

CHAPTER 12

LICENSES AND PERMITS

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12.01 LICENSES REQUIRED. A license shall be required for each of the following at the indicated license fee, which shall be for one year unless otherwise indicated.

- (1) BICYCLES. \$1 for 2 years.
- (2) CIGARETTE SALES. \$25.
- (3) DIRECT SELLERS. \$10 processing fee.
- (4) DOGS AND CATS. [#374 1/2/92]
 - (a) Neutered Males and Spayed Females. \$10.
 - (b) Unneutered Males and Unspayed Females. \$15.
 - (c) Kennel License. \$60.

It is the intent of the City of Kiel to retain a portion of the entire fee, subtracting the minimum payment of the respective counties, Calumet and Manitowoc, with the City of Kiel retaining the balance

- (5) MOBILE HOMES. See Section 66.0435, Wis. Stats.
- (6) MOBILE HOME PARKS. \$75 per unit deposit. \$150 park license.
- (7) DUMP SITE. A person applying for a dump site license shall prove residency within the City of Kiel to obtain said license which must be proven by verification as may be required by the City Administrator's office.

12.02 GENERAL PROVISIONS AS TO LICENSES. (1) **TERMS INTERCHANGEABLE.** The words "license" and "permit," as used throughout this chapter, shall be interchangeable.

(2) **LICENSE REQUIRED.** No person shall engage in any item enumerated in Section 12.01 without a license therefor as provided by this chapter.

(3) **APPLICATION.** Application for a license required by this chapter shall be made to the Administrator on a form furnished by the City and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the City Council.

(4) LICENSE FEES. Fees to Accompany Application. License fees imposed under Section 12.01 shall accompany the license application. The Administrator shall issue the applicant a receipt for his license fee.

(5) GRANTING OF LICENSES. Unless otherwise designated, licenses required by this chapter shall be issued by the Administrator.

(6) TERMS OF LICENSES. Bicycle licenses issued hereunder shall expire on April 30, dog and cat licenses on December 31, and all other licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license, or unless otherwise provided by this Municipal Code or State laws.

(7) FORM OF LICENSES. All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and, when required, shall be signed by the appropriate City authority.

(8) RECORDS OF LICENSES. The proper City authority shall keep a record of all licenses issued.

(9) DISPLAY OF LICENSES. All licenses hereunder shall be displayed upon the premises, vehicle or animal for which issued or, if carried on the person, shall be displayed to any officer of the City upon request.

(10) COMPLIANCE WITH ORDINANCES REQUIRED. It shall be a condition of holding a license under this chapter that the licensee comply with all relevant ordinances of the City. Failure to do so shall be cause for suspension or revocation of the license.

(11) TRANSFER OF LICENSES. All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Council.

(12) EXEMPTIONS. No license, other than a liquor or beer license, shall be required under this chapter for any nonprofit educational, charitable, civic, military or religious organization if the activity which would otherwise be licensed is conducted for the benefit of the members or for the benefit of the public generally.

(13) RENEWAL OF LICENSES. Unless otherwise specifically provided, all applications for renewal of cigarette sales licenses and mobile home park licenses hereunder shall be made to the Administrator by April 15.

(14) CONSENT TO INSPECTION. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the City upon the licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter, all things found therein in violation of this chapter or State law.

(15) REVOCATION AND SUSPENSION OF LICENSES. (a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the City Council. No license shall be revoked except upon written verified complaint filed with the City Council by the Mayor, a member of the City Council, the Chief of Police or a resident of the City. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the City Council. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than 5 days after notice, except as otherwise agreed between the parties.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the Mayor or presiding officer of the City Council to compel the attendance of witnesses.

(c) After hearing the evidence, the City Council may revoke such license or impose a limited period of suspension. The determination of the Council shall be final, subject to review under Chapter 24 of this Municipal Code, provided the licensee shall not be entitled to a further hearing unless granted by the City Council.

(d) The Police Department shall repossess any license revoked hereunder.

(e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the City Council.

