

COMMON COUNCIL

CITY OF WAUPUN, WISCONSIN

ORDINANCE # 23-09

**AN ORDINANCE TO AMEND CHAPTERS 1, 3, 6, 7, 8, 10, 11, 16, 17 AND 18 OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN
TO REMOVE FEES AND TO CREATE A FEE SCHEDULE**

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Chapter 1 of the Municipal Code of the City of Waupun entitled GENERAL GOVERNMENT is amended and created as follows:

1.24 ANNEXATIONS

1.24 (3) ANNEXATION FEE (Cr.#06-04) Fee established annually by the Common Council on the Fee Schedule to include:

SECTION 2: Chapter 3 of the Municipal Code of the City of Waupun entitled FINANCIAL PROCEDURE is amended and created as follows:

3.03(5)(a)(4-5) CLAIMS AGAINST CITY.

4. All materials and supplies needed for the general operation of the City government and its departments, buildings and equipment, provided that the cost of any such materials or supplies shall not exceed a fee amount as established annually by the Common Council on the Fee Schedule.

5. The repair of any equipment or buildings, provided the cost of such repair does not exceed a fee amount as established annually by the Common Council on the Fee Schedule.

3.11 ROOM TAX

3.11 (1) TAX IMPOSED. Pursuant to §66.0615(1m)(a), Wis. Stats., a tax is imposed on the privileges and service of furnishing at retail rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of accommodations. Such tax shall be assessed on a monthly basis at a rate as established annually by the Common Council on the Fee Schedule of the gross receipts from such retail furnishing of rooms or lodging, with such tax due in full by the 15th day of the month following assessment. Such tax shall not be subject to the selective sales tax imposed by §77.52(2)(a)1., Wis. Stats. All room tax revenues collected will be distributed to the Waupun Tourism Committee, or such other Board, Committee, Commission or other legal entity designated by the Common Council from time to time, to be used exclusively for tourism promotion and related expenses.

SECTION 3: Chapter 6 of the Municipal Code of the City of Waupun entitled TRAFFIC CODE is amended and created as follows:

6.05 PARKING LIMITATIONS

6.05(6)(f) Permit Fees. The special privileges fee shall be established annually by the Common Council on the Fee Schedule. However, each business located in the downtown area, which is open for business at least 40 hours per week on a regular basis, shall be entitled to receive 2 parking permits free of charge. Businesses located in the downtown area shall be defined as those located on Main St. between Carrington St. and the railroad right-of-way and those located on the part of Carrington, Fond du Lac, Madison, Mull, Forest and Drummond St. South of Franklin St. and north of Jefferson St. The permit shall be used by persons engaged in the operation of the business at the times that the permits are used.

6.10 BICYCLES

6.10 (2) REGISTRATION AND LICENSING PROCEDURES. All bicycles shall be registered, and the cost therefor shall be established annually by the Common Council on the Fee Schedule.

6.10 (3)(b)(15) GENERAL REGULATION AND EQUIPMENT

(15) The license plate must always be prominently displayed on the rear of the bicycle. New replacement license plates may be purchased, when necessary, with the approval of the Police Department for a fee established annually by the Common Council on the Fee Schedule.

6.10 (4)(a)(3)(a-c) ENFORCEMENT PROCEDURES AND PENALTIES

(3) Each accused violator appearing at the City Hall or Police Station as required will be given an opportunity to discuss their violation with the Chief of Police or an officer appointed by the Chief to preside at such session. After the discussion or hearing with the Chief or their delegate, the following penalty or penalties shall be imposed by the presiding officer:

- a. First Offense: A forfeiture as established annually by the Common Council on the Fee Schedule.
- b. Second Offense: A forfeiture as established annually by the Common Council on the Fee Schedule.
- c. Third Offense: A forfeiture as established annually by the Common Council on the Fee Schedule. The parent or guardian of the violator shall accompany the violator at such discussion or hearing.

6.15 (3)(a-e) PENALTIES.

(3) LOCAL REGULATIONS. The penalty for violation of § 6.05 of this chapter shall be as follows:

- (a) Time-Restricted Parking Violations. Any person convicted of a time-restricted parking violation as specified in § 6.05(2), (3)(a), (y), or 6.05(5)-(11) shall forfeit an amount as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution.
- (b) Other Parking Violations. Any person convicted of a parking violation as specified in § 6.05(3)(e)-(q), (s), (w), (y), (4), (12-14) shall forfeit an amount as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution.

