

ORDINANCE NUMBER 99


LICENSING ORDINANCE

AN ORDINANCE TO AMEND ORDINANCE NOS. 17 & 42  
AND TO REPEAL AND RESTATE ORDINANCE 54  
(BICYCLES), ORDINANCE 58 (PARADES) AND ORDINANCE 92  
(GAMES OF AMUSEMENT)

The Board of Trustees of the Village of Oconomowoc Lake ordains  
as follows:

Resolved, that Ordinances 17, 42, 54, 58 and 92 be repealed and  
recreated as the Licensing Ordinance of the Village of Oconomowoc  
Lake, entitled "Licensing and Permits," which is attached hereto and  
incorporated by this reference.

Passed and Adopted by the Village of Oconomowoc Lake Board of  
Trustees this 18th day of February, 1985.

  
\_\_\_\_\_  
William F. Roberts,  
Village President

Countersigned:

(VILLAGE SEAL)

  
\_\_\_\_\_  
June Perkins,  
Village Clerk

# Ordinance 99

## LICENSING AND PERMITS

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## 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.

(2) Application. Application for licenses required by this ordinance shall be made to the Village Clerk on a form furnished by the Clerk, and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the Village Board. The applicant shall sign the application and file it with the Clerk.

(3) 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.

(4) 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. The procedures of Section 125.12 shall be followed in revoking, suspending or refusing to issue or renew any license or permit issued under Chapter 125 Wis. Stats.

(5) Repossession of Licenses and Permits. Whenever any license or permit granted under this ordinance shall have been suspended, revoked or conditioned pursuant to subsection (4) of this section, or automatically revoked

pursuant to any other 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.

(6) 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 provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

### (2) License Required.

(a) When Required. No person except as provided by Section 125.06, Wis. Stats., 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 without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and Village applicable thereto.

(b) Separate License Required for Each Place of Sale. A 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 to each other where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

(3) Classes of Licenses and Fees. There shall be the following classes and denominations of licenses which, when issued by the Clerk under the authority of the Village Board after payment of the fee specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Ch. 125, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- (a) Retail Class "A" Liquor License. \$200.00 per year.
- (b) Retail Class "B" Liquor License. \$500.00 per year.
- (c) Class "A" Fermented Malt Beverage Retailer's License. \$50.00 per year.
- (d) Class "B" Fermented Malt Beverage Retailer's License. \$100.00 per year.
- (e) Club Liquor and Fermented Malt Beverage Licenses.

(f) Part Time. A license may be issued at any time for 6 months in any calendar year, for which 3/4 of the applicable license fee shall be paid, but such temporary license shall not be renewable during the calendar year in which issued.

(4) License Application.

(a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by Section 887.01, Wis. Stats.

(c) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk to the State Department of Revenue.

(5) License Restrictions.

(a) Statutory Requirements. Class B licenses shall be issued only to persons eligible under Section 125.04(5), 125.04(7) and 125.33(3)(b), Wis. Stats.

(b) Location.

1. No retail Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises.

2. This paragraph shall not apply to premises licensed as such on June 30, 1974, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class "B" license shall be issued to any person who has been convicted of a violation of any Federal or State liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Health and Sanitation Requirements. No retail Class "B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.

(e) License Quotas. There shall be no Class A liquor licenses issued within the corporate limits of the Village. The number of persons and places that may be granted a retail Class "B" liquor license under this section is limited as provided in Section 125.51(4), Wis. Stats.

(f) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section. This shall not apply to corporations operating restaurants at the premises for which such license is issued.

(g) Age Requirement. No license hereunder shall be granted to any person who is under the legal drinking age.

(h) Effect of Revocation of License. Whenever any license has been revoked, at least 6 months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 months shall elapse before another license shall be granted to the person whose license was revoked.

(i) Delinquent Taxes, Assessments and Claims.

1. Premises. No initial or renewal license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent

and unpaid.

