



Agenda

Ordinance & Regulation Committee

Thursday, September 19, 2024 at 5:15 PM

City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES

1. Approval of Minutes from August 22, 2024.

III. OLD BUSINESS

2. Consideration and possible Council recommendation of amendments to Chapter 12 "Licenses & Permits" of the City of Dodgeville Municipal Code.

IV. OLD BUSINESS

3. Future Ordinance Updates and Next Meeting Date

V. ADJOURN

4. Motion to Adjourn

Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, that requires the meeting or material at the meeting to be in an accessible location or format, must contact the City Clerk at the address listed above or call 930-5228, prior to the meeting so that any necessary arrangements can be made to accommodate each request.



Minutes

Ordinance Committee

Thursday, August 22, 2024 at 5:15 PM

City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Johnson. Present: Johnson, Johnson-Solberg. Absent: Meuer

II. NEW BUSINESS

- 1. *Consideration and possible Council recommendation of amendments to Chapter 12 "Licenses & Permits" of the City of Dodgeville Municipal Code.* Staff reviewed suggested changes section by section to Chapter 12. Recommendations including updating alcohol and tobacco related sections to reflect recent law changes, eliminating the licensing of cats, and converting the "Entertainment License" to a "Special Events License". Also discussed is permitting food trucks outside of the standard vendor permit being used. Chapter 12 amendments will return to next month's Ordinance & Regulation Committee.

Motion by Johnson, second by Johnson-Solberg to allow Attorney Hagen to work with City Staff to draft a food truck ordinance. Voice vote. Motion carried 2-0.

- 2. *Consideration and possible Council recommendation of amendments to Chapter 9 "Orderly Conduct" of the City of Dodgeville Municipal Code.* Staff reviewed suggested changes to Chapter 9 including specific updates to 9.03 (shooting) and 9.13 (burning).

Motion by Johnson-Solber, second by Johnson to direct Chief Wilhem and Attorney Hagen to update 9.03 regarding the process of allowing the throwing or shooting of arrows and other missiles.

Motion by Johnson-Solberg, second by Johnson to direct Attorney Hagen & Chief Wilhelm to draft an outdoor burning ordinance to replace Sec 9.13. Motion carried 2-0.

Motion by Johnson, second by Johnson-Solberg to recommend to City Council adoption of proposed changes to Chapter 9. Motion carried 2-0.

III. ADJOURN

3. *Motion to Adjourn.* Motion by Johnson-Solberg, second by Johnson to adjourn the meeting. Voice vote. Motion carried 2-0.

12.05 SPECIAL EVENT LICENSE.

The City of Dodgeville recognizes that special events can bring many benefits to the community. At the same time, the City must have sufficient notice prior to a special event so that the City can evaluate the potential impact the event might have on resources of City departments, City owned properties and facilities, and on the public. Because events have unique characteristics with different potential impacts on City services, the issuance of a license is considered on a case-by-case basis and in accordance with this Section.

(a) DEFINITIONS. As used in this section, the following terms have the following meaning:

- (1) "Applicant" means the person applying for the special events license.
- (2) "City Property" includes all buildings, parks, parking lots, streets, sidewalks and other rights-of-way and any other property owned, leased, managed or controlled by the City of Dodgeville
- (3) "Extraordinary services" means reasonable and necessary services provided by the City which specifically result from the special event. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a non-event day. Extraordinary services will normally be those services requiring city employees to be specifically assigned to tasks in support of the special event and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may include police protection, traffic control, fire monitoring, parks services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of this Section. The City will make reasonable efforts to adjust the schedules of employees to minimize the requirement for overtime pay or other costs for extraordinary services where sufficient advanced notice of the event is provided.
- (4) "Multiple day event" means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval), at the same start and end time and at the same location (e.g., an event occurring on a consecutive Saturday and Sunday from 9:00 am until 5:00 pm or an event occurring three Tuesdays in a row from 5:00 pm until 8:00 pm) One special event license will be issued for a multiple day event.
- (5) "Normal and ordinary use" means the way City property should normally and ordinarily be used. Whether an event is considered within the normal and ordinary use of the property is determined by the City department that maintains jurisdiction over the property.
- (6) "Public right-of-way" shall mean all highways, streets, alleys, sidewalks and public parking lots within the City of Dodgeville.
- (7) "Special event" or "event" means a temporary gathering of people for a planned occurrence on City property such as, but not limited to, festivals, concerts, demonstrations, rallies, performances, parades and athletic events, which are not within the normal and ordinary use of that place or which, by the nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. A special event may also occur on private property if it will affect, impact or interfere with the normal and ordinary use of City property by the general public within the vicinity of the event and/or will require the use of extraordinary services. A special