- (c) School Zone Violations. Any person convicted of a school zone violation as specified in § 6.05(3)(p) shall forfeit an amount as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution.
- (d) Second, Third, and Subsequent Violation of Same Offense. Any person convicted of a second violation of the same offense within one year shall have a forfeiture fee as established annually by the Common Council on the Fee Schedule. Any person convicted of a third or subsequent violation of the same offense within one year shall have an additional fee as established annually by the Common Council on the Fee Schedule.
- (e) Additional Forfeitures. Any forfeiture not paid within 48 hours but paid within 10 days of the time of violation, shall have an additional forfeiture fee as established annually by the Common Council on the Fee Schedule added. Any forfeiture not paid within 10 days shall have an additional forfeiture fee as established annually by the Common Council on the Fee Schedule added.

SECTION 4: Chapter 7 of the Municipal Code of the City of Waupun entitled STREETS AND SIDEWALKS is amended and created as follows:

7.03 SIDEWALK CONSTRUCTION AND REPAIR.

7.03(7) NONCOMPLIANCE. Sidewalks replaced by the City contractor or City forces shall be subject to an administrative fee as established annually by the Common Council on the Fee Schedule per tax parcel in addition to the replacement cost.

7.05 STREETS AND SIDEWALKS EXCAVATIONS AND OPENINGS

7.05(1)(b) Except as otherwise provided here, the City shall charge an application fee as established annually by the Common Council on the Fee Schedule for each permit issued under this section. A permit shall be required but no permit fee shall be charged if the permit is obtained pursuant to an order of the City of Waupun requiring sidewalk replacement or reconstruction. A permit shall be required but no separate or additional permit fee shall be charged if the permit is issued in conjunction with a building permit where the excavation or opening is ancillary to the project for which the building permit is issued.

7.05(2)(a) Before a permit for excavating or opening any street or public way may be issued, the applicant shall execute and deposit with the City Clerk an indemnity bond in an amount as established annually by the Common Council on the Fee Schedule, conditioned that he will indemnify and save harmless the City and its officers from all liability for accidents and damage caused by any of the work covered by this permit; fill up and place in good and safe condition all excavations and openings made in the street; replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it; keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of one year; pay all forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Council; and repair any damage done to existing improvements during the progress of the excavation in accordance with the

ordinances, rules and regulations of the City. Such bond shall also guarantee that if the City elects to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

7.05(2)(d) In lieu of furnishing an indemnity bond in an amount established annually by the Common Council on the Fee Schedule, an applicant will be permitted to file with the City a Memorandum of Insurance or Certificate of Insurance indicating that there is in existence a policy of insurance which will adequately protect and safeguard the City and its officers in the same manner and to the same extent that the said City or officers would be indemnified and saved harmless had an indemnity bond been provided. The said Memorandum of Insurance or Certificate of Insurance shall be approved by the Director of Public Works and the City Attorney before it shall be acceptable as being offered in lieu of the indemnity bond.

7.05(3) INSURANCE. Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that they have in force and will maintain during the life of the permit and the period of excavation, public liability insurance and accident and property damage insurance in an amount established annually by the Common Council on the Fee Schedule.

7.07 SNOW AND ICE REMOVAL

7.07(3)(c) The cost of snow and/or ice removal shall be charged to the property owner at the rate charged by the City's contractor, together with an administrative fee as established annually by the Common Council on the Fee Schedule. These costs are not to be considered a penalty, but are to reimburse the City for its cost in administration and overhead.

7.12 SUMP PUMP DISCHARGE

7.12(7) ENFORCEMENT. Any person who violates any provision of this section shall be fined a fee as established annually by the Common Council on the Fee Schedule. Each and every day in which a violation continues may be deemed a separate offense. This section shall not preclude the City from enforcing compliance with this chapter by any other means.

SECTION 5: Chapter 8 of the Municipal Code of the City of Waupun entitled ORDERLY CONDUCT is amended as follows:

8.025(9)(c) REGULATIONS OF CHICKENS

Penalties. Any person who violates this section shall be subject to a forfeiture as established annually by the Common Council on the Fee Schedule for the first violation a forfeiture fee as established annually by the Common Council on the Fee Schedule for each subsequent violation. Each day that a violation of this section continues shall be deemed a separate violation. Any chickens found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment and may be removed from the City by City officials in the event that the owner or keeper fails to timely remove the chicken as required in subsection (b) above. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling and veterinary care, necessitated by enforcement of this provision.

8.05(3)(a) PENALTIES.