2. Persons. No initial or renewal alcohol beverage license shall be granted to any person delinquent in payment of any taxes, assessments or other claims owed to the Village or delinquent in payment of any forfeiture resulting from a violation of any ordinance of the Village.

(j) Class "B" Licensed Premises to be on Street Level. A retail Class "B" license shall be issued only for that portion of a premises located on the street level. This restriction shall not apply to a bona fide club, society or lodge in existence not less than 6 months prior to application nor prohibit any hotel holding a State permit from supplying beverages in original containers to bona fide patrons in rooms rented by such patrons.

(k) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

(l) Other. A retail Class "B" license authorizes, additionally, the sale of intoxicating liquor in the original package or container, in multiples not to exceed four (4) liters at any one time, to be consumed off the premises where sold. Wine may be sold in any quantity.

(m) Licensee's Qualifications. Licenses shall be granted only to persons of good moral character who are citizens of the United State and of the State of Wisconsin and who shall have resided continuously in the State for two (2) years prior to the date of filing application for such license. No renewal of any Class "B" license shall be granted to any person who is not a resident of the Village of Oconomowoc Lake. The provisions of this subsection shall not apply to a Wisconsin corporation but such provisions shall apply to all officers and directors of such corporation, provided that in the case such license is issued, it shall only be necessary for all of such corporate officers and directors to have resided continuously in the State for one (1) year prior to the date of filing application for such license or for any renewal thereof.

(6) Form and Expiration of Licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless revoked sooner, shall expire on June 30 thereafter except as otherwise provided. The Village Clerk shall affix his affidavit as required by law.

(7) Transfer of License.

(a) As to Person. No license shall be transferable as to licensee except as provided by Section 125, Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred as provided in Section 125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) Posting and Care of Licenses. Every license issued under this section shall be posted and at all times displayed as provided in Section 125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) Regulation of Licensed Premises and Licensees.

(a) Gambling and Disorderly Conduct Prohibited. Each licensed premises shall at all time be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(b) Sales by Club. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(c) 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.

(10) Closing Hours. No premises for which a retail liquor or fermented malt beverages license has been issued shall remain open for the sale of liquor:

(a) If a retail Class "B" license, between 1 a.m. and 8 a.m. except on January 1 when such hours shall be between 3 a.m. and 8 a.m., and except on that day of each year when the standard of time is advanced under Section 175.095, Wis. Stats., when the closing hours shall be between 2 a.m. and 8 a.m.

(b) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquor or fermented malt beverages shall be sold during prohibited hours.

(11) Revocation and Suspension of Licenses.



(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by Section 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

(b) Effect of Revocation. See sub. (5)(h) of this section.

(12) Nonrenewal of Licenses. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.

(13) Violations By Agents And Employees. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

### 11.03 GAMES OF AMUSEMENT

1. License Required. No person, firm or corporation shall, within the Village of Oconomowoc Lake, operate a business offering to the public an opportunity to use games of amusement without first having procured a license so to do as provided in this article. A license shall be required for each stand, place, room or enclosure except that one license may be granted for an entire premise where the rooms or enclosures are in direct connection or communication or contiguous to each other and under the control and in the possession of the licensee and operated by the licensee as one premise.

2. Games of Amusement - Definition. Games of amusement shall include, but not be limited to, video machines, pinball, fooseball, or bowling machines, darts, electronic dart ball, pool, billiards, and other similar amusement devices or games of skill which the public is invited to use or operate for a fee.

(3) Application. An application for a license shall be filed with the Village Clerk on forms to be furnished by the Clerk, which forms shall require the following information:

(a) Name and address of applicant;

(b) In case of a partnership, the names and addresses of all partners shall be included;

(c) In case of a corporation, the names and addresses of all officers, directors and stockholders;

(d) In the case of clubs, associations or other organizations, the names and addresses of all officers;

(e) Whether or not the person or persons named in the application have ever been convicted of any violation of Federal, State or Municipal Law;

(f) The location of the premises to be licensed and the name and address of the owner or owners of said premises;

(g) The number of games, machines, tables, or amusement devices to be located upon the premises to be licensed.

