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20.01 TRANSIENT MERCHANT REGULATIONS

- (1) Registration Required. It shall be unlawful for any transient merchant to engage in direct sales within the City of Wisconsin Rapids without being registered for that purpose as provided herein. (MC#568)
- (2) Definitions. In this ordinance. (MC#966)
 - (a) Transient Merchant means any individual who, for himself or for a partnership, association, or corporation engages in the retail sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place. For the purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state. Transient merchants shall include, but not be limited to peddlers, solicitors, and telephone solicitors. For purposes of this chapter, the acceptance of a "donation" in exchange for goods, or an order for goods, shall be deemed an act requiring compliance with all of the regulatory provisions of this chapter, including registration and posting of a bond.
 - (1) Transient Merchant Business means any individual, partnership, corporation or business entity of any type whatsoever, which employs transient merchant employee/representatives as defined below either on a full-time, part-time or commission basis and is not a permanent merchant as defined in paragraph (b).
 - (2) Transient Merchant Employee/Representative means any individual who, for him/herself, or for another (including but not limited to partnership, association or corporation) sells goods, or take sales orders for the later delivery of goods, at any location other than the permanent business place or residence of the individual, partnership, association or corporation.
 - (b) Permanent Merchant means a transient merchant who, for at least one year prior to the consideration of the application of this ordinance to said merchant has continuously operated an established place of business in the local trade area among the communities including and bordering the place of sale or has continuously resided in the local trade area among the communities including and bordering the place of sale and now does business from his/her residence.
 - (c) Merchandise shall include personal property of any kind, and merchandise provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer. "Merchandise" shall also include the sale of a service of any kind.

- (d) Charitable Organization shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association, or corporation, or one purporting to be such.
 - (e) Clerk shall mean the city clerk.
- (3) Exemptions. The following shall be exempt from all provisions of this ordinance:
- (a) Any person delivering newspapers, fuel, dairy products, or bakery merchandise to regular customers on established routes.
 - (b) Any person selling merchandise at wholesale to dealers in such merchandise.
 - (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 merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business.
 - (e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by said person.
 - (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 merchandise.
 - (h) Any person holding a sale required by status 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, said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under Section 440.41, Wisconsin Statutes. Any charitable organization not registered under Section 440.41, Statutes, or which is exempt from the statute's registration requirements shall be required to register under this ordinance.
 - (j) Any person who claims to be a permanent merchant but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk, proof that such person has leased for at least one year, or purchased the premises from which he/she 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.
 - (k) Any individual licensed by an examining board as defined in Section 15.01(7), Wisconsin Statutes. (MC#568)
 - (l) This ordinance does not apply to transient merchants while doing business at special events authorized by the common council. (MC#568)
- (4) Registration. (MC#966)
- (a) Transient merchant businesses must complete all registration requirements with the city clerk no less than 30 days prior to commencing any and all selling activities in the City of Wisconsin Rapids and transient merchant employee/representatives must complete all registration requirements with the city clerk no less than 72 hours prior to commencing any and all selling activities in the City of Wisconsin Rapids. Registration shall include the following information:
 - (1) Transient Merchant Business
 - (a) Business name, permanent address, telephone number, Wisconsin seller's permit number, name of business contact person, contact person's date of birth, driver's license or identification number and issuing state;
 - (b) Nature of business to be conducted and a brief description of the goods offered, and any services offered;
 - (c) Proposed method of delivery of goods, if applicable;
 - (d) Total number of employees selling during business operations covered by this license;
 - (e) Dollar value of most expensive merchandise or service offered;
 - (f) Dates in which selling activity shall occur;
 - (g) Names of last three cities, villages, towns where business has conducted similar business just prior to making this registration;
 - (h) Place where business on-site contact person can be personally contacted for at least sixty (60) days after leaving this city.

- (i) Location, address and telephone number from which business will be conducted, if any, and written permission from the owner of the property for the applicant to conduct business on the property, which statement shall be submitted with the registration form;
 - (j) Statement as to whether applicant has been charged or convicted of any crime or ordinance violation related to applicant's transient merchants business within the last five years; the nature of the offense and the place of conviction;
- (2) Transient Merchant Employee/Representative
- (a) Name, permanent address, and telephone number, and temporary address, if any;
 - (b) Date of birth, driver's license or identification number, issuing state, height, weight, and color of hair and eyes;
 - (c) Name, address, and telephone number of the person, firm, association, or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
 - (d) Location, address and telephone number from which business will be conducted, if any, and written permission from the owner of the property for the applicant to conduct business on the property, which statement shall be submitted with the registration form, if not already provided by the transient merchant business with its application;
 - (e) Nature of business and a brief description of the merchandise and services offered;
 - (f) Proposed method of delivery of merchandise, if applicable;
 - (g) Make, model, and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (h) Place where applicant can be personally contacted for at least 60 days after leaving this city;
 - (i) Statement as to whether applicant has been charged or convicted of any crime or ordinance violation related to applicant's transient merchants business within the last five years; the nature of the offense and the place of conviction;
 - (j) Dates in which selling activity will occur.
- (b) Applicants shall present to the clerk for examination:
- (1) For an employee/representative, a driver's license or some other proof of identity as may be reasonable required by the clerk;
 - (2) For the business, a state certificate of examination and approval from the seller of weights and measures where applicants business requires use of weighing and measuring devices approved by state authorities
 - (3) For the business and/or an employee/representative, a State of Wisconsin or Wood County health officer's certificate where the applicant's business involves the handling of food, beverages or clothing and is required to be certified under state law; such certificate to state the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application is made. The applicant's equipment shall be subject to inspections by the Wood County health department at the time of application and at periodic intervals thereafter.
- (c) At the time of registration or additional licensing within a current registration period, a non-refundable fee shall be paid to the clerk. Fees shall be charged according to the following schedule:

Business	Employee	Time Period
\$50	\$10	two consecutive days
\$100	\$10	four consecutive days
\$150	\$10	one week
\$175	\$15	one month
\$250	\$20	six months
\$500	\$40	one year

Sales may take place only within the time period permitted by a license. Licenses shall be subject to refusal as provided in Section 20.01(5) or revocation as provided in 20.01(7) and 20.01(10). Transient merchant businesses who are sole proprietors personally conducting sales shall be required to purchase only the transient merchant business license.