(a) For the first offense, a forfeiture as established annually by the Common Council on the Fee Schedule and, for the second offense, a forfeiture as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

8.09(5)(a-b) CONTROLLED SUBSTANCES; DRUG PARAPHERNALIA; PENALTIES.

(5) Any person who shall violate any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person who shall violate any provision of this section shall, upon conviction thereof, forfeit a fee as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days, or shall have that person's motor vehicle operator's license suspended until such forfeiture and costs are paid or both.

(b) Second Offense. Any person found guilty of violating any provision of this section who shall previously have been convicted of a violation of this same section within one year shall, upon conviction thereof, forfeit a fee as established annually by the Common Council on the Fee Schedule for each such offense, together with the costs of prosecution and, in default of payment of such forfeiture or costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, not exceeding 6 months, or shall have that person's motor vehicle operator's license suspended until such forfeiture and costs are paid or both.

SECTION 6: Chapter 10 of the Municipal Code of the City of Waupun entitled HEALTH AND SANITATION is amended as follows:

10.03 SALE AND DISTRIBUTION OF MILK AND MILK PRODUCTS

- (1) **REGULATED.** The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for ultimate consumption within the City or its police jurisdiction; the inspection of dairy herds, dairy farms and milk plants; and the issuing and revocation of licenses to milk producers, haulers, distributors, plants and retailers shall be regulated in accordance with the provisions of Part II of the Grade A Pasteurized Milk Ordinance-1965 Recommendations of the United States Public Health Service, a certified copy of which shall be filed in the office of the City Clerk, provided further that sections 9, 16 and 17 of such ordinance shall not be of effect.
- (2) **GRADE A PASTEURIZED MILK REQUIRED.** From and after the date on which this section takes effect, no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments, except Grade A pasteurized, provided that when any milk distributor fails to qualify for such grade,

the Health Officer is authorized to revoke his permit or, in lieu thereof, to degrade his produce and permit its sale during a temporary period not exceeding 30 days or, in emergencies, such longer periods as he may deem necessary.

(3) LICENSE REQUIRED.

- (a) No person shall sell or distribute any Grade A milk products including cottage cheese as defined on pages 92, 58, 62, 83 and 84 of the 1965 Grade "A" Pasteurized Milk Ordinance of the United States Public Health Service, within the City, unless such person possesses a license therefor, granted by the City; except this licensing clause shall not be construed to mean the licensing of the restaurants, stores, hotels, and other places which are secondary vendors; and provided further, such milk products and cottage cheese or creamed cottage cheese shall be labeled or marked with either the State permit number or the name and address of the place processed and packaged.
- (b) An application for license shall state the name and address of the person applying for such license, and also the names and addresses of all persons processing the milk or milk products handled by such licensee.
- (c) The license shall be granted by the City upon application to the City Clerk and approved by the City Health Officer, and a fee as established annually by the Common Council on the Fee Schedule shall be charged therefore.
- (d) The license shall be valid from January 1 to December 31 of each year and those licensed in the interim shall pay the full fee for the remainder of the year in which they are licensed.
- (e) All milk samples required by the Health Officer shall be provided free of charge by the licensee, and the cost thereof to be an additional license fee necessary as a reasonable cost of regulation.
- (4) The City Health Officer, as provided in the 1965 Grade "A" Pasteurized Milk Ordinance of the U.S. Public Health Service, and any official designated by him or the local Board of Health, shall enforce this section and for such purpose may enter any premises in which the milk of any licensee or license applicant is handled or produced.
- (4a) Any Grade "A" milk and milk products in the City shall not be sold, stored or distributed unless they are maintained at a liquid temperature of 45°F. or less.

(5) Vendor's License.

- (a) No person operating any store, delicatessen, booth, stand, restaurant, hospital, grocery, supermarket, soda fountain, ice cream parlor, "drive-in" service or road-side stand, milk vending machine, factory stands or vendors, or public, parochial, or private schools, shall sell, offer for sale, or distribute or give in any way or have in their possession with intent to sell, or to distribute or give in any way, any milk, cream, skim milk or buttermilk, or other milk products, whether to be consumed on the premises as a beverage or consumed in any other manner or form or combination or to be removed from the premises without first having obtained a vendor's license, to be known and hereby defined as a secondary (retail) vendor's license.
- (b) Such license must show name, residence and exact location of the place of business where such applicant proposed to sell or distribute such milk and milk products and the name or distributor from whom such milk, cream or other milk products are obtained for sale.