4. License Fee. An annual license fee of \$40.00 for each game, machine, table or amusement device provided by the licensee of the premises for use or operation by the public shall be paid to the Village by the licensee. Each game, machine, table or amusement device under current license shall be tagged to verify current licensing. Only those games, machines, tables or amusement devices which are offered to the public to use for a fee need be so tagged. The verification tag shall be furnished to the operator by the Village. Licenses shall be issued annually commencing on July 1st and terminating on June 30th of the succeeding year unless sooner revoked. License fees shall not be prorated.

5. Approval of License.

(a) All licenses herein provided for shall be issued by the Village Board upon recommendation of the Chief of Police and Fire and upon payment of the required license fee.

(b) Such license shall bear the date of issue, the name of the licensee, the purpose for which issued and the location of the room or building wherein the licensee is authorized to carry on and conduct such business. Such license shall not be transferable by the holder to any other person, firm or corporation, but such license may be transferred by the holder to another location provided that the licensee shall make written application for such transfer to the Village Clerk and such transfer is approved by the Village Board. A transfer fee of \$25.00 shall be paid by the applicant.

(c) A license issued to a partnership shall not be voided by the withdrawal of a partner so long as one of the original partners remains. A new license shall be

required if a new partner becomes a member, unless he already holds a license. A license issued to a corporation shall be voided if an unqualified person becomes a principal officer or stockholder owning 20% or more of the capital stock in the corporation. All changes in the membership of a partnership or all changes in the identity of the principal officers or stockholders owning 20% or more of the capital stock of a corporation shall be reported to the Village Clerk within ten days after they occur.

(d) The Chief of Police of the Village shall make an investigation of all persons named in an application for a license and report his findings to the Village Clerk.

(e) The license shall not be issued if the applicant, or any partner, or the principal officer, or any stockholder holding more than 20% of the capital stock of the corporation, if applicant is a corporation:

1. Is not of good moral character;
2. Is under 18 years of age.

6. Denial of Application. The application for a license may be denied as to a particular location within the Village whenever the Village Board finds that because of the location and physical layout of the premises and the layout characteristics, it would be against the health, safety or general welfare of the public to permit the operation of amusement games for public use for a fee. The Village Board shall consider whether the granting of a license:

(a) Will have a substantial adverse effect upon the public health of the persons living in the immediate neighborhood; or,

(b) Will have a substantial adverse effect upon the safety of the persons living in the immediate neighborhood; or

(c) Will cause a substantial depreciation in the value of the property in the immediate neighborhood; or

(d) Will have a substantial adverse effect upon the convenience of the immediate neighborhood; or

(e) Will constitute a public or private nuisance; or

(f) Is not in the best interest of the community in that it is not compatible with good planning development of the area.

7. Revocation of License. The Village Board of the

Village of Oconomowoc Lake suspend or revoke any license issued pursuant to this article, at any time, for any reasonable cause, which shall be in the best interests and good order of the Village, provided that the licensee shall be accorded due process of law.

8. Conduct of Business and Miscellaneous Regulations.

(a) In no event shall card playing be permitted on such licensed premises even if such card playing is for social purposes.

(b) Rooms in which games of amusement are located and used by the public shall, at all times, be kept in a clean, healthful and sanitary condition with ample and approved lighting and ventilation in accordance with Village Code requirements and as hereinafter set forth.

(c) There shall be conspicuously posted and displayed in any premises licensed under this article, the license issued pursuant to this article and a notice indicating the maximum number of people allowed on the premises at any one time.

(d) No person, while using or operating a game of amusement or while on the licensed premises, shall gamble or make any bets.

(e) No person, while in the premises licensed hereunder, shall have in his possession any intoxicating liquor or fermented malt beverage unless the operator of the premises has obtained a Class "B" fermented malt beverage or intoxicating liquor license from the Village.

(f) Any licensed business offering the use of games of amusement to the public for a fee shall have a person who is 21 years of age or older on the premises and supervising at all times the use of such games during all hours of operation.

