

CITY OF MADISON, WISCONSIN

A SUBSTITUTE  
ORDINANCE

PRESENTED  
REFERRED

March 16, 2010  
BOE

Amending Sections 9.03(3)(a), 9.035(4), 9.04(7), 9.05(5), 9.05(7)(b), 9.08(2)(a), 9.09(5)(c), 9.13(3)(a)1., 9.14(3)(a)1., 9.14(3)(k), 9.15(6)(a), 9.17(4)(d), 9.17(5)(a), 9.17(5)(b), 9.21(5)(e), 9.24(3)(b), 11.06(4)(a) and 11.06(5)(a) and Creating new Section 9.14(12) and Renumbering current Sections 9.14(12) and (13) to Sections 9.14(13) and (14) and creating Sections 38.05(3)(a)1.a. and 38.05(3)(k)6. of the Madison General Ordinances to modify fees for various licenses and permits.

Drafted by: Steven Brist

Date: March 10, 2010

SPONSOR: Alder Verveer

DRAFTER'S ANALYSIS: This proposal raises various license fees administered by the City Clerk. Additionally, the proposal changes late fees for various licenses to 25% of the license fee if the renewal is 30 days late and 50% if the renewal is more than 60 days late.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (a) entitled "Dance Hall Licenses" of Subsection (3) of Section 9.03 entitled "Licensing and Regulating Public Dances and Dance Halls" of the Madison General Ordinances is amended to read as follows:

"(3) (a) Dance Hall Licenses. It shall be unlawful to hold any public dance or public ball in the City of Madison until the dance hall in which the same is held shall first have been duly licensed for such purposes. The annual license fee shall be three hundred dollars (\$300). Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~45%~~ twenty-five percent (25%) of the license fee ~~or a minimum of \$3.00, whichever is greater.~~ License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. A license for one (1) day only requires the payment of a fee of thirty dollars (\$30). Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

2. Subsection (4) entitled "License Required" of Section 9.035 entitled "Private Teen Dance Clubs" of the Madison General Ordinances is amended to read as follows:

"(4) License Required. No person shall operate a private teen dance club without a license issued hereunder. An annual license may be issued for a fee of two hundred fifty dollars (\$250). Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~45%~~ twenty-five percent (25%) of the license fee ~~or a minimum of \$3.00, whichever is~~

Approved as to form:

Michael P. May, City Attorney

~~greater.~~ License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.”

3. Subsection (7) entitled “Fees” of Section 9.04 entitled “Licensing of Theaters or Public Rooms Used for Exhibition Purposes” of the Madison General Ordinances is amended to read as follows:

“(7) Fees. The annual license fee for theaters shall be as follows: ~~two~~three hundred dollars (~~\$200~~\$300) for each theater having a seating capacity of five hundred (500) persons or less; ~~three~~four hundred dollars (~~\$300~~\$400) for each theater having a seating capacity of more than five hundred (500) persons and less than twelve hundred (1,200); ~~five~~six hundred dollars (~~\$500~~\$600) for each theater having a seating capacity of twelve hundred (1,200) persons or more. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~45%~~ twenty-five percent (25%) of the license fee ~~or a minimum of \$3.00, whichever is greater.~~ License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.”

4. Subsection (5) entitled “Fees” of Section 9.05 entitled “Adult Entertainment Establishments and Adult Entertainment Taverns” of the Madison General Ordinances is amended to read as follows:

“(5) Fees. A license fee of one thousand one hundred dollars (~~\$1,000~~\$1,100) shall be submitted with the application for an adult entertainment establishment license or an adult entertainment tavern license. If the application is denied, one half of the fee shall be returned.”

5. Subdivision (b) of Subsection (7) entitled “Renewal of License” of Section 9.05 entitled “Adult Entertainment Establishments and Adult Entertainment Taverns” of the Madison General Ordinances is amended to read as follows:

“(b) A license renewal fee of one thousand dollars (\$1,000) shall be submitted with the application for renewal of either an adult entertainment establishment license or an adult entertainment tavern license. In addition to the renewal fee, a late penalty of ~~one hundred dollars (\$100)~~ twenty-five percent (25%) of the license fee shall be assessed against the applicant who files for a renewal less than ~~sixty~~sixty-three (~~60~~63) days before the license expires. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. If the application is denied, one half of the total fees collected shall be returned.”