- (c) Upon inspection of the premises by the Health Officer and notification to the City Clerk in writing that such premises are equipped to handle such milk, cream or milk products in a clean and sanitary way in compliance with all the provisions of this section and that such applicant is a proper person to handle milk, cream or other milk products, the City Clerk, upon receipt of a fee as established annually by the Common Council on the Fee Schedule, shall issue an annual license in the name of the applicant and the location of the place of business and further such license shall expire on June 30 following the date of issue, unless otherwise revoked as provided herein. Such license shall not be transferable and the fee for any partial year or initial or interim license shall be the same fee as established annually by the Common Council on the Fee Schedule.
- (d) If the Health Officer finds that any licensee hereunder shall fail to keep his refrigeration equipment in proper sanitary condition or that such refrigeration and storage equipment does not keep and maintain such milk, cream or milk products at storage temperatures of not above 40°F., or such licensee shall be found to have or dispense milk, cream or milk products in such condition as not proper or reasonably fit for human consumption as provided in this section, the Health Officer may revoke the license of such licensee, either until such licensee complies with the requirements of this section or indefinitely if there is a continuing failure to so comply therewith. Unreasonable failure to comply with the requirements of this section shall subject the licensee to a forfeiture as provided in §10.15 of this chapter.

10.11 CONTROL OF NOXIOUS WEEDS AND RANK GROWTH.

10.11(5)(b) The cost of destruction, cutting and disposal shall be charged to the property owner at the rate charged by the City's contractor, together with an administrative fee as established annually by the Common Council on the Fee Schedule. These costs are not to be considered a penalty, but are to reimburse the City for its cost in administration and overhead.
(Am. #06-11)

10.15(11)(a) COLLECTION OF RECYCLABLE MATERIAL.

(11) PENALTIES. Penalties for violating this ordinance may be assessed as follows:

- (a) Any person who violates this ordinance may be required to forfeit a fee as established annually by the Common Council on the Fee Schedule for a first violation, a fee as established annually by the Common Council on the Fee Schedule for a second violation, and a fee as established annually by the Common Council on the Fee Schedule for a third or subsequent violation.

10.17(4)(c) COLLECTION AND DISPOSAL OF SOLID WASTE.

- (c) Violations of this §10.17 may be required to forfeit a fee as established annually by the Common Council on the Fee Schedule for a first violation, a fee as established annually by the Common Council on the Fee Schedule for a second violation, and a fee as established annually by the Common Council on the Fee Schedule for a third or subsequent violation.

SECTION 7: Chapter 11 of the Municipal Code of the City of Waupun entitled INTOXICATING LIQUORS, FERMENTED MALT BEVERAGES AND SODA WATER BEVERAGES is amended as follows:

11.01 INTOXICATING LIQUORS, AND FERMENTED MALT BEVERAGES AND SODA WATER BEVERAGES

- (1) STATE STATUTES ADOPTED. The provisions of Ch. 125 and § 66.053(2), Wis. Stats., relating to the sale of intoxicating liquor, and fermented malt beverages and soda water beverages, inclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes, are hereby adopted and made a part of this chapter by reference.
- (2) LICENSES.
 - (a) When Required. No person, except as provided by subsection (1), shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in or to evade any law or ordinance give away any intoxicating liquor, or fermented malt beverage or soda water beverage or cause the same to be done without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and City applicable thereto.
 - (b) Separate License Required for Each Place of Sale. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor, or fermented malt beverages or soda water beverages are kept, sold or offered for sale and no license shall be issued to any person to possess, sell or offer for sale any intoxicating liquor, or fermented malt beverage or soda water beverage in any dwelling house, flat or residential apartment.
- (3) LICENSE FEES. There shall be the following classes and denominations of licenses which, when issued by the City Clerk under the authority of the Council after payment of the fee herein specified, shall permit the holder to sell, deal or traffic in intoxicating liquor, fermented malt beverages or soda water beverages as provided in §§ 125.17, 125.25, 125.26, 125.28 and 125.51, Wis. Stats.:
 - (a) Class "A" Fermented Malt Beverage Retailer's License. (Am. #11-02) A fee will be established annually by the Common Council on the Fee Schedule.
 - (b) Class "B" Fermented Malt Beverage Retailer's License.
 1. The fee will be established annually by the Common Council on the Fee Schedule. Class "B" fermented malt beverage retailer's licenses for brewers shall be issued pursuant to § 125.31(1)(a), Wis. Stats.
 2. Picnic licenses may be issued as provided in § 125.26(6), Wis. Stats., for a fee as established annually by the Common Council on the Fee Schedule for each picnic or gathering. Pursuant to § 125.04(3)(f), Wis. Stats., licenses issued under § 125.26(6), Wis. Stats., for a picnic or other gathering lasting less than 4 days shall be issued pursuant to applications which shall be filed with the Clerk at least 3 days prior to the time of the granting of the license.