(g) No person under the age of 18 years shall be permitted on the licensed premises where the use of games of amusement is offered to the public for a fee before the hour of 3:00 p.m. on any day the Oconomowoc Public Schools are in session unless accompanied by his parent or legal guardian.

(h) No person under the age of 18 years shall be permitted on the licensed premises where the use of games of amusement is offered to the public for a fee after the hour of 11:00 p.m. on any day unless accompanied by his parent or legal guardian.

(i) The licensee of the premises shall provide a minimum unobstructed area of two feet perpendicular to the

front of each game, device, machine or table for customers to stand while using same; in addition, an unobstructed aisle for the safe passage of customers of at least three feet shall be provided in front of each game, device, machine or table.

(j) No more than one person for each 30 square feet of floor area shall be allowed in the licensed premises at any one time.

(k) The licensed premises shall be constructed in such a manner as to prevent sound from the premises to travel or be emitted to any adjacent or adjoining property, including property next to, above or below the licensed premises.

(l) The licensee of the premises shall provide lighting sufficient to allow the person in charge of the establishment to observe the activities of all customers at all times from any place in the licensed premises.

(m) The licensed premises located at street grade shall afford front-window treatment of such a design as to allow clear observation of the interior of the premises from the public way at all times.

(n) The licensee of the premises shall provide a bicycle storage area sufficient to take care of the needs of all customers, which shall be located off of the public way.

9. Location of Business. No license shall be granted to any person, firm or corporation to operate a business offering to the public an opportunity to use games of amusement for a fee, which is located within 300 feet from the boundary of a parcel of real estate having situated on it a school, church, public library, park or public playground; provided, however that any duly issued license for the operation of a business which offers use of games of amusement to the public for a fee in force as of the effective date of this ordinance will be continued from year-to-year upon payment of the required annual license fee and upon compliance with all other provisions of this article. However, any change in ownership of a licensed business offering the use of games of amusement to the public for a fee or any change of location of said business within the Village will remove said business operation from this exception. "Change in ownership" in the case of a partnership or corporation for the purpose of this subsection, means more than a 50% change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the effective date of this ordinance.

10. Exemptions. Exempted from the provisions of this

article shall be:

(a) Educational, religious, charitable institutions and fraternal organizations which prohibit use of games of amusement on their premises by the general public and are non-profit organizations.

(b) Those places of business and institutions which provide games of amusement for use on an occasional basis. "Occasional basis" is defined herein as no more than three times per year.

(c) Class B licensed premises which offer the use of less than five games of amusement.

#### 11.04 PEDDLERS

(1) Direct Sellers.

1. Registration Required. No direct seller shall engage in direct sales within the Village without being registered for that purpose as provided herein.

(2) Definitions. For the purposes of this section, the following words and phrases shall be as defined below:

(a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, solicits funds, sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such individual, partnership, association or corporation and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

(b) Permanent Merchant. A direct seller who, for at least one year, has or will continuously operated an established place of business in the Village, or has continuously resided in the Village and now does business from his residence.

(c) Goods. Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

(d) Charitable Organization. a benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation. "Charitable Organization" includes only those associations having a tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(e) Clerk. The Village Clerk.

(3) Exemptions. The following shall be exempt from all provisions of this section:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(b) Any person selling goods at wholesale to dealers in such goods.

(c) Any person selling agricultural products which such person has grown.

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in their regular course of business.

(e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requested a home visit by such person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales or solicitation of funds for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Section 440.41, Wis. Stats. Any charitable organization not registered under Section 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.

(j) Any person who claims to be a permanent merchant, but against who complaint has been made to the Clerk, that such person is a transient merchant; provided that there is submitted to the clerk proof that such person

has leased for at least one year, or purchased, the premises from which he is conducting business or proof that such person has conducted such business in the Village for at least one year prior to the date complaint was made.

(4) Registration.

(a) Applicants for registration shall complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address, telephone number and temporary address, if any.

2. Age, height, weight, color of hair and eyes.

3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.

