

OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
City Hall

I hereby certify that this is a true copy
of a document from the Common Council
proceedings of the City of Sheboygan.


City Clerk

Gen. Ord. No. 7 - 21 - 22. By Alderpersons Felde and Ackley.
June 7, 2021.

AN ORDINANCE amending the Municipal Code so as to take advantage of the provisions of 2019 Wisconsin Act 166 authorizing issuance of alcohol beverage operator's licenses by a designated municipal official and applying similar provisions to other licenses issued by the city where issuance by such an official is not proscribed by state law.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Sec. 10-31 of the Municipal Code entitled "General licensing requirements" is hereby repealed and recreated in subsection (7) thereof so as to read as follows:

"Sec. 10-31. - General licensing requirements.

No license may be issued to any person except as provided in W.S.A., § 125.01 et seq., and such license shall be in conformance with the following provisions:

. . . .

- (7) The city clerk shall submit all applications for licenses under this chapter to the common council, except as provided for in sections 10-41(a), 10-41(d), 10-41(e)(1), 10-62(h).

. . . ."

Section 2. Sec. 10-41 of the Municipal Code entitled "Operators' licenses" is hereby repealed and recreated in subsection (a), subsection (c)(1), and in the introduction to subsection (d) thereof so as to read as follows:

"Sec. 10-41. - Operators' licenses.

- (a) Operators' licenses shall be issued to individuals by the city for the purpose of complying with W.S.A., §§ 125.32(2) and 125.68(2). Operators' licenses shall be issued only upon written application on forms provided by the city clerk. The city clerk is authorized to grant and issue such licenses after consulting with the chief of police and the city attorney, or their designees.

. . . .

- (c) Operator's license fee:

- (1) Except as provided in subsection (2) below, the fee for an operator's license shall be \$57.00, which shall include the city clerk's cost of producing the wallet size license card with photo and running a background check. The license card shall be carried by the licensee when engaged as a beverage operator and shall be produced upon demand by any police officer. Operators' licenses shall be valid for two years and shall expire on the second succeeding June 30.

. . .

- (d) Temporary license. The city clerk shall issue temporary operators' licenses under the terms of subsections (a) and (b) of this section, except that:

. . ."

Section 3. Sec. 10-42 of the Municipal Code entitled "Refusal to issue new license" is hereby repealed and recreated so as to read as follows:

"Sec. 10-42. - Refusal to issue new license.

Whenever the common council or the city clerk decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision. When the decision not to issue is made by the city clerk, the notice shall inform the applicant that they may appeal the decision by filing an objection in writing with the clerk within 30 days of said notice. If the applicant so objects, the matter will be reviewed by the Licensing, Hearings, and Public Safety Committee at a regular meeting within 35 days of the clerk's receipt of the written objection."

Section 4. Sec. 14-121 of the Municipal Code entitled "Required" is hereby repealed and recreated so as to read as follows:

"Sec. 14-121. - Required.

No public dance or ball shall be conducted within the limits of the city until and unless the owner, occupant, lessee or manager of any such hall shall procure a license from the city clerk, authorizing and permitting such hall to be used for public dances."

Section 5. Sec. 14-195 of the Municipal Code entitled "Issuance" is hereby repealed and recreated so as to read as follows:

"Sec. 14-195. - Issuance.

Upon payment of the proper license fee by the applicant, the clerk shall issue the license, specifying the purpose of the license."

Section 6. Sec. 14-227 of the Municipal Code entitled "Application" is hereby repealed and recreated so as to read as follows:

"Sec. 14-227. - Application.

Application for a theater license shall be made in writing to the city clerk, and shall be accompanied by the receipt of the city finance director/treasurer showing payment of the license fee provided in section 14-228. The license application shall be properly signed and the license shall be issued by the city clerk."

Section 7. Sec. 14-287 of the Municipal Code entitled "Application; investigation; issuance" is hereby repealed and recreated so as to read as follows:

"Sec. 14-287. - Application; investigation; issuance.

- (a) Application for a license shall be made to the city clerk on the forms provided by such office.
- (b) The chief of police of the city shall cause to be made an investigation of all persons named in an application for a license and report his findings to the council or proper standing committee thereof.
- (c) Opportunity shall be given by the city clerk to any person to be heard for or against granting of any license under this article.
- (d) The clerk shall not issue the license if the applicant, any partner or the principal officer, or any stockholder holding more than 20 percent of the corporation is:
 - (1) A corporation;
 - (2) Has been convicted of a felony or crime involving moral turpitude; or
 - (3) Is under 18 years of age.
- (e) Prior to approving the issuance of a nonalcoholic dance club license, the city clerk shall find that:
 - (1) The establishment, maintenance or operation of the nonalcoholic dance club will not be detrimental to or endanger the public health, safety, comfort or general welfare; and
 - (2) Adequate measures have or will be taken to maintain good order surrounding the location."

Section 8. Sec. 30-125 of the Municipal Code entitled "Investigation of application" is hereby repealed and recreated so as to read as follows:

"Sec. 30-125. - Investigation of application.