event may be a single day event or a multiple day event. The City Clerk-Treasurer or designee shall have the exclusive authority to determine whether or not a license is required for any particular event should there be a question about whether an event meets this definition. The following events are excluded from meeting the definition of being a special event:

- a. Funeral processions;
- b. Events organized solely by the City and where the City is the applicant;
- c. Events which enter into a separate and specific agreement, which is approved by the Common Council, to hold the event pursuant to the terms of the individual agreement. The Council is authorized to modify the terms or requirements of this Section within such an agreement, provided the modifications meet the spirit if not the letter of this Section.

(b) LICENSE REQUIRED.

- (1) License Required. No person or entity acting as an event organizer shall set up for, hold, or conduct a Special Event within the municipal boundaries of the City of Dodgeville without first obtaining a Special Event license.
- (2) License Submittal Date.
 - a. License requests are deemed submitted to the City when the City Clerk-Treasurer receives the application form, application fee and proof of insurance.
 - b. License requests must be submitted at least thirty (30) calendar days prior to the event for events involving the use of a public right-of-way or if the applicant intends to request a waiver of costs for extraordinary services; for events not involving a public right-of-way or a requested waiver of costs, the license request must be submitted at least fourteen (14) calendar days prior to the event.
 - c. Applicants requesting the closure of any public right-of-way or a portion of it within the City of Dodgeville must meet with designated City staff within seven (7) days of submitting the application, to be scheduled by City staff.
- (3) Application form. License requests must be submitted on an application form supplied by the City Clerk-Treasurer. The form must be complete and must contain a detailed map or diagram indicating the specific location and layout of the event. The map must also include any proposed street closure of any public right-of-way and the proposed route and direction of route, including all turns and the number of traffic lanes to be used, if applicable.
- (4) Application Fee. A license application fee shall be as provided in Sec. 25.045. The fee is due in full for a license request to be deemed submitted to the City. The application fee is non-refundable unless the application is denied because it is submitted late. Events sponsored entirely by a registered non-profit organization or government entity are exempt from paying an application fee.
- (5) Insurance. Applications must be accompanied by a certificate of insurance showing that the applicant is covered by general liability insurance by an insurance company licensed to do business in Wisconsin in the minimum amount of \$300,000 for the injury or death of one person, \$50,000 for property damage, and an aggregate of \$1,000,000 coverage for the event. Additional insurance may be required depending on the nature of the event

and as determined by the City, which will be communicated to applicant by the City Clerk-Treasurer at least ten (10) calendar days prior to the event. If additional insurance is required, the applicant must provide the City Clerk-Treasurer with a certificate of insurance in the required amounts at least five (5) calendar days prior to the event. All certificates of insurance must list the City of Dodgeville as an additional insured.

