance or any other violations of law which may come to his/her attention.

4. Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
5. Maintain in convenient places, approved by the fire chief, hand fire extinguisher in the ration of one (1) to eight (8) units.
6. Collect the monthly parking permit fee provided for in Section 14 of this ordinance. A book shall be kept showing the names of the persons paying said service charges and the amount paid.
7. Prohibit the lighting of open fires on the premises.

(13) Applicability of Plumbing, Electrical and Building Ordinances

All plumbing, electrical, building and other work on or at any camp licensed under this ordinance shall be in accordance with the ordinances of the City of Augusta and the requirements of the state plumbing, electrical and building codes and the regulations of the state board of health. Licenses and permits granted under this ordinance grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

(14) Monthly Parking Fee

- (a) There is hereby imposed on each occupied, non-exempt mobile home located in the City of Augusta a monthly parking fee as determined in accordance with §66.058. Said fees shall be paid to the City Treasurer on or before the 10th day of the month following the month for which such fees are due; said fees shall be collected by the mobile home park operator.
- (b) Occupants of non-exempt trailers parked outside of licensed trailer camps in accordance with Section 2(a) of this ordinance shall pay a monthly parking permit fee of ten dollars (\$10.00) to the City Treasurer.

(15) Revocation and Suspension

The Common Council is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with Ch. 583, Laws of 1953.

(16) Penalties for Violation of Ordinance

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 15.04 of this code.

(17) Severability and Conflict

- (a) If any section, subsection, sentence, clause, phrase or portion of this ordinance is

for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

- (b) All ordinances or parts of ordinances inconsistent with or contrary hereto, are hereby repealed, except, nothing in this ordinance shall be interpreted so as to conflict with state laws or orders regulating trailers or trailer camps or any of the requirements of any ordinances of the City of Augusta not mentioned or made inapplicable by the express terms of this ordinance.

11.04 CIGARETTES

- (1) **License Required** No person shall in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away or keep for sale any cigarettes or cigarette papers or wrappers without first obtaining a license therefore from the City Clerk in the manner provided in §134.65. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside Wisconsin.
- (2) **Fee** The fee for such cigarette license shall be seventy five dollars (\$75.00) per year.
- (3) **Form of License; Expiration; Transfer** All cigarette licenses shall be signed by the City Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue. Upon payment of a fee of five dollars (\$5.00) a license issued hereunder may be transferred from the licensee to another owner, but no license shall be transferable as to the location of the licensed premises.
- (4) **Penalty** The penalty for violation of any provision of this section shall be as provided in s. 15.04 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues. If provisions of this section and the court in its judgment shall determine that he was personally guilty of a failure to exercise due care to prevent violation, his license privileges shall terminate immediately and he shall not be entitled to another license nor act as an agent or servant of another licensee for five (5) years thereafter.

11.05 REGULATION OF LICENSING OF DOGS AND CATS

- (1) **License Fee** No person shall own or keep a dog or cat over the age of five months within the corporate limits of the City of Augusta without first obtaining a license from the City-Clerk Treasurer. The license fee shall be twelve dollars (\$12.00) for neutered male or spayed female dog and twenty-three dollars (\$23.00) for a male or female dog and five dollars (\$5.00) for a neutered male or spayed female cat and seven dollars (\$7.00) for a female or a male cat. The license year shall commence on the 1st day of January and end on the 31st day of December. Prior to applying for a license under this section, the owner shall submit proof of current rabies vaccination. State Law Reference: Section 174, Wis. Stats. (*Amended January 11, 2022*)
 - (a) **Late Fee** The City Clerk-Treasurer shall assess and collect a late fee of Five

Dollars (\$5.00) from every owner of a dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to the required license fee. *(Amended January 11, 2022)*

- (2) **Tags** Upon the payment of said fee, the City Clerk-Treasurer shall issue a tag that shall be attached to the collar of such licensed dog or cat. No person other than the owner or a police officer in the line of his duty shall remove said license tag from dog or cat.
- (3) **Running at Large** No dog or cat shall be permitted to run at large within the city limits. A dog or cat shall be considered as running at large when not on the premises of or within the immediate presence and control of its owner or keeper. No dog or cat shall be permitted in any cemetery.
- (4) **Limits of Dogs**
 - (a) No individual or family unit living together, firm or corporation, shall keep more than three (3) dogs over the age of five months within any residential district, excepting, however, bona fide animal hospitals in which dogs are confined within a completely enclosed building.
 - (b) Anyone desiring to keep more than three (3) dogs shall be required to obtain a kennel license. Kennel means any licensed establishment where three or more dogs are kept for breeding, sale or sporting purposes. The license fee shall be fifty dollars (\$50.00) per year for 12 or fewer dogs and an additional four dollars (\$4.00) for each dog in excess of 12 dogs. Kennel licenses shall be approved by the City Council after a conditional use permit has been granted and upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies. The City Council shall reserve the right to revoke the license if complaints arise. State Law Reference: Section 174.053, Wis. Stats. *(Amended January 11, 2022)*
- (5) **Care of Dogs or Cats** All dogs and cats shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of a neighborhood. No dog or cat shall be abandoned or turned loose by its owner or keeper.
- (6) **Nuisance** The owner of any dog, cat or other animal shall not permit such dog, cat or other animal to become a nuisance to the public by any of the following:
 - (a) Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, yelping, hissing, meowing or fighting.
 - (b) Defacing, scratching, or marring any personal property other than that of the owner of said animal.
 - (c) Trespassing upon any property where food or drink is sold unless provided for otherwise under statutes.

(7) **Unlawful to Place Persons in fear of Injury** No person shall cause, urge, permit or suffer a dog, cat or other animal to place any person in reasonable fear of attack or injury. This section does not apply to acts of animals owned by the person on whose premises the act occurs if reasonable notice is given to the public that the premises are guarded or occupied by a dangerous animal, the premises are posted against trespassing or the animal is confined within a fence or building.

(8) **Mad or Vicious Dogs** Any dog, whether licensed or not, which shall be known to be or which there is good reason to believe is mad, rabid, or dangerous to the public or which shall have bitten any person, shall be confined on the premises or such other place as the city authorities may designate for a period of ten (10) days or longer during which time it shall be under the observation of the Department of Health. If the dog is found to be diseased, it shall be destroyed and no person shall interfere with the city authorities in carrying out their duties in this regard.

If the owner of any dog shall deny that his/her dog is mad, vicious or dangerous to the public or shall deny that his/her dog has bitten any person, the police officer may summon said owner into court and if the court shall decide that said dog is vicious or dangerous to the public or shall have bitten any person, the said dog may be confined as provided in the preceding paragraph, and the costs of the investigation shall be taxed against the owner.

(9) **Apprehension and Impoundment** It shall be the duty of any City Police Officer or the Animal Control Officer to take up and impound any dog, found to be at large within the City contrary to the provisions of this Article or reasonably believed by the Police Officer or Animal Control Officer to have committed one or more of the acts described in Section 11.05(5), 11.05(6) or 11.05(7). Any dog impounded shall be held for a period of seven (7) days and at the end of such period shall be disposed of unless the owner thereof shall reclaim such dog and pay at the pound the reasonable cost of keeping such dog and an impounding fee of ten dollars (\$10.00).

(10) **Penalties** Any person who shall violate any of the provisions of this ordinance shall be penalized according to the penalty described in Section 15.04 of this code.

(11) **Regulation and Control of High Risk Dogs**

Definitions:

“Documented History” is defined as:

More than one incident of unprovoked aggressive or destructive behavior which has been reported to and documented by law enforcement regardless of the extent of injury or damage. Such behavior must be determined by law enforcement to be unprovoked to be considered as a documented incident.

“Aggressive Behavior” is defined as:

Any act, which carried out, causes injury or damage to any person, animal, or thing or any behavior that which displayed, places another person or animal in reasonable fear for their safety or the safety of their property.