- (d) The applicant shall sign a statement appointing the clerk his/her agent to accept service in process in any civil action brought against the applicant arising out of any sale or service performed by the applicant cannot, after reasonable effort, be served personally.
 - (e) Upon payment of said fee and the signing of said statement, the clerk shall register the applicant as a transient merchant, date the entry, and issue a license. Said registration and license shall be subject to subsequent refusal as provided in 20.01(5) below.
- (5) Investigation.
- (a) Upon receipt of each application, the clerk may refer it immediately to the chief of police who may make and complete an investigation of the statements made in such registration.
 - (b) The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages, and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; the applicant failed directly to comply with any applicable provision of 20.01(4)(b) above. (MC#568)
- (6) Appeal. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the common council or if none has been adopted, under the provisions of Sections 68.07 through 68.16, Wisconsin Statutes.
- (7) Regulation of Transient Merchants.
- (a) Prohibited Practices.
 - (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
 - (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or character of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
 - (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
 - (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
 - (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
 - (b) Disclosure Requirements.
 - (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
 - (2) If any sale of merchandise is made by a transient merchant, or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Section 423.203, of the Wisconsin Statutes; the seller shall give the buyer two 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) of the Wisconsin Statutes.
 - (3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall,

at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) Bond

(a) A transient merchant business shall post with the clerk at the same time the registration form is filed with the clerk a cash bond in lawful money of the United States, in an amount based on the most expensive item of merchandise or service sold. The bond shall be \$1,000 for goods priced less than \$1; \$2,500 for goods priced from \$1 to \$49.99; \$5,000 for goods priced from \$50 to \$99.99; \$7,500 for goods priced from \$100 to \$249.99; and \$10,000 for goods priced \$250 or more. The transient merchant shall name all persons upon whose behalf the bond shall be posted. Buyers or donors who wish to cancel their transactions or claim a refund as permitted in 20.01(7)(b)(2) may do so by presenting within the time limits in 20.01(7)(b)(2) to the clerk the merchandise purchased or the credit papers, and the clerk shall refund to the donor or buyer the amount paid to the seller. The clerk shall deduct from the bond any amount so refunded plus \$25 for each refund made as a handling charge. The clerk shall store the merchandise and papers upon which the refund was grounded, notify by first class mail the seller at the address provided in the registration form. Twenty days after such notice is mailed the clerk may sell or destroy such merchandise and papers, crediting any money received therefore to the seller's bond account. Once the bond has been depleted by 20 percent, transient merchant shall upon written notice thereof by first class mail, within 10 days after mailing of such notice, replenish the bond or forfeit the registration. No transient merchant shall conduct activities within the city once such notice has been mailed until such time as the fund is replenished unless the registration is revoked, in which case no further sales shall take place. Balances of cash bonds are fully refundable after 60 days from the license expiration date if the city clerk has received no notice of complaints or upon written notification by all complainants that complaints have been satisfactorily settled, whichever is later.

(b) As an alternative to the cash bond required in Section 20.01(8)(a), the transient merchant business may present a surety bond from a reputable bonding firm for the period of sale and a period extending no less than six months after the end of the period of sale. The amount of the bond shall be determined as in section 20.01(8)(a) above. The bond shall name all persons for whom the bond is posted. Refunds to customers for any returns of merchandise to the city clerk shall be paid by the bonding firm or transient merchant to such customers. Claims for refunds shall be within the time limits of Section 20.01(7)(b). The clerk shall store the merchandise and papers upon which the refund was grounded, and notify by first class mail the seller and bonding firm at the address provided in the registration form and on the bond. No transient merchant shall conduct activities in the city if evidence of a refund is not received by the clerk within 20 days of the mailing of such notice or returned merchandise. The clerk shall retain such returned merchandise until sufficient evidence is received that money has been refunded to those buyers who returned merchandise. Upon receipt of sufficient evidence, the clerk shall advise the transient merchant by first class mail to obtain the stored merchandise. Twenty days after such notice is mailed, the clerk may sell or destroy such merchandise and papers, with any money received from the sale to be paid to the transient merchant or the bonding company based on payment of the refund to the customer.

(9) Display of Permit and Records

(a) The chief of police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.

(b) The transient merchant shall be required to display his/her issued permit on demand by a police officer and shall carry said permit on his/her person while engaged in permit selling activity.

(10) Revocation of Registration.

(a) Registration may be revoked by the Finance and Property Committee after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this ordinance has pending a criminal charge, a civil ordinance violation charge which relate to the particular selling activity 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. (MC#920)

(b) Written notice of the hearing shall be served personally or pursuant to Section 20.01(4)(d) above 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. (MC#966)

- (11) Penalty. Any person or firm adjudged in violation of any provision of this ordinance shall forfeit not less than \$10.00 nor more than \$1,000.00 for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense. (MC#568)

20.02 CIGARETTES AND TOBACCO PRODUCTS (MC#835)

- (1) License Fee. Pursuant to Section 134.65(2)(a), the fee for a cigarette and tobacco products retailer license shall be \$100 for each year beginning July 1 and ending June 30, with the fee prorated in monthly increments for periods of less than a year. Only complete calendar months shall be considered for prorating of the fee.
- (2) Use of cigarettes and tobacco products by minors prohibited.
- (a) Except as provided in subsection (b), no person less than 18 years of age may do any of the following:
- (1) Buy or attempt to buy cigarettes or tobacco products.
- (2) Falsely represent his or her age for the purpose of receiving any cigarettes or tobacco products.
- (b) A child may purchase cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1) of the Wisconsin Statutes.
- (c) A law enforcement officer shall seize any cigarettes or tobacco products involved in any violation of Subparagraph (2)(a) committed in his or her presence.

20.03 JUNK DEALER - LICENSE REQUIRED

- (1) No person or persons, association, partnership, firm or corporation shall hereafter in the City of Wisconsin Rapids keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, furniture, used motor vehicles or the parts thereof, or other articles which from its worn condition renders it practically useless for the purpose for which it was made, and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license, as hereinafter provided. One carrying on the aforesaid business shall be referred to herein as "junk dealer". (32)
- (2) Application for License. Every applicant for a license to engage in the business of junk dealing shall file with the city clerk a written application upon a form prepared and provided by the city, signed by the applicant or applicants. Said application shall state:
- (a) The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residences, if the applicant is an association or corporation.
- (b) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.
- (c) The premises where such business is to be located or carried on.
- (3) Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the mayor.
- (4) Inspections. The city clerk shall report such applications to the chief of police, health officer, fire chief and building inspector, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that a thorough inspection may be made at any time by the proper health, fire, building and police authorities.
- (5) Fencing Required. Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a proper fence or other structure not less than seven feet in height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No article shall be piled so as to protrude above said enclosure.
- (6) Junk Yard Not Near Residences. No premises shall be used for carrying on the business of junk dealer when more than two buildings situated within a distance of 300 feet are used solely for residence purposes. Any junk dealer using premises for the business of junk dealing at the time of the passage of this ordinance, which does not comply with this section, may be granted a license for six months but said license shall not be renewed.

- (7) Issue of License. Upon the filing of the application and the payment to the city of the license fee hereinafter provided, the city clerk shall issue to the applicant a license to engage in business as provided in Section 20.05(6). No license shall be refused except for a specified reason. All licenses shall be numbered in order in which they are issued and shall state clearly the location of the junk business, the date of issuance and expiration of the license, and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.
- (8) License Fee. Every junk dealer shall pay an annual license fee of \$200. All licenses shall be issued as of July 1 and shall continue in force until June 30 next succeeding the date of issuance thereof, unless sooner revoked. The fee for new licenses issued during the license year shall not be prorated. (MC#973)
- (9) License on Premises. Every junk dealer's license shall designate the place of business from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his/its place of business from the place designated in the license until a written permit has been secured from the city council and the same shall have been endorsed upon the license.
- (10) Other Prohibited Acts. No junk dealer shall carry on the business at or from any other place than the one designated in the license therefor. Nor, shall said business be carried on after such license has been revoked or has expired.
- (11) Health Rules. The health officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.
- (12) Reports by Junk Dealer. Every junk dealer, upon being served with written notice to do so by a member of the police department, shall report to the police chief on blank forms to be furnished by the police department, an accurate description of all goods, articles, or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for and the name, residence, and general description of the person from whom such goods, articles, or things were received.
- (13) Lost or Stolen Goods. If any goods, articles, or things whatsoever shall be advertised in any newspaper printed in the city as having been lost or stolen, and the same of any answering the descriptions advertised, or any part or portion thereof, shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof in writing to the police chief and state from whom the same was received. Any junk merchant or peddler who shall have or receive any goods, articles, or things lost or stolen, shall exhibit the same on demand to any police officer, or to the mayor, police chief, or any magistrate or any person duly authorized in writing by the police chief or any magistrate who shall exhibit such authorization to such dealer or peddler.
- (14) Revocation of License.
 - (a) Upon complaint being made in writing by any municipal official or resident of the city to the city clerk that any licensee has violated any of the provisions of this ordinance, the mayor shall summon such licensee to appear before him at the time specified in the summons, which shall not be less than three days after the date of the service thereof, to show cause why his license shall not be revoked. The mayor shall proceed to hear the matter if he finds the allegations of said complaint are correct, he shall revoke said junk dealer's license.
 - (b) Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, association, or corporation whose license has been revoked within a period of one year from the date of revocation. Notice of such revocation and the reason or reasons therefor in writing shall be served by the police chief upon the person, firm, partnership, association, or corporation named in the application, by mailing the same to the address given in the application, and upon filing a copy of same with the city clerk. (32)

20.04 FIREWORKS (MC#1130)

- (1) STATUTES ADOPTED. The provisions of Section 167.10, Wisconsin Statutes, are hereby adopted and incorporated in this section.
- (2) FIREWORKS DEFINED. The term "fireworks" shall be defined as provided in Section 167.10(1), Wisconsin Statutes.
- (3) SALES REGULATED. No person shall sell, offer to sell, possess with intent to sell, or give away fireworks within the City.
- (4) POSSESSION AND USE REGULATED. Except as provided in Section 167.10(3), Wisconsin Statutes, no person shall possess or use fireworks without a permit issued in accordance with this section.

- (5) USER'S PERMIT.
- (a) As provided in Section 167.10(3), Wisconsin Statutes, user's permits may be issued for public or private celebrations after proper application to the fire chief on forms provided by the fire chief. The permit application must be received by the fire chief not less than 30 days prior to the requested date of use.
 - (b) Before granting any fireworks permit, the applicant shall file with the fire chief a certificate of liability insurance issued by an insurance company authorized to write such policies in the State of Wisconsin in a form approved by the city attorney in an amount not less than \$2,000,000. The City shall be named as an insured in such policy of insurance.
 - (c) The fire chief shall issue the permit after receipt of all items required for application as specified in this section. The permit shall be subject to such conditions as the Fire Chief determines are appropriate for public safety in accordance with nationally recognized safe practice. The fee for the permit shall be as set by the council.
 - (d) Notice of all user permits issued under this section shall be given to the police department at least 7 days before the date of authorized use.
 - (e) A user permit may not be issued to a person under 18 years of age.
- (6) Revocation. Failure to comply with Wisconsin Statutes, Administrative Code, NFPA Regulations, or the Wisconsin Rapids Municipal Code may result in revocation of the permit.

20.05 TAXICABS AND DRIVER REGULATIONS

- (1) License Required. No person shall operate, or cause to be operated, a taxicab within the limits of the City of Wisconsin Rapids without having first secured a taxicab license as herein provided.
- (2) Definitions. For the purpose of this ordinance, the following definitions shall be used:
 - (a) Taxicab means a motor vehicle having a seating capacity of fewer than eight persons, regularly engaged in the business of carrying passengers for hire, not operated on a fixed route. The fare is calculated on the basis of distance traveled or waiting time.
 - (b) Taxicab Driver means a person who operates a taxicab as defined in Section 20.05(8).
- (3) Exceptions. No city license shall be required of an owner or driver for operating or driving a taxicab licensed by another municipality for the purpose of delivering passengers to a point within the City of Wisconsin Rapids, nor to persons operating vehicles over regular routes or between fixed terminals, funeral cars, ambulances, vehicles licensed by permit of the Wisconsin Public Service Commission, or rent-a-cars.
- (4) Taxicab Business License Application. Application for a taxicab license to operate one or more taxicabs, or an application to operate additional taxicabs under an existing license shall be made in writing to the city clerk upon forms furnished, giving the address (in a commercial zone) from which the business is conducted, and signed by the owner of the business, or his duly authorized agent. The application must also state for each vehicle to be operated, the make, model, and year of manufacture, capacity for passengers, the Wisconsin State Certificate of Title number, license number, and the dispatch system used.
- (5) License Fees. The taxicab license fee shall be \$75.00 per year or a prorated amount for any fractional part thereof. The license fee shall commence July 1 and end June 30.
- (6) Insurance. No taxicab license shall be issued until the applicant deposits with the clerk a policy of liability insurance covering all vehicles to be included under the license. Such insurance policy shall be issued by a company licensed to do business in Wisconsin and shall insure against loss from liability to the amount of \$250,000.00 for the injury or death of one person in any one accident; and in the amount of \$500,000.00 for the injury or death of more than one person in any one accident; and in the amount of \$100,000.00 for damage to property of others for any one accident due to the negligent operation of such vehicle.

The policy of insurance shall contain a provision that the same may not be canceled before the expiration of its term except upon 10 days written notice to the city. The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically revoke and terminate all licenses issued for the vehicle covered by such insurance policy, unless another policy shall have been filed and approved, pursuant to this section, and shall be in effect at the time of such cancellation or termination.
- (7) Rates. The licensee shall post, or cause posting, of established fares in all cabs.
- (8) Licensing of Taxicab Drivers. Except as exempted under Section 20.05(3), no person shall operate a taxicab as a taxicab driver within the city without first obtaining a license as herein provided.
 - (a) Qualifications. A taxicab driver must hold a valid Wisconsin driver's license. No taxicab driver's license shall be issued to any applicant who has been convicted of a felony within the five years prior to filing

application unless the common council determines that such offense is unrelated to the applicant's competency and qualification for the license, nor to any applicant who is the holder of a state occupational operator's license.