- (c) Wholesaler's Fermented Malt Beverage License. The fee will be established annually by the Common Council on the Fee Schedule.
- (d) Special Wholesaler's License. The fee will be established annually by the Common Council on the Fee Schedule.
- (e) Beverage Operator's License.
1. *Regular*. The fee will be established annually by the Common Council on the Fee Schedule.
 2. *Provisional*.
 - a. Compliance. The City Clerk may grant a provisional operator's license to an individual who complies with § 125.04(5), Wis. Stats., and has also applied for a regular operator's license and who has not been previously denied a license under this section, subject to the following requirements:
 - i. The applicant for a provisional operator's license must furnish an affidavit stating that he has not been a habitual law offender or been convicted of a felony, unless pardoned.
 - ii. The applicant must provide evidence that he has either completed or enrolled in a training course as required by § 125.17(6), Wis. Stats. In the event that the applicant fails to successfully complete the course, the provisional operator's license shall be revoked.
 - b. Restrictions.
 - i. No provisional operator's license may be issued to a person who has been denied an operator's license by the City Council.
 - ii. The provisional operator's license shall expire 60 days after its issuance or when a regular operator's license is issued whichever is sooner.
 - iii. The City Clerk may revoke the provisional operator's license if it is discovered that the applicant made a false statement on the application.
 - c. *Fee*. The provisional operator's license fee shall be established annually by the Common Council on the Fee Schedule.
- (f) Retail Class "A" Liquor License. The fee will be established annually by the Common Council on the Fee Schedule.
- (g) Retail Class "B" Liquor License. The fee will be established annually by the Common Council on the Fee Schedule. Such license shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed on the premises and in the original package or container in quantities of not more than 4 liters to be consumed off the premises, except that wine may be sold in the original package or otherwise in any quantity to be consumed off the premises. The City elects to come under § 125.51(3)(b), Wis. Stats.

(h) Club License. A combination Class "B" fermented malt beverage retailer's license and Class "B" retailer's intoxicating liquor license may be issued to bona fide clubs as defined in § 125.02(4), Wis. Stats., for a fee as established annually by the Common Council on the Fee Schedule.

(i) Part-Time or Semi-Annual Liquor Licenses. Part-time or semi-annual liquor licenses shall be issued pursuant to § 125.51(9), Wis. Stats.

(j) Soda Water Beverage License. The fee will be established annually by the Common Council on the Fee Schedule, which shall entitle the holder thereof to manufacture, distribute, vend, sell, offer or keep for sale at wholesale or retail soda water beverages not to be consumed upon the premises, only in original packages or containers.

(k) "Class C" Wine License. (Am. #10-15) The fee will be established annually by the Common Council on the Fee Schedule which authorizes only the retail sale of wine by the glass or in its opened original container for consumption on the premises where sold.

11.02 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

11.02 (5)(a) INVESTIGATION FEE.

(a) Every applicant for a license under this section as a peddler, solicitor or transient merchant shall, at the time of the filing of such application with the City Clerk pay to the Clerk for the City an investigation fee as established annually by the Common Council on the Fee Schedule. The monies so paid shall be retained by the City whether a license is issued to the applicant or not.

(b) Every applicant for a license under this section as a peddler, solicitor or transient merchant, to whom the City has issued such a license within the 12 months immediately preceding the date of the present application, shall pay to the City through the office of the Clerk an investigation fee as established annually by the Common Council on the Fee Schedule.

11.02 (7) FEES AND BOND.

(7) FEES AND BOND.

(a) The investigation fee, as heretofore set forth, shall permit any applicant to whom a license is to be granted, to conduct his business within the City for a period of not to exceed 2 days without additional cost, excepting for the bond hereinafter set forth. Every applicant for a license under this section and to whom such a license is to be granted, and who proposes to conduct his business within the City for a period of time longer than 2 days, shall pay to the City, through the office of the City Clerk, the additional fee as established annually by the Common Council on the Fee Schedule, for each day, or portion thereof, that such business is to be conducted in the City, over and above the initial 2-day period. The term "day" as used herein shall mean each business day, and shall not include Sundays, holidays or days when no business is conducted.