- (a) The City Council finds that some dogs are inherently dangerous, and designates said dogs as “high risk dogs.”
- (b) Possession of high risk dogs poses a significant threat to the public health, safety, and welfare, which is of great concern to the public.
- (c) That ordinary methods of control used by dog owners are insufficient to control high risk dogs.
- (d) For purposes of this ordinance, a high risk dog is defined as:
 - 1. Any dog which has a documented history of aggressive behavior in this jurisdiction or the jurisdiction of another government body.
 - 2. Any pit bull, Staffordshire bull terrier also known as American bull terrier breed;
 - 3. Any Rottweiler;
 - 4. Any wolf (lupus);
 - 5. Any mixed breed of dog which contains as an element of its breeding any of the above breeds, as identified by a qualified veterinarian duly licensed as such by the State of Wisconsin
- (e) Keeping of high risk dogs shall be subject to the following standards:
 - 1. **Leash and Muzzle.** No person shall permit a high risk dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a high risk dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. High risk dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. High risk dogs on a leash outside the animal’s kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - 2. **Confinement** All high risk dogs shall be securely confined indoors or in a securely enclosed and locked kennel or pen, except when leashed and muzzled as provided. Such kennel, pen or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered or unregistered high risk dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house high risk dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. **Confinement Indoors** No high risk dog may be kept on a porch, patio or in any part of a house or structure on its own volition. In addition, no high risk dogs may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from existing the structure.
 4. **Signs** All owners, keepers or harbors of high risk dogs within the City shall within ten (10) days of the effective dates of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words “Beware of Dog.” In addition, a similar sign is required to be posted on the kennel or pen of such animal.
 5. **Registration, Insurance and Identification** All owners, keepers or harbors of high risk dogs must, within ten (10) days of the effective date of this ordinance or within ten days of acquiring a high risk dog, whichever is later, register the dog with the City on forms available from the City Clerk, provide proof to the Augusta City Clerk of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons which may result from the ownership, keeping or maintenance of such animal, which insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Augusta City Clerk, and provide to the City Clerk two (2) color photographs of the animal clearly showing the color and approximate size of the animal.
 6. **Irrefutable Presumptions** There shall be an irrefutable presumption that any dog registered with the City as a high risk dog is in fact subject to the requirements of this section.
- (f) **Failure to Comply** It shall be unlawful for the owners, keeper or harbinger of a high risk dog to fail to comply with the requirements and conditions set forth in this ordinance. Any high risk dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.
- (g) **Violations and Penalties** Any person violating any provision of this ordinance shall be penalized according to the penalty described in Section 15.035 and Section 15.04 of this code.

11.06 REGULATION OF JUNKED MOTOR VEHICLES

- (1) No person, firm, partnership or corporation shall accumulate or store any junked, disassembled, inoperable or unlicensed motor vehicle in whole or in parts thereof outside of any building located on any real estate situated within the said City of Augusta except upon a duly issued permit from the City Clerk of said city.

- (2) Conditions of permit. The permit issued by the City of Augusta shall be signed by the City Clerk and shall specify the quantity and manner of storing such junked, disassembled, inoperable or unlicensed motor vehicle in whole or in part. Such permit shall be revoked as provided by §175.25, which, so far as applicable, is hereby adopted by reference. The fee for the permit described in this paragraph is twenty five dollars (\$25.00) per year.
- (3) Any person, firm, partnership or corporation who shall violate any provision of this ordinance shall be subject to prosecution thereof and upon conviction thereof shall be subject to penalty as provided in section 15.04 of the code. Each motor vehicle involved or each part of such motor vehicle involved, as set forth in this ordinance, shall constitute a separate offense. A separate offense shall be deemed committed on each day in which a violation of any provision of this section occurs or continues.

11.07 CABLE TELEVISION

WHEREAS, the City of Augusta ("Augusta") granted a cable television franchise to KRM Cablevision, Inc. ("KRM") and it's successors and interests to operate a television system within the City of Augusta on March 4, 1986, and

WHEREAS, in response to the City of Augusta's request to KRM that it prepare a proposal to correct certain technical problems, KRM has proposed to reconstruct the cable television system serving the City of Augusta, and

WHEREAS, conditioned upon the reconstruction of the cable television system to be completed by January 1, 1996, Augusta has agreed to renew the cable television franchise.