12.03 CIGARETTE SALES. Section 134.65, Wis. Stats., is adopted by reference as part of this chapter, exclusive of the penalty imposed. The annual license fee shall be as provided in Section 12.01.

12.04 MOBILE HOMES AND MOBILE HOME PARKS. (1) DEFINITIONS.
(a) Mobile Home. A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be

used, primarily for human habitation, with walls of rigid uncollapsible construction. "Mobile home" includes the mobile home structure, including the plumbing, heating, and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty.

(b) Manufactured Home. Either of the following:

1. A structure, transportable in one or more sections, which in a traveling mode is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built in a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

2. A structure which meets all the requirements of par. 1 except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with standards established under Chapter 42 of the United States Code, Sections 5401 to 5425.

The term "mobile home" where used in this Municipal Code shall cover manufactured homes.

(c) Unit. One single-family mobile home or manufactured home.

(d) Nondependent Mobile Home or Manufactured Home. A mobile home or manufactured home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

(e) Dependent Mobile Home or Manufactured Home. A mobile home or manufactured home which does not have complete bathroom facilities.

(f) Mobile Home Park. Any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

(g) Space. A plot of ground within a mobile home park, designed for the accommodation of two vehicles and one mobile home unit.

(h) Person. Includes an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or their agent, heir or assign.

(i) Licensee. Any person licensed to operate and maintain a mobile home park under this Section.

(j) Park. Mobile home park.

(k) Recreational Vehicle. A mobile home that does not exceed the statutory size under Section 348.07, Wis. Stats.

(l) Camping Trailer. A vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but not including a mobile home.

(m) Utility Trailer. A vehicle without motive power designed for carrying property wholly on its own structure and for being drawn by a motor vehicle; said utility trailer shall not include a mobile home or a recreational vehicle.

(2) LICENSE. (a) Required. No person shall operate or maintain, or offer for public use, within the City, any mobile home park without first applying for and receiving from the Council a license to do so, or without complying with the regulations contained herein.

(b) Exceptions. No person shall maintain any camping trailer, utility trailer or mobile home upon any lot or parcel of land in the City, except that a mobile home may be maintained in a licensed mobile home park. However, this Section shall not prevent the keeping of a camping trailer, utility trailer or recreational vehicle within the City for not more than 72 hours, except as hereinafter provided, on condition that during such time adequate water supply and toilets are available at all times to the occupants. This exception is especially intended to provide for occupants of camping trailers, utility trailers and mobile homes, who may be guests of residents, where an adequate water supply and toilet facilities are available to the guests in the homes of their hosts, but in no case shall this exemption extend beyond the 72-hour limitation. Any camping trailer, utility trailer or mobile home which is parked in the City merely for storage purposes shall also be excepted from this Section. This Section shall not prevent the parking of unoccupied mobile homes for the purposes of inspection and sale.

(3) LICENSE FEES. (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City a monthly parking permit fee determined in accordance with Section 66.0435(3), Wis. Stats., which is hereby adopted by reference and made part of this Section as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home owner. Licensees shall pay to the City Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this Section and such regulations as the Treasurer may reasonably promulgate.

(b) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Administrator and City Assessor on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Administrator in accordance with Section 66.0435(3)(c) and (e), Wis. Stats.

(c) [#387 12/14/93] Owners of nonexempt, occupied mobile homes upon receipt of notice from the City Administrator of their liability for the monthly parking permit fee, shall remit to the City Administrator a cash deposit of \$75 to guarantee payment of such fees when due to the City Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the City Administrator. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the City, the City Administrator shall direct the City Treasurer to apply the cash deposit to reduce any monthly parking permit fees for which the owner is liable and refund the balance, if any, to the owner.

(4) APPLICATION FOR LICENSE. Application for a mobile home park license shall be filed with the Administrator. The application shall be in writing signed by the applicant and shall contain the following:

(a) The name and address of the applicant.

(b) The location and legal description of the mobile home park.

(c) A complete mobile home park plan of the park showing compliance with this Section.

(d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park.

(e) Such further information as may be requested by the City Council to enable it to determine if the proposed park shall comply with legal requirements.