4. Temporary address and telephone number from which business shall be conducted, if any.

5. Nature of business to be conducted and a brief description of the goods offered and any services offered.

6. Proposed method of delivery of goods, if applicable.

7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.

8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.

9. Place where applicant can be contacted for at least 7 days after leaving the Village.

10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 years; the nature of the offense and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.



2. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.

3. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, the investigation fee shall be paid to the Clerk to cover the cost of processing such registration.

(d) The applicant shall sign a statement appointing the 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, if the applicant cannot, after reasonable effort, be served personally.

(e) Upon payment of the registration fee and the signing of the statement, the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for the period stated therein, up to a period of one year from the date of entry.

(5) Investigation.

(a) Upon receipt of each application, the Clerk may refer it immediately to the Village Chief of Police who may make and complete an investigation of the statements made in such registration.

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of sub. (4)(b) above.

(6) Appeal. Any person denied registration may appeal the denial through the appeal procedure provided by

ordinance or resolution of the Village Board, or if none has been adopted, under the provisions of Section 68.07 through 68.16, Wis. Stats.

(7) Regulation of Direct Sellers.

(a) Prohibited Practices.

1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 4 p.m. and 9 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100 foot radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to

cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in Section 423.203, Wis. Stats. The seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Section 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) Records. The Village Chief of Police shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

(9) Revocation of Registration.

(a) Registration may be revoked by the Village Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application of registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this section or was convicted of any crime, ordinance or statutory violation directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

(10) Fees.

(a) Investigation fee: \$5.00

(b) Registration fee:  
\$5.00 per day, \$25. per week, \$75.00 per month or \$300.00 per year.

(c) A direct seller may employ one assistant without payment of an additional investigation and registration fee.

## 11.05 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, Wis. Stats. This subsection (1) shall not apply to jobbers or manufacturers doing interstate business with cusotmers 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 \$5.00. No license shall be issued hereunder until such fee has been paid.

(4) Form of License; Expiration; Tranfer. 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 \$1.00 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.

## 11.06 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 five (5) months of age on January 1st of any year or five (5) months of age within a license year without complying with the provisions of Chapter 174 Wis. Stats., relating to the listing, licensing and tagging of dogs.

(2) License Fees. In addition to the tax imposed by Section 174.05, Wis. Stats., there shall be an additional dog license fee in an amount which the Village Board shall, by resolution, determine prior to July 1st of each year. In setting this fee the Village Board shall take into account a figure to 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), Wis. Stats. by the number of dogs owned, harbored

or kept within the Village as shown by the clerk's list made pursuant to section 174.06, Wis. Stats.

(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 five dollars (\$5) to the Village Treasurer plus five dollars (\$5) 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. Dogs may be impounded 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."

#### 11.07 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 ten dollars (\$10) 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.

## 11.08 PARADE REGULATIONS

### (1) Definitions:

(a) Parade is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the Village.

(b) "Person" is a person firm, partnership, association, corporation, company or organization of any kind.

(2) Permit Required. No person shall engage in, participate in, aid, form, or start any parade, unless a parade permit shall have been obtained from the Village Clerk.

(a) Exception. This ordinance shall not apply to:

1. Funeral processions.
2. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.
3. A governmental agency acting within the scope of its functions.

(3) Application. A person seeking issuance of a parade permit shall file an application with the Village Clerk on forms provided by such officer. The Village Clerk shall promptly file a copy of the application with the Village Administrator.



(a) Filing Period. An application for a parade permit shall be filed with the Village Clerk not less than 60 days nor more than 90 days before the date on which it is proposed to conduct the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade;

2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

4. The date when the parade is to be conducted;

5. The route to be traveled, the starting point and the termination point;

6. The approximate number of persons, animals and vehicles participating in the parade; the type of animals; and a description of the vehicles;

7. The hours when such parade will start and terminate;

8. A statement as to whether the parade will occupy all or only a portion of the side of the streets proposed to be traversed;

9. The location by streets of any assembly areas for such parades;

10. The time at which units of the parade will begin to assemble at any such assembly area or areas;

11. The interval of space to be maintained between units of such parade;

12. Any additional information which the Village Administrator shall find reasonably necessary to a fair determination as to whether a permit should issue.