(b) Every applicant for a license under this section, to whom such a license is to be granted shall, prior to the issuance of such license, file with the City Clerk of the City a surety bond to guarantee the applicant's good, honorable and lawful possession and proper and legal distribution and sale of the merchandise or personal services that he proposes to sell. The bond cost shall be a fee as established annually by the Common Council on the Fee Schedule that the applicant proposes to conduct their business in the City. The application for the license herein described shall authorize the City Clerk of the City to utilize the said bond, or portions thereof, to pay for any monetary fine and costs which might be assessed against the applicant, or an employee or agent of the applicant acting in his behalf for violations of any of the provisions of this section, or to satisfy any judgment rendered against the applicant, or an employee or agent of the applicant for violations of any contract existing between the applicant, or his employee or agent for merchandise to be furnished or services to be rendered to any person while the said applicant, or his employee or agent is conducting business within the City during the licensed period.

1. Said surety bond shall be held by the City Clerk for not less than 60 days after the applicant has completed the business set forth in the license, and the bond shall then be returned to the applicant unless the City Clerk has been notified of any actions pending against the said applicant, or an employee or agent of the applicant for the violation of any of the provisions of this section, or for the violation of any contracts existing between the said applicant or his employees or agents with a purchaser of the materials or services.

2. If the City Clerk is notified of any action against the applicant, or his employee or agent for the violation of any of the terms of this section, or for the violation of any contract with or to any purchaser of materials or services, the City Clerk shall then hold such surety bond until satisfaction has been made to the City or to the purchaser of such materials or services, or in lieu thereof, shall deduct the amount or sum necessary to satisfy such judgment due the City or due the purchaser of the materials or services, and shall then remit the balance of the surety bond to the applicant.

(c) The applicant may furnish a certified check, a cashier's check or a money order payable to the City in lieu of the surety bond herein required.

(8) ANNUAL FEE.

(a) Any applicant for a license under this section may apply to the City Council for an annual license. The annual fee shall be established annually by the Common Council on the Fee Schedule. The annual fee as herein set forth shall include the investigation fee.

(b) The surety bond, or acceptable alternative, as described in subsection (7)(b) above shall be required by the City Council of any applicant for an annual license, and such bond shall be in the amount prescribed annually by the City Council on the Fee Schedule. The surety bond shall be held by the City Clerk under the same conditions as set forth in subsection (7)(b)1. above.

(13) PENALTY. Any person who shall violate any provision of this section shall forfeit a fee as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution, and in default of payment of the

forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution shall be paid, but not to exceed 20 days. Each day's violation of this section shall constitute a separate offense.

11.03 AUCTION SALES

11.03(4) APPLICATION. Application for such license shall be made to the City Council of the City, and the City Council may grant such license for one year upon payment of a license fee as established annually by the Common Council on the Fee Schedule and execution and delivery to the City by the applicant of a bond with 2 sureties to be approved by the Council in an amount as established annually by the Common Council on the Fee Schedule conditioned that such licensee shall pay to the City Treasurer all fees imposed by this section as shown on the Fee Schedule and shall comply with the provisions of this section.

11.04 PUBLIC AMUSEMENTS

11.04(5) LICENSE FEES. License Fees for public amusements shall be established annually by the Common Council on the Fee Schedule.

11.06 TAXI CABS

11.06(4) The taxicab license fee shall be established annually by the Common Council and shown on the Fee Schedule. The license year shall commence on January 1 and end on December 31.

11.08 JUNK DEALERS

11.08(2) APPLICATION. Every applicant for a license to engage in the business of junk dealer shall file with the Clerk a written verified application upon a form provided by the Clerk signed by the applicant or applicants. Such application shall be accompanied by a fee as established annually by the Common Council on the Fee Schedule.

11.08(5) LICENSE FEE. Every junk dealer shall pay an annual license fee as established annually by the Common Council on the Fee Schedule. All annual licenses shall be issued on July 1 and shall continue in force until June 30 next succeeding the date of issuance thereof, unless sooner revoked.

11.09 DOG AND CAT LICENSES.

(1) DOG AND CAT LICENSES REQUIRED. Every owner of a dog and cat more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually or within 30 days from the date such dog or cat becomes 5 months of age, at the time and in the manner provided by law for the payment of property taxes, pay his dog or cat license tax and obtain a license therefor. No such license shall be issued without proof of compliance with rabies vaccination, as required in this Code. The license fee for neutered/non-neutered dogs or cats will be established annually by the Common Council on the Fee Schedule.

(2) LICENSE TAGS. All licensable pets must wear license tags provided by the City at all times when off the premises of the owners, except under any organized show or training situation.