The city clerk shall refer the application to the police department which shall investigate and determine whether the applicant and the establishment proposed to be licensed conform to the requirements of this article. The police department shall refer the application to the building inspection division who shall investigate the premises proposed to be licensed to determine whether the premises conform to the requirements of this article, the rules and regulations of the department of health and social services, and any other applicable laws and ordinances. The police department and the building inspection division shall report their findings and recommendations to the city clerk."

Section 9. Sec. 30-126 of the Municipal Code entitled "Grant; right of hearing upon denial" is hereby repealed and recreated so as to read as follows:

"Sec. 30-126. - Grant; right of hearing upon denial.

The city clerk shall, after consulting with the chief of police and the city attorney or their designees, grant or deny the application no later than 60 days after submittal of a completed application. If the application for a license is denied, the applicant shall be given written notice of the reasons for denial and shall be given an opportunity to be heard thereon."

Section 10. Sec. 42-67 of the Municipal Code entitled "Application, investigation" is hereby repealed and recreated so as to read as follows:

"Sec. 42-67. - Application, investigation.

- (a) Application for an ambulance operator's license shall be made to the city clerk. Within 60 days after the application is received by the clerk, the city clerk shall make a complete and thorough investigation as to whether:
 - (1) The public at the time is adequately served.
 - (2) The public convenience and necessity require the proposed ambulance service for which the application for license to operate such ambulance is made.
 - (3) The vehicle proposed to be licensed as an ambulance and the insurance policy furnished comply with this article.
 - (4) The applicant is a fit and proper person to conduct such a business and has a safe and proper place of business thereof.

- (b) In determining whether public convenience and necessity require the licensing of an ambulance for which application for a license may be made, the city clerk shall take into consideration whether the demands of public convenience and necessity require additional ambulance service within the city; financial responsibility of the applicant; the number, kind and type of equipment; the schedule of rates proposed to be charged; the increased traffic congestion upon the streets of the city; the demand for increased parking space upon the streets which will result; whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such license; and such other relevant facts as the city clerk may consider advisable or necessary."

Section 11. Sec. 42-70 of the Municipal Code entitled "Issuance" is hereby repealed and recreated so as to read as follows:

"Sec. 42-70. - Issuance.

A license required under this division shall be issued by the city clerk when the applicant has filed with the clerk a written application under oath, stating:

- (1) The make or name of the manufacturer of the ambulances to be used.
- (2) The state license number of each ambulance.
- (3) The name and address of the owner of each ambulance.
- (4) The name and address of every driver and attendant employed by applicant.
- (5) That section 42-69 will be complied with before any ambulance is operated by the licensee."

Section 12. Sec. 62-129 of the Municipal Code entitled "Issuance restricted" is hereby repealed and recreated so as to read as follows:

"Sec. 62-129. - Issuance restricted.

No license for the construction, alteration or extension of any mobile home park shall be issued by the city clerk unless the issuance thereof shall first be determined to be in the best interests of the city."

Section 13. Sec. 94-130 of the Municipal Code entitled "License issuance" is hereby repealed and recreated so as to read as follows:

"Sec. 94-130. - License issuance.

- (a) The city clerk 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 manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to W.S.A. §§ 111.321, 111.322 and 111.335.
 - (2) The applicant provides to the city clerk a bond of \$2,500.00 with not less than two sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. 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."

Section 14. Sec. 126-157 of the Municipal Code entitled "Application" is hereby repealed and recreated so as to read as follows:

"Sec. 126-157. - Application.

Any person desiring to obtain a license required by this division shall make application in the office of the city clerk. The city clerk shall refer the application to the superintendent of parks who shall determine the eligibility of the applicant pursuant to the provisions of this division. Upon determination that the applicant is eligible, the superintendent of parks shall inform the city clerk's office thereof and the city clerk shall issue the license."

Section 15. Sec. 130-61 of the Municipal Code entitled "Issuance" is hereby repealed and recreated in subsection (a) thereof so as to read as follows:

"Sec. 130-61. - Issuance.

- (a) The city clerk is authorized to grant and issue the taxicab business license, taxicab vehicle license, or taxicab driver's license after consulting with the chief of police and the city attorney, or their designees and after the applicant has complied with all the requirements for the respective license under this article and, where applicable, if the applicant has not been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony,

misdemeanor or other offense substantially relates to the circumstances of the licensed activity.

. . ."

Section 16. Sec. 130-141 of the Municipal Code entitled "Application" is hereby repealed and recreated in subsections (a)(4) and (b)(3) thereof so as to read as follows:

"Sec. 130-141. - Application.

(a) Commercial quadricycle business license.

. . .

(4) Any license issued pursuant to this subsection shall be granted and issued by the city clerk after consulting with the chief of police and the city attorney or their designees, and shall expire on the 31st day of December following its issuance.

(b) Commercial quadricycle vehicle license.

. . .

(3) Upon payment of the necessary fees and after consulting with the chief of police and the city attorney or their designees, the city clerk may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person is prohibited.

. . ."

Section 17. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Barbara Elde

Beth McKay

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 21st day of June, 2021.

Dated June 23, 2021. Melissa Clevenger, ^{Deputy} City Clerk

Approved June 23, 2021. John J. Sae, Mayor

Published June 26, 2021.

Certified June 23, 2021 to - Atty.; City Clerk