- (6) Additional Licenses, Permits and Fees. The applicant is solely responsible for ensuring the event has all other necessary license, permits and variances prior to the event including, but not limited to, alcohol licenses, vendor permits, noise variances, etc.
- (7) Applicant Requirements. Applicants must be at least 18 years of age or older. If the applicant is a corporate or government entity, the application must be signed by an authorized agent of the entity. The applicant must agree to indemnify, defend and hold harmless the City of Dodgeville as it pertains to the event.
- (8) Public Right-of-Way Closing. If the City grants a Special Events license that involves the closing of any public right-of-way in the City of Dodgeville, the applicant must notify in writing all owners and occupants of property located on or adjacent to the public right-of-way to be closed. The notice must include a description of the event, the public right-of-way that will be closed, the dates and time of closure and any related parking restrictions. The applicant must submit a draft notice with the application and a proposed list of owners/occupants that will be provided with the notice. Upon granting of the Special Events license, the City will approve the notice of public right-of-way closure and list of those to be notified, with any revisions. The applicant shall deliver the notice to the owners/occupants within five (5) calendar days of the Special Event and provide the City with an affirmation that such delivery has been made before the event.
- (9) Acceptance of Application. Applications not meeting the requirements of this Section shall be denied by the City Clerk-Treasurer.
- (10) Application Review. Applications are reviewed by employees from the following City departments: City Clerk-Treasurer, Fire, Parks & Recreation, Police, EMS, and Public Works. Each department will recommend either approving or denying the application. The City Clerk-Treasurer will issue the license only upon receiving a recommendation for approval from all departments. Each department must recommend approving or denying an application based on the information relevant to that department. A department's decision to recommend approving or denying an application may be based on, but is not limited to, the following:
 - a. Use of department resources,
 - b. Costs to the department,
 - c. Any perceived public health or safety problems related to the department or jurisdiction covered by the department,
 - d. If the applicant has a history not complying with this Section, including past failures to pay the application fee or costs, and/or other applicable rules or regulations. If a recommendation for denial is made by a department, an explanation must be provided to the City Clerk-Treasurer who will then provide them to the applicant upon their request.
- (11) Priority. All license requests are accepted first come, first served. For purposes of determining the priority of an application, any amendment, revision or resubmittal of a

license application shall become the date the license request is submitted to the City Clerk-Treasurer.

- (12) Waiver. Some or all of the license requirements may be waived in cases where the United States Secret Service or other government entity notifies the City of a proposed event in which it will be assisting with security details. It will be at the discretion of the City Clerk-Treasurer which requirements will be waived.

(c) SAFETY

- (1) Security. All events must have at least one designated head of security who must, at minimum, be:
 - a. 18 years of age or older,
 - b. At the event for the duration of the event,
 - c. Reachable by phone at all times during the event by the City, and
 - d. Able to call 911 during the event.
- (2) Additional Safety Features. The Police, Fire, EMS, or Public Works Department may require the applicant to have additional safety features at an event, in which case the City Clerk-Treasurer will let the applicant know what additional safety features the event will need at least seven (7) calendar days prior to the event. If the applicant declines to provide the additional security features, the application may be denied.

(d) SET-UP AND CLEAN-UP

- (1) Set-Up. Set-up for an event, including, but not limited to, dropping off supplies and erecting tents, shall not take place more than four (4) hours in advance of an event unless approval for earlier set-up has been granted by the department head or designee with jurisdiction over the location of the event.
- (2) Markings. No markings, including temporary markings, shall be allowed on City property for an event.
- (3) Portable Toilets. It is the responsibility of the applicant to ensure a reasonably adequate number of portable toilets are available during the event.
- (4) Waste and Recycling Receptacles. It is the responsibility of the applicant to ensure reasonably adequate number of waste and recycling receptacles are present during the event.
- (5) Clean-Up. It is the responsibility of the applicant to ensure the location of the event is left in the same condition it was in prior to the event. All clean-up efforts must be completed within four (4) hours after the conclusion of the event unless approval for additional clean-up time has been granted in writing by the Department with jurisdiction over the location of the event. During and following a special event, the applicant of the event shall be responsible for the cleanup of all streets, sidewalks and alleys within the area of the special event.
- (6) ADA Compliance. It is the responsibility of the applicant to ensure the event is ADA compliant to the extent legally required, and that all associated rules, ordinances, statutes and codes are complied with.

(e) COSTS FOR EXTRAORDINARY SERVICES.

- (1) City Costs. If an event will require extra ordinary services, the City shall require that the applicant pay for the services if the costs to the City to provide the services exceeds \$500.00. The City will make a reasonable effort to notify the applicant prior to the event

if extraordinary services totaling over \$500 will be provided by the City. The City may request a surety bond from the applicant for the amount of the anticipated costs. Failure of the applicant to provide the City with a surety bond upon request may result in the application being denied.

- a. If the estimated costs for the event exceed \$500.00, the license for the event shall not be issued unless a bond to secure the payment of the estimated costs is filed with the City Clerk-Treasurer.
- b. If the total costs for extraordinary services exceeds \$500.00, an itemized statement of the costs shall be provided to the applicant within thirty (30) calendar days after the event, who shall pay such costs within thirty (30) calendar days.
- c. Within the thirty (30) calendar days of receipt of the statement of costs, the applicant may appeal the statement of costs to the Finance Committee, who shall determine the actual costs relating to the event.

(2) Waiver of Costs. Costs may only be waived by the Finance Committee, who shall hear an applicant's request for waiver at its next regular meeting. If the Finance Committee denies a request for the waiver of costs, that decision may be appealed to and heard by the Common Council with the recommendation of the Finance Committee being provided to the Council. A waiver of the payment requirement for all or part of the costs for extraordinary services shall be based upon a consideration of the following:

- a. Whether the applicant is a tax exempt organization.
- b. The total costs for the event.
- c. Whether the event was sponsored by a unit of government.
- d. Whether the event is protected speech under the First Amendment to the US Constitution.

(f) RESTRICTING USE OF PUBLIC RIGHT-OF-WAY. To encourage the integrity, comprehensiveness and success of a special event, the Administration & Personnel Committee may suspend otherwise permissible uses of any public right-of-way, such as city street, alley, or sidewalk. Upon receipt of an application that contains a request to suspend otherwise permissible uses of a public right-of-way, the City Clerk-Treasurer shall immediately forward copies to the Administration & Personnel Committee, which shall convene to consider the application and give notice of the meeting to the applicant. Before granting an application for license that includes restricting permissible uses of a public right-of-way, the Administration & Personnel Committee shall consider the recommendations made by the Police Chief, Fire Chief, EMS Chief, Director of the City's Public Works Department, and Street Superintendent and shall consider the risks to public safety based upon the following:

- (1) The location of the request for the restriction of permissible uses of the public right-of-way.
- (2) The duration of the request.
- (3) The time of day of the request.
- (4) The subject matter, ideology, opinion or perspective of the applicant shall not be considered in determining whether to grant a restriction of permissible uses of the public ways.

- (g) EMERGENCY ACCESS. All events shall be conducted and maintained in a manner that will allow an emergency vehicle an unobstructed access lane at least 18 feet wide and continuous over the entire length of any street within the area where the event takes place.
- (h) NO UNAUTHORIZED VENDING. During an event there shall be no vending in the area of the special event except vending permitted by the applicant. The applicant shall be responsible for ensuring that all authorized vendors are easily identifiable as such.
- (i) DISCRIMINATION PROHIBITED. No applicant shall discriminate against any vendor, customer, event participant or other person by reason of race, color, creed, handicap, age, sex, religion, national origin, ancestry, marital status, or other form of discrimination prohibited by the laws of the State of Wisconsin or United State of America.
- (j) TERMINATION OF LICENSE. A special event license may be terminated by City before or during the event if the health, safety and welfare of the general public appears to be endangered by activities generated as a result of the event or if the event is in violation of this section or of any of the conditions of the permit or regulations adopted by the Common Council resolution. The City Clerk-Treasurer, Fire Chief, EMS Chief, Police Chief or Director of the City's Public Works Department shall have the authority to terminate the license.
- (k) APPEALS. If an application is denied, the applicant may request the application be submitted to Common Council for review and a final determination of whether to grant the license. In deciding the appeal, the Common Council may consider the following:
 - (1) If the application was not fully completed and/or failed to include necessary attachments and/or contained a material falsehood or misrepresentation;
 - (2) If the applicant asserts that he/she cannot or will not pay the application fee and/or that he/she cannot or will not pay the costs for extraordinary services and the Common Council determines that the fee and/or costs are not waived;
 - (3) If the applicant is not legally competent to sign the application or to be held responsible for his/her actions;
 - (4) If the applicant has, on prior occasions, been required to pay for extraordinary services or damage to City property and has not paid in full for such services or damage;
 - (5) If the event would conflict with previously planned events and programs or the unavailability of sufficient City resources for the proposed event;
 - (6) If the event would present a grave or unreasonable danger to the health, safety or welfare of the persons expected to participate in the event, the area in which the event will occur, the community as a whole, or City property and resources required to be involved with the proposed event;
 - (7) If the number of persons expected to participate in the event would result in a concentration of persons, vehicles, or things which cannot be supported at the requested time or location due to a lack of sufficient open area, streets, offsite parking, or traffic controls.
 - (8) If activities reasonably expected to occur at the intended event are prohibited by law.
- (l) COMPLIANCE. The applicant is responsible for ensuring that the event complies with this Section and all applicable laws and regulations including, but not limited to, statutes, ordinances, traffic rules, park rules, health laws, fire codes, and liquor licensing regulations. Any person who violates any provision of this Section shall, upon conviction, be subject to a penalty as provided for in §25.04 of this Code, in addition to being subject to any other applicable civil or criminal penalties.

12.135 MOBILE FOOD VENDING PERMIT

(a) PERMIT REQUIRED.

- (1) Any person operating, conducting or managing within the City a mobile food establishment shall obtain a mobile food vending permit. A permit shall not be required for any private party, picnic, event or gathering where the general public is not invited, nor when such mobile food vending occurs entirely on private property.
- (2) The permit fee shall be as set forth in Sec. 25.045.
- (3) Each mobile food establishment shall be permitted separately.

(b) DEFINITIONS.

- (1) A “Mobile Food Vendor” is the registered owner of a mobile food establishment or the owner’s agent or employee, which offers for sale only personally prepared food for which the vendor is regularly involved in all phases of both the production and the sale of the food. In addition, a vendor may be a corporation, cooperative or partnership; however, the application and permit shall designate a primary individual who is regularly involved in all phases of the production process and who is responsible for the vending operation.
- (2) “Personally Prepared Food.” Personally prepared food is food or beverage produced by the vendor from raw or basic ingredients, changing the nature, form, shape or function. All food sold shall comply with State Health Regulations. In addition, the category ‘personally prepared food’ shall include the following:
 - a. Fruit sold by the piece or in individual-sized portions.
 - b. Condiments and other incidental ingredients given free with personally prepared food.
 - c. Coffee, tea, milk, and commercially produced beverages in containers not made of glass.
 - d. Hotdogs, bratwurst or other sausages, and commercially produced buns.
 - e. Ice cream bars and other pre-portioned frozen treats; soft serve or hard scooped ice cream served by the cone or dish.
- (3) “Mobile Food Establishment” means a restaurant or retail food establishment where personally prepared food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a Service Base to accommodate the unit for servicing, cleaning, inspection and maintenance, or except as specified in the Wisconsin Food Code.
- (4) “Service Base” means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

(c) PERMIT APPLICATION PROCESS.

- (1) Application. Any person desiring to operate a mobile food establishment shall apply for a mobile food vending permit. The application for such permit shall be on forms provided by the City Clerk-Treasurer’s office and will include all the following:
 - a. The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
 - b. A description, including make, model, VIN number and license plate, of the mobile food establishment.
 - c. A valid copy of all necessary licenses, permits or certificates required by Iowa County and the State of Wisconsin, or any subsidiary enforcement agencies or