- (b) Application. Written application for a taxicab driver's license shall be filed with the clerk giving the name, address, age, whether the applicant has been convicted of a felony, the type and number of state operator's license issued to the applicant, and stating experience.
 - (c) Fee. The application must be accompanied by a license fee of \$5.00 per year or fractional part thereof.
 - (d) False Application Statement. The license of any applicant who makes a false statement in his application shall be void and the license be surrendered to the chief of police or any member of the police department upon demand.
- (9) General Regulations.
- (a) Identification. All taxicabs shall be suitably marked or identified as such. Each driver shall have his picture and name posted in the vehicle.
 - (b) Subject to Traffic Regulations. The state traffic code and the City of Wisconsin Rapids traffic regulations shall apply to the use and operation of taxicabs.
 - (c) Fares to be Posted. Each taxicab shall have a card on which shall be printed in plain, legible figures the fares charged, posted in a conspicuous place inside the cab in plain sight of passengers.
 - (d) Number of Passengers Limited. No taxicab owner or operator shall carry or permit to be carried in any taxicab more than the number of passengers specified on the license applicable to the taxicab.
 - (e) Operator not to Drink. No person operating a taxicab shall drink any intoxicating beverage or be under the influence thereof while so engaged
 - (f) Inspection by Chief of Police. The chief of police shall have the authority at all times to inspect taxicabs and drivers.
 - (g) Condition of Cars - Reported Periodically. The brakes, horn, lights, and tires of every motor vehicle used for hire under this section shall be examined and tested as to the sufficiency at least once every 180 days by a garage or service station who shall furnish a certificate as to the examination of said motor vehicle, and the sufficiency of its brakes, horn, lights, tires, and restraining devices, which certificate shall be filed in the office of the city clerk.
- (10) Revocation. A taxicab business or driver's license may be revoked by the common council for a violation of this Section; any provision of Chapters 340 through 349, Wisconsin Statutes; the Wisconsin Rapids Traffic Code; or for any offense affecting the safety or welfare of passengers. Such revocation may be for all vehicles or any vehicle included under a license. A taxicab driver license issued hereunder shall be automatically revoked if the licensee shall be convicted of violation of this code or of any provisions of Chapters 340 through 348, Wisconsin Statutes, one time within any consecutive 12 month period. The clerk shall notify the licensee of such revocation, and the licensee may within 10 days of such notice, in writing, request a hearing on such revocation before the Wisconsin Rapids Finance and Property Committee. (MC#920)
- (11) Off-Street Parking Required. Before a license will be issued under this section, the licensee must provide adequate off-street parking in a commercially zoned area for the vehicles to be licensed. Such off-street parking shall be stated in the application for a license. (MC#323)
- (12) Failure of Passenger to pay Taxicab Fare. (MC#480)
- (a) No person shall neglect or refuse to pay for the service of any taxicab with the intention of defrauding the operator, providing the rates charged are in conformance with those posted in the vehicle.
 - (b) Every driver of a taxicab shall have the right to demand payment of the posted fare in advance and may refuse service unless so prepaid, but no driver shall otherwise refuse or neglect to convey any orderly person upon request.
 - (c) Persons in violation of this section shall, upon conviction, forfeit not less than \$10.00 nor more than \$200.00, together with costs of prosecution.

20.06 CIRCUS OR EXHIBITION - LICENSE REQUIRED

- (1) Every circus and non-resident carnival operated for gain either under canvas or in the open or otherwise, and every show, concert, exhibition or skilled performance under canvas or in the open within the boundary of this city shall first apply for a license from the licensing board of the city as provided herein. (147)
- (2) Licensing Board
 - (a) Upon receiving the application for a license, the licensing board, composed of the mayor, chief of police,

chief of the fire department or the fire inspector, the electrical inspector and the Finance and Property Committee, shall review the license application and make a recommendation to the city council for its approval or rejection. This action shall be by a majority vote of said board and shall be based on any or all facts available to the board as to whether or not such show, performance or act is for or against; the good order of the city; protection of the public morals and decency; public safety against fire, explosion, riot or disorder; preservation of public peace and order; furtherance of sanitation and the safeguarding of the public health. (MC#920)

- (b) The licensing board, by majority vote, may at any time after granting a license under this ordinance, revoke such license if they ascertain from later facts that such show, performance or act is against the good order of the city, or is against public morals or decency; or is unsafe as to fire explosion, or riot or disorder, or is against the public peace or order; or is against the public health or sanitation.
- (3) License Fee
- (a) The license fee for a circus desiring to exhibit within the boundary lines of this city shall be \$100.00 per day, for each circular day, payable in advance.
 - (b) The license fee for non-resident carnival shows desiring to exhibit within the city is hereby fixed at \$50.00 per day for each and every day such carnival remains in this city; said fee is payable in advance. The closing hours each day for the carnival shall be set by the licensing committee based on the location of the carnival.
 - (c) The license fee for other shows, concerts, exhibitions or skilled performances operated for gain either under canvas or in the open air shall be \$10.00 per day, payable in advance.
- (4) Set-back From Lot Line. No circus, non-resident carnivals, shows, concerts, exhibitions or skilled performances operated for gain under canvas or in the open, within the boundary of this city, shall set up its tents, booths or other equipment, park its trucks, vehicles, or trailers or stake out its animals or otherwise make use of the land within 10 feet of the property line adjoining such field or lot it may use, and a violation of this provision shall be considered sufficient to cancel such license.
- (5) Exception. The provisions of this ordinance shall not apply to religious, fraternal or home talent exhibitions whose personnel is composed solely of residents of the City of Wisconsin Rapids, Wisconsin.
- (6) Collection of License Fee. If a license is granted to an applicant, it is hereby made the duty of the chief of police to collect the required license fee and turn the same over to the city treasurer, obtain his receipt therefore, and file the same with the city clerk. Thereupon, the mayor and the city clerk shall issue the proper license to the applicant. The chief of police shall suppress all shows, circuses, exhibitions or entertainments until a license is duly obtained in accordance with this ordinance.
- (7) Action Upon Revocation of License. The chief of police shall immediately close or suppress any show or exhibition as set forth when such license has been revoked by the licensing board. (147)

20.07 LOUD-SPEAKER DEVICES (82)

- (1) That it shall be unlawful for any person, co-partnership, association, firm, or corporation to maintain and operate in any building or on any premises in the City of Wisconsin Rapids, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification of amplification of the human voice or any sound of noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed, or that should cause a disturbance or congestion in traffic or the gathering of groups in any particular locality; without having first secured a permit therefor.
- (2) Bands. Nothing herein shall be construed to prohibit the use of any bands or orchestra on the streets of said city, used or operated in a non-commercial parade or otherwise.
- (3) Application For Permit. Any person may secure the permit above mentioned by application to the chief of police of said city, which application shall state therein the hours and time of intensification or amplification.

20.08 SPECIAL EVENTS. (MC#1054)

- (1) Subject to paragraph (2) herein, no person, firm, group, or corporation shall sell food or refreshments, or sell or give away any goods, wares or merchandise, or carry on any business or trade whatsoever, in or on city parks, parking lots, sidewalks, boulevards, alleys, streets, or any public right-of-way.
- (2) The sale of food, refreshments, or other items may be permitted for special events as designated by the City, and in certain public areas as designated by the city, provided a permit is obtained.
 - (a) Application for the permit shall be made to the city clerk on forms provided by the clerk, containing such

information as the clerk may require. Permits shall be conspicuously displayed at the place where such sales are being made. The Clerk shall require that each applicant obtain liability insurance, and shall provide each applicant with rules that need to be adhered to as part of the permit.

- (b) The clerk shall have the authority to revoke a permit upon a violation of any rule or ordinance or upon good cause shown.
- (3) Penalty. Any person, firm or corporation violating any provision of this Section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

20.09 BICYCLE REGULATIONS AND LICENSING

(1) Definitions:

- (a) Bicycle: every device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.
- (b) Dealer in Bicycles: any firm, store, business establishment, or individual engaged in the sale of bicycles-wholesale or retail.
- (c) Operate: The word "operate" or any form thereof shall mean and refer to the use, putting into action, or causing to function of a bicycle by a person mounted thereon.
- (d) Rental Agency: any individual firm, store, or business establishment engaged in the business of offering for rental or offering for rental of bicycles for hire by the public.
- (e) Bicycle Lane: that portion of a roadway set aside for the exclusive use of bicycles, where permitted, and so designed by appropriate signs and markings.
- (f) Bike Route: any bicycle lane, bicycle way, or highway which has been duly designated and which is identified by appropriate signs and markings.
- (g) Bicycle Way: any path or sidewalk or portion thereof designated for the use of bicycles.

