

1/21/85 Amended
See Ordinance 99

Ordinance No. 17

To Make Provision for the Issuance
of Licenses and Permits, To Regulate
Licensed and Permitted Trades and
Objects and Prescribing Penalties
for Violation Thereof.

The Village Board of Oconomowoc Lake do ordain as follows:

11.01 GENERAL

(1) Form of Licenses and Permits. All licenses and permits issued pursuant to this ordinance shall be executed on the part of the Village by the president and clerk, either in their own handwriting or by means of a facsimile stamp and sealed with the corporate seal. All licenses, permits and applications used hereunder shall be upon forms approved by the village clerk or the village chief of police, as the case may be, and the village attorney.

(2) Temporary Suspension of Licenses or Permits. The village president, upon obtaining reasonable information that any licensee or permittee has violated any provision of this ordinance or any pertinent state or federal law; has committed any felony or misdemeanor; has perpetrated any fraud or made any misrepresentation or incorrect statement in his application or in the course of carrying on the licensed or permitted business or in exercising his license or permit within the Village; or has conducted or is threatening to conduct the licensed business or to use his license or permit in an unlawful or disorderly manner or in such a manner as to menace the health, safety or general welfare of the public, may suspend the license or permit of such licensee or permittee for a period not to exceed five (5) days pending hearing by the village board. Upon suspending any such license or permit hereunder, the village president shall forthwith refer the matter to the village board for a hearing. The power granted hereunder shall not be deemed to have been exhausted as to any licensee or permittee by any number of exercises of it.

(3) Suspension or Revocation of Licenses or Permits.

The village board, after hearing, may suspend for any period of time or revoke any license or permit granted under this ordinance or condition the continued use of any such license or permit upon finding that it would be in the public interest to do so.

(4) Repossession of Licenses and Permits.

Whenever any license or permit granted under this ordinance shall have been suspended pursuant to subsection (2) of this section or suspended, revoked or conditioned pursuant to subsection (3) of this section, or automatically revoked pursuant to any section of this ordinance, the village president or the village board, as the case may be, may direct the village clerk to notify the licensee or permittee to deliver such license or permit immediately to the village clerk. If such license or permit has not been so delivered within twenty-four (24) hours after notice has been given hereunder, the village clerk shall so notify the chief of police who shall cause physical possession to be taken of such license or permit wherever it may be found and deliver it to the village clerk.

(5) Renewals.

Applications for renewal of licenses or permits granted under this ordinance shall be handled in the same manner as original applications.

11.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) State Statutes Adopted.

The statutory provisions describing and defining regulations with respect to the sale of intoxicating liquor and fermented malt beverages contained in Chapter 176 and Section 66.054, Wisconsin Statutes, except Sections 176.051, 176.055, 176.08, 176.17, 176.41 and 176.71 and exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance.

(2) Licenses.

(a) When required. No person, except as provided by subsection (1) of this section, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State of Wisconsin and Village of Oconomowoc Lake applicable thereto.

(b) Separate license required for each place of sale. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment.

(3) License Fees. There shall be the following classes and denominations of licenses, which, when issued by the village clerk under the authority of the village board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in subsection 179.95 (2)(b) or subsections 66.054 (7), (8), and (11), Wisconsin Statutes.

(a) "Retail Class B" liquor license - \$500 per year. The Village elects to come under the provisions of subsection 176.05 (2)(b), Wisconsin Statutes.

(b) Class "B" fermented malt beverage retailer's license - \$100 per year.

(c) Club liquor and fermented malt beverage licenses, all classes - \$1 per year.

(d) Part-time or semiannual liquor and fermented malt beverage licenses, all classes permitted - pursuant to

sections 176.05 (6) and 66.054 (8)(b), Wisconsin Statutes.

(e) Beverage operator's license - \$1 per year or fractional part thereof.

(4) License Restrictions. In addition to the requirements imposed by the provisions of the Wisconsin Statutes adopted by reference in subsection (1) of this section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

(a) Requirements for licenses. No license or permit shall be issued to any person who is not 21 years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin and has not resided in the Village continuously for at least one year prior to application. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this State punishable by imprisonment in the state prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporation.

(b) Effect of revocation of license. No license shall be issued for any premises if a license covering such premises has been revoked within six (6) months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within twelve (12) months prior to application.