- departments thereof, including but not limited to a valid proof of registration for the vehicle and driver's license for all operators and documentation of the necessary approvals from the Iowa County Health Department for operation as a mobile food vendor.
- d. Any additional information deemed necessary by the City Clerk-Treasurer to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.
- (2) Investigation; application denial. Upon receipt of an application for a mobile food vending permit and payment of the proper permit fee, the City Clerk-Treasurer shall forward the application to the Chief of Police or their designee who shall make and complete an investigation of the statements made in such application. The City Clerk-Treasurer may refuse to grant the permit if any of the following is determined:
 - a. The application contains any material omission or materially inaccurate statement;
 - b. The circumstances of a pending criminal charge against the applicant substantially relate to the permitted activity.
 - c. The applicant has been convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which substantially relate to the circumstances of the particular job or permitted activity.
 - d. The applicant failed to comply with (c)(1) above.
 - (3) Appeal; hearing before Committee. If the City Clerk-Treasurer denies an application for a license, the applicant may appeal within 15 days after the Clerk-Treasurer mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk-Treasurer, the Clerk-Treasurer shall schedule an appeal hearing before the Administration & Personnel Committee.
 - (4) Committee approval; Council action. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse, or modify the Committee decision.
- (d) **AREAS OF OPERATION.** Mobile food establishments may operate in all areas except R-1 One and Two-Family Residential District or R-M Multi-Family Residential.
 - (e) **HOURS OF OPERATION.** Mobile food establishments shall only operate between the hours of 6:00 AM and 10:00 PM. Mobile food establishments and other equipment shall only be set up at a place of operation after 6:00 AM, and must be removed by 10:00 PM.
 - (f) **EXCLUSIONS.** Mobile food establishments shall not be used during times when a Special Event License (§12.05, Ordinances) is in effect in the Areas of Operation and during Hours of Operation, except with the permission of the Special Event License applicant, pursuant to § 12.05(h) of the City Code. Excavation and Openings Permits (§8.03, Ordinances) shall supersede any permit issued pursuant to this section.
 - (g) **RIGHT-OF-WAY.** No mobile food establishments shall operate within the public right-of-way except as follows:
 - (1) at a Special Event with the permission of the Special Event License applicant, pursuant to § 12.05(h) of the City Code.
 - (h) **CITY PARKS.**
 - (1) Approval Required. No mobile food establishments shall operate within a City park without written approval of the location and hours of operation by the Director of the Parks & Recreation Department or their designee and payment of the fee on file with the Parks & Recreation Department. A copy of the written approval shall be kept in the mobile food establishment while operating in a City park. The City reserves the right to withdraw approval of the location and hours of operation of a mobile food establishment for any reason. Mobile food vendors shall comply if asked to leave a park by the Chief of Police or their designee.

- (2) Approval Fee. The Parks & Recreation Department shall establish the fee for such approval in an amount sufficient to recover the costs incurred by the City for processing requests for approval. This fee shall be computed as the average of labor costs, indirect costs, and other costs associated with approval unless otherwise regulated by law, in which case the lesser amount shall apply. The Parks & Recreation Department may recalculate and establish a new approval fee each year as permitted by law and ordinance and said fee shall be on file with the Parks & Recreation Department.
- (i) **RESTRICTIONS AND LIMITATIONS.** The exercise of a permit pursuant to this section shall be subject to the following restrictions and limitations:
- (1) Noise levels emanating from the vending site shall be kept to a minimum, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be allowed. Vendors utilizing an enclosed mobile food establishment may use amplification inside an enclosed mobile food establishment only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the mobile food establishment beyond the first customer in line at the window or service area.
 - (2) All mobile food establishments and vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, or other vending location during times when vending is prohibited.
 - (3) All mobile food establishments and equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects. Visible exterior surfaces shall be maintained so as to prevent chipping, cracking or other deterioration of the paint or exterior surface.
 - (4) A vendor shall be present within the vending site at all times during which items are displayed or sold, except that a vendor may leave his or her vending site unattended during lawful vending hours for a maximum of ten (10) minutes.
 - (5) Generators must operate at 60 decibels or lower when measured from the building front nearest to the permittee.
 - (6) No vendor shall drive or permit another to drive a motor vehicle upon any sidewalk area for the purpose of depositing mobile food establishments or other equipment thereon. This prohibition does not apply to permanent or temporarily established driveways.
 - (7) No service from a mobile food establishment shall be allowed onto the street side of the mobile food establishment except when:
 - a. the street is in use for a Special Event (§12.05, Ordinances);
 - b. the street is closed to vehicular traffic.
 - (8) A mobile food establishment located upon a sidewalk shall be placed not less than 5 feet from a building. A minimum 5-foot path for pedestrian traffic shall be maintained at all times, and the vendor shall manage its queue so that pedestrian traffic on the sidewalk is not impeded.
 - (9) Seating for customers is not allowed.
 - (10) No moving or flashing lights are allowed.
 - (11) No alcohol shall be served.
 - (12) Each permittee shall furnish at its location of operation a garbage can not less than 30 gallons in size. Garbage shall not be allowed to accumulate as litter, and full garbage cans shall be emptied as needed throughout the hours of operation. No garbage shall be deposited in municipal waste containers by a permittee. Prior to leaving a site after operation, a permittee shall inspect and pick up all garbage, litter, refuse, and food within 50 feet.

- (13) A mobile food establishment shall be located no less than 100 feet from the nearest edge of any building or section of a building comprising a licensed food establishment, the kitchen of which is open for serving food to patrons. This restriction may be waived if the most recent application for a mobile food vending permit was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
 - (14) Nothing in this section shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the section. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is the disturbance of public peace and welfare.
- (j) VIOLATIONS AND PENALTIES.
- (1) Any person violating any provision of this section shall be subject to a penalty as provided in § 25.04 of the City Code.
 - (2) The Police Department and Department of Public Works shall have concurrent authority to remove or cause the removal of any mobile food establishment, vending equipment, or merchandise found on the street, sidewalk, terrace, or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.

DRAFT

12.16 WEIGHTS AND MEASURES REGULATION.

- (a) **APPLICATION OF STATE CODES.** Except as otherwise specifically provided in this section, the statutory provisions of Ch. 98, Weights and Measures, Wis. Stats. and Wis. Adm. Code, ATCP 92, Weighing and Measuring Devices, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute or code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein or Wis. Adm. Code provisions incorporated herein are intended to be made a part of this section. This section is adopted pursuant to the provisions of Ch. 98, Wis. Stats.
- (b) **APPOINTMENT OF INSPECTORS.** In order to assure compliance with this section, the City hereby grants the authority and duties of sealers and inspectors required by this section to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (c) **DEFINITIONS.**
- (1) “Commercial Weighing or Measuring Devices.” Devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.
 - (2) “Weights and Measures Program.” The program that includes administration and enforcement of this section, Ch. 98, Wis. Stats., and applicable Wis. Adm. Code provisions, and any related actions.
- (d) **WEIGHTS AND MEASURES LICENSE REQUIRED.**
- (1) License Requirements. Except as provided in subs. (d)(2), no person shall operate or maintain any commercial weighing or measuring devices or any other weights and measures or systems and accessories related thereto which are used commercially within the City of Dodgeville for determining the weight, measure or count of commodities or things sold or offered or displayed for sale on the basis of weight, measure or count unless each such device is licensed by an annual weights and measures license issued pursuant to the provisions of this section.
 - (2) Exemptions. Occasional sales temporarily permitted by a special event permit, or sales permitted at the Farmers Market established pursuant to this chapter, or sales permitted by Direct Sellers, Transient Merchants and Solicitors are exempt from licensing under this section.
- (e) **APPLICATION FOR LICENSE.** An application for a weights and measures license shall be made in writing on a form provided for such purpose by the City Clerk-Treasurer and shall be signed by the owner of the commercial business, or by its authorized agent. Such application shall state the type and number of weighing and measuring devices to be licensed, the location of the devices, the applicant’s full name and post office address, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is a partnership, the application shall state the names and addresses of each partner. If the applicant is a corporation or limited liability company, the application shall state the name and address of all officers and agents of the applicant, including the registered agent thereof.
- (f) **ISSUANCE OF LICENSE AND FEES.** Upon compliance with this section, the City Clerk-Treasurer shall issue a license to the applicant upon payment of an annual license fee as set forth in Sec. 25.045.

Each store or other business location shall require a separate license. The license fee shall not be prorated for a partial year.

(g) LICENSE TERM. A license issued under this section shall expire on December 31 of each year.

(h) ENFORCEMENT FOR NONRENEWAL. It shall be the duty of the City Clerk-Treasurer to notify the appropriate City officials and to order the immediate enforcement of the provisions of this section in cases involving a failure to renew a weights and measures license. A licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been obtained under the provisions of this section.

(i) FEES ASSESSMENT.