- (2) Application of Ordinance. No individual shall operate a bicycle upon any street, alley, public roadway, sidewalk, bicycle lane, bicycle route, bicycle way, or other public right-of-way in the City of Wisconsin Rapids unless the bicycle is registered and has properly affixed thereto a registration plate, as herein provided. This section shall apply to all permanent and temporary residents of the City of Wisconsin Rapids, and to non-residents who operate bicycles within the city habitually or frequently, either in going to and from school, place of employment, or for any other purpose; but shall not apply to casual travelers or tourists passing through the city on bicycles, not to those residents of cities, villages, and townships adjacent to the City of Wisconsin Rapids who are validly and currently registered within their respective jurisdiction. Any person operating a bicycle within the City of Wisconsin Rapids must comply with local bicycle regulations.

(3) Registration - Fee - Inspection.

- (a) Registration shall be made with the Wisconsin Rapids Police Department, or any other departments designated by the City of Wisconsin Rapids, who shall provide the appropriate forms therefore, upon payment of a registration fee of \$5.00 such designated department shall issue a registration plate for the bicycle which shall permit the bicycle to be operated within the City of Wisconsin Rapids as herein provided. (MC#492)
- (b) The registration shall be permanent from the date of issuance providing that said bicycle remains with the registered owner, and at the same registered address. There shall be no charge for changing the address of the registered owner providing they report such change of address within 10 days.
- (c) No person shall be entitled to register a bicycle when that person is believed by the issuing department to have no claim to, or evidence of, ownership of said bicycle, or have no right to possession of said bicycle.
- (d) The registering department may inspect each bicycle before registering, and may refuse to register any bicycle in an unsafe mechanical condition.

(4) Display of Registration Plates.

- (a) No bicycle shall be considered registered until a registration plate is securely affixed to the bicycle, which shall remain so affixed until re-registration or until removed by the police department or issuing department for cause. Such license shall be attached securely to the rear of the bicycle seat or to the rear fender.
- (b) No person shall intentionally destroy, mutilate, or alter the identification plate affixed to any bicycle, or remove without the owner's permission, any identification plate from any bicycle. In the event of a necessary replacement, the fee shall be \$3.00.

- (5) Transfer and Cancellation of Registration. Within 10 days after any bicycle registered hereunder shall have changed ownership, been transferred, or been dismantled and/or taken out of operation, the individual in whose name the bicycle has been registered, shall report such information to the police department. The license plate shall not remain with the bicycle but shall be destroyed immediately by the person disposing of, or transferring the bicycle. The new owner shall register the bicycle as stated in Section 20.09(3)(a). The original owner shall be subject to Section 20.09(3)(a) with regard to any other bicycle.
- (6) Buying, Selling, or Renting of Bicycles. The police department or issuing department is hereby authorized to stamp numbers on the frame of bicycles in a legible manner for identification purposes, upon which no serial number can be found or upon which the serial number is illegible, or obscured for identification purposes.
- (a) Every firm, store, business, establishment, or individual engaged in buying, selling, or exchange of bicycles in the City of Wisconsin Rapids shall maintain for three years from the date of transaction a record containing the brand name, color, type, and serial number of each bicycle bought, sold, or exchanged and shall record the name and address of each person buying, selling, or exchanging a bicycle. This record shall be open to inspection by representatives of the Wisconsin Rapids Police Department or designated issuing department, during reasonable business hours.
- (b) It shall be unlawful for any firm, store, business establishment or individual within the City of Wisconsin Rapids, to purchase, receive in trade, or otherwise acquire any bicycle from which the serial number on the frame of a bicycle has been removed, destroyed, mutilated, or altered, without first reporting the same to the Wisconsin Rapids Police Department.
- (7) Other Provisions.
- (a) Any member of the police department is authorized to inspect any bicycle operating within Wisconsin Rapids City Limits at reasonable time for the purpose of making a check of the license, license number, serial number, and for the purpose of determining the mechanical condition of the bicycle. If the police officer inspecting such bicycle determines that said bicycle is unsafe and should not be operated, may impound, and order said bicycle owner to cease operating said bicycle until necessary repairs have been made, to the satisfaction of the police officer making the determination.
- (b) Use of bicycle without owner's consent: It shall be unlawful for any person to use or operate any bicycle within the City of Wisconsin Rapids without the owner's consent.
- (c) Enforcement of provisions: The Chief of Police of Wisconsin Rapids shall enforce the provisions of this ordinance.
- (8) State Laws Adopted by Reference. Provisions of State Law are hereby adopted by reference Section 346.02(4) and 346.77 through 346.82.
- (9) Rules for Driving and Operating Bicycles. All operators of bicycles shall observe and obey all rules dealing with vehicular traffic and in addition obey all rules contained in this chapter.
- (a) Every bicycle when operated upon a highway shall be in good and safe mechanical condition.
- (b) No person shall operate any bicycle upon any part of any public highway, sidewalk, bicycle path, bicycle route, bicycle lane, in such a manner as to interfere with the rights of other persons using said facilities.
- (c) No person operating a bicycle shall ride other than upon or astride a permanent regular seat attached thereto. No bicycle shall be used to carry more persons at any one time than the original manufacturer's design; and for which it is equipped as so designed. However, one child's seat may be securely fastened to the bicycle, which seat shall be so designed and manufactured for this specific purpose. Such seat shall be equipped with a safety belt, arm rest, back rest, foot rest, and spoke protector. The operator of a bicycle so equipped with a child seat shall be 16 years of age or older. The passenger on said bicycle shall be six years of age or younger.
- (d) When two or more persons in a group are operating bicycles, they shall ride single file, except when passing other bicycles, or motor vehicles.
- (e) No person operating a bicycle shall turn without giving an arm signal such as required by state law for the operation of motor vehicles.
- (f) No person operating a bicycle shall cling or attach thereon himself or bicycle to any other moving vehicle.
- (g) No person operating a bicycle shall propel any other vehicle, person, or plaything by attaching it to the bicycle the person is operating, except those trailers designed for this specific purpose by a manufacturer. All home-made trailers are permissible providing they have been inspected for safety by a police officer. Such trailers must meet all safety requirements.
- (h) No person shall operate a bicycle while under the influence of alcohol or drugs or while physically or