(3) LATE FEES. The collecting official shall charge a late fee as established annually by the Common Council on the Fee Schedule if the owner fails to obtain a proper license under this section within 30 days after acquiring a licensable animal, in addition to the regular fees as permitted by § 174.05(5), Wis. Stats.

11.10 PARADE REGULATIONS

11.10(3)(c) Fee. The fee for a parade permit shall be established annually by the Common Council on the Fee Schedule.

11.13 TOBACCO PRODUCTS

There shall be a fee as established annually by the Common Council on the Fee Schedule charged for a license allowing the sale of cigarettes or other tobacco products within the City. Such license shall be obtained by complying with the application forms and other reasonable procedures as prescribed by the City Clerk.

SECTION 8: Chapter 16 of the Municipal Code of the City of Waupun entitled ZONING CODE is amended as follows:

16.01 GENERAL

16.01(11)(b)(ix) *Fees*. A fee as established annually by the Common Council on the Fee Schedule shall be paid to the Zoning Administrator upon the filing of all petitions for amendment(s) of the Zoning Ordinance. (Am. #06-04)

16.03 RESIDENTIAL DISTRICT REQUIREMENTS.

16.03(6)(e)(ii)(b) Fees and Expiration Date (per §66.058, Wis. Stats.) are as follows:

- Annual mobile home court license shall be established annually by the Common Council on the Fee Schedule;
- Mobile home court license transfer fee shall be established annually by the Common Council on the Fee Schedule;
- Surety bond shall be an amount established annually by the Common Council on the Fee Schedule, this bond shall guarantee the collection by the licensee of the monthly parking permit provided for in this Ordinance and the payment of such fees to the City Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed or levied against said licensee for a violation of this section, and shall also be for the use and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this section; and
- Expiration: All such licenses are to expire on the 30th day of June of each year and shall be renewed annually, there shall be no proration of fees.

16.07 PCD PLANNED COMMUNITY DEVELOPMENT REQUIREMENTS

16.07(6)(g) Fee(s). (Cr. #06-04)

- (i) Department review: has a fee that is established annually by the Common Council on the Fee Schedule.
- (ii) Engineering, improvement review, inspections, review has a fee that is established annually by the Common Council on the Fee Schedule.
- (iii) Administration, Clerk Treasurer, legal has a fee that is established annually by the Common Council on the Fee Schedule.

16.12 CONDITIONAL USES

16.12(2) Application for conditional use permits shall be submitted to the Zoning Administrator. A fee as established annually by the Common Council on the Fee Schedule shall be paid at the time of submittal. Such forms shall be provided by the Zoning Administrator and shall be accompanied by a plan showing the location, size and shape of the land involved and of any proposed structures, and the existing and proposed use of each structure and lot. (Am. #06-04)

16.13 HOME OCCUPATIONS

16.13(4) An application for a home occupation license must be submitted to the Zoning Administrator. There shall be a fee as established annually by the Common Council on the Fee Schedule for all such applications. If after review, it is the opinion of the Zoning Administrator that the requested home occupation is permitted then a license may be issued. If however, in the opinion of the Zoning Administrator the requested home occupation is neither permitted nor strictly prohibited, then a conditional use permit approved by the Plan Commission will be required.

(5) An application fee as established annually by the Common Council on the Fee Schedule will be required for any home occupation requiring a conditional use permit. After the holding of a public hearing and review by the Plan Commission, the permit will be approved or denied based on the conditions listed in subsection (1). (Am. #07-11)

(6) All permitted home occupations shall be licensed annually for a fee as established annually by the Common Council on the Fee Schedule and will automatically expire when the premises is sold, leased or otherwise transferred to a different owner or owners.

16.16 BOARD OF APPEALS.

16.16(1) A Board of Appeals shall be appointed as specified in §62.23(7)(e), Wis. Stats. The members shall serve without compensation. The Board of Appeals shall make its own rules of procedure consistent with the statutes. It shall have the following powers:

- (a) To hear and decide appeals where it is alleged that the Zoning Administrator has made an erroneous finding or order. A filing fee as established annually by the Common Council on the Fee Schedule shall be required when publication of a notice of hearing is necessary; and

- (b) To grant specific variances from the terms of this Ordinance where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the Ordinance, and that the variance still will be in fundamental harmony with surrounding uses. Applications for variances are subject to a filing fee as established annually by the Common Council on the Fee Schedule. (Am. #06-04)

16.17 SITE PLAN REVIEW

16.17(7) SITE PLAN REVIEW/APPLICATION FEE. (Cr. #06-04)

- (a) Consultant/engineering: a fee established annually by the Common Council on the Fee Schedule.
- (b) Department review: a fee established annually by the Common Council on the Fee Schedule.

