

CHAPTER 12

LICENSES AND PERMITS

- 12.01 Dog Licensing and Regulation
- 12.02 Direct Sellers
- 12.03 Bicycles
- 12.05 Penalty

June 1, 1985



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NOTICE TO ALL DOG OWNERS

Pursuant to Section 174.052, Wisconsin Statutes, notice is hereby given to all owners of dogs in Manitowoc County that rabies vaccinations and dog licenses are required.

Vaccination by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05(2)(d) at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 months of age, the owners shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies before the date that the immunization expires as stated on the certificate of vaccination or if no date is specified, within 3 years after the previous vaccination. Certificates of current vaccination must be presented to the collecting official when obtaining dog licenses.

Owners of all dogs 5 months of age or older on January 1, or 5 months of age within the license year, shall annually on or before the date the dog becomes 5 months of age pay the dog license fee and obtain a license. The fee shall be paid to the treasurer of the town, village or city in which the owner resides. Fees may vary by municipality, but the minimum license fee for neutered males or spayed females is \$5.00 upon presentation of evidence attesting to the same, and \$10.00 for an unneutered male or unsplayed female, or one-half of these amounts if the dog became 5 months of age after July 1, of the license year. The fee for a multiple dog license is \$35.00 for 12 or fewer dogs and an additional \$3.00 for each dog in excess of 12.

Every person shall answer all questions asked by the listing official relative to the ownership or keeping of dogs within the county.

PENALTIES

1. A late fee shall be assessed and collected from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.
2. An owner who fails to have a dog vaccinated against rabies as required by Section 7.32 of the Manitowoc County Code of Ordinances, shall be punishable by a forfeiture not to exceed \$100.00.

Jessica Backus, Manitowoc County Clerk

WNAXLP

12.01 DOG LICENSING AND REGULATION. (1) LICENSE REQUIRED. Every person residing in the Town who owns a dog which is more than 5 mos. of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor.

(2) ISSUANCE OF LICENSE. Upon receipt of the required fee and exhibition of the certificate required by sub. (6), the Clerk shall issue to such person a license to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the Town Treasurer or the County Clerk.

(3) STATE REGULATIONS. Ch. 174, Wis. Stats., shall apply so far as applicable.

(4) DOGS NOT TO RUN AT LARGE. No owner or other person in control or having custody of a dog shall allow the same to run at large within the Town unless accompanied by and under the control of the owner or keeper.

(5) HARBORING CERTAIN DOGS PROHIBITED. No person shall own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway.

(b) Assaults or attacks any person.

(c) Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.

(d) Habitually barks or howls to the annoyance of any 2 or more persons.

(e) Is required to be licensed but is not.

(6) CERTIFICATE OF INOCULATION REQUIRED. No license shall be issued hereunder for any dog unless the applicant exhibits a certificate of a qualified veterinarian showing that the dog has been inoculated for rabies and distemper within 3 yrs. prior to application.

(7) CONFINEMENT AND DISPOSITION. (a) Confinement of Dogs. The Town Constable or any officer appointed by the Town Board shall apprehend any dog running at large within the Town or which does any of the things prohibited under sub. (5) and confine the same in a suitable place.

(b) Disposition of Unclaimed Dogs. The Constable or the keeper of a pound shall keep all dogs apprehended for 7 days (unless sooner claimed by the owner or keeper). If any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in apprehending, keeping and caring for the dog, or it may be destroyed in a proper and humane manner.

(c) Owner or Keeper to Pay Costs. The owner or keeper of any dog so confined may reclaim such a dog at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping and caring for the dog. Such costs and charges may include expenses for inoculations or other medical treatment of the dog. The owner or keeper's payment of costs and charges incurred in apprehending, keeping and caring for the dog shall be made directly to the Constable.

(d) Owner or Keeper to Post Bail. The owner or keeper of any dog so confined shall, in addition to any costs required to be paid under par. (c) hereof, post bail in the following amounts prior to reclaiming such dog:

1. \$5 for the first offense involving such dog within one calendar year.

2. \$10 for the second offense involving such dog within one calendar year.

3. \$15 for the third offense involving such dog within one calendar year.

4. \$25 for the fourth or more offenses involving such dog within one calendar year.

(8) ENFORCEMENT. The Constable or his qualified assistants shall be responsible for the apprehension and confinement of dogs as herein provided; and such officer shall apprehend and confine dogs as provided in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the Town. Such officer shall be paid such compensation as the Board shall determine by resolution.

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

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

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

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

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

(d) Charitable Organization shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

(e) Clerk. The Town Clerk.

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

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

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

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

LICENSES AND PERMITS 12.02(3)(d)

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

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

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

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

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

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Wis. Stats. Any charitable organization not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the 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 is conducting business, or proof that such person has conducted such business in the Town for at least one year prior to the date complaint was made.

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

1. Name, permanent address, telephone number and temporary address, if any.

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

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.
2. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.
3. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

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(c) At the time the registration is returned, a fee of \$10 shall be paid to the Clerk to cover the cost of processing such registration.

(d) The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, if the applicant cannot, after reasonable effort, be served personally.

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

(5) INVESTIGATION. (a) Upon receipt of each application, the Clerk may refer it immediately to the Constable 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 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 yrs., the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of sub. (4)(b) above.

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

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

LICENSES AND PERMITS 12.02(7)(a)2.

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

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

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

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

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

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

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

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(8) RECORDS. The Constable shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

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

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

12.03 BICYCLES. (1) REGISTRATION. (a) Required. No Town resident shall operate a bicycle upon any public street, highway, roadway or alley within the Town unless such bicycle is properly registered and has attached to it a proper registration device.

(b) Fee. The fee for registration shall be \$_____.

(c) Term. Registration shall expire whenever the bicycle changes ownership. See sub. (4) of this section.

(2) INSPECTION. The Town Constable may refuse to register any bicycle found to be in unsafe mechanical condition or not equipped as required.

(3) OPERATION WITHOUT TAGS OR IN UNSAFE MANNER. No person shall operate any bicycle not properly registered or carrying a proper identification tag upon any street, highway, roadway or alley in the Town, or operate any bicycle in an unsafe manner or in violation of any State law.

(4) CHANGE OF OWNERSHIP. Within 10 days after any bicycle registered hereunder has changed ownership or been

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permanently dismantled and taken out of operation, such information shall be reported to the Town Constable by the person in whose name the bicycle has been registered.

(5) WARNING DEVICE. No bicycle shall be operated on Town streets unless equipped with an audible signal.

(6) PARKING. No person shall leave or park a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or anyone else.

12.05 PENALTY. In addition to the suspension or revocation of any license or permit issued under this chapter, any person found to be in violation of this chapter shall be subject to a penalty as provided in §25.04 of this Municipal ~~code~~.

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