- mentally unfit to operate the same.
- (i) No bicycle shall be operated on any highway, street, sidewalk, bicycle way, bicycle path, bicycle route in Wisconsin Rapids during any period of time from one-half hour after sunset to one-half hour before sunrise without a headlight visible from the front of such bicycle, for not less than 500 feet when properly lighted and attached nor without an adequate lighted red tail light and red reflector not less than 2-1/2 inches in diameter to and visible from the rear of such bicycle for a distance from 50 to 500 feet to the rear. The tail light shall not be used in lieu of said reflector.
 - (j) Every bicycle when operated upon any Wisconsin Rapids street, highway, sidewalk, bicycle path, bicycle way, bicycle route, shall be equipped with a brake adequate to control the movement and stop such vehicle whenever necessary.
 - (k) No bicycle may be equipped with nor may any person riding a bicycle use any siren or compression whistle.
 - (l) Unless preparing to make a left turn, every person operating a bicycle upon a street or highway in the City of Wisconsin Rapids carrying two-way traffic shall ride as close as applicable to the right side of the unobstructed traveled roadway. On one-way streets, the operator of the bicycle shall ride as close as applicable to the right or left side of the unobstructed roadway. Every person operating a bicycle upon a street or highway shall exercise due care when passing a standing vehicle or one proceeding in the same direction. It shall be unlawful to do any trick riding on any street, highway, or sidewalk or to operate any bicycle without a hand on the handle bars. No person shall carry or transport such packages or material attached to or unattached to such vehicle as to impede the safe operation of such bicycle.
 - (m) Any dealer, firm, store, business establishment, or individual engaged in rental of bicycles, shall not rent any bicycle unless the bicycle is registered as prescribed in this ordinance and such bicycle shall also meet the safety and mechanical condition therein.
 - (n) No bicycle owner or operator shall park the same on any highway, street, bicycle lane, bicycle path, bicycle route, sidewalk, within the City of Wisconsin Rapids, in such a manner as to interfere with the free passage of the public.
 - (o) Bicyclists exercising due care may operate a bicycle upon any sidewalk except as noted herein:
 - (1) Immediate school grounds during school hours.
 - (2) Sidewalks on the north and south side of West Grand Avenue from the westerly most point of the intersection of 1st Avenue South through the 400 block of West Grand Avenue.
 - (3) East and west sides of 1st, 2nd, 3rd, and 4th Avenues from the intersection of Jackson through the intersection of Goggins Street.
 - (4) The west side of 4th Avenue North between the intersection of Jackson Street through McKinley Street intersection.
 - (5) The east side of 1st Street North from the intersection of Oak through the intersection of Jackson Street.
 - (6) East and west sides of 2nd Street in a northerly direction from the intersection of East Grand Avenue through Baker Street intersection.
 - (7) North and south side of Oak Street from the 2nd Street intersection through the 3rd Street intersection.
 - (8) The west side of 3rd Street North from Oak Street intersection to Market and the Baker Street intersection.
 - (9) Newspaper carriers may drive their bicycles on sidewalks when delivering papers provided the use thereof is not restricted.
 - (p) Bicycles restricted from using streets for operating in certain areas of the City of Wisconsin Rapids. Such streets must be signed conforming to National and State standards.
 - (1) Riverview Expressway from its intersection at West Grand Avenue through the most easterly intersection within the city limits of the east side of the river.
 - (2) 8th Street South from its intersection of Oak Street through the Two Mile Avenue intersection.
 - (3) Grand Avenue bridge from the 2nd Street South intersection through the 1st Avenue South intersection.
 - (4) Jackson Street bridge from the 1st Street North intersection through the 1st Avenue North intersection.
 - (5) While operating on any sidewalk, bicycle lane, path, or trail, all cyclists shall exercise due care and shall yield the right of way to all pedestrians using such facility. Audible signals shall be given

when passing.

- (6) Any person operating a bicycle on a sidewalk and about to enter or entering the intersection within the crosswalk, shall yield to all traffic including pedestrians within or approaching such crosswalks, except if cyclists dismount and walk their bicycles across intersection within the crosswalk. When cyclists walk their bicycles across intersections, they shall have the same rights due pedestrians. This shall apply to all crosswalks in or outside the intersections.
- (10) Bicycles and Play Vehicles; Responsibility of parent or guardian for violation of bicycle and play vehicle regulations.
 - (a) No parent or guardian of any child shall authorize or knowingly permit such violations of the provisions of this ordinance and chapters 346.73 through 346.81 of Wisconsin Statutes.
 - (b) No person riding upon or propelling any unicycle, coaster, roller skates, sled, toboggan, or toy vehicle shall attach the same or himself to any moving vehicle upon any roadway or go upon any roadway, bike way, bike path, or bike lane except while crossing a roadway at a crosswalk.
- (11) Driving Bicycles on Bicycle Lane.
 - (a) Unless two-way traffic is authorized by appropriate signs, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling. Appropriate signs shall be installed on all bicycle lanes open to two-way traffic.
 - (b) Unless otherwise provided, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveway adjoining the bicycle lane.
 - (c) Any person may leave a bicycle lane at any point by dismounting and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.
 - (d) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.
 - (e) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all vehicles and pedestrians.
 - (f) Mopeds are prohibited from using bicycle lanes or paths (where signs are erected prohibiting their use).
- (12) Driving Bicycles on Bicycle Way.
 - (a) Every person operating a bicycle upon a bicycle way shall:
 - (1) Exercise due care and give audible signs when passing a bicycle rider or a pedestrian proceeding in the same direction.
 - (2) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
 - (b) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
 - (c) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.
- (13) Penalty for Violators.
 - (a) Any person 16 years of age or older who shall violate any provision of this ordinance shall be fined not less than \$10.00 or more than \$200.00 plus court costs, and in default of payment of such fine, shall be imprisoned in the county jail for a period not to exceed 30 days.
 - (b) Any person over the age of 14 years and under the age of 16 years who violates any provision of this ordinance shall be fined \$10.00 and no court costs. Such penalty shall be in violation of local Wisconsin Rapids ordinance only.
 - (c) Any bicyclist under the age of 14 years of age who shall violate any provision of this ordinance shall have a written warning notice served to the offender's parent or guardian setting forth said violation. For any subsequent violation within one year, said parent or guardian shall be fined \$5.00 plus court costs for the first offense, \$10.00 plus costs for the second offense, and \$25.00 plus costs for the third offense and subsequent offenses. (MC#271)

20.10 AMBULANCE RATES (MC#1221)

- (1) The common council shall, by resolution, set or adjust ambulance rates for the City of Wisconsin Rapids. Ambulance rates will be kept on file with the City Clerk and the Fire Department.
- (2) Ambulance Delayed Runs. Ambulance trips where it is necessary for the ambulance to wait and return with the patient shall be charged as two runs.
- (3) Multiple Patients. A charge of 70 percent of the base rate will be assessed for each of multiple patients in one

ambulance.

20.11 NON-RENEWAL OF LICENSE FOR CITY OBLIGATIONS (MC#777)

The City of Wisconsin Rapids shall not grant or renew licenses or permits to any business or individual upon which there are delinquent personal property taxes, special assessments, or any other financial obligations owed to the city.

20.12 EMERGENCY ALARMS SYSTEMS (MC#933)

- (1) Purpose. The primary purpose of this section is to reduce the number of false alarms. It is also meant to encourage the installation of quality alarm systems to insure maximum safety and protection of property. This section will also impose standards and requirements for negligence of the user of an alarm system or of employees operating the system.
- (2) Alarm User means any person on whose premises an alarm system is maintained within the City of Wisconsin Rapids. Exceptions would be motor vehicle alarms.
 - (a) False Alarm means any of the following:
 - (1) The activation of an alarm through negligence of the owner, lessee, employee or any agents.
 - (2) Activation of an alarm from mechanical failure or malfunction due to improper maintenance of the alarm user.
 - (3) Activation of an alarm due to improper installation by the alarm business.Alarms that are caused by adverse weather conditions will not be included as false alarms.
 - (b) Hold-Up Alarm System means an alarm system that is activated by a robber or employee of the protected premises.
 - (c) Local Alarm System means an alarm system that when activated causes an audible or visual signaling device. This system is an on-premises alarm system.
 - (d) Residential Alarm means all alarm systems that are installed to protect a private residence.
- (3) False Alarms; Hold-Up Alarms; Burglar Alarms.
 - (a) The owner, lessee, or agent of any hold-up alarm shall be assessed a fee for each false alarm activated after three occurrences in any 12-month period.
 - (1) 4th occurrence - \$50.00
 - (2) 5th occurrence - \$100.00
 - (3) 6th occurrence - \$200.00
 - (4) Starting with the 7th false alarm, each subsequent false alarm will cost the licensee or permit holder \$150.00. This scale will terminate at the end of each calendar year and then repeat itself.