- (1) Annual Assessment. The Council shall annually assess fees to each licensee based on the number and types of weighing and measuring devices licensed as of January 1 of each year. The total of the fees assessed and the fees collected shall not exceed the actual costs of the Weights and Measures Program.
- (2) Clerk-Treasurer to Prepare Assessment Schedule. The City Clerk-Treasurer shall at least annually prepare a proposed schedule of assessments and the Clerk-Treasurer's proposed schedule shall be submitted to the Council. A copy of the proposed schedule together with notice of the date and time at which the Council will consider the assessments shall be mailed to each licensee.
- (3) Council Determines Assessment. At least 10 days after such mailing, the Council shall consider the Clerk-Treasurer's proposed schedule of assessments and determine the schedule of assessments on a reasonable basis. The City Clerk-Treasurer shall mail to each licensee an invoice for the amount of the fee assessed to the licensee as determined by the Council and each licensee shall pay the fee assessed within 30 days after the date the invoice is mailed.
- (4) Failure to Pay Assessment. If the assessed fee is not paid within 30 days of the date of mailing of the invoice, an additional administrative collection charge of 10% of the fee shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the licensee is the owner of the real estate premises where the licensed weights and measures devices are located, any delinquent assessment shall be extended upon the current or the next tax roll as a charge against the real estate premises for current services, as provided in §66.0627, Wis. Stats. No license shall be issued or renewed under this section if the licensee is delinquent in the payment of a fee assessed under this section.
- (5) Mailing of Notices. Schedules, notices and invoices shall be considered mailed to a licensee when mailed by first class mail, postage prepaid, to the licensee at the licensee's address as shown on the application form.
- (6) Change of Ownership. If the ownership of a commercial business licensed under this section is transferred during a license year, the owner of the business as of January 1 of the license year shall be liable and responsible for the payment of the fees assessed under this section.

From: [Peter, Stephen T - DATCP](#)
To: [Lauree Aulik](#)
Subject: RE: Weights & Measures Questions (City of Dodgeville)
Date: Tuesday, September 10, 2024 3:27:43 PM
Attachments: [image001.png](#)
[image002.png](#)

Lauree,

Unfortunately, we do not have a model ordinance.

A flat fee might be something like each business pays the same amount. The city fee for FY2025 is \$3,000 and that cost would be divided among all of the regulated businesses, but it is not very equitable because some businesses have more items to inspect and take longer to inspect than others. Should a deli with one scale pay the same fee as a grocery store? This method has the advantage of little change in the annual billing.

A flat fee could also be based on the number of weights and measures devices a business has. For example, if the total device count in the municipality was 200 measuring devices, the \$3000 could be divided by the 200 devices and each device would be billed \$15 per device. So, if a grocery store has 20 scales, they would pay \$300 annually while a deli with one scale would pay \$15 annually. This is probably the most common method, but this method also creates some inequities but has the advantage of being relatively stable with little to no change annually.

In my opinion, the most equitable method would be invoicing based on the actual time spent by inspectors performing the work.

We could provide a report that shows how much time was spent at each individual business (in 15-minute increments) and the total inspection time could be the basis for billing. For example, at \$150.00 per hour, a 15-minute inspection would cost \$37.50, and a 3-hour inspection would cost \$450.00. This method would also capture time spent on non-device type inspections like scanner price verification inspections and package net quantity inspections that could be missed when using a device count method.

There may be different methods in use, but these are the methods I'm most familiar with.

I hope this helps,

Stephen Peter
Manager, Field Operations Section
Division of Trade and Consumer Protection
Department of Agriculture, Trade, and Consumer Protection
Stephen.peter@wisconsin.gov
608-224-4954

Please refer general questions to the DATCP WM Compliance Email Box at:
DATCPWMCompliance@wisconsin.gov

Please fill out our [customer survey](#) to help us improve. Thank you!

From: Lauree Aulik <clerk@dodgevillewi.gov>
Sent: Tuesday, September 10, 2024 11:17 AM
To: Peter, Stephen T - DATCP <Stephen.Peter@wisconsin.gov>
Subject: Weights & Measures Questions (City of Dodgeville)

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Stephen,

I believe I spoke with you this spring about charging for Weights and measures inspections. You had told me that we can charge a flat fee or we could charge based on a figure DATCP could provide related to actual cost per facility. I'm wondering if I can speak with you regarding what that would like. I'm also wondering if you have a model ordinance that we can consider adopting should we start choosing to charge in 2025.

Thanks for your help,

Lauree Aulik

**Clerk/Treasurer
City of Dodgeville
100 E. Fountain St.
Dodgeville, WI 53533
City Hall: (608) 930-5228
Direct: (608) 930-2441
Population: 5,073**



- ✓ [Register to vote for the first time](#)
- ✓ [Change your address or name](#)
- ✓ [Confirm your voter registration](#)

This message is intended for the sole use of the individual and entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please

immediately advise the sender by reply email and delete the message.