SECTION 9: Chapter 17 of the Municipal Code of the City of Waupun entitled SUBDIVISION ORDINANCE is amended as follows:

17.01 GENERAL

17.01(9)(d) Dedication and Reservation of Lands. (Am. #06-04) Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainage way or other public way which has been designated in the Comprehensive Plan, Comprehensive Plan component, or on the official map, said public way shall be made part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in this Ordinance.

Whenever a proposed playground, park, school site or other public land, other than streets or drainage ways, designated in the Comprehensive Plan, Comprehensive Plan component, or on the official map, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made part of the plat and shall be dedicated to the community by the subdivider shall at the discretion of the Plan Commission at a fee as established annually by the Common Council on the Fee Schedule per residential lot or if multifamily, a fee as established annually by the Common Council on the Fee Schedule, and said proposed public lands, other than streets or drainage ways, in excess of the rate established herein shall be reserved for a period not to exceed 3 years unless extended by mutual agreement for purchase by the public agency having jurisdiction; and all said proposed public lands, other than streets or drainage ways, shall be reserved by the subdivider for a period not to exceed 3 years unless extended by mutual agreement for acquisition by a public agency at undeveloped land costs.

17.01(13)(b) ENFORCEMENT AND PENALTIES.

(b) Penalties. Any person, firm, or corporation who fails to comply with this Ordinance shall be subject to a forfeiture of a fee as established annually by the Common Council on the Fee Schedule, plus the costs of prosecution, for each day of violation.

17.07 DESIGN STANDARDS

17.07(8) PUBLIC SITES AND OPEN SPACES. In the design of the Plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. If designated on the Comprehensive Plan, Comprehensive Plan component, or Official Map, such areas shall be made a part of the Plat. If no park is so designated the owner shall dedicate, land usable for recreation purposes equal in size to 5% of the Plat. This land shall be in one parcel and shall be used for park, playground, or for other specific public recreational uses as deemed desirable by the Plan Commission. However, if the Plan Commission should consider the Plat too small or for some reason unusable for a public purpose, the Plan Commission shall direct the owner to make a money payment to the City in lieu of land. The subdivider shall pay into the City treasury a fee as established annually by the Common Council on the Fee Schedule per residential lot or if multiple residential units, a fee as established annually by the Common Council on the Fee Schedule per unit. All monies shall be applied to the capital budget of the Parks and Recreation Department, and shall be due and payable at the time of the Final Plat is submitted for approval.

17.10 FEES.

The subdivider shall pay the City all fees as established annually by the Common Council on the Fee Schedule.

- (1) PRELIMINARY PLAT REVIEW.
- (2) FINAL PLAT REVIEW.
- (3) LETTER OF INTENT REVIEW.
- (4) CERTIFIED SURVEY MAP REVIEW.
- (5) CONDOMINIUM PLAT.
- (6) REPLAT REVIEW.
- (7) IMPROVEMENT REVIEW.
- (8) INSPECTION.

SECTION 10: Chapter 18 of the Municipal Code of the City of Waupun entitled GENERAL PROVISIONS is amended as follows:

18.04 PENALTY PROVISIONS.

- (1) GENERAL PENALTY. Except as otherwise provided in this code, any person who shall violate any of the provisions of this code shall, on conviction of such violation, forfeit a fee as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution.

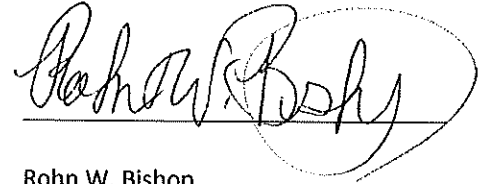
18.08(3)(a)(2-3) CITATIONS FOR VIOLATION OF MUNICIPAL ORDINANCES.

- (3) SCHEDULE OF DEPOSITS.

- (a) Cash deposits are established for use with citations issued under this section as follows:
2. For all other violations of this Municipal Code by adults, a fee as established annually by the Common Council on the Fee Schedule deposit shall be used.
 3. For all other violations of this Municipal Code by minors, a fee as established annually by the Common Council on the Fee Schedule deposit shall be used.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

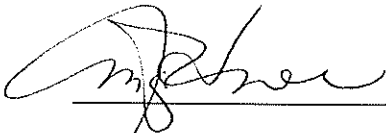
Adopted this 28th day of November, 2023.



Rohn W. Bishop

Mayor

ATTEST:



Angela J. Hull
City Clerk/Treasurer