20.13 REGULATION OF PAWNBROKERS, SECONDHAND ARTICLE DEALERS, AND SECONDHAND JEWELRY DEALERS

Sections 134.71 and 138.10 of the Wisconsin Statutes and subsequent amendments thereto are incorporated herein by reference.- REPEALED (MC#1298)

20.13 PAWNBROKERS AND SECONDHAND SHOPS.

(1) PURPOSE.

a. The City Council finds that the services offered by pawnshops and secondhand shops provide an opportunity for individuals to readily transfer stolen property to those businesses. The Council also finds that consumer protection regulation is warranted in transactions involving these businesses. The Council further finds that pawnshops have outgrown the city's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this ordinance is to prevent pawnshops and secondhand shops from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of the citizens, and pursuant to the authority granted by section 134.71, Wis. Statutes.

b. This ordinance implements and establishes the required use of the Leads Online system to help the Police Department better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops and secondhand shops, and to increase identification of criminal activities in pawnshops and secondhand shops through the

timely collection and sharing of transaction information.

(2) DEFINITIONS.

a. "Article" means any items of value.

b. "Charitable organization" means a corporation, trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

c. "Secondhand shop" means businesses that engage in the buying and selling of coins, other collectable currency, jewelry, digital media articles, and/or consumer electronics that have been previously used, rented, or leased. This includes secondhand article dealers and secondhand jewelry dealers.

d. "Customer" means a person with whom a pawnbroker or secondhand shop, or an agent thereof, engages in a transaction of purchase, sale, receipt or exchange of any secondhand article.

e. "Digital Media Article" means any video game, digital video disc, Blue Ray disc, compact disc, or other audio or video recording.

f. "Pawnbroker" means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, or a convention.
2. Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor as described in section 70.995(2)(x), Wis. Stats.
3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:
 - a. The return of the article
 - b. The exchange of the article for a different, new article.
5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

g. "Reportable transaction" means every transaction conducted by a pawnbroker or secondhand shop in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, except:

1. The bulk purchase or consignment of new or used articles from a retailer,

manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker or secondhand shop must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.
3. Transactions at secondhand shops where the customer transfers articles to the secondhand shop for in-store credit only.

h. "Secondhand" means owned by any person, except a wholesaler, retailer or licensed secondhand article dealer, immediately before the transaction at hand.

(3) INSPECTION OF ITEMS. At all times during the term of the license, the pawnbroker or secondhand shop must allow the Police Department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

(4) LICENSE. No person may operate as a pawnbroker in the City of Wisconsin Rapids unless the person first obtains a pawnbroker license under this chapter. No person may operate as a secondhand article dealer or a secondhand jewelry dealer unless the person first obtains a license under this chapter.

(5) DISPLAY OF LICENSE.

Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

(6) LICENSE APPLICATION. A person wishing to operate as a pawnbroker or a secondhand article dealer or secondhand jewelry dealer shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the Police Department that shall require all of the following:

a. The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.

b. The name and address of the business and of the owner of the business premises.

c. Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

1. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
2. If the applicant is a partnership, the names and addresses of all partners.
3. If the applicant is a limited liability company, the names and addresses of all members.
4. The name of the manager or proprietor of the business.
5. Any other information that the clerk may reasonably require.

d. A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager or proprietor has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place and offense of all such convictions.

e. Whether the applicant or any other person listed in subsection c. above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

f. Whether the applicant or any other person listed in subsection c. above has previously been denied or had revoked or suspended a pawnbroker, secondhand article, or secondhand jewelry license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

(7) INVESTIGATION OF LICENSE APPLICANT. The Police Department shall investigate each applicant and any other person listed in subsection C above for a pawnbroker license, secondhand dealer license, and secondhand article license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager or proprietor.

(8) LICENSE ISSUANCE.

a. The City Council shall grant the license if all of the following apply:

1. The applicant, including an individual, a partner, a member of a limited liability company, a manger, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335 of the Wisconsin Statutes.
2. The applicant provides to the city clerk a bond of \$2,500 with not less than two sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers, secondhand article dealers, and secondhand jewelry dealers. The bond must be in full force and effect at all times during the term of the license.

b. No license issued under this subsection may be transferred.

c. Each license is valid from January 1 until the following December 31.

(9) REQUIREMENTS FOR TRANSACTIONS.

a. Identification. No pawnbroker or secondhand shop may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker or secondhand shop shall require the customer to present one of the following types of identification:

1. Current, valid Wisconsin's driver's license;
2. Current, valid Wisconsin identification card;
3. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

b. Transactions with minors.

1. Except as provided in subsection b, 2., no pawnbroker or secondhand shop may engage in a transaction of purchase, receipt or exchange of any secondhand article from any minor, defined as a person under the age of 18 years.
2. A pawnbroker or secondhand shop may engage in a transaction described under

subsection b. 1, if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.

c. Records required. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker or secondhand shop must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the Police Department:

1. A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
2. The purchase price, amount of money loaned upon or pledged therefore.
3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
4. Date, time and place the item of property was received by the pawnbroker or secondhand shop, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker's records.
5. Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race, color of eyes, and color of hair.
6. The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current, valid Wisconsin Driver's license;
 - b. Current, valid Wisconsin identification card;
 - c. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.
7. The signature of the person identified in the transaction.
8. For Renewals, extensions, and redemptions, the pawnbroker or secondhand shop shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
9. Record retention. Data entries shall be retained for at least 1 year from the date of transaction and may not be removed from the Leads Online system by a pawnbroker or secondhand shop.
10. For every secondhand article purchased, received, or exchanged by a pawnbroker or secondhand shop from a customer off the pawnbroker's premises, or consigned to the pawnbroker or secondhand shop for sale on their premises, the pawnbroker or secondhand shop shall keep a written inventory. In this inventory the pawnbroker or secondhand shop shall record the name and address of each customer, the date, time and place of the transaction, and a detailed description of the article that is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state he or she owns the secondhand article. The pawnbroker or secondhand shop shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt, or exchange of any secondhand article for not less than one year after the date of the transaction, except as provided in subsection e., and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

d. Holding Period

1. Except as provided in subsection d. 3, any secondhand article purchased or received by a pawnbroker shall be kept on the premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article redeems it.
2. During the period set forth in subsection d. 1., the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker shall permit any law enforcement officer to inspect the secondhand article during this period. Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker shall make available for inspection any secondhand article which is kept off the premises for safekeeping.
3. Subsections d, 1 and 2. Do not apply to a secondhand article consigned to a pawnbroker or any items consigned to or sold to a secondhand shop

e. Redemption period. Any person pledging, pawning or depositing any item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60-day holding period, items may not be removed from the licensed location. Pawnbrokers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the Police Department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with subsection c. 9.

f. Police order to hold property.

1. Investigative hold. Whenever a law enforcement officer from any agency notifies a pawnbroker or secondhand shop not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to subsection 2, whichever comes first.
 - a. Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the police department may physically confiscate and remove it from the shop, pursuant to a written order from the police department.
 - b. When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker or secondhand shop, and shall provide the pawnbroker or secondhand shop with the name and phone number of the confiscating officer and the case number related to the confiscation.
 - c. When an order to confiscate is no longer necessary, the police department shall so notify the pawnbroker or secondhand shop.

g. Daily reports to police.