NOW IT IS HEREBY resolved by the City of Augusta that upon reconstruction of the cable television system, the cable television franchise previously awarded the KRM Cablevision, Inc. shall be renewed as follows:

- (1) KRM Cablevision, Inc., its successors and assigns are granted the right, privilege and franchise to construct, operate and maintain lines of coaxial television cable, including poles, wires and fixtures where necessary, upon, along, over and under public streets and alleys of the City, subject to the terms and conditions herein.
- (2) The cable television franchise previously granted by Ordinance No. 11.07 to KRM Cablevision, Inc. ("Grantee"), is hereby renewed to Grantee, its successors and assigns, thereby granting to Grantee the right, privilege and franchise to construct, operate and maintain cable television transmission facilities, including poles, wires and fixtures where necessary upon, along, over, and under the public streets and alleys of the City of Augusta ("City") subject to the terms and conditions herein.
- (3) The Grantee has constructed the cable television system in the City. Any new poles that may have to be installed by the Grantee shall first be approved by the Department of Public Works of the City.
- (4) The Grantee shall construct additional underground portions of the cable television plant

only after it has received permission from the Department of Public Works of the City. All streets and sidewalks disturbed or damaged in the construction or maintenance of said cable lines shall be promptly repaired by the Grantee at its expense, to the satisfaction of the Department of Public Works of the City.

- (5) Grantee's transmission and distribution system shall be located, erected and maintained so as not to interfere with the lives or safety of persons, or to interfere with improvements the City of Augusta may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property.
- (6) All transmission facilities constructed in the City by the Grantee shall at all times meet with the applicable minimum standards of the City, as provided by ordinance or code.
- (7) The Grantee shall be subject to all ordinances now in effect or that may be hereinafter enacted relative to the use by it of the streets and alleys of the city.
- (8) The Grantee shall hold the city harmless from all claims for damages arising out of the construction, maintenance or operation of said cable.
- (9) The Grantee shall indemnify and save the City of Augusta and its agents and employees harmless from all and any claims for personal injuries or property damages, and any other claims, costs including attorneys' fees, expenses of investigation and litigation of claims and suits thereon which may arise from the installation and/or operation of said system. For this purpose, the Grantee shall carry and at all times maintain on file with the City Clerk, and at all times keep in force, a public liability policy of insurance, insuring it and the City against any and all liability arising from such installation and/or operation with the limits of liability of not less than fifty thousand dollars (\$50,000.00) property damages, one hundred thousand dollars (\$100,000.00) for any person, personal injury or death, and three hundred thousand dollars (\$300,000.00) for any one accident resulting in personal injury or death.
- (10) The Grantee shall maintain either a local office, have a local representative with a local phone or have a toll free phone number so that complaints can be handled conveniently and daily.
- (11) It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the expressed written consent of the grantee, to make or possess any connection, extension or diversion, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the cable system for any purpose whatsoever.
- (12) It shall be unlawful for any firm, person, group, company, corporation or governmental body agency to willfully interfere, tamper, remove, obstruct, or damage any part, segment or content of the cable system for any purpose whatsoever.
- (13) Any person or entity violating this section shall be subject to a forfeiture as described in Section 15.04 of the Augusta Code of Ordinances and may be required to pay for any damages resulting from such violation. Each continuing day of the violation shall be considered a separate occurrence.

- (14)** Franchise revocation and expiration shall be governed as follows:
- (a)** The City, may subject to the procedure in paragraph (b) below, revoke any franchise granted hereunder and rescind all rights and privileges associated therewith in the event of a material or substantial breach of any term or condition of this ordinance.
 - (b)** In the event the City determines it is in the public interest to terminate the cable television franchise, the City shall give the Grantee sixty (60) days written notice of its intention to terminate. The written notice shall detail the basis of the cause for termination. If during the sixty (60) day period the cause shall be cured, the notice and right to terminate shall be null and void. The Grantee shall, in any event, be given an opportunity to be heard before the City Council regarding termination and the Grantee shall be afforded all due process rights regarding termination. In the event of termination, the Board shall provide a written summary of its reasons for termination and sub decision shall be subject denova judicial review. In the event the Grantee contests the grounds for termination prior to the hearing, the hearing shall be suspended pending resolution of Grantee's court action.
 - (c)** The expiration of this franchise shall be governed by the terms and provisions of the Cable Communications Policy Act of 1984.
- (15)** The licensee shall fully comply with all applicable Federal Communications Commission rules and regulations as may be presently in effect or may become effective in the future and all other federal and state rules and regulations applicable to cable television systems. Any and all modifications of Section 76.31 of the Federal Communications Commission rules resulting from amendment of said rules by the Commission shall be incorporated into this ordinance within one (1) year of the adoption of the modification by the Federal Communications Commission, or at the time of franchise renewal, whichever event shall first occur. Compliance with all applicable Federal Communications Commission rules or modifications thereof shall be a condition for continuation of any franchise.
- (16)** No sale, assignment, or lease of this franchise shall be effective until the City Council shall have approved the same and until the vendee, assignee or lessee shall have filed in the office of the City Clerk an instrument duly executed and acknowledged, reciting the fact of such sale, assignment or lease, accepting the terms hereof and agreeing to perform all the conditions hereof. The City Council shall not unreasonably withhold its consent.
- (17)** Unless otherwise provided by the Federal Communications Commission (FCC) (in which case the rules and regulations of the FCC shall govern) all charges to subscribers may be changed on the petition of the Grantee or any of its successors but only after a public hearing, including public input on programming preferences, and with the approval of the City Council. Grantee will provide at least thirty (30) days written notice of rate changes to all subscribers.
- (18)** The license tax or permit fees that the Grantee shall pay pursuant to this franchise shall be ten dollars (\$10.00) per month and shall be represented by a payment of one hundred twenty dollars (\$120.00) due on or before January 2, of every year covered by this

