

STATE OF WISCONSIN VILLAGE OF OCONOMOWOC LAKE WAUKESHA COUNTY

ORDINANCE NO. 252

**AN ORDINANCE TO AMEND ORDINANCE 99,
“LICENSING AND PERMITS” FOR THE VILLAGE OF OCONOMOWOC LAKE
BY THE CREATION OF SECTION 11.105,
ENTITLED “RUMMAGE AND ESTATE SALE PERMITS”**

WHEREAS, Ordinance 99 establishes Licensing and Permit regulations for the Village of Oconomowoc Lake; and

WHEREAS, the Village Board has determined that establishment of a permitting process for rummage sales and estate sales will promote the health, safety, and welfare of the public;

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin do ordain as follows:

SECTION 1: Ordinance 99, “Licensing and Permits”, of the Village of Oconomowoc Lake ordinances is hereby amended by the creation of Section 11.105, “Rummage Sale and Estate Sale Permits”, to read as follows:

11.105 Rummage Sale and Estate Sale Permits

(1) Generally. It is recognized that garage sales, yard sales, rummage sales and the sale of property from residential estates are an accepted part of the life of the community; provided, that such sales do not become disruptive or degrade the residential character of the Village.

(2) Definitions. As used in this section:

- (a) “Estate sales” means sales of personal property and goods from the estate of a deceased person.
- (b) “Rummage sales”, which are also commonly referred to as “garage sales” and “yard sales”, means sales conducted by individuals in their homes for the purpose of disposing of personal property no longer needed by the individual which was acquired by the individual prior to resale without the intent to resell. Rummage sales may, at times, be conducted by a combination of residents at a single location; provided all material or goods sold are the personal property of one of the persons conducting the sale. Merchandise offered for sale at a rummage sale shall consist of used or secondhand material owned by the seller for a period of not less than six (6) months prior to the date of such sale, except that in the case of a seller leaving the Village, a shorter period of ownership will be allowed provided the merchandise was purchased for actual use by the seller, and the necessity of such sale of the merchandise could not have been foreseen at the time of such purchase. No merchandise offered for sale at a rummage sale shall consist of merchandise created for resale.

(3) Location of Sales.

- (a) Rummage sales may be held only on property devoted to residential use.
 - (b) Estate sales may be held only in residences that were used as the bona fide residence of the decedent(s) whose property is to be disposed of in the estate sale. Applications for a permit shall be accompanied by an inventory of all property to be offered for sale, certified to be the property of the estate.
- (4) Sale permit required.** No rummage or estate sale shall be conducted within the Village of Oconomowoc Lake unless a permit for such sale has first been issued under this section. Before any rummage sale or estate sale shall be conducted within the Village limits, the person or persons so conducting the same shall apply for and obtain from the Village Clerk a permit authorizing the same, which said permit shall set forth:
- (a) The name and address of the applicant, and the names and addresses of any persons owning an interest in the property to be sold, if different from the applicant, and an indication of the property owned by persons other than the applicant;
 - (b) The location of the proposed sale;
 - (c) The date or dates during which the proposed sale is to be conducted;
 - (d) An affidavit or declaration by the applicant under the penalty of perjury that the person or persons conducting the sale is or are owners of the property offered for sale, that the property has not been acquired or assigned to the applicant or applicants for the purpose of resale and that no previous sales have been conducted by the applicant or on the premises within the twelve-month period immediately prior to the date of the application.
- (5) Permit fees.** Fees for the permits required by this section shall be paid to the Village Clerk at the time of application for said permit and shall be in the approximate amount of the sums expended by the Village in processing said permit applications. The amount of said permit fees shall be as from time to time established by resolution of the Village Board.
- (6) Limit on permits – Non-assignability.**
- (a) Not more than one (1) permit shall be issued under this section to the same person or for the same premises within any twelvemonth period.
 - (b) No permit shall be transferable to another person or to any other premises. Issuance of a permit shall not relieve the permittee from the responsibilities for obtaining such other permits and licenses as may be required by the Village, county, or state.
- (7) Days and hours of sale.** No permit shall be approved and no sale shall be conducted far more than two (2) consecutive days. No sales shall be conducted before 8:00 a.m. or after 8:00 p.m. on the permitted days, provided that sales may not exceed eight (8) hours on any single day.
- (8) Permit – Posted for inspection.** Any permittee granted a rummage sale or estate sale permit shall post the issued permit in a place that is open to inspection by any peace officer, fire inspection officer or health officer of the Village or County. Such permit must be posted only during that period of time that the rummage sale or estate sale is open for business.

(9) Inspection of property. All identifiable and tangible personal property which is exhibited for sale at a rummage sale or estate sale shall be made accessible by the permittee to law enforcement officials at all times for their review and inspection, and during any such sale the location thereof shall be open by permittee to all fire prevention officers of the Village for the purpose of their inspection to determine that the sale complies with the Village's and State's fire prevention regulations.

(10) Signs.

- (a) Signs advertising or publicizing rummage or estate sales within the Village of Oconomowoc Lake shall not exceed four square feet in area.
- (b) No sign advertising a sale regulated by this section shall be placed on any utility pole or street sign or on any public property within the Village.
- (c) Placement of sale signs shall be limited to two in number per sale.
- (d) Sale signs shall be erected not more than two days prior to the sale and shall be removed not later than one day following such sale.
- (e) All signs advertising or publicizing any rummage or estate sale conducted within the Village shall have legibly placed upon them the permit number authorizing said sale.

(11) Penalty. Any violation of this ordinance shall be subject to the penalty provisions set forth in Section 11.12, "Penalty" of this Ordinance.

(12) Suspension or Revocation of permit. Permits issued under this section shall be subject to the provisions in Section 11.01 of this Ordinance.

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 immediately upon passage and posting or publication as provided by law.

Dated this 15th day of November, 2010.

Village of Oconomowoc Lake


Richard J. Kneiser, Village President

ATTEST: 
Cindy J. Schlieve, Village Clerk/Treasurer

Published and/or posted this 30th day of November, 2010.

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

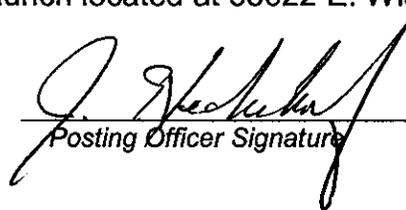
AFFIDAVIT OF POSTING

Ordinance #252 to amend Ord. #99,
"Licensing and Permits" by the creation
of Section 11.105, Entitled "Rummage and
Estate Sale Permits"

The undersigned, being first duly sworn, on oath deposes and states that on Nov. 30, 2010, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer Signature

Subscribed and sworn to before me

This 30th day of November, 2010

Notary Public, Waukesha County, Wisconsin
My Commission expires: July 3, 2011