1. Pawnbrokers and secondhand shops must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers and secondhand shops must provide to the police department all information required in subsection c

and other required information, by uploading it from their computer to leadsonline.com. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the business and the police department. Pawnbrokers and secondhand shops must display a sign of sufficient size in a conspicuous place on the premises which informs all patrons that all transactions are reported daily to the department and Leads Online.

2. If a pawnbroker or secondhand shop fails to upload the required reports to leadsonline.com on the same day the transactions occur, it shall be charged a daily reporting failure fee of \$25.00 per day until the reports are properly uploaded. The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

h. Exception for customer return or exchange. Nothing in this section applies to the return or exchange from a customer to a pawnbroker or secondhand shop of any secondhand article purchased from that establishment.

(10) RECEIPT REQUIRED. Every pawnbroker and secondhand shop must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for 3 years. The receipt must include at least the following information:

- a. The name, address and telephone number of the licensed business.
- b. The date and time the item was received by the pawnbroker or secondhand shop.
- c. Whether the item was pawned or sold, or the nature of the transaction.
- d. An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- e. The signature or unique identifier of the employee that conducted the transaction.
- f. The amount advanced or paid.
- g. The monthly and annual interest rates, including all pawn fees and charges.
- h. The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- i. The full name, residence address, residence telephone number, and date of birth of the pledger or seller.
- j. The identification number and state of issue from any of the following forms of identification of the seller;
 1. Current, valid Wisconsin Driver's License
 2. Current, valid Wisconsin identification card.
 3. Current, valid photo driver's license or identification card issued by another state or province of Canada.
- k. Description of the pledger or seller, including approximate age, height, weight, race, color of eyes, and color of hair.
- l. The signature of the pledger.

(11) LABEL REQUIRED. Pawnbrokers and secondhand shops must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the name that identifies the transaction in the shop's

records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused.

(12) PROHIBITED ACTS

- a. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, nor may any pawnbroker receive any goods from a person under the age of 18 years, except as permitted by section 20.13(9)(b).
- b. No pawnbroker or secondhand shop may receive any goods from a person of unsound mind or an intoxicated person.
- c. No pawnbroker or secondhand shop may receive any goods through a reportable transaction unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.
- d. No pawnbroker or secondhand shop may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.
- e. No person may pawn, pledge, sell, consign, leave or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker.
- f. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker or secondhand shop shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-state address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker.

(13) LICENSE DENIAL, SUSPENSION, OR REVOCATION

- a. The city council may deny, suspend, or revoke any license issued by it under this section for fraud, misrepresentation, or false statement contained in the application for a license, or for any violation of Sec. 20.13 of the Municipal Code and sections 134.71, 943.34, 948.62 or 948.63, Wis. Statutes, or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

(14) FEES. The license fees under this chapter shall be as contained in the City of Wisconsin Rapids Fees and Licenses Schedule.

(15) PENALTY. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than \$5 or more than \$500, and in default of such payment, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day of violation shall constitute a separate offense.

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

20.14 MINIMUM STANDARDS FOR ROOMING HOUSES AND HOTELS (MC #1091)

- (1) General Provisions. Every rooming house and hotel shall comply with the minimum standards for dwellings and dwelling units set forth in Chapter 36 of the Municipal Code.
- (2) Rooming Houses:
 - (a) Effective 60 days after passage and publication of this ordinance, no person shall operate a rooming house unless he holds a valid rooming house permit issued by the city clerk, upon approval of the chief housing official, and in the name of the operator, and for the specific dwelling or dwelling unit. The operator shall apply to the city clerk for such permit, which shall be issued by the city clerk upon approval of the chief housing official and upon compliance by the operator with the applicable provisions of this ordinance and of any rules and regulations adopted pursuant thereto, together with a fee of \$20.00 for rooming houses with four or less rooming units, plus \$2.00 for each additional five, or fraction thereof, rooming units in excess of four such units. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the chief housing official within 30 days after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of the calendar year in which issued, unless sooner suspended or revoked as herein provided. (MC#380)
 - (b) The issuance of a rooming house permit shall not in any way signify or imply that a rooming house conforms with the Wisconsin State Building Code or the Building and Zoning Codes of the City of Wisconsin Rapids, Wisconsin.
 - (c) Any person whose application for a permit to operate a rooming house has been denied may request, and shall be granted, a hearing on the matter before the Board of Zoning Appeals, under the procedure provided in Chapter 36, Section 111.
 - (d) Whenever upon inspection of any rooming house the chief housing official finds that conditions or practices exist which are in violation of any provision of this ordinance or of any rules or regulation adopted pursuant thereto, the chief housing official shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the chief housing official, the operator's rooming house permit will be suspended. At the end of such period, the chief housing official shall re-inspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.
 - (e) Any person whose permit to operate a rooming house has been suspended, or who has received notice from the chief housing official that his/her permit is to be suspended, unless existing conditions or practices at his/her rooming house are corrected, may request and shall be granted a hearing on the matter before the housing appeals board, under the procedure provided by Chapter 36, Section 111. Provided that if no petition for such hearing is filed within 10 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- (3) Basic Equipment. Every rooming house and hotel shall be equipped with at least one flush closet, one lavatory, and one bathtub or shower for each eight persons, or fraction thereof, within the rooming house or hotel, including members of the family of the owner or operator if they share the use of the facilities. The lavatory and bathtub or shower shall be connected to the hot water system, as specified in Chapter 36, Section 505. In a rooming house or hotel in which both sexes are accommodated, separate toilet rooms, each with water closet, lavatory, and bathtub or shower, a minimum of two flush water closets and lavatory located in separate rooms, which are conspicuously marked, shall be required. In a rooming house or hotel in which rooms are let only to males, flush urinals may be substituted for not more than one half of the required number of water closets.
- (4) Location of Toilets, Baths. Every flush closet, flush urinal, lavatory, and bathtub or shower required in Section 20.14(3), shall be located within the rooming house or hotel in a room, or rooms, which:
 - (a) Afford privacy and are separate from the habitable rooms;
 - (b) Are accessible from a common hall and without going outside the rooming house or hotel; and
 - (c) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

- (5) Shades, Drapes, etc. Every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the room.
- (6) Bedding, Bed Linen, Towels. Where bedding, bed linen, or towels are supplied, the owner shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once a week and prior to the letting of any room to any occupant.
- (7) Means of Egress. Rooming houses or hotels, occupied or containing accommodations for 10 or more persons on the second story, or which are more than two stories in height, shall conform to the egress requirements for multiple dwellings contained in Chapter 36, Section 702.
- (8) Sanitary Maintenance by Owner. The owner of every rooming house or hotel shall keep all walls, floors, and ceilings in a clean, safe, and sanitary condition.
- (9) Guest Register. The owner of every rooming house or hotel shall keep at all times, in a convenient place, a book or register wherein every person applying for accommodations must sign his/her name and place of residence before such accommodations are furnished and such book or register shall be available for inspection by the chief housing official at all times.
- (10) Garbage and Rubbish Containers. The owner of every rooming house or hotel, where garbage and rubbish is produced, shall provide adequate containers therefore, as specified in Chapter 36, Section 308.