franchise agreement.

- (19) The rights herein contained shall continue to be in full force and effect for fifteen (15) years from and after adoption and acceptance. This franchise shall be automatically renewed for an additional ten (10) year period on the same terms and conditions unless either of the parties hereto notifies the other party prior to one hundred fifty (150) days before the expiration hereof that the same shall not be renewed. Such notice shall be in writing and shall be deemed received upon receipt.
- (20) At the City's option, it may require of KRM that the City and KRM review the terms and provisions of the Cable Television Ordinance to assure that the cable television system is comparable to surrounding municipalities with similar demographics. To that end, at the City's option, if it gives a sixty (60) day notice to KRM prior to the three, six, nine and twelve anniversaries of the passage of this renewal, the parties shall meet and discuss whatever changes or additional investments are necessary such that the cable television system provides similar service for similar rates to those of surrounding comparable systems. Whatever changes or additional investments are required shall be reasonable and shall not cause undue economic harm to the Grantee.

11.08 GARBAGE HAULERS

Chapter 11.08 of the Code of the City of Augusta is hereby amended to read as follows:

- (1) **Authority.** The City Council shall have the authority to enter into a contract with an entity in the business of collecting and hauling garbage and refuse for hire, providing for the issuance of permits to provide such services for the City of Augusta.

Permit types:

- (a) **Regularly Scheduled Service:**
1. Residential: on a weekly scheduled basis.
 2. Commercial: on a scheduled basis at least once weekly.
- (b) **Temporary Service:** for pickup by special arrangement where a roll-off container is provided on a temporary basis.

Collection Charges:

- (a) Regularly scheduled residential service shall be charged to the user as a monthly fee based on the City's cost of curbside collection of their garbage.
- (b) Commercial and temporary service shall be charged directly to the user.

Non-payment:

Charges levied in accordance with this section shall be a debt due to the City and shall be a lien upon the property served. If not promptly paid the debt shall be deemed delinquent and may then be recovered by civil action in the name of the City against the property owner, the person receiving the collection services, or both. If delinquent services are not received by November 1st of the calendar year, a ten percent (10%) charge shall be added to the delinquent bill. Thereafter, if payment is not received on or before November 1st, the delinquent bill will be forwarded to the county for placement on the succeeding tax

roll.