(f) The application and all accompanying plans and specifications shall be filed with the Administrator and the Chief of Police. They shall investigate the application and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this Section and all other applicable ordinances or statutes, the City Council shall approve the application and, upon completion of the park according to the plans, the Administrator shall issue the license.

(5) REVOCATION AND SUSPENSION. The City Council may suspend or revoke a license after a hearing held pursuant to Section 66.0435(2)(d), Wis. Stats.

(6) MOBILE HOME PARK PLAN. The mobile home park shall conform to the following requirements:

(a) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(b) Mobile home spaces shall be provided consisting of a minimum of 4,500 sq. ft. for each space, such spaces being of a minimum of 50' wide and clearly defined. Each unit shall be so harbored on each space that there shall be at least 30' clearance between the mobile homes. No mobile home shall be located closer than 8' from any property line bounding the park, and shall not be located closer than 16' from any existing residential building.

(c) All mobile home spaces shall abut upon a mobile home park access driveway of not less than 25' in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be hard surfaced, well marked in the daytime with adequate lighting at night.

(d) Garages attached to mobile homes shall be set back a minimum of 5' from each lot line; unattached garages shall be set back a minimum of 3' from each lot line.

(e) Electrical service to mobile home spaces shall conform to the regulations set forth in the State Electrical Code incorporated herein by reference as though fully set forth. Provisions for underground wiring shall be made.

(f) All mobile homes within a mobile home park shall be parked within the designated spaces.

(g) Each mobile home space shall provide for a setback of 25' from the mobile home park access driveways or public streets. At least 625 sq. ft. of each space must be seeded and landscaped.

(h) There shall be constructed on each mobile home space a concrete pad, or its equivalent, as determined by the City Building Inspector to be used for the accommodation of necessary water and sanitary connections as set forth in the City Building Code.

(i) A minimum of 550 sq. ft. per mobile home space, exclusive of that provided for individual mobile home spaces, shall be required for the express

purpose of providing open space and recreational area for the residents of the mobile home park.

(7) LOCATION. Mobile home parks may be located in the districts prescribed within the City as Mobile Home Park Districts.

(8) SEWAGE AND REFUSE DISPOSAL. Waste from showers, bathtubs, toilets, slop sinks and laundries shall be discharged into a public sewer system in compliance with applicable ordinances. Disposal of all garbage and rubbish shall be in containers provided by the City's approved hauler, with payment of the cost for said containers to be made by January 1 of each year. Said containers shall be kept in a sanitary condition at all times and shall be provided and maintained in accord with the rules established by the City and its approved hauler for containers for disposal of garbage and rubbish. The licensees of the mobile home park shall provide for pick-up locations for all garbage, and in said respect shall comply with all sanitary requirements of this Municipal Code and of the Wisconsin State Statutes.

(9) APPEARANCE. Every mobile home park shall be located and maintained so as to appear attractive and the City may at any time require that any mobile home park be screened by hedges or in some other suitable manner.

(10) SANITARY FACILITIES. If a mobile home park offers space for dependent units, it shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities and other sanitary facilities. Service buildings shall be well lighted permanent structures large enough and with enough facilities to service the number of people using them. They shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

12.05 CAT AND DOG LICENSING AND REGULATIONS. (1) LICENSE REQUIRED. Every person residing in the City who owns a cat or dog which is more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog or cat becomes 5 months of age, pay the dog or cat license tax and obtain a license therefor. Persons failing to obtain the required license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age, shall pay a late fee of \$5 for each unlicensed cat and dog.

(2) FEES. See Section 12.01 of this chapter.

(3) RABIES VACCINATION AND TAG REQUIREMENTS. (a) All cats and dogs shall be vaccinated by a veterinarian within 30 days after the cat or dog

reaches 4 months of age and revaccinated within one year after the initial vaccination program is required and thereafter at 3-year intervals.

(b) The veterinarian shall issue a certificate of vaccination to the owner and keep a record of the information on file. He shall issue a rabies vaccination tag to the owner bearing the same serial number as the certificate.

(4) **ISSUANCE OF LICENSE.** Upon receipt of the required fee and certificate of the rabies vaccination from the owner of a cat or dog, the City Treasurer shall issue to the owner a license to keep the cat or dog for a period of one year. The owner of the cat or dog shall then be required to place upon his or her cat or dog a collar or tag bearing the owner's name plainly stamped thereon and a tag which shall be furnished to him or her by the City Treasurer upon receipt of the required fee. The City Treasurer shall be authorized to demand proof of certification of rabies vaccination.

(5) **FORFEITURES.** Any person found to be in violation of any provision of this Section shall be subject to a forfeiture of not less than \$10 nor more than \$25 for the first violation, not less than \$25 nor more than \$50 for a second violation, and not less than \$50 nor more than \$100 for a third or subsequent violation.

12.06 DIRECT SELLERS. (1) **REGISTRATION REQUIRED.** No direct seller shall engage in direct sales within the City without being registered for that purpose as provided herein.

(2) **DEFINITIONS.** For the purposes of this Section, the following words and phrases shall be defined as:

(a) **Direct Seller.** Any individual who, for himself or for a partnership, association, limited liability company or corporation, sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such individual, partnership, association, limited liability company or corporation and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

(b) **Permanent Merchant.** A direct seller who, for at least one year prior to the consideration of the application of this Section to such merchant, has continuously operated an established place of business in the City, or has continuously resided in the City and now does business from his residence.

(c) **Goods.** Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

(d) Charitable Organization. Any benevolent, philanthropic, patriotic or charitable person, partnership, association or corporation or one purporting to be such.

(e) Administrator. The Administrator.

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

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(b) Any person selling goods at wholesale to dealers in such goods.

(c) Any person selling agricultural products which such person has grown.

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this City and who delivers such goods in their regular course of business.

(e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requested a home visit by such person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Police Department proof that such charitable organization is registered under Section 440.42, Wis. Stats. Any charitable organization not registered under Section 440.42, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Section.

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Police Department that such person is a transient merchant; provided that there is submitted to the Police Department proof that such person has leased for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in the City for at least one year prior to the date complaint was made.

(4) REGISTRATION. (a) Applicants for registration shall complete and return to the Police Department a registration form furnished by the Police Department which shall require the following information:

1. Name, permanent address and telephone number and temporary address, if any.
2. Age, height, weight, color of hair and eyes.
3. Name, address and telephone number of the person, firm, association, limited liability company or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
4. Temporary address and telephone number from which business shall be conducted, if any.
5. Nature of business to be conducted and a brief description of the goods offered and any services offered.
6. Proposed method of delivery of goods, if applicable.
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.
9. Place where applicant can be contacted for at least 7 days after leaving the City.
10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 years; the nature of the offense and the place of conviction.

(b) Applicants shall present to the Police Department for examination:

1. A driver's license or some other proof of identity as may be reasonably required.

2. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighting and measuring devices approved by State authorities.

3. 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 shall state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, the fee required in Section 12.01 shall be paid to the Police Department to cover the cost of processing such registration.

(d) The applicant shall sign a statement appointing the Police Department his 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, if the applicant cannot, after reasonable effort, be served personally.

(e) Upon payment of the fee and the signing of the statement, the Administrator shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. (5)(b), below.

(5) INVESTIGATION. (a) Upon receipt of each application, the Chief of Police shall make and complete an investigation of the statements made in such registration.

(b) The Police Department 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 last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 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 sub. (4)(b), above.

(6) APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided in Chapter 24 of this Municipal Code.

(7) REGULATION OF DIRECT SELLERS. (a) Prohibited Practices. 1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9 p.m. and 9 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words “No Peddlers,” “No Solicitors” or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller 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.

4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100’ radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements. 1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the cash transaction of more than \$25, in accordance with the procedure as set forth in Section 423.203, Wis. Stats., and the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Section 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he 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.

(8) **REVOCAION OF REGISTRATION** (a) Registration may be revoked by the City Council after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application of registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

12.10 PENALTY. Except as otherwise provided, any person who shall violate any provision of this chapter or who shall conduct any business or activity licensed hereunder without the proper license shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.