

ORDINANCE NO. 2023-22

An Ordinance Amending Title 7 of City of Cedarburg Code by Removing fees and placing them on a newly created Fee Schedule

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 7-4-4(c), 7-11-3(e), 7-12-1(d)(2), 7-14-1(b)(3), 7-15-1(b), 7-16-7(a)(b) of the Code of Ordinances of the City of Cedarburg is hereby repealed and recreated as follows:

Sec. 7-4-4(c) Registration fee (Direct Sellers)

- (1) No application shall be processed until the application fee has been paid to the clerk to cover the cost of processing said application. The fee shall be set by the Common Council by Resolution from time to time. All licenses shall expire on December 31 of each year.
- (2) The applicant shall sign a statement appointing the city 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, in the event the applicant cannot, after reasonable effort, be served personally.

Sec. 7-11-3 Application for permit.

- (e) *Fee.* The fee shall be set by the Common Council by Resolution from time to time.

Sec. 7-12-1 Horse and Carriage Rides.

- (d) Licenses

(2) *Requirements.* All licenses authorized by the common council shall be issued by the city clerk upon receipt from the applicant of proof of liability insurance and a signed hold harmless agreement in a form approved by the city clerk. All licenses shall state the name and address of the owner and/or operator, the approved number of passengers, liability insurance carrier and the days and hours of intended operation. A description of the approved routes shall be attached to the license. The fee for such license shall be set by the Common Council by Resolution from time to time. Such fee shall be paid prior to the issuance of the license. The license shall be valid only in the calendar year for which it is issued.

Sec. 7-14-1(b) Festival Celebration Permit

- (3) The common council shall review the application and the city clerk's recommendation and either deny the permit, approve the permit or approve the permit conditionally. There shall be a fee for such permit, set by the Common Council by Resolution, from time to time. The permit shall be signed by the city clerk and shall be issued to Festivals of Cedarburg, Inc. who, in turn, shall issue identification permits to each vendor approved by the festival committee. These permits shall be prominently displayed by all vendors during the festival period.

Sec. 7-15-1 Filming Permit

- (b) *Licensing of filming.* No filming shall be permitted on the streets or on private property (where filming may affect adjacent public or private property, equipment and personnel) in the City of Cedarburg unless a filming permit is obtained from the city clerk. The fee for such permit will be set by the Common Council, by Resolution, from time to time.

Sec. 7-16-7 Fee Assessment (Weights and Measures)

- (a) The annual assessment shall be determined based on the number and types of weighing and measuring devices licensed as of October 1 each year. The fees assessed shall be set by the Common Council by Resolution from time to time. Fees shall be calculated at the time the application is filed with the city clerk's office. Payment of the fee shall be returned with the application to the city clerk's office by September 30. The total of the fees assessed, and fees collected shall not exceed the actual costs of the weights and measures program.

SECTION 2. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 9th day of October, 2023.


Kristin Burkart, Acting Mayor

Attest:


Tracie Sette, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney