

## CHAPTER 11

### Miscellaneous Business Licenses

#### SEC. 7-11-1 POOL AND BILLIARD ROOMS; BOWLING ALLEYS.

- (a) **LICENSE.** No person shall within the City keep, operate or engage in the operations of a pool hall, billiard parlor or bowling alley to be used or patronized by others for hire, without a license therefor.
- (b) **LICENSE APPLICATION.** Application for license to own or operate a bowling alley, billiard table(s), pool table(s) or shuffleboard tables(s) or similar devices within the City shall be made to the City Clerk, giving the applicant's name, residence, a description of the operation for which a license is requested to include a description of the device for which the license is requested, the interest of the applicant in such device(s), a description of the premises upon which said device shall be operated and maintained, the name of the owner of the device(s), and whether or not such device(s) are situated upon any premises licensed for the sale of either intoxicating liquors or fermented malt beverages, or both, and, if so, the exact nature of such business and the license under which it is operated. At the time of filing such application with the Clerk, the applicant shall pay the Clerk the proper license fee as stated in Subsection (e).
- (c) **TRANSFER OF LICENSE.** Every license issued pursuant to this Section may, for a fee of Ten dollars (\$10.00) be transferred by the City Clerk from one (1) premises to another within the City but no license issued pursuant to this Section may be transferred by the licensee to any other person.
- (d) **DURATION OF LICENSE.** Licenses issued pursuant to this Section expire on June 30 of each year.
- (e) **LICENSE FEES.** The fees for licenses granted under this Section are:
  - (1) For each pool or billiard table used in the licensed premises: Five Dollars (\$5.00) per year.
  - (2) For each bowling alley: Fifty Dollars (\$50.00) per year for each alley.
  - (3) For each shuffleboard table: Five Dollars (\$5.00) per year.

#### SEC. 7-11-2 TRANSIENT AND TEMPORARY PUBLIC ENTERTAINMENTS.

- (a) **LICENSE REQUIRED.**
  - (1) No person shall maintain or operated any transient or temporary public entertainment within the City without first obtaining a license therefor as hereinafter provided.
  - (2) This Section does not require a license for the giving of fairs, lectures, concerts, exhibitions or entertainments of a scientific, historical, political, literary or musical character for humane, religious, charitable or scientific purposes.
- (b) **DEFINITION.** A transient or temporary public entertainment is one to which the public may gain admission by payment of an admission charge. It includes shows, circuses, exhibitions, carnivals and vaudeville.
- (c) **APPLICATION.** Application for carnival licenses shall be made by the applicant to the Common Council in writing at least ten (10) days before the planned event and all of the information regarding insurance, etc., shall be filed within ten (10) days and referred to the Council for examination of the qualifications, character and reputation of the applicant and

into the desirability of permitting the carnival to operate, show or exhibit in the City.

(d) **REQUIREMENTS.**

(1) Insurance Required. No license shall be granted unless the applicant therefor shall have filed with the City Clerk a public liability insurance policy to cover accidents to its patrons in the amount of One Million Dollars (\$1,000,000.00), with the condition that the applicant shall indemnify and save harmless the City and its officers and agents and citizens against any injuries and damages resulting or arising from the conducting of any carnival for which the license is issued or from the performance by the applicant or his agents of any negligence incident to or connected with the conduct of such carnival and that the applicant shall pay all judgments, costs and charges that may be recovered against the City or any of its officers or agents by reason of the conduct of such carnival.

(2) License Fees Required. No permit shall be issued unless the applicant shall pay a permit fee for the operation or maintenance of the public entertainment as follows:

Carnivals -- Fifty Dollars (\$50.00).

Circuses -- Fifty Dollars (\$50.00).

Public Entertainment -- Ten Dollars (\$10.00) per day, Twenty-five Dollars (\$25.00) per week.

All public entertainments listed in subsection (b) shall be exempt from any license fee if sponsored by a nonprofit organization.

(3) Posting of License. Such permits when issued shall be prominently displayed while the carnival is in operation.

(4) Inspection of Mechanical Devices. The applicant shall indicate the date of the last State inspection of rides, merry-go-rounds and other mechanical devices. The City reserves the right to require inspections of all mechanical devices that would be available to the public. All inspection costs shall be paid for by the licensee.

(e) **USE OF PARKS.** Parking of heavy equipment by such travelling organization or any organization or persons on park grounds of the City of Menasha is expressly prohibited. Heavy equipment shall mean trucks, trailers, house trailers, and so forth. Nothing in this Section shall prohibit such shows from unloading their equipment and then so journeying to another location for the purpose of parking.

(f) **REVOCATION.** Any license granted by the Common Council under the provisions of this Section may be revoked by the Mayor, including when the person who maintains, owns, controls or operates such carnival permits the violation of any provisions of this Code of Ordinances or State laws or where, in the opinion of the Mayor, the carnival is deemed undesirable or presents a threat to the public safety. Revocations or suspensions may be appealed to the Common Council.

**SEC. 7-11-3 MECHANICAL ENTERTAINMENT DEVICES.**

(a) **LICENSE REQUIRED.** No person, firm or corporation shall own or operate any coin operated device of any kind or nature, or any other mechanical or similar entertainment device unless such device shall be licensed as hereinafter provided.

(b) **APPLICATION.** Application for license to own or operate a coin operated music device or mechanical skill or other musical devices in the City of Menasha shall be made to the City Clerk upon a form furnished by him for that purpose. The application form shall contain a statement of the applicant's name and residence, type of device for which license is desired, together with a description which will clearly identify such device, the name of the owner,

and such other material facts as may be necessary.

(c) **FEE.**

- (1) The annual fee to be paid for each such license shall be the sum of Ten Dollars (\$10.00) for coin operated mechanical devices or for other music devices for which license is required in Subsection (a) and Ten Dollars (\$10.00) for coin operated mechanical devices.
- (2) The license granted hereunder shall expire on the 30th day of June and thereafter annual licenses shall be issued to expire on the 30th day of June of each succeeding year after same is granted.

**SEC. 7-11-4 SECOND HAND DEALERS.**

- (a) **LICENSE REQUIRED.** No person shall carry on the business of a dealer in second hand furniture, household goods, or other articles of merchandise in the City of Menasha without having first obtained a license therefor.
- (b) **LICENSE FEE.** The license shall be a fee of Fifty Dollars (\$50.00) per year. The license required by section 7-11-4 runs from July 1<sup>st</sup> – June 30<sup>th</sup>.
- (c) **RECORDS TO BE KEPT.** Every such dealer shall keep a book in which shall be written at the time of the purchases of any article or thing in the way of his business an accurate account and description of the article or things so purchased, the price paid therefor, the precise time of making such purchase and the name and address of the person from whom such purchase was made. Said record books shall be available to the Police Department at all times.
- (d) **LIMITATIONS.** Nothing in this Section shall apply to the resale of merchandise where such merchant does not engage in or carry on the business of buying second-hand merchandise, nor shall this Section apply to sales made wholly on behalf of charity that is an organization conducting such sale, having received tax exempt status from the Wisconsin Department of Revenue.

**SEC. 7-11-5 JUNK DEALERS REGULATED.**

(a) **REGULATIONS OF JUNK DEALERS.**

- (1) No person or persons, association, partnership, firm or corporation shall hereafter in the City of Menasha, 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, rages, 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, nor shall any person or persons, association, partnership, firm or corporation engage in the business of buying or selling junk as described above in the City of Menasha, 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 a "junk dealer."
- (2) 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 as an individual, partnership, or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.
  - b. Whether the applicant or applicants or officers or manager of applicant has been employed by a junk dealer or has been a junk dealer.
  - c. The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.
  - d. The premises where such business is to be located or carried on.
- (b) **DUTIES OF CITY OFFICIALS.** The City Clerk shall report such application 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 dealing may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at all times by the proper health, fire, building and police authorities.
- (c) **LICENSE FEE.** Every junk dealer shall pay an annual license fee of Fifty Dollars (\$50.00). 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.
- (d) **CONDITION PRECEDENT OF ISSUANCE OF LICENSE.** A fence shall be erected, constructed and maintained in proper repair surrounding the premises around which such junk is stored, no less than eight (8) feet high; such fence shall contain no more than twenty-five percent (25%) void.
- (e) **FURTHER REGULATIONS.**
- (1) No junk dealer shall purchase or acquire from any person under the age of eighteen (18) years any junk other than rags or paper, without the written consent of a parent or guardian. No item shall be acquired from an intoxicated person.
  - (2) The contents of the premises of every junk dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer shall be subject to inspection by the proper municipal authorities at any time.
  - (3) All paper that is stored shall be baled and all rags shall be baled or bagged; and both shall be kept within a building on the premises.