(c) Inspection of application and premises. The village clerk shall notify the health officer, chief of police and building inspector of all license applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the application and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the village board in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the village board, and no license shall be renewed without a reinspection of the premises and report as herein required.

(d) Health and sanitation. No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinances and regulations adopted by the Village.

(e) Tax delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Village are delinquent or unpaid.

(f) Location of premises. No retail Class "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than three hundred (300) feet from any established public or parochial school, hospital or church or any residence district as defined in the zoning code of the Village of Oconomowoc Lake unless such premises had been previously licensed for a period of six (6) years prior to the adoption of said zoning code. Such distance shall be measured via the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises.

(5) Search of Licensed Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village of Oconomowoc Lake without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

(6) Posting Licenses. Licenses or permits issued under this section shall be posted and displayed as provided in sections 66.054 (8)(b) and 176.05 (12), Wisconsin Statutes and any licensee who shall fail to post his license as therein required shall be presumed to be operating without a license.

(7) Regulation of Licensed Premises.

(a) Sale of beer to minors restricted. The provisions of sections 176.28, 176.29, 176.30 and 176.32,

Wisconsin Statutes, shall apply to the sale of fermented malt beverages to persons under eighteen years of age when not accompanied by a parent, guardian or adult spouse except as provided in section 66.054 (13), Wisconsin Statutes.

(b) Safety and sanitation requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(8) Revocation and Suspension of Licenses.

(a) Procedure. Except as hereinafter provided, the provisions of sections 176.11 and 176.12, Wisconsin Statutes, shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the village board upon its own motion by adoption of a resolution.

(b) Automatic revocation. Any license or permit issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his employee, agent or representative of a second offense under this ordinance or under Chapters 176 or 139 or section 66.054, Wisconsin Statutes, or any other State or federal liquor or fermented malt beverage law or of any felony.

11.03 PEDDLERS, CANVASSERS, TRANSIENT MERCHANTS AND THE LIKE.

(1) License Required. No person shall engage in the business of peddler, hawker, trucker, solicitor, canvasser or transient merchant within the Village of Oconomowoc Lake without first obtaining a license from the chief of police in compliance with the provisions of this section.

(2) Exemptions. Newsboys; merchants delivering goods in the regular course of business; vendors of milk, bakery goods, groceries, ice, coal, oil or other products while distributing such products to regular customers on established routes; farmers and truck gardeners; ice cream vendors; religious, charitable, patriotic or philanthropic organizations; persons selling property at wholesale to dealers; and persons

holding a state license issued pursuant to section 129.02 (2), Wisconsin Statutes, shall be exempt from licensing under this section, nor shall any part of this section apply to them except paragraphs (c), (d), and (e) of subsection (8) hereof.

(3) Application for License. The application for a license under this section shall be sworn to by the applicant and filed with the chief of police and shall contain such information as the chief shall require for the effective enforcement of this section and the safeguarding of the residents of the Village from fraud, misconduct, or abuse. At the time of filing application, an investigation fee of five dollars (\$5) shall be paid to the village treasurer to cover the cost of investigation of the facts stated in the application.

(4) Investigation; Issuance of License. Upon receipt of each such application, the chief of police shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within seventy-two (72) hours after it has been filed with him, and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the village treasurer showing payment of the required fee.

(5) License Fee. The fee for a peddler's, hawker's or trucker's license shall be \$5 per day; \$20 per week; \$50 per month; \$200 per year. The fee for a transient merchant's license shall be \$15 per day; \$60 per week; \$150 per month; \$500 per year. Annual licenses issued on or after July 1 shall be issued for one-half (1/2) the required annual fee. No fee shall be required for a solicitor's or canvasser's license. Peddlers, hawkers or truckers may employ one assistant and transient merchants two assistants without payment of an additional license fee, but such persons must comply with the provisions of paragraphs (a), (c), (d), and (e) of subsection (8) hereof.