(c) Late Applications. The Village Clerk, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than

60 days before the date such parade is proposed to be conducted.

(d) Fee. There shall be paid at the time of filing the application for a parade permit a fee of \$10.

(4) Standards for Issuance. The Village Clerk shall issue a permit as provided for hereunder when the Village Administrator has determined that:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(b) The conduct of the parade will not require the diversion of so great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.

(c) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;

(d) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(e) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;

(5) Notice of Rejection. The Village Clerk and Village Administrator shall act upon the application for a parade permit within 10 days after the filing thereof. If the Village Administrator disapproves the application, the Village Clerk shall mail to the applicant within 10 days after the date upon which the application was filed, a note of such action, stating the reasons for the denial of the permit.

(6) Appeal Procedure. Any person aggrieved shall have the right to appeal the denial of a parade permit to the Board of Trustees of the Village. The appeal shall be taken within 5 days after notice. The Board of Trustees shall act upon the appeal within 30 days after its receipt.

(7) Alternative Permit. The Village Clerk and the Village Administrator, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An Applicant desiring to accept an alternate permit shall, within 5 days after notice of the action of the Village Administrator,

file a written notice of acceptance with the Village Administrator. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit.

(8) Contents of Permit. Each parade permit shall state the following information:

(a) Starting time;

(b) Minimum speed;

(c) Maximum speed;

(d) Maximum interval of space to be maintained between the units of the parade;

(e) The portion of the streets to be traversed that may be occupied by the parade;

(f) The maximum length of the parade.

(g) Such information as the Village Administrator shall find necessary to the enforcement of this Ordinance.

(9) Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and will all applicable laws and ordinances.

(a) Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

(10) Revocation of Permit. The Village Administrator shall have the authority to revoke a parade permit forthwith, issued hereunder upon violation of the standards for issuance as herein set forth.

(11) No person participating in the parade may sell, distribute or give away in any manner any pamphlet, article, good, ware, merchandise or thing along the parade route while the parade is being conducted.

(12) The person applying for and receiving a parade permit shall, at such time, submit a bond in the sum of \$10,000.00, which bond shall cover and protect the Village and its residents for any and all damage which shall have occurred as a result or in consequence of the said parade.

## 11.09 BURIAL AND REMOVAL PERMITS

(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; provided, that any funeral director or embalmer licensed by the State of Wisconsin may remove such a body from the Village for the purpose of embalming it without a removal permit if, within twenty-four (24) hours after such removal, application is made hereunder for a removal permit with respect to such body.

(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 one dollar (\$1).

(5) Regulation. Nothing contained herein 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.

## 11.10 AUCTIONS AND AUCTIONEERS

(1) License Required. No person shall sell at auction 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, Wis. Stats.

(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 ten dollars (\$10) 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 or \$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, 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), Wis. Stats.

(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.

## 11.11 BICYCLES

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. Upon such registration of a bicycle, the owner shall be furnished an identification tag, serially numbered to correspond with the registration, and such registration tag shall be affixed to the bicycle in a plainly visible position. Such registration shall be for a period not to exceed five years as fixed by the Chief of Police and a charge shall be made for each registration which shall be deposited at the time of registration equivalent to \$0.25 for each year or part thereof for which such registration shall be effective. It shall be unlawful for any person residing in the Village to own a bicycle and keep it within the Village for more than 30 days unless it has been so registered.

## 11.12 PENALTY

### (1) Penalty Provisions.

1. General Penalty. Except as otherwise provided, any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, 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 such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense. Any person found guilty of violating this ordinance or part of this ordinance who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 no more than \$500 for each such offense, together with the costs and shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

(2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of the Ordinance.

(3) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of

prosecution upon the order of any court for violation of this ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

#### 11.13 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.