- (2) **Compliance With Applicable Laws, Rules, and Ordinances Required.** It is and shall be a condition in and of the permit granted under this chapter that the license permit holder shall comply with the ordinances of the city, the rules, regulations, and orders of the local and state Boards of Health, and the statutes of Wisconsin relating to collection, hauling, and disposal of garbage and of other waste.
- (3) **Permit-Fee-Term.** The annual permit fee for a garbage hauler shall be in the sum of three hundred dollars (\$300) and the period of said permit shall be from July 1st of each year until June 30th of the following year.
- (4) **Permit-Issuance-Placement on Vehicle.** City Clerk shall furnish the person obtaining a permit a printed or written permit with a number identical with permit on record in his/her office, and the person immediately thereafter cause the permit number to be permanently fixed in a conspicuous place with letters two inches high on each side of the hauling vehicle. The same shall be maintained on it at all times in a form and condition for convenient reading.
- (5) **Permit-Limited Number to be issued.** No more than one (1) garbage hauling permit shall be issued for any one (1) permit period.
- (6) **Rate Increase-City Council Approval Required.** No garbage hauler shall increase rates charged customers without first having obtained the approval of the City Council.
- (7) **Vehicle-Covers Required-Dropping of Material Prohibited.** Vehicles must have metal bodies, and be of such construction that there will be no dripping, dropping, or scattering of material there-from along streets, highways, or alleys of the city. Each vehicle must have a cover approved by the Board of Health and the same must be used and employed at all times in conformance with regulations of the Board of Health relating thereto.
- (8) **Vehicle-Parking on Street Prohibited-Exception.** Trucks, wagons, or other vehicles containing garbage must be kept off the streets of the city except for the purpose of collecting and transporting garbage in the most direct route to the dumps and must not be parked on any street, alley, or public place except for the reasonable time required in the collection of garbage thereby.
- (9) **Vehicle-Parking Prohibited Within Two Hundred Feet of a Dwelling-Exception.** Except as provided in Section (8), no wagon, truck, or other vehicle used in collecting or hauling garbage or other waste shall be parked on any alley, street, or public place within the city within two hundred feet (200') of any dwelling in any residential zone unless such wagon, truck, or other vehicle shall have first been thoroughly cleaned and steamed.
- (10) **Regulations Generally**
 - (a) Contractors and their employees are required to follow the regular walks for pedestrians while on private property and may not “short cut” across the lawns or gardens in making collections or in crossing to neighbor’s premises.

- (b) Extra care must be taken in loading and transporting so that none of the material collected is spilled or left either on private property or on the streets or alleys.
 - (c) Collections must be made as quietly as possible especially in the early morning hours.
 - (d) Contractors must respond and take care of complaints where garbage has not been collected upon the regularly scheduled trip.
- (11) **Contract Cancellation-City Council Authority-Notice-Hearing.** The City Council may cancel and rescind any contract made pursuant to this chapter for cause, after hearing, upon ten (10) days' notice to the contractor. The City Council may terminate any contract made at the end of the contract year.
- (12) **Violation-Penalty.** The penalty for violation of any provision of this chapter shall be as provided in Chapter 15.04. This ordinance shall take effect upon this passage and publication. *(Council Adopted: January 14, 2020)*

11.09 VEHICLES FOR HIRE

- (1) **License Required** No person, firm or corporation shall for hire or reward transport passengers by means of a motor-driven vehicle within the city limits of Augusta except as hereinafter provided.
- (2) **License-Issuance Conditions-Fee**
- (a) Each person, firm or corporation other than employees, who, for hire or reward, engages in the business of carrying passengers in or on a motor-driven vehicle, shall pay an annual license of twenty five dollars (\$25.00) per year and any and all such persons, firms or corporations shall have and continually maintain regularly established places of business in the city; provided, however, no license shall be issued unless the applicant is a citizen of the United States, of good character and of the age of twenty one (21) years and upwards, or to a corporation organized under the laws of the state.
 - (a) Licenses shall be granted for one (1) year. Applications therefore shall be made on blanks provided by the City Clerk and shall state;
 - 1. The number of vehicles to be operated; the make and type of each motor car to be used, the horsepower, the factory number, the license number of each thereof, and the number of years the vehicle has been driven, with the seating capacity according to trade rating;
 - 2. Whether a license to operate has ever been revoked and for what reason and where;
 - 3. Whether applicant has ever been charged with or convicted of violation of

any ordinances of the city or statutes of the state of Wisconsin, and state the nature of the charge and the place where the proceedings were taken;

4. Location of place of business of the applicant, residence during preceding year and length of time of residence in the city.

(c) All applications shall be presented to and approved by the City Clerk before the Clerk issues the licenses. All licenses issued under this chapter shall expire on the thirtieth day of June succeeding the date of issue. Full license fees shall be deposited with the application.

(3) **License-Revocation-Causes** Licenses issued hereunder may be revoked or suspended by the City Council at any time for cause after hearing upon five (5) days' written notice to the holder of such license if the vehicle licensed shall be used for immoral or illegal business or purpose or for violation of any ordinance or state law applicable to the operation of motor vehicles. When a license is suspended or revoked the license cards issued hereunder for such vehicle shall be returned to the City Clerk to be retained by them; in cases of suspension the cards shall be returned to the licensee after the expiration of the suspension.

(4) **Insurance Coverage** It is unlawful for any person, firm or corporation to transport passengers for hire or reward by means of a motor-driven vehicle within the city unless such person, firm or corporation shall have filed with the City Clerk, and there is in full force and effect at all times while such person, firm or corporation is carrying on such business, a policy of insurance in a company authorized to do business in the state insuring said owner, operator or driver of the motor-driven vehicle-against loss or damage that may result to any person or persons or property from the operation of defective conditions of the motor-driven vehicle, said policy of insurance to be in limits of twenty five thousand dollars (\$25,000.00) for any one person injured or killed and subject to such limit for each person and a total liability of fifty thousand dollars (\$50,000.00) in case of one accident resulting in bodily injury or death to more than one person. The policy of insurance must also provide insurance to the extent of five thousand dollars (\$5,000.00) for the injury or destruction of any property of any person other than the licensee. The policy shall guarantee payment of any final judgment rendered against said owner, operator, or driver of said motor vehicle within the limits herein provided irrespective of the financial responsibility of any act or omission of said motor-driven vehicle owner, operator, or driver. If at any time the policy of insurance be cancelled by the issuing company or the authority of such issuing company to do business in the state be revoked, the city mayor shall require the party to whom the license is issued as hereinafter provided to replace the policy with another policy satisfactory to the city mayor and in default thereof the license may be revoked. Each policy so filed with the City Clerk shall contain a rider reciting that the insurer will give the City Clerk written notification of the proposed cancellation of such policy. Each and all of such policies shall, however, cover loss or damage by any motor-driven vehicle used by any such person, firm or corporation to the same extent as in this section set forth. Such insurance policies shall be continuing liability notwithstanding recovery thereon and shall always remain in force. Such insurance policies shall describe the motor vehicle on which the same shall be issued by the factory number, maker's name, rated seating capacity, number of passengers capable of being accommodated therein at one time, the

number of the state license and the city license under which the same is being operated. When the state or city license is changed by issuance of a new one, the fact shall be indicated upon said policy contract of insurance by attachment of a rider thereto giving such new number.

Insurance policies must be PUBLIC TRANSPORTATION Policies only. The City of Augusta also hereby does not accept any liability with any public transportation or vehicles for hire in the case of any accident with the issuance of this license.

- (5) **Drivers License-Required** No person shall drive or operate a motor vehicle for hire that has not been licensed by the State of Wisconsin.
- (6) **License-Fee** The license fee shall be twenty five dollars (\$25.00) per year and shall expire on the thirtieth day of June of each year.
- (7) **License-Revocation-By Whom** Licenses may be revoked by the City Council for causes prescribed in Section 11.09(3) and/or upon the recommendation of the Chief of Police.
- (8) **Violation-Penalty** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 15.04 of this code.

11.09.5 COIN OPERATED MACHINES

- (1) **Licenses required**
No coin operated amusement device or machine for the vending of bottled, pre-packaged or canned soft drinks, a one cent vending device, a vending machine dispensing only pre-packaged Grade A pasteurized mil or milk products shall be placed within the City of Augusta unless the owner and/or local operator thereof shall have first obtained a license to operate such machine or machines within the City.
- (2) **Amusement Device – Definition**
“Amusement Device” means any table, platform, mechanical device or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin or token in a slot or otherwise. Such amusement device shall include but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video games, and shall also include billiard tables and pool tables, whether coin operated or not. Such definition does not include a bowling alley, juke box or other coin-operated music machine or a mechanical children’s amusement riding device.
- (3) **License Application**
Application for such license shall be made to the City Clerk in writing and shall include the full name or names of the person(s), firm or corporation making application, business address of such applicant, nature of the vending machines to be licensed, number of vending machines to be licensed, locations at which vending machines will be placed and, if a corporation or Limited Liability Company (LLC), the full names and addresses of its officers and manager or managers.

(4) **License Issuance**

Such license shall be issued by the City Clerk upon payment of the fees provided in this chapter provided that the applicant shall not have due and owing and personal property taxes to the City of Augusta.

(5) **License – To whom issued**

Such license shall be issued only to a person who is a citizen of the United States and the State of Wisconsin. In the case of a Corporation or LLC, such requirements shall apply to the officers or manager or managers.

(6) **License – Tags and Decals**

With each license issued, tags or decals for individual vending machines, containing thereon the name of the licensee, shall be issued. Such tag or decal shall be affixed upon each machine in a conspicuous and accessible place, visible without moving or opening such machine, and shall remain so affixed to such machine during the period for which the license is in force.

(7) **Noncompliance – Notice – License Revocation**

At any such time as an official of the City of Augusta finds that any vending machines do not comply with the ordinances of the City of Augusta or statutes of the State of Wisconsin, or regulations thereunder, it shall be such person’s duty to serve an order upon the licensee, his agent or employee having charge of the machines, directing him within a certain reasonable time, not to exceed ten days, to comply with said ordinances, statutes or regulations. If the licensee fails to comply with the order within the time designated, the City Clerk shall serve the licensee, his agent or employee in charge of the licensed machines, with a notice in writing that at a time not less than 48 hours from the date of service of the notice a hearing will be held before the City Council, at a place designated in the notice to determine whether the license shall be revoked. If, upon the hearing, it appears that the provisions of this chapter or of the ordinances or regulations of the City of Augusta or of the laws of the State of Wisconsin have not been complied with, the Council is authorized to either revoke the license issued for the machine, or suspend such license for such period of time as it shall take to remedy such non-compliance. Any licensee having a license revoked shall not be eligible for another such license under this section for a period of one year from the date of revocation.

11.10 FEES FOR SERVICES, PERMITS, FRANCHISES, AND LICENSES ISSUED BY THE CITY OF AUGUSTA

(1) **Fees Are As Follows** Effective March 1, 2002 the following schedule shall apply to services, permits, franchises, and licenses issued by the City.

<u>Type</u>	<u>Fee</u>
Class “A” Beer (Beer-Store)	\$200.00
Class “B” Beer (Beer-Bar)	\$100.00
“Class A” Liquor (Liquor-Store)	\$500.00
“Class B” Liquor (Liquor-Bar)	\$500.00
“Class C” (Wine)	\$100.00
Temporary Class “B” (Picnic-Beer)	\$ 10.00
Temporary “Class B” (Picnic-Wine)	\$ 10.00

Publication Fees for Licenses/permits	\$ 10.00
Cigarette License	\$ 75.00
Agent Fee	\$ 10.00
Amusement Device	\$ 20.00 (Each)
Garbage Haulers	\$300.00
Soda/Vending Machines	\$ 5.00 (Each)
Bartenders (Renewal)	\$ 20.00
Bartenders (Provisional)	\$ 25.00
Transient Merchant	\$100.00
Salvage License	\$200.00
Snow Shoveling (Per hour)	\$ 50.00
Lawn Mowing (Per hour)	\$ 50.00
Conditional Use Permit	\$100.00
Zoning Fee	\$100.00
Rezoning Fee	\$100.00
Mobile Home Parks	\$ 5.00 per unit
Dog Catcher Fee	\$ 25.00
Parking Tickets	\$ 43.00
Utility Administration Fee (Sewer)	\$ 10.00
Cable TV	\$120.00 yearly
Fingerprinting	\$ 10.00
<u>Senior Center Rental Fees:</u>	
Community Service Groups	\$ 25.00 yearly
Meeting Room	\$ 20.00
Small Group (under 25)	\$ 50.00
Large Group (over 25)	\$100.00
Security Deposit	\$100.00

- (2) **All Other Ordinances that Conflict** All ordinances and resolution or portions thereof in conflict herewith are hereby repealed but only so far as they conflict with the fee schedule contained in Section (1) of this ordinance.

Temporary Fee Adjustment

11.10 (3) Effective for the period 7/1/2020 – 6/30/2021 this schedule will apply to the following listed licenses issued by the City of Augusta:

Class "A" Beer (Off-premises)	\$ 50.00
Class "B" Beer (on-premises)	\$ 50.00
"Class A" Liquor (Off-premises)	\$ 50.00
"Class B" Liquor (on-premises)	\$ 50.00
"Class C" Wine	\$ 50.00

(Council adopted May 12, 2020)