(6) Bond. If the chief of police determines from his investigation of the application that the interests of the Village or of its inhabitants require protection against

possible misconduct of the licensee or that the applicant is otherwise qualified but, due to causes beyond his control, is unable to supply all of the information required by subsection (3) hereof, he may require the applicant to file with the village clerk a bond in a sum fixed by him but not more than \$500 with surety acceptable to the village president running to the Village conditioned that he will fully comply with the ordinances of the Village and laws of Wisconsin relating to peddlers, hawkers, truckers, solicitors, canvassers, or transient merchants and guaranteeing to any citizen of the Village of Oconomowoc Lake doing business with him that the property purchased will be delivered according to the representations of applicant, provided that action to recover on any such bond shall be commenced within six (6) months after the expiration of the license of the principal.

(7) Expiration; Nontransferability. The chief of police shall date all licenses issued hereunder and shall specify thereon the fee paid and the date of expiration. Annual licenses shall be issued on a calendar-year basis and expire December 31 of the year of issue. Licenses issued under this section are personal and may not be transferred.

(8) Regulations and Restrictions.

(a) Consent required. No peddler, hawker, trucker, solicitor, canvasser or transient merchant shall go in or upon any private residence, business establishment, club or office in the Village for the purpose of soliciting orders for goods, wares or merchandise or peddling or hawking the same or soliciting subscriptions for magazines, books or periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of such place.

(b) Display of license. Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.

(c) Misrepresentation prohibited. No license shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business

of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.

(d) Loud noises and speaking devices. No licensee, nor any person in his behalf shall, in an annoying or disturbing manner, shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any street, alley, park or public place in the Village or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being heard plainly upon any such place, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(e) Use of streets. No licensee shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(9) Definitions. As used in this section, unless the context or subject matter otherwise clearly requires, the terms "peddler," "hawker," "trucker," "solicitor," "cavasser," and "transient merchant" shall have the same meanings as are assigned to them in Chapter 129, Wisconsin Statutes.

11.04 CIGARETTES.

(1) License Required. No person shall, in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away or keep for sale any cigarettes, cigarette papers or wrappers without first obtaining a license therefor from the village clerk in the manner provided in section 134.65, Wisconsin Statutes. This subsection (1) shall not apply to jobbers or manufacturers doing interstate business with customers outside Wisconsin.

(2) License Application. Every person desiring a license under this section shall file with the village clerk

a written application, stating the name of the person and the place for which such license is desired. Accompanying such application, there shall be filed with the clerk a receipt, showing payment to the village treasurer of the required license fee.

(3) License Fee. The fee for a cigarette license shall be \$5. No license shall be issued hereunder until such fee has been paid.

(4) Form of License; Expiration; Transfer. All cigarette licenses issued under this section shall be signed by the village clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue. Upon payment of a fee of 25 cents a license issued hereunder may be transferred from the licensee to another owner, but no license shall be transferable as to the location of the licensed premises.

11.05 REGULATION AND LICENSING OF DOGS.

(1) License Required. No person shall, within the Village of Oconomowoc Lake, own, harbor or keep any dog more than six (6) months of age on January 1st of any year without complying with the provisions of sections 174.05 through 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of dogs.

(2) License Fees. In addition to the tax imposed by section 174.05, Wisconsin Statutes, there shall be an additional dog license tax in an amount which the village board shall, by resolution, determine prior to July 1st of each year. This amount shall be determined by dividing the total net cost to the Village of all dog licensing, regulating and impounding activities for the previous year, as determined by the village treasurer, less any refunds which the Village may have received during said year pursuant to section 174.09 (2), Wisconsin Statutes, by the number of dogs owned, harbored or kept within the Village as known by the assessor's list made pursuant to section 174.06, Wisconsin Statutes.

(3) Restrictions on Keeping of Dogs. It shall be

unlawful for any person within the Village of Oconomowoc Lake to own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway in the Village;

(b) Assaults or attacks any person;

(c) Is at large within the limits of the Village;

(d) Habitually barks or howls to the annoyance of any person or persons;

(e) Habitually threatens harm to persons or property;

(f) Kills, runs, wounds or worries any domestic animal or any deer, or destroys any game birds, their eggs or nests;

(g) Is known by such person to be infected with rabies (hydrophobia) or to have been bitten by an animal known to have been infected with rabies.

(4) Abandonment of Dogs. It shall be unlawful for any person to abandon any dog within the Village.

(5) Cruelty to Dogs. It shall be unlawful for any person to perpetrate any act of cruelty toward a dog, including, but not limited to, the failure of any person owning, harboring or keeping a dog properly to feed and to care for it.

(6) Impounding or Killing of Dogs. In addition to any other penalty prescribed by this ordinance, any police officer of the Village may kill or cause to be impounded any dog found committing or known to have committed any of the acts described in subsection (3) of this section. Possession of dogs impounded under this section may be obtained by paying three dollars (\$3) to the village treasurer plus one dollar (\$1) a day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of seven (7) days shall be destroyed by or under the direction of the village health officer, in accordance with section 174.10 (2), Wisconsin Statutes. Dogs may be im-

pounded under this section in any Waukesha County facility or at any other pound with which the village board has contracted and established a redemption-fee schedule.

(7) Duty of Owner in Cases of Dog Bite. Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the village health officer and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the village health officer shall direct. The owner or keeper of any such dog shall surrender the dog to the village health officer or to any village police officer for examination upon demand.

(8) Definitions. As used in this section, unless the context or subject matter otherwise clearly requires:

(a) "Owner" shall mean any person owning, harboring or keeping a dog. The occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog within the meaning of this paragraph (a).

(b) "At large" shall mean to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises, provided, that working farm dogs in the course of their normal duties and hunting dogs, while accompanied by their hunting master and in the normal pursuit of the hunt, shall not be deemed to be "at large."

11.06 TAXICAB OPERATORS AND TAXICABS.

(1) License Required. No person shall operate any motor vehicle for taxicab purposes upon the streets, alleys or highways of the Village of Oconomowoc Lake unless such person is licensed as a chauffeur and operator and unless such taxicab business is licensed by the licensing of each motor vehicle used as a taxicab.

(2) Exemption. Any person licensed by any other city or village as a chauffeur and operator shall not be required to procure either a chauffeur's and operator's license

or a taxicab license under this section for the purpose of carrying taxicab passengers for hire either into or out of the Village of Oconomowoc Lake, but this exemption does not permit such chauffeur or operator to operate a taxicab wholly within the limits of the Village of Oconomowoc Lake.

(3) Application for Chauffeur's and Operator's License. The application for a chauffeur's and operator's license under this section shall be sworn to by the applicant and filed with the chief of police and shall contain such information as the chief shall require for the effective enforcement of this section and the safeguarding of the residents of the Village from fraud, misconduct or abuse. At the time of filing application, an investigation fee of ten dollars (\$10) shall be paid to the village treasurer to cover the cost of investigation of the facts stated in the application.

(4) Application for Business License. The application for a taxicab business license under this section shall be sworn to by the applicant and filed with the chief of police and shall contain such information as the chief shall require for the effective enforcement of this section and for the safeguarding of the residents of the Village from fraud misconduct or abuse. No application shall be received for filing until an investigation fee of five dollars (\$5) for each motor vehicle sought to be licensed hereunder shall have been paid to the village treasurer to cover the cost of investigation of the facts stated in the application.

(5) Investigation; Issuance of License. Upon receipt of any application filed under this section, the chief of police shall immediately institute such investigation as he deems necessary for the protection of the public safety, and shall endorse his approval or disapproval upon said application within seven (7) days after it has been filed with him, and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the village treasurer showing payment of the required license fee. A separate business license tag shall be issued for each motor vehicle.

(6) License Fees. The fee for a chauffeur's and operator's license shall be \$25 per year; the fee for a

business license shall be \$50 per motor vehicle per year. Licenses issued on or after July 1 shall be issued for one-half (1/2) of the required fee.

(7) Bond. If the chief of police determines from his investigation of the application that the public safety so requires, he may require the applicant to file with the village clerk a bond in a sum fixed by him with surety acceptable to the village president running to the Village conditioned that he will fully comply with all laws relating to motor vehicles and taxicabs.

(8) Expiration: Nontransferability. The chief of police shall date all licenses issued hereunder and shall specify thereon the fee paid and the date of expiration. All licenses shall be issued on a calendar-year basis and expire December 31 of the year of issue. Licenses issued under this section are personal and may not be transferred.

(9) Regulations.

(a) Display of License. Persons licensed as chauffeurs and operators shall display their license in a prominent place in the taxicab so as to be visible to passengers therein. A business license shall be displayed prominently in each motor vehicle being operated for taxicab purposes.

(b) Display of fee schedule. There shall be displayed prominently on or in every motor vehicle being operated for taxicab purposes a schedule showing the fees charged for the services offered and no higher or greater fee shall be charged.

(c) Use of streets. No licensee shall have any exclusive right to any location in the public streets, nor shall any licensee drive about the streets of the Village in search of business.

11.07 BURIAL AND REMOVAL PERMITS. *SEE ORD. 20*

(1) Permit Required. No person shall bury any dead human body in or remove any dead human body from the Village of Oconomowoc Lake unless such person has in his possession a burial or removal permit, as the case may be.

(2) Application for Permit. The application for a permit under this section shall be sworn to by the applicant and filed with the village clerk and shall contain such information as the clerk shall require for the enforcement of this section and the safeguarding of the residents of the Village. The application shall be accompanied by a properly completed certificate of death or death record. If any certificate of death is incomplete or unsatisfactory, the clerk shall call attention to the defect in the certificate and withhold the permit until a complete and satisfactory record is furnished. When a death record is presented to the clerk, the clerk shall forthwith transmit it to the register of deeds if the death occurred in a town or village, or to the city health officer if the death occurred in a city.

(3) Issuance of Permit. If the application and accompanying documents appear to the clerk to be in order, he shall endorse his approval or disapproval upon said application within twenty-four (24) hours and shall issue or deny the permit in accordance with his findings after presentation by the applicant of a receipt of the village treasurer showing payment of the required permit fee.

(4) Fee. The fee for a burial or removal permit shall be \$1.

(5) Regulation. Nothing contained in this ordinance shall be construed as giving any person the right to bury any dead human body within the Village of Oconomowoc Lake or to bury any such body at any place in contravention of any applicable law or regulation.

11.08 AUCTIONS AND AUCTIONEERS.

(1) License Required. No person shall sell at auction, as defined in section 130.01, Wisconsin Statutes, any goods, wares or merchandise within the Village of Oconomowoc Lake unless such person is licensed under this section.

(2) Exemption. This section shall not apply to auctions held strictly under the exceptional situations described in section 130.08, Wisconsin Statutes.

(3) Application for Licence. The application for a license under this section shall be sworn to by the applicant

and filed with the chief of police. Applications filed by persons who are transient merchants as defined in subsection 129.05 (1), Wisconsin Statutes, shall contain, in addition to the information called for by section 130.065, Wisconsin Statutes, a list of all names by which the applicant has been known and a list of all previous convictions of crimes involving moral turpitude. Applications by all other persons shall contain such information as the chief shall require for the effective enforcement of this section and the safeguarding of the residents of the Village from fraud, misconduct or abuse. At the time of filing application, an investigation fee of \$5 shall be paid to the village treasurer to cover the cost of investigation of the facts stated in the application.

(4) Investigation; Issuance of License. Upon receipt of each such application, the chief of police shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within seventy-two (72) hours after it has been filed with him, and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the village treasurer showing payment of the required fee.

(5) License Fees. The fee for an auction license shall be \$25 per day; \$300 per year, except that applicants who are transient merchants shall pay a fee of \$100 per day. Annual licenses issued on or after July 1 shall be issued for one-half (1/2) the required annual fee. Except for auctions conducted by charitable organizations or conducted under the special circumstances described in section 130.01, Wisconsin Statutes, there shall be paid in addition, as a duty, two per cent (2%) of the gross amount of sales made at any auction or \$10, whichever is lesser. Licensees may employ five assistants without payment of an additional license fee.

(6) Computation of Gross Sales. Within twenty-four (24) hours after any day on which an auction shall be held in the Village, the auctioneer shall render to the village clerk a particular account in writing, verified by his affidavit, of the gross amount for which goods, wares or

merchandise liable to duty have been sold by him and pay the amount of duty owing thereon within thirty-six (36) hours thereafter to the village treasurer. Whenever the auctioneer or the owner of the property sold or any person employed by them or either of them shall buy anything at any such sale, the same duty shall be paid as if any other person were the purchaser thereof. Sales on credit shall be liable to duty as if made for cash.

(7) Bond. If the chief of police determines from his investigation of the application that the interests of the Village or of its inhabitants require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but, due to causes beyond his control, is unable to supply all of the information required by subsection (3) hereof, he may require the applicant to file with the village clerk a bond in a sum fixed by him with surety acceptable to the village president running to the Village conditioned that he will fully comply with the ordinances of the Village and laws of Wisconsin and guaranteeing to any citizen of the Village of Oconomowoc Lake purchasing property from him that such property is according to the representations of the applicant, provided that action to recover on any such bond shall be commenced within six (6) months after the expiration of the license of the principal. This subsection shall not apply to applicants who are transient merchants who shall be governed as to bonding by subsections 130.065 (4) and (5), Wisconsin Statutes.

(8) Expiration: Nontransferability. The chief of police shall date all licenses issued hereunder and shall specify thereon the fee paid and the date of expiration. Annual licenses shall be issued on a calendar-year basis and expire December 31 of the year of issue. Licenses issued under this section are personal and may not be transferred.

(9) Regulations and Restrictions.

(a) Auctions by transient merchants. The statutory provisions describing and defining regulations with respect to the sale at auction by transient merchants contained in section 130.065 and exclusive of any provisions therein relating to the penalties to be imposed or the punishment

for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance.

(b) Display of license. Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such license to any police officer or citizen upon request.

(c) Misrepresentation prohibited. No licensee shall intentionally misrepresent to any prospective customer the purpose of his auction, nor the name of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.

11.09 BICYCLES. Amended by Ord. # 54, 3/29/67 pages 244x
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Within sixty (60) days after the adoption of this ordinance, each person residing in the Village who owns a bicycle which is normally kept within the Village, shall register it with the village police department by exhibiting such bicycle to any police officer and allowing him to copy therefrom the manufacturer's serial number. Thereafter, it shall be unlawful for any person residing in the Village to own a bicycle and keep it within the Village for more than thirty (30) days unless it has been so registered.

11.10 PENALTIES.

(1) General Penalty. Except as described in subsection (2) hereof, and in addition to any other sanction provided by this ordinance, any person who shall violate any provision of this ordinance shall, upon conviction of such violation, be subject to a penalty which shall be as follows (a separate offense shall be deemed committed on each day on which a violation of any provision of this ordinance occurs or continues):

(a) First offense - penalty. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$1 nor more than

\$100, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second offense - penalty. Any person found guilty of violating any section of this ordinance who shall have been previously convicted of a violation under the same section of this ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 for each such offense, together with the costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(2) Special Penalty; Limitations on General Penalties.

(a) Section 11.02. No penalty imposed for a violation of section 11.02 of this ordinance shall exceed the maximum allowed by sections 176.43 (1) or 66.054 (15), Wisconsin Statutes.

(b) Section 11.04. If any person shall be convicted of a second or subsequent violation of the provisions of section 11.04 of this ordinance, and the court in its judgment shall determine that he was personally guilty of a failure to exercise due care to prevent violation, his license privileges shall terminate immediately and he shall not be entitled to another license nor act as an agent or servant of another licensee for five (5) years thereafter.

11.11 VALIDITY, INTERPRETATION AND EFFECTIVE DATE.

(1) Severability. The several sections, subsections, paragraphs and subparagraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this ordinance shall be finally declared by a decision of a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity of any other provision of this ordinance.

(2) Statutory References. References herein to sections of the Wisconsin Statutes shall be deemed to include all amendments to or substitutions for such statutory provisions made after the date of adoption of this ordinance.

(3) Effective Date. The several sections of this ordinance shall take effect and be in full force as follows:

Section 11.02 insofar as it relates to intoxicating liquor, on January 1, 1961;

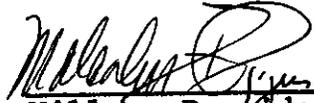
Section 11.02 insofar as it relates to malt beverages and operator's licenses, on July 1, 1960;

Section 11.04, on July 1, 1960;

Section 11.05, on July 1, 1960;

All other sections, upon posting of this ordinance.

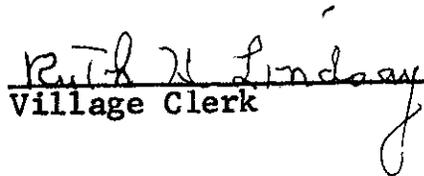
Passed and adopted by the village board of the Village of Oconomowoc Lake, this 28th day of June, 1960.



Village President

[VILLAGE SEAL]

Countersigned:



Village Clerk