6. Subdivision (a) entitled “License of Amusement Devices” of Subsection (2) entitled “Licensing of Amusement Device Distributors” of Section 9.08 entitled “Amusement Devices” of the Madison General Ordinances is amended to read as follows:

“(a) License of Amusement Devices. Any person, corporation or other legal entity which has possessory control of any premises in which is located any amusement device available for play shall license said device with the City Clerk as described herein. The license fee for the amusement device operated by a coin of five cents (5¢), or more, shall be per annum; and shall be based on the number of amusement devices located on the premises as follows:

<u>Number of Amusement Devices</u>	<u>Fee</u>
1	<u>\$50</u> <del>55</del>
2-3	<u>\$100</u> <del>110</del>
4-6	<u>\$200</u> <del>220</del>
7-10	<u>\$350</u> <del>385</del>
11-20	<u>\$550</u> <del>605</del>
21-30	<u>\$1,050</u> <del>1155</del>
31-44	<u>\$1,550</u> <del>1705</del>
45+	<u>\$2,250</u> <del>2475</del>

The license fee for each amusement device operated by a coin of a value of less than five cents (5¢) shall be two dollars and fifty cents (\$2.50) per annum. Said license fee shall be paid to the City Treasurer at the time of license. If the City Clerk is satisfied that the amusement device(s) should be entitled to be licensed, the Clerk shall issue a license for said device(s). The license shall be conspicuously displayed along with any other licenses issued to such registrant. The license application shall show the ownership of the device(s) for which license is sought. If the registrant does not own the device(s) so licensed, the owner of the device(s) shall permanently affix a tag or similar item showing the owner's name and address. Such license shall remain effective until the thirtieth (30th) of June following issuance at which time and on the first (1st) of July of each and every year thereafter. The license shall not be transferable. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~fifteen percent (15%)~~ twenty-five percent (25%) of the license fee ~~or a minimum of \$3.00, whichever is greater.~~ License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

7. Subdivision (c) of Subsection (5) entitled "Fee" of Section 9.09 entitled "Cigarette License" of the Madison General Ordinances is amended to read as follows:

"(c) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~15%~~ twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

8. Subdivision (k) of Subsection (3) entitled "Application" of Section 9.14 entitled "Solicitor's and Canvasser's Permits" of the Madison General Ordinances is amended to read as follows:

"(k) At the time of filing the application, a nonrefundable fee of ~~fifty-five one hundred ten dollars (\$55.00110)~~ shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein. The fee for an annual renewal application shall be ~~fifty-five one hundred ten dollars (\$55.00110)~~."

9. New Subsection (12) entitled "Renewal" of Section 9.14 entitled "Solicitor's and Canvasser's Permits" of the Madison General Ordinances is created to read as follows:

"(12) Renewal. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late fee of twenty-five percent (25%) of the license fee."

10. Current Subsections (12) and (13) of Section 9.14 entitled "Solicitor's and Canvasser's Permits" of the Madison General Ordinances are renumbered to Subsections (13) and (14).

11. Subdivision (a) of Subsection (6) entitled "Fees" of Section 9.15 entitled "Licensing of Hawkers, Peddlers and Truckers" of the Madison General Ordinances is amended to read as follows:

"(a) A person desiring to engage in such business or occupation, shall pay to the City Treasurer a nonrefundable license fee therefor of ~~eighty one hundred ten dollars (\$80.00110.00)~~. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late fee of twenty-five percent (25%) of the license fee."

12. Subdivision (d) of Subsection (4) entitled "Registration" of Section 9.17 entitled "Regulating Transient Merchants of the Madison General Ordinances is amended to read as follows:

"(d) At the time the registration is returned, a non-refundable fee of ~~fifty one hundred dollars (\$50100)~~ shall be paid to the Clerk to cover the cost of processing said registration. The individual and partnership applicant shall sign a statement appointing the Clerk as 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, in the event the applicant cannot, after reasonable effort, be served personally.

A corporation or limited liability company eligible to register in its own name is exempt from appointing the Clerk as agent for service of process if the corporation or limited liability company identifies its current agent registered with the Wisconsin Secretary of State for such purposes on the Clerk's form.

Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section (5)(b) below."

13. Subdivision (a) of Subsection (5) entitled "Fees" of Section 9.21 entitled "Licensing And Regulating Junk Dealers, Junk Collectors, Motor Vehicle Salvage Dealers and The Motor Vehicle Storage Business" of the Madison General Ordinances is amended to read as follows:

"(a) The license fee shall be ~~four~~five hundred dollars (~~\$400~~500) per annum, or for a fractional part thereof, for each junk business."

14. Subdivision (b) of Subsection (5) entitled "Fees" of Section 9.21 entitled "Licensing And Regulating Junk Dealers, Junk Collectors, Motor Vehicle Salvage Dealers and The Motor Vehicle Storage Business" of the Madison General Ordinances is amended to read as follows:

"(b) The license fee shall be ~~four~~five hundred dollars (~~\$400~~500) per annum, or for a fractional part thereof, for each motor vehicle salvage business."

15. Subdivision (e) of Subsection (5) entitled "Fees" of Section 9.21 entitled "Licensing And Regulating Junk Dealers, Junk Collectors, Motor Vehicle Salvage Dealers And The Motor Vehicle Storage Business" of the Madison General Ordinances is amended to read as follows:

"(e) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~15% twenty-five percent (25%) of the license fee or a minimum of \$3.00, whichever is greater. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee.~~ Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

16. Subdivision (b) of Subsection (3) entitled "Application and Fees" of Section 9.24 entitled "Licensing of Secondhand Dealers" of the Madison General Ordinances is amended to read as follows:

"(b) The license fees under this section are as follows:

1. The fee for a secondhand article dealer license shall be ~~sixty-two~~seventy-five dollars and ~~fifty cents~~ (~~\$62.50~~75.00) per year excepting secondhand article dealers who operate a business for buying, selling, exchanging or receiving into possession used or secondhand bicycles and used or secondhand parts of bicycles for which the license fee shall be ~~twenty-seven~~thirty dollars and ~~fifty cents~~ (~~\$27.50~~30.00) per year.
2. The fee for a pawnbroker's license is ~~two hundred ten~~three hundred dollars (~~\$210~~300).
3. The fee for a secondhand jewelry dealer's license is ~~sixty-two~~seventy-five dollars and ~~fifty cents~~ dollars (~~\$62.50~~75.00).
4. The license fee for a secondhand dealer mall or flea-market license shall be ~~one hundred sixty-five~~two hundred dollars (~~\$165~~200) per year. A special event secondhand dealer mall or flea-market license shall be ~~fifty~~seventy-five dollars (~~\$50~~75) for a period of no more than three (3) consecutive days. The license shall set forth the exact days on which such business or event may be carried on.
5. The fee for a secondhand textbook dealer's license is ~~sixty-two~~seventy-five dollars and ~~fifty cents~~ (~~\$62.50~~75) per year."

17. Subdivision (a) of Subsection (4) entitled "Licensing of Public Passenger Services" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

“(a) The fees for a license to engage in the business of transporting passengers for hire under this subsection, commencing with licenses issued in 2005 and thereafter, shall be as follows:

Type of Service	Initial license – 1 year	Initial License – 2 years
Meter Taxicab Service	\$1,200	\$2,075/ license
Zone Taxicab Service	\$1,200	\$2,075/ license
Airport Shuttle Service	\$1,200	\$2,075/ license
Horse-Drawn Vehicle Service	\$1,200	\$1,800/ license
Specialized Transportation Service	\$1,200	<del>\$2,075</del> 2200/ license
Pedal-Cab Service	\$1,200	\$1,800/ license”

18. Subdivision (a) entitled “Public Passenger Vehicle Permit Fees” of Subsection (5) entitled “Licensing of Public Passenger Vehicles” of Section 11.06 entitled “Licensing and Regulating Public Passenger Vehicles, for Hire” of the Madison General Ordinances is amended to read as follows:

“(a) Public Passenger Vehicle Permit Fees. The fees under this subsection are hereby fixed as follows:

Commencing with the 2004 licensing year, and subsequent thereto, the following fees shall be in effect:

Meter Taxicab	<del>\$50</del> 60/vehicle/year
Zone Taxicab	<del>\$50</del> 60/vehicle/year
Airport Shuttle Vehicle	<del>\$50</del> 60/vehicle/year
Horse-Drawn Vehicle	<del>\$50</del> 60/vehicle/year
Specialized Transportation Vehicle	<del>\$50</del> 60/vehicle/year
Transfer of Permit	\$20/transfer
Pedal-Cab Vehicle	<del>\$50</del> 60/vehicle/year”

19. New Subparagraph a. of Paragraph 1. of Subdivision (a) of Subsection (3) entitled “Application for Licenses” of Section 38.05 entitled “General Licensing Requirements” is created to read as follows:

“a. The fee for filing an application for a change in licensed premises during the license year shall be \$25.00.”

20. New Paragraph 6 of Subdivision (k) entitled “Application for Approval of Transfer of Ownership or Control of License” of Subsection (3) entitled “Application for Licenses of Section 38.05 entitled “General Licensing Requirements is created to read as follows:

“6. The fee for filing an application for a change of control of any corporation or limited liability company holding such a license shall